

Our Ref: Request 5210

Your Ref: SC 6/2001



18 April 2001

Gore District Council
P O Box 8
GORE



Attention: Peter York

Dear Sir

**PROPOSED SUBDIVISION BY C H BAYNES & OTHERS
CERTIFICATE OF TITLE SL10C/572**

I acknowledge receipt of your letter dated 11 April 2001.

The conditions of amalgamation your council wishes to impose are hereby approved under the provisions of Section 220(3) Resource Management Act 1991 subject to them being expressed on the survey plan as follows

“That Lots 1 and 2 hereon be held in the same certificate of title (See CSN Request 5210)”

“That Lot 5 hereon be transferred to the owners of Lot 1 DP 13226 (CT SL10C/571) and that one certificate of title be issued to include both parcels (See CSN Request 5210)”

“That Lots 3 and 4 hereon be held in the same certificate of title (See CSN Request 5210)”

Yours faithfully

Jackie Marett
Help Desk Technical Advisor - Titles

Dunedin Regional Office
John Wickliffe House
Princes Street
Private Bag 1929
Dunedin
New Zealand
Tel 64-3-477 0650
Fax 64-3-477 3547
Internet
<http://www.lin.govt.nz>

11 April 2001

Clark Fortune McDonald and Associates
P O Box 207
GORE

Dear Sir

**SUBDIVISION CONSENT SC 6/2001
CH & KE BAYNES and AS CHISHOLM**

Please find enclosed the decision for the above subdivision consent. This subdivision consent has been approved.

Yours faithfully

Peter York
ENVIRONMENT AND PLANNING MANAGER

Encl.

IN THE MATTER OF:

**The Gore District Council's Transitional
and Proposed Plans Pursuant to the
Resource Management Act 1991**

AND IN THE MATTER OF:

**A Subdivision Consent received from:
CH and KE Baynes and AS Chisholm
SC 6/2001**

This matter was heard before the following Hearing Commissioner, Mr David Pullar.

DESCRIPTION OF PROPOSAL

The proposed subdivision of Lot 1, DP 13889, Block XI, Chatton SD, Certificate of Title SL 10C/572 being in the Rural A Zone within the Southland County District Scheme or Primary Resource Management Sector within the Proposed Gore District Plan.

Lots 1 and 2 containing (37.1264 ha) of bare land will be created, having no legal frontage are to be amalgamated to be sold to the Gardynes for cropping purposes.

Lot 5 (7.7 ha) of bare land will be transferred to the owner of CT SL 10C/571 C H Baynes being amalgamated with that land.

The balance of that land, Lots 3 and 4 (11.5487 ha) contains the existing house and horse facilities is to be amalgamated.

The existing access to Lot 3 (dwelling house) will be retained while access to Lots 1 and 2 will remain.

SUBMISSIONS

There are no submissions.

MATTERS FOR CONSIDERATION

In the Transitional District Plan under rule 6.04 (2), control of subdivision for farming purposes. The allotments being created are for farming purposes.

In the Proposed Gore District Plan this is within the Primary Resource Management Sector.

In terms of the Proposed Gore District Plan under DWR 16.1 the management of the subdivision of land is considered as a non-notified controlled activity. Regard has to be given to Section 104 of the Act.

All access provisions on and off Public Roads are existing.

STATUS OF THE APPLICATION

Subdividing land for the purposes of creating Lots 1 and 2 (37.1264 ha) to be amalgamate with adjoining farmland, Lot 5 (7.7 ha) to be amalgamated with adjoining farmland and Lots 3 and 4 (11.5487 ha) the existing dwelling and horse facilities to still be used for farming purposes is considered to be a controlled activity.

