



013

APPLICATION



**Far North
District Council**

Page 1 of 5

Date Received:

Application Number:

LCIA
3000671-348

COPY

Application Form for Right of Way Approval

Pursuant to section 348 of the Local Government Act 1974

Private Bag 752, Memorial Ave, Kaikohe 0440, New Zealand, Freephone: 0800 920 029,
Phone: (09) 401 5200, Fax: (09) 401 2137, Email: ask.us@fndc.govt.nz, Website: www.fndc.govt.nz

Application for Right of Way Approval

(Pursuant to section 348 of the Local Government Act 1974)

Completing this form:

This form provides us with your contact details, and details about your proposal and its actual and potential effects on the environment. This application is made pursuant to section 348 of the Local Government Act 1974. Please note that your application may also be subject to all relevant provisions contained within the District Plan. Note that all the information provided in your application is available to the public.

We recommend that you talk to Council staff about your proposal before you fill in this form. You should also contact us if you are unsure about what forms you should be using, or if you need help with filling in this form. Please refer to the relevant pamphlet produced by the Council that has been designed to assist you in making this application. Duty Planners can be contacted on 0800 920 029. If you require a meeting with the Duty Planner, then the first half an hour of contact with the Council is free, but all work thereafter is subject to planning and administration charges. If you have spoken to a member of our planning staff about your proposal, please enter their name here:

Rex Shavel *Also refer to 223 application for 2160157*

It is important that you answer all questions fully.

1. Payment

You must pay a deposit to the Council for the application to be processed. The fees charged by the Far North District Council are outlined in the "Building, Planning & Development: Fees and Charges" Schedule for this year, available from Council Service Centres or the Council website www.fndc.govt.nz. A standard fee payment is required on acceptance of all applications. Additional fees may be invoiced during or at the end of the application process. Additional charges must be paid within 20 working days of receipt of the Council invoice.

2. Project Details

This application is in relation to a previous (if applicable):

Concept Development Meeting reference number:

Resource Consent reference number:

Building Consent reference number:

RC 2160157

3. Contact Details

Applicant(s) full name(s) and address(es):

Jason Bill

Work phone: _____

Private phone: _____

Mobile phone: *021 223 1980*

E-mail address

Jason@northernlands.co.nz

Property owner's name and address (if different from above):

Williams + Perats

Work phone: _____

Private phone: _____

Mobile phone: _____

E-mail address _____

Name of professional agent, if any (e.g. surveyor or engineer):

*Thomson Survey Ltd.*Work phone: *4077360*

Private phone: _____

Mobile phone: *021 1370060*

E-mail address

Sam@TSurvey.co.nz

Registration Number: _____

Billing name and address for invoices (if different from above):

Work phone: _____

Private phone: _____

Mobile phone: _____

E-mail address _____

Land over which easement is to be created:

Please list the property owner, property address and legal description of each block of land affected:

*Lot 1 LT 496068**(Title not yet issued)***Land in favour of which easement is to be created:**

Please list the property owner, property address and legal description of each block of land affected:

*Lot 2 LT 496068**(Title not yet issued)*

4. Description of the Proposal

Brief description of proposal including plan of proposed carriageway formation and earthworks, and expected start and finish dates:

See LT 496068 attached.

Access required to use existing cattle yards entrance.

(Continue on a separate sheet if necessary)

5. Additional Information Required

Please provide below any additional information that is required under the relevant provisions of the District Plan, Resource Management Act 1991 or any regulations made under that Act.

Attachments

I Attach (tick as appropriate):

☒ Payment

☐ A covering letter

☒ A current Certificate of Title (not more than 3 months old)

☒ A plan of the proposed ROW

☒ Details of any building consents for private drainage and any related retaining walls (building consent reference number and of drainage plans)

N/A ☒ Details and engineering drawings locating other services or confirmation that no other services affected

☐ Other (please specify)

Your page number:

copy

RC 2160157

Three copies of the completed application form and accompanying information must be supplied (including 1 full set of plans & 2 sets reduced to A4).

Note: The "Right of Way" pamphlet lists the information requirements for this application. Please use the checklist on the pamphlet to ensure that you provide all the necessary information. Incomplete applications may result in requests for further information and therefore delays may be experienced. The text from the District Plan can be found on Council's website www.fndc.govt.nz.

