

Western Bay of Plenty District Council

**Consent Notice Pursuant to Section 221
Resource Management Act 1991**

File Ref: S/B/8280

IN THE MATTER OF: Lots 34 - 45, 48 - 69 Deposited Plan
319179

A N D

IN THE MATTER OF: Subdivision Consent pursuant to
Sections 105, 108, 220 and 221 of
the Resource Management Act
1991.

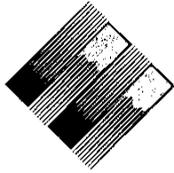
PURSUANT to Section 252(1)(a) of the Local Government Act 1974, I, TODD WHITTAKER, Authorised Officer of the Western Bay of Plenty District Council, hereby certify that by way of an Environment Court Decision dated 17 January 2002, the following conditions were imposed on the subdivision consent for Lot 2 DPS 80499:

- 9.2 *THAT a building line restriction and associated consent notice is issued against the titles of Lots 50-61 prohibiting the establishment or erection of any building within the defined area measured 40 metres from Mean High Water Spring.*
- 9.4 *THAT a consent notice pursuant to Section 221 of the Resource Management Act 1991 is issued against the titles of Lots 1-8 and 10-107 inclusive prohibiting rural activities listed in the Rural H Zone from being established on each of the said lots unless such activity is also provided for as a Permitted or Controlled activity in the Residential Zone.*

Dated at Tauranga this 22nd day of April 2003.



Authorised Officer



**Western Bay of Plenty
District Council**

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09 May 2003

S/B/8280

The District Land Registrar
Land Information New Zealand
DX GX 10069
Hamilton DX

Dear Sir/Madam

Re: DP319179

This letter is accompanied by a number of documents required to deposit plan 319179. One of those documents is a Consent Notice pursuant to Section 221 of the Resource Management Act 1991.

There is an apparent anomaly in the Consent Notice, which is in fact correct but requires explanation.

Paragraph 9.4 in the body of the Consent Notice refers to Lots 1-8 and 10-107 whereas not all those lots appear on plan 319179. The reason for this is twofold namely:

- a. This is a staged development and plan 319179 only relates to the sections in the first stage. Those sections are identified as Lots 34-~~45~~ and 48-69 on Deposited Plan 319179 in the entitling to the Consent Notice.
- b. The italicised body of paragraph 9.4 in the Consent Notice is the verbatim text from the Environment Court decision referred to in the Consent Notice. Because it is a verbatim quote, it cannot be altered.

It should also be noted that Council will require similar Consent Notices to be registered in relation to each of the successive stages of the subdivision.

These factors should not of themselves therefore constitute any impediment to the issuing of new certificates of title for the lots referred to on Deposited Plan 319179.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Todd Whittaker', written over a white background.

Todd Whittaker
Team Leader Consents
Email: tcw@wbopdc.govt.nz

tcw:cvg:215547