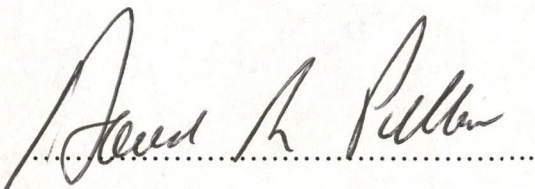
DECISION

The application for subdivision is granted with the following conditions;

- Any proposed new vehicle accesses onto public roads shall be designed and located to the satisfaction of the Director of Works.
- In relation to Section 220(1)(b)(iii) of the Resource Management Act 1991:
"Lots 1 and 2 hereon be held in the same Certificate of Title"
and
"Lots 3 and 4 hereon be held in the same Certificate of Title"
- In relation to Section 220(1)(b)(i) of the Resource Management Act 1991:
"Lot 5 hereon be transferred to the owners of Lot 1, DP 13226 (CT SL 10C/571) and that one Certificate of Title be issued to include both parcels"

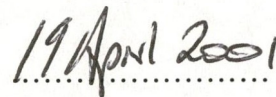
REASON FOR DECISION

The Consent Authority acknowledges that this activity is provided for in the Transitional and Proposed Gore District Plans.



Mr David Pullar

Hearing Commissioner



Date

11 April 2001

The District Land Registrar
Land Information New Zealand
Private Bag 1929
DUNEDIN

Dear Sir/Madam

**SECTION 220(1)(B)(i) and (iii)
RESOURCE MANAGEMENT ACT 1991
SUBDIVISION CONSENT SC 6/2001
OWNER: CH and KE BYARS AND AS CHISHOLM**

Please find enclosed a copy of a report and scheme plan submitted to the Council the Mr Murray Fortune of Clark Fortune McDonald and Associates on behalf of CH and KE Baynes and AS Chisholm.

Please could you advise that the following amalgamation conditions are practicable:

"Lots 1 and 2 hereon be held in the same Certificate of Title" and

"Lot 5 hereon be transferred to the owners of Lot 1, DP 13226 (CT SL10C/571) and that one Certificate of Title be issued to include both parcels"
and

"Lots 3 and 4 hereon be held on the same Certificate of Title".

I look forward to your response concerning these amalgamation conditions.

Yours faithfully

Peter York
ENVIRONMENT AND PLANNING MANAGER
Encl.

CLARK FORTUNE McDONALD & ASSOCIATES

REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

Incorporating R. A. HOULISTON & ASSOCIATES

14 Mersey Street, Gore
P.O. Box 207
Telephone (03) 208-6474
Fax (03) 208-6474
Email fortune@esi.co.nz



Your Ref.

SC 6/2001

Our Ref.

4120

21 March 2001

The Consents Manager
Gore District Council
P O Box 8
GORE

Attention **Peter York**

Dear Sir

Re: **Proposed Subdivision of Lot 1 DP 13889, Blk XI, Chatton S.D.**

Owner: **C H & K E Baynes and A S Chisholm**

Please find enclosed for your Councils consideration and approval two copies of the plan for the subdivision of the abovementioned property on the Knapdale Road at Knapdale.

The Baynes Family Trust own the following block of land:

CT SL10C/572	Lot 1 DP 13889	56.3751 ha
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While the C H Baynes own the following adjoining block of land

CT SL10C/571	Lot 1 DP 13226	24.0334 ha
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The Baynes Family Trust have now agreed to sell the part of their land as shown on the attached plan while still retaining some portions. It is to be noted that a legal road (but unformed) exists to the west of Knapdale Road and running through the subject land.

As such it is proposed to create **Lots 1 & 2 containing some 37.1264 ha** of bare land, which is to be sold to the Gardynes for cropping purposes. As Lot 1 will have no legal frontage (separated by the "paper road"), these two parcels are to be held together with an amalgamation condition pursuant to Section 220(1)(b)(iii) of the Resource Management Act 1991 imposed such that

Lots 1 & 2 hereon be held in the same certificate of title

2970875
\$300-00.