6. Signature

I hereby certify that, to the best of my knowledge, the information given in this application is true, complete and correct. I undertake to pay all actual and reasonable application costs incurred by the Far North District Council. Account Terms and Conditions. Unless otherwise advised payment of all accounts are payable by "20th of the Month" following the date of invoice. If any default in payment you may be liable for costs including but not limited to interest, legal costs, debt collection fees, and other disbursements incurred.

Signature of the Applicant or person authorised to sign on their behalf:

Gaullee

If the named applicant is a company/trust please state your position/title and contact details :

Thomson Survey - Survey Manager

I have the authority to represent the company/trust : (please sign)

Gaullee

Date:

18/4/2016

PLEASE NOTE:

Once this application is lodged with the Council it becomes public information. If there is any sensitive information in the proposal please let us know. The Council is only able to accept your application when all details are completed, all relevant information is provided, the application is signed and the standard fees are paid.

Post your application form to: The Resource Consents Manager; Far North District Council; Private Bag 752; Kaikohe; 0440.

Or, to avoid delays and to have your application checked for completeness call 0800 920 029 to book an appointment with a Duty Planner at one of the following Service Centres:

Kaikohe - Located at the FNDC Offices in Memorial Avenue

Kerikeri - Located on the second floor of the John Butler Centre in Kerikeri Road

Kaitaia - Located at the FNDC Offices at Te Ahu Corner of Matthews Avenue and South Road Kaitaia

For office use only:

Date received:

Name of CSO:

Fees receipted:

Receipt Number:

RC Application Number:

Other Reference Numbers (e.g. PIM or BC etc.):



Title Plan - LT 496068

Survey Number	LT 496068
Surveyor Reference	8727 Bill
Surveyor	Denis McGregor Thomson
Survey Firm	Thomson Survey Limited
Surveyor Declaration	

Survey Details

Dataset Description	Lots 1 & 2 being a subdivision of Lots 10 & 21 DP 198514		
Status	Initiated		
Land District	North Auckland	Survey Class	Class B
Submitted Date		Survey Approval Date	
		Deposit Date	

Territorial Authorities

Far North District

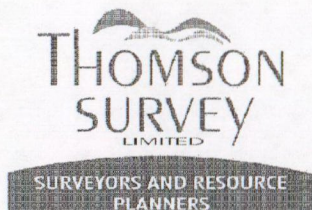
Comprised In

CT 583326
CT 583320

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 1 Deposited Plan 496068	Fee Simple Title	0.9863 Ha	729096
Lot 2 Deposited Plan 496068	Fee Simple Title	10.5179 Ha	729097
Area A Deposited Plan 496068	Easement		
Area B Deposited Plan 496068	Easement		
Area C Deposited Plan 496068	Easement		
Area D Deposited Plan 496068	Easement		
Area E Deposited Plan 496068	Easement		
Area F Deposited Plan 496068	Easement		
Area G Deposited Plan 496068	Easement		
Total Area		11.5042 Ha	

Schedule / Memorandum



Plan Number

DP 496068

Schedule of Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	A	Lot 1 Hereon	Lot 2 Hereon
Right to Convey Electricity	F & E	Lot 2 Hereon	Lot 1 Hereon
	G	Lot 1 Hereon	Lot 2 Hereon

Schedule of Easements in Gross			
Purpose	Shown	Servient Tenement	Grantee
Right to Convey Electricity	C	Lot 1 Hereon	Top Energy Ltd
	B, D & E	Lot 2 Hereon	

Thomson Survey Ltd
315 Kerikeri Road, Kerikeri
P.O. Box 372, Kerikeri 0245, New Zealand.
Email: Kerikeri@tsurvey.co.nz

Telephone: **09 4077360**
Facsimile: **09 4077322**

Diag. AA

2
10.5179Ha

1
0.9863Ha

Diag. AB
1
0.9863Ha

2
10.5179Ha

Duncan Road

SURVEYOR REF: 8727 BILL

T 2/2

Land District: North Auckland

Lots 1 & 2 being a subdivision of Lots 10 & 21 DP 198514

Surveyor: Denis McGregor Thomson
Firm: Thomson Survey Limited

Title Plan
LT 496068
DRAFT

Digitally Generated Plan

Generated on: 16/03/2016 4:38pm Page 4 of 4



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R.W. Muir
Registrar-General
of Land

