9   Decision

That pursuant to Sections 127, 104, and 104B of the Resource Management Act 1991, that consent be granted to Red Rock Bay Ltd (SD0337825.07 PO76647) to extend the consent period to give effect to Stage 3 of the subdivision consent. This is on the basis that both the Section 223 approval for Stage 3, and depositing of the subdivision plan for Stage 3 subject to Section 224, shall lapse unless otherwise given effect to by 31 July 2015 as offered by the applicant.

For clarity, the subdivision is required to be deposited by 31 July 2015. The lapsing date of 31 July 2015 is to be recorded on any Section 224 certificate issued by the Council for completion of Stage 3, in order for Land Information New Zealand to be aware of the effect of that date.

Reasons for the decision

That pursuant to Section 113 of the Resource Management Act 1991 the reasons for this decision are as follows:

1. Pursuant to Section 104(1) (a) given the 31 July 2015 deadline any actual or potential effects on the environment related to the extension of time are considered to be acceptable, given that the majority of physical works are already completed and any delay in completion will not create any additional adverse effects that might not otherwise arise if the application were declined.

2. Pursuant to Section 104(1) (b) it given the nature of the application is considered that granting consent to the application to extend timeframes is not contrary to the relevant objectives and policies of the Whangarei District Plan.

3. The matter has been considered under Part II of the Act and found to be consistent with the purpose and principles of the Act

Advice Notes

1. The applicant shall pay all charges set by Council under Section 36 of the Resource Management Act 1991. The applicant will be advised of the changes as they fall.

2. Section 357B of the Resource Management Act 1991 provides a right of objection to costs associated with this application.

Issued this   23   day of December   2014

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John Childs
Hearings Commissioner