As the vendor also wishes to retain ***Lot 5 containing some 7.70 ha*** of bare land, this will be required to be transferred to the owner of the adjoining land being Lot 1 DP 13226. As such, an amalgamation condition pursuant to Section 220(1)(b)(i) of the Resource Management Act 1991 such that

Lot 5 hereon be transferred to the owners of Lot 1 DP 13226 (CT SL10C/571) and that one certificate of title be issued to include both parcels.

As we have to deal with the balance of Lot 1 DP 13889 in accordance with the Survey Regulations requirements, we also show Lots 3 & 4 on the plan containing some 11.5487 ha. This land retains the existing house and some of the horse facilities. Again an amalgamation condition pursuant to Section 220(1)(b)(iii) of the Resource Management Act 1991 will need to be imposed such that

Lots 3 & 4 hereon be held in the same certificate of title.

Within the Proposed District Plan the land is within the Primary Resource Sector, with the requirements for the subdivision of land set out and in accordance with DWR 16.1 Management of the subdivision of land whereby it is stated that the subdivision of any land shall be a non-notified controlled activity.

The land is zoned Rural A within the Transitional District Plan (Southland County portion) whereby the proposal may be considered in terms of Rule 6.04(2) Subdivision for Farming Purposes as the land is still intended to be used for farming purposes.

The existing access to Lot 3 (the dwelling house) will be retained, while access to the balance (Lots 1 & 2) will remain.

The land may be deemed to be suitable for this proposal and it is not believed to be subject to erosion, subsidence, slippage or inundation.

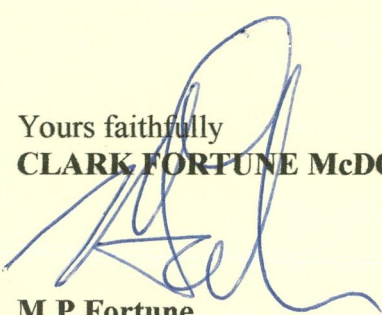
We believe that as this proposal can be considered to be in compliance with both the Proposed District Plan and the Transitional District Plan, and that as no new activity is to be created, then this proposal may be approved as outlined and as submitted for the appropriate Subdivision Consent.

To process this application we attach a cheque for \$300.00 being the required consent fee together with copies of the relevant certificates of title.

Should you require further clarification in respect of this matter, please contact us.

Yours faithfully

CLARK FORTUNE McDONALD & ASSOCS

A handwritten signature in blue ink, appearing to read 'M P Fortune', is written over the printed name.

M P Fortune
Survey & Resource Consultant

**Gore District Council**

4120

APPLICATION FOR A RESOURCE CONSENT

I/We C H & K E Baynes apply for a resource consent as described below.

1. The names and addresses of the owner or occupier (other than the applicant) of any land to which the application relates and the names and addresses of any other person known by the applicant to be affected by the applications *[including owners and occupiers of adjoining land, where appropriate]*:

2. The location of this application is:
1057 Knapdale Road, Knapdale

Lot 1 DP 13889, Blk XI, Chatton S.D.

[describe the location in a manner which will allow it to be readily identified e.g. the street address, the legal description, the name of any relevant stream, river, or other water body to which the application may relate, proximity to any well-known landmark, the grid reference (if known) etc.]

3. The type of resource consent sought is a:

Land Use Consent and/or Subdivision Consent

4. A description of the activity to which consent is sought is:
Subdivision of land in the Rural Resource Area

(Proposed District Plan) and the Rural A Zone (Transitional District Plan) for farming purposes.

5. The following additional resource consents are required in relation to this proposal and have/have not been applied for from either Department of Conservation or the Southland Regional Council.

Coastal Permit : Water Permit : Discharge Permit
[circle appropriate item(s)]

6. I attach an assessment of any effects that the proposed activity may have on the environment and the ways any adverse effects may be reduced. The Fourth Schedule of the Act applies.