**Guaranteed Search Copy issued under Section 172A
of the Land Transfer Act 1952**

Identifier 583326
Land Registration District North Auckland
Date Issued 20 June 2012

Prior References

411709

State Fee Simple
Area 24.9207 hectares more or less
Legal Description Lot 20-21 Deposited Plan 198514

Proprietors

Edwin John Williams, Marion Linda Williams and Mark Pevats

Interests

D486313.1 Certificate pursuant to Section 115 Public Works Act 1981 - 10.3.2000 at 1.12 pm (affects the part Lot 20 DP 198514 formerly part Allotment 226 Parish of Managete and the part Lot 21 DP 198514 formerly Part Section 1 Block III Takahue SD)

5262681.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - produced 24.6.2002 at 3:54 pm and entered 7.10.2002 at 9.00 am

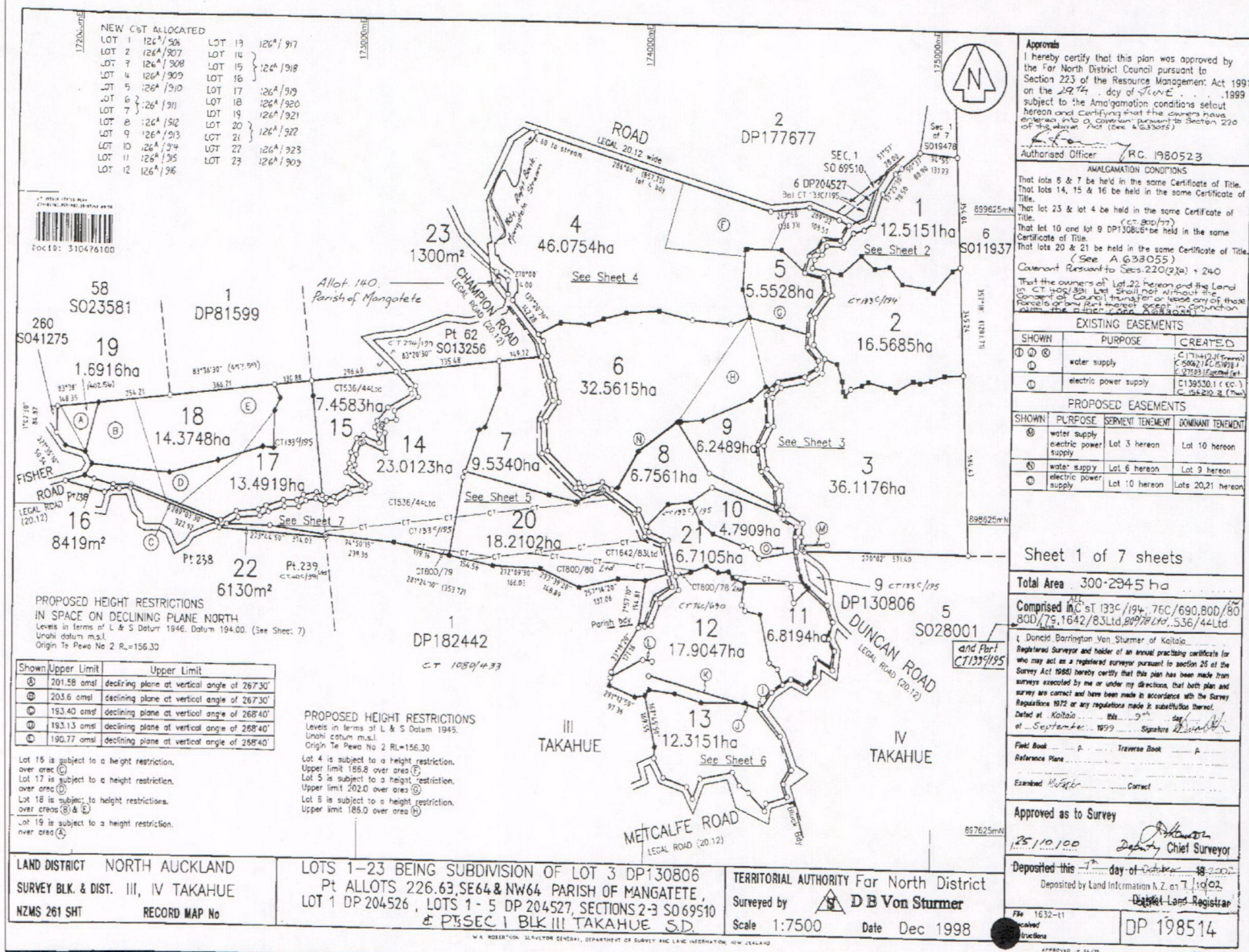
Subject to Section 241(2) Resource Management Act 1991 (affects DP 198514)

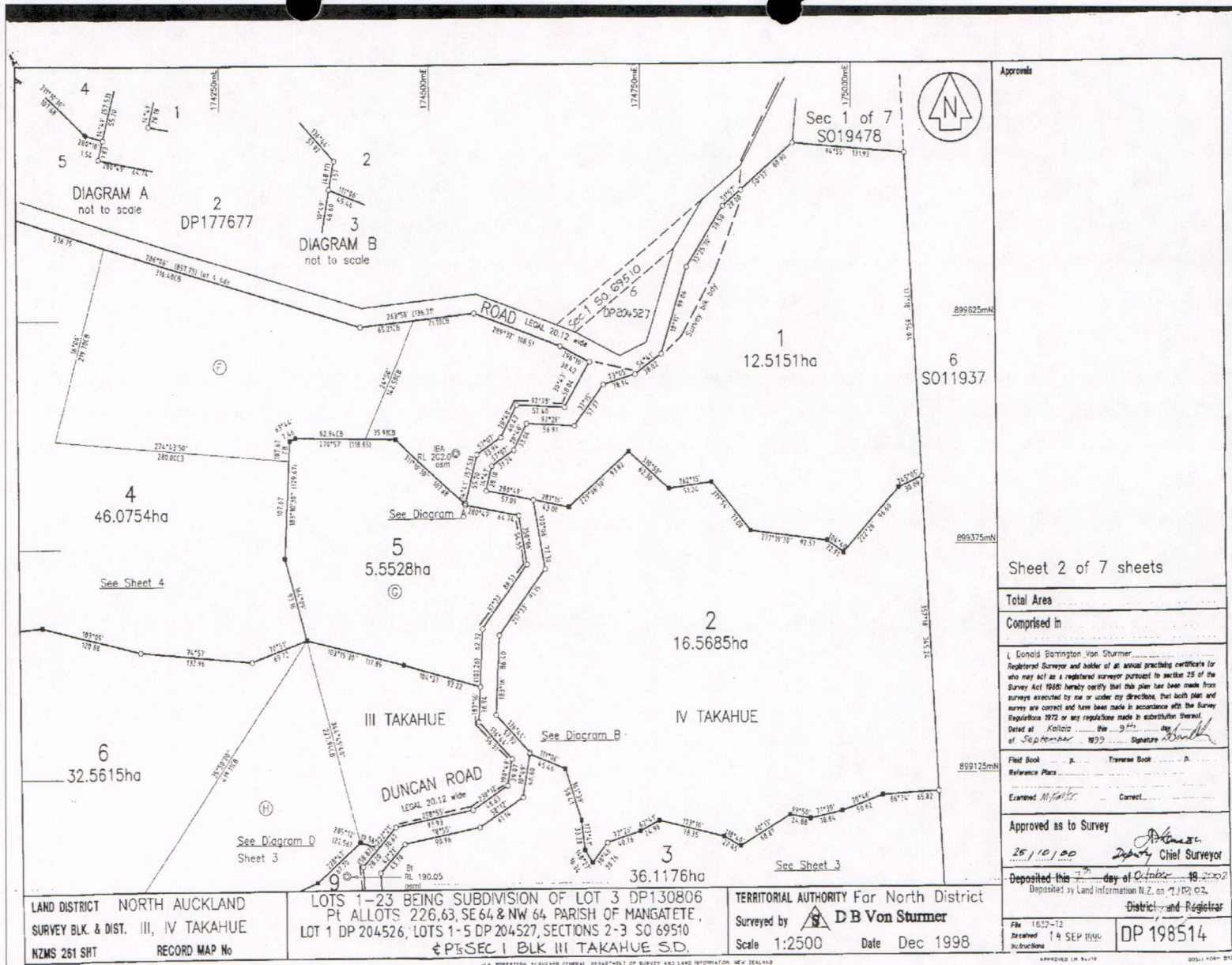
Appurtenant hereto is an electric power supply easement specified in Easement Certificate 5262681.4 - produced 24.6.2002 at 3:54 pm and entered 7.10.2002 at 9.00 am