[Note: That in the case of a controlled activity (subdivision) unless it is specified in the District Plan, such assessment is not required]

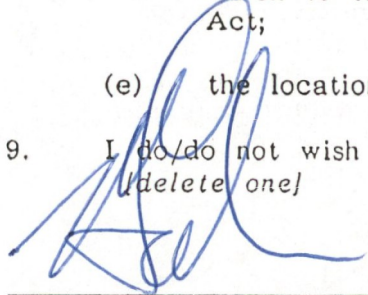
7. I attach other information (if any), required to be included in the application by the district plan or regulations.

YES/~~NO~~ [delete one] written report
subdivision consent plan

8. Where the application is for a subdivision consent, I attach a map and information in accordance with Section 219 of the Act, sufficient to adequately define:

- (a) the position of all new boundaries;
- (b) the areas of all new allotments; [not required for cross-leases, company leases, or unit titles.]
- (c) the location and areas of new reserves to be created including any esplanade reserves to be set aside on a survey plan under Section 230 of the Act;
- (d) the location and areas of land below mean high water springs of the sea or of any point of the bed of a river or lake which is to be vested in the Crown under Section 235 of the Act;
- (e) the location and areas of land to be set aside as new road.

9. I ~~do~~/do not wish to be heard in support of my application.
[delete one]



Signature of Applicant or person
authorised to sign on behalf of applicant

20/3/01

Date

Address for Service of Applicant

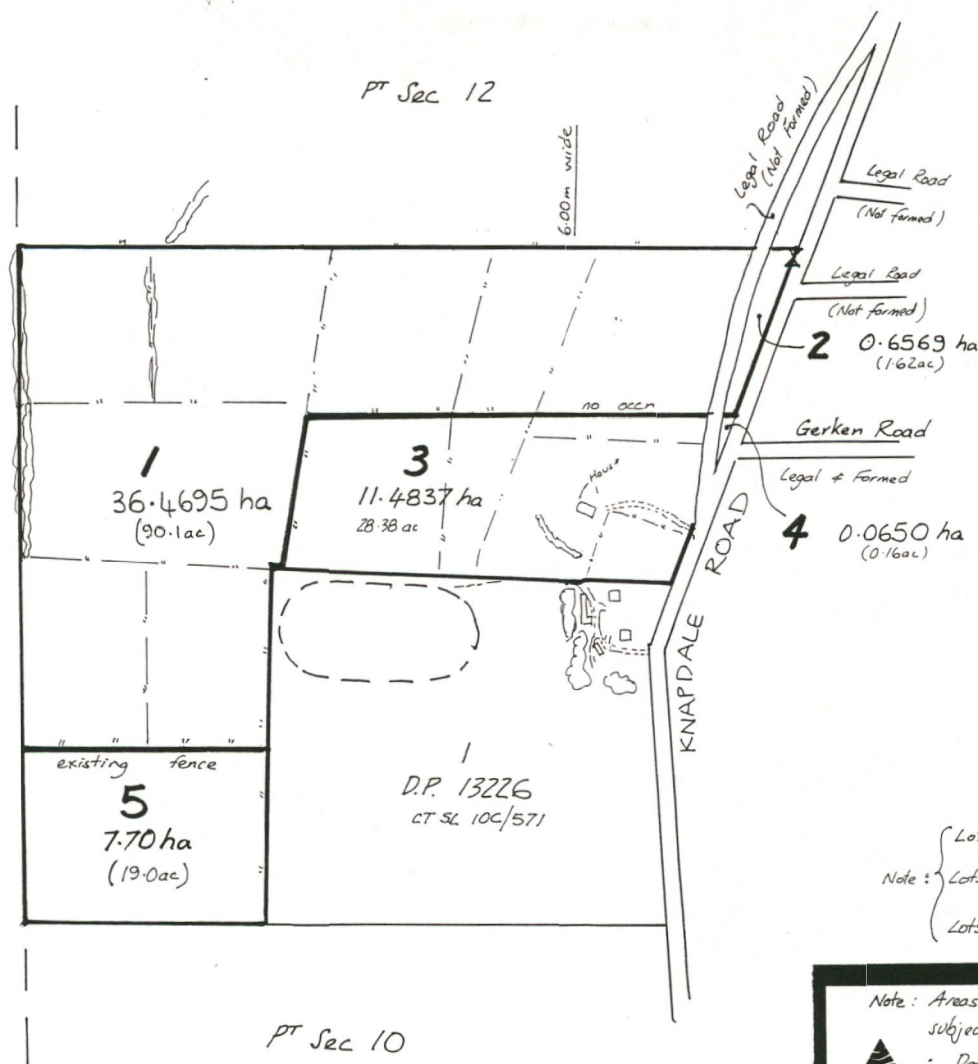
C/- CLARK FORTUNE McDONALD & ASSOCS
P O BOX 207
GORE