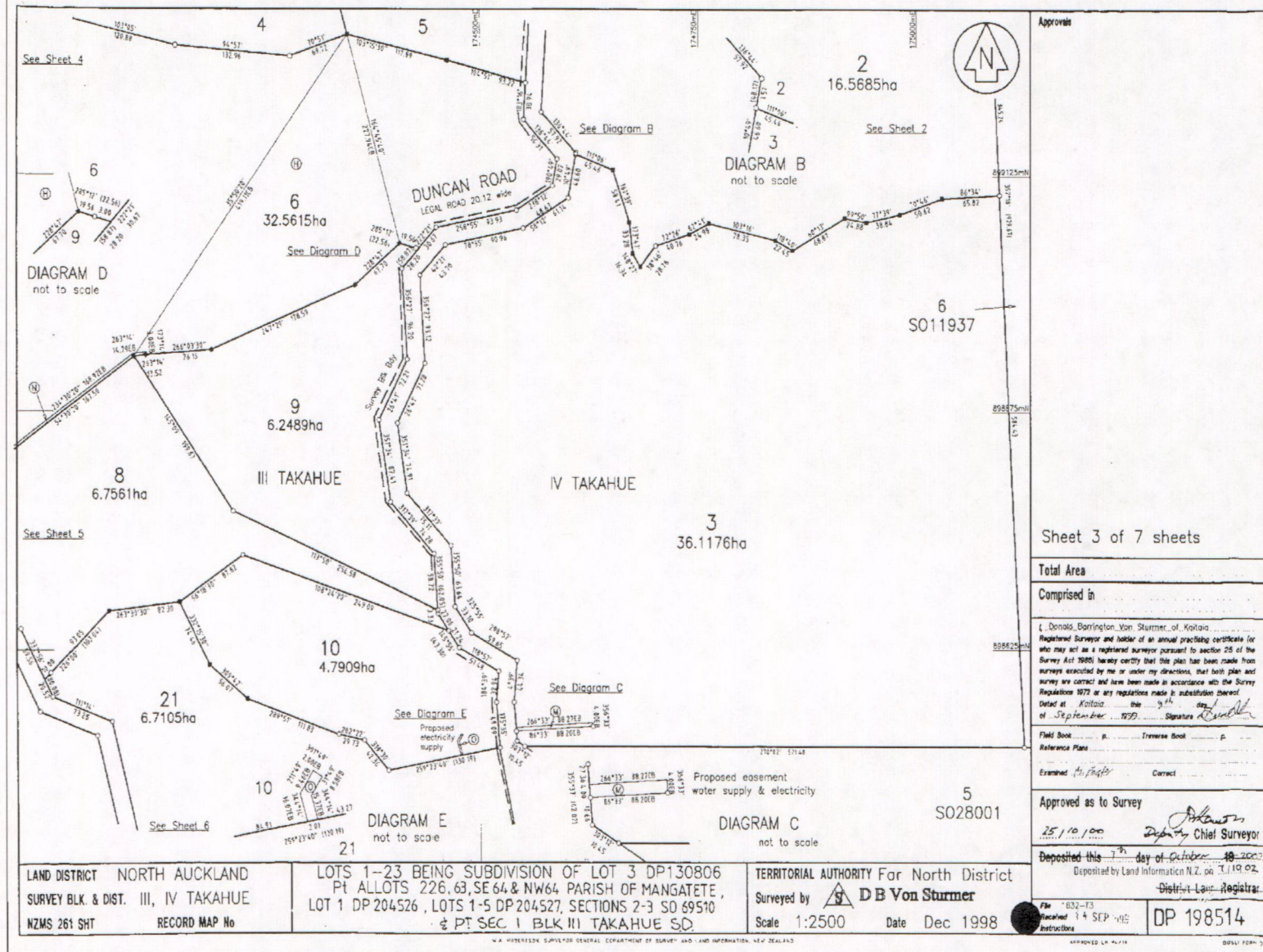
6612090.5 Mortgage to ASB Bank Limited - 17.10.2005 at 9:00 am