Telephone No: (03) 208 6474

Fax No: (03) 208 6474

ANNEXURES

- (a) An assessment of effects on the environment in accordance with the Fourth Schedule to the Act [If required];
- (b) Any other information required by the district plan or Act or regulations to be included;
- (c) For subdivision consents only, other information in accordance with Section 219 of the Act:



Note: { Lot 5 to be held with Lot 1 DP 13226
Lots 1 and 2 to be held together (Area of 37-1264ha)
Lots 3 and 4 to be held together (Area of 11-5487ha)

Note: Areas and dimensions are subject to final survey

: Detail fixed from aerial photo

CLARK FORTUNE McDONALD & ASSOCIATES

Reduced Scale at A4 size 1: 10.000

LOCAL AUTHORITY GORE DISTRICT
CLARK FORTUNE
Registered Surveyor M'DONALD & ASSOCS
Scale: 1:5000 (A2) Date: January 2001

[illegible]

I, Murray Peter Fortune, Registered Surveyor
hereby certify that this scheme plan has been prepared by me in
accordance with the provisions of Part XX of the Local Government
Amendment Act 1978.

Conformity with the provisions of Part XX of the Local Government
 Amendment Act 1978.

[Signature] Registered Surveyor.

Approved C.H. & KE BAYNES
and A.S. CHISHOLM

Owner

Approved

District Manager / /

Scheme Plan No.

Amended:
15/03/01

D.P.

Surveyor's File Reference	4120
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LAND DISTRICT SOUTH LAND
SURVEY BLK. & DIST. XI, CHATTON S.D.
Comprised in: CT SL 10C/572

LOTS 1-5 BEING SUBDIVISION OF
LOT 1 D.P. 13889

References

Prior C/T B3/936

Transfer No.

N/C. Order No. 240327.2



COPY

Land and Deeds 69

No. 10C/572

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 19th day of April one thousand nine hundred and ninety-six under the seal of the District Land Registrar of the Land Registration District of SOUTHLAND

WITNESSETH that COLIN HUNTLEY BAYNES of Knapdale farmer

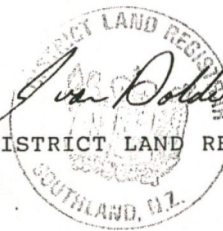
is seised of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 56.3751 hectares more or less being Lot 1 Deposited Plan 13889 and being part Section 11 Block XI CHATTON SURVEY DISTRICT

HC

253452.1 Transfer of a $\frac{1}{2}$ share to Kathleen Ellen Baynes - 16.10.1997 at 2.56

HT
for DLR

DISTRICT LAND REGISTRAR



274949.1 Transfer to Colin Huntly Baynes, Kathleen Ellen Baynes and Alan Stuart Chisholm - 4.8.2000 at 3.31

Drwekb;
for RGL

*Card House
Baynes*

Measurements are Metric

No. 10C/572

CERTIFICATE OF TITLE No. 10C/572

Lot 1
56.3751 ha

LAND DISTRICT SOUTHLAND
Survey Blk. & Dist. XI CHATTON
NZMS 261 Sheet F45 Rcd Map No. 24.07

Plan of Lot 1
for CT Diagram Purposes

TERRITORIAL AUTHORITY GORE DISTRICT
Prepared by Dept of Survey and Land Information
Scale Proportional Date 27 NOVEMBER 1995

Parcel	Formerly	CT Ref
Lot 1	Pt Sec 11, Block XI, Chatton SD.	B3/936
Deduced Total Area 56.3751 ha		
Approved for CT Diagram Purposes Only		
		Acting Chief Surveyor
Deposited for CT Diagram Purposes Only		
This 11 day of APRIL 1996		
		District Land Registrar
Drawn by <u>ELF</u>		DP 13889
Checked by <u>KH</u>		

References

Prior C/T B3/936

Transfer No.

N/C. Order No. 240327.1

Land and Deeds 69



COPY

No. 10C/571

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 19th day of April one thousand nine hundred and ninety-six under the seal of the District Land Registrar of the Land Registration District of SOUTHLAND

WITNESSETH that COLIN HUNTLEY BAYNES of Knapdale farmer

HC

is seised of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 24.0334 hectares more or less being Lot 1 Deposited Plan 13226 and being part Section 11 Block XI CHATTON SURVEY DISTRICT


DISTRICT LAND REGISTRAR


No. 10C/571

Measurements are Metric

CERTIFICATE OF TITLE No. 10C/571

			Approved APPROVED C.H. BAYNES <i>C.H. Baynes</i> REGISTERED PROPRIETOR
		PURSUANT TO SECTION 224(C) OF THE RESOURCE MANAGEMENT ACT 1991, I HEREBY CERTIFY THAT ALL THE CONDITIONS OF THE SUBDIVISION CONSENT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CORE DISTRICT COUNCIL. DATED THIS 28 DAY OF September 1993 <i>[Signature]</i> AUTHORIZED OFFICER APPROVED PURSUANT TO SECTION 225 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 28 DAY OF September 1993 THE COMMON SEAL OF THE CORE DISTRICT COUNCIL IS ATTACHED HERETO IN THE PRESENCE OF <i>[Signature]</i> <i>[Signature]</i> MAYOR DISTRICT MANAGER	
Sec II BAL. TITLE AREA 56.5751 ha		LOT 1 24.0334 ha	
P1 Sec 10		CORE - CHATTON ROAD LEAL	
LAND DISTRICT SOUTHLAND SURVEY BLK. & DIST. XI, CHATTON S.D. NZMS 261 SHT F.45 RECORD MAP No. 24-07		LOT 1 BEING SUBDIVISION OF SEC II, BLK XI, CHATTON S.D.	
TERRITORIAL AUTHORITY CORE DISTRICT Surveyed by CLARK, FORTUNE, McDONALD & ASSOC. Scale 1:2000 Date SEPTEMBER 1993		NEW CT. ALLOCATED CT. 10C/571 - Lot 1 CT. 10C/572 - Balance I, Murray Peter Fortune of CORE Registered Surveyor and holder of an annual practicing certificate in accordance with the provisions of the Resource Management Act 1991, do hereby certify that this plan has been made from surveys executed by me or under my direction, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1971 or any regulations made in substitution thereof. Dated at CORE this 28th day of SEPTEMBER 1993. Signature <i>[Signature]</i> Field Book 244, p. 12, 113, Inverse Book 150, p. 172 Reference Plans Examined <i>[Signature]</i> Correct <i>[Signature]</i>	
Approved as to Survey 28.1.10.1.93 Deposited this 28 day of APRIL 1996 <i>[Signature]</i> District Land Registrar		DP 13226	

1045 1/10/93

IN A REGISTRATION SURVEYOR GENERAL, DEPARTMENT OF SURVEY AND LAND INFORMATION NEW ZEALAND

APPROVED LAND DP 13226