9139037.1 CAVEAT BY JASON ROBERT BILL AND PENELOPE RITA BILL - 31.8.2012 at 2:09 pm

9402444.1 Forestry Right under the Forestry Rights Registration Act 1983 over part in favour of EJ & ML Williams Limited created by Easement Instrument 9402444.1 - 23.5.2013 at 9:08 am

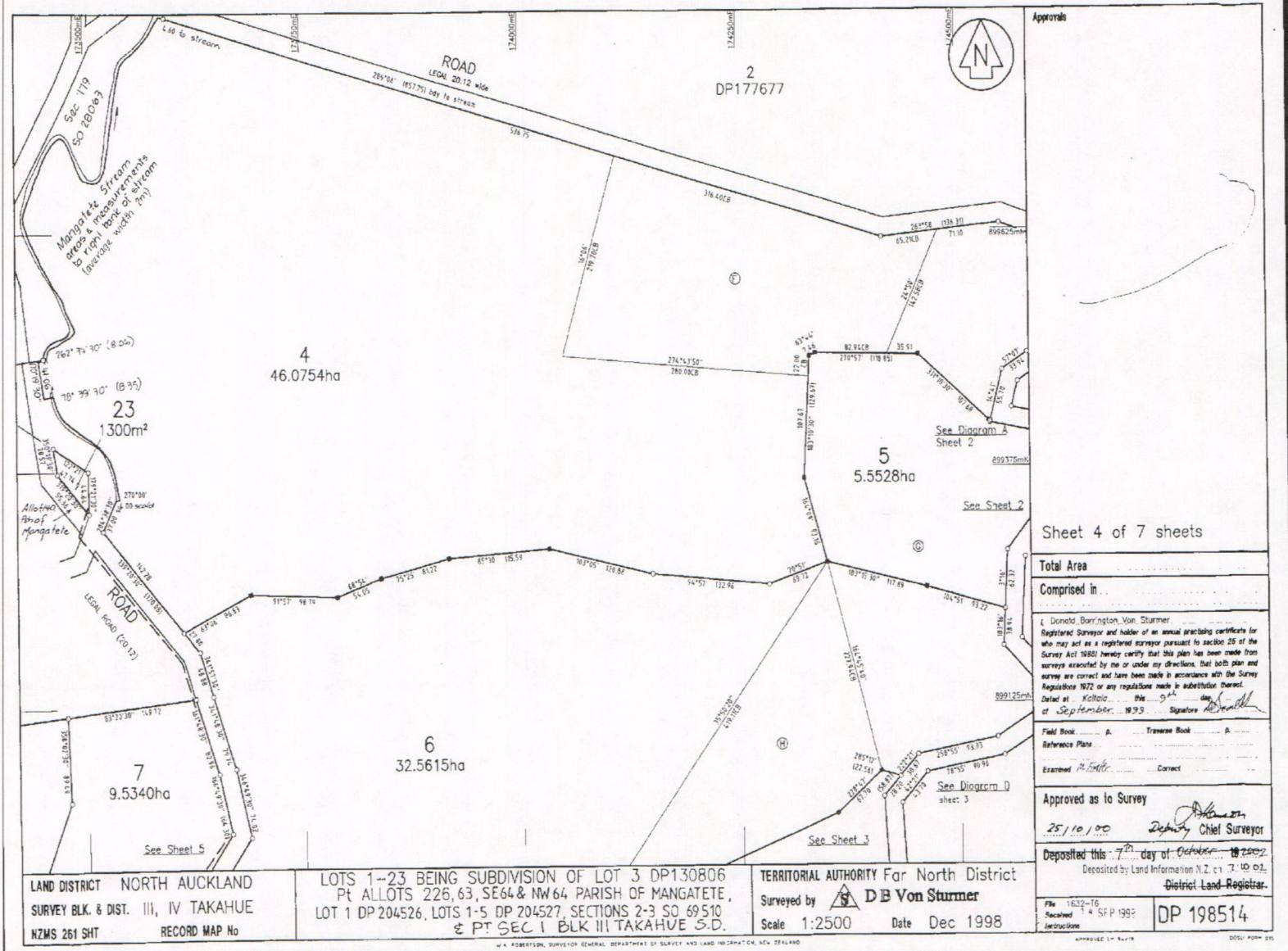






Identifier

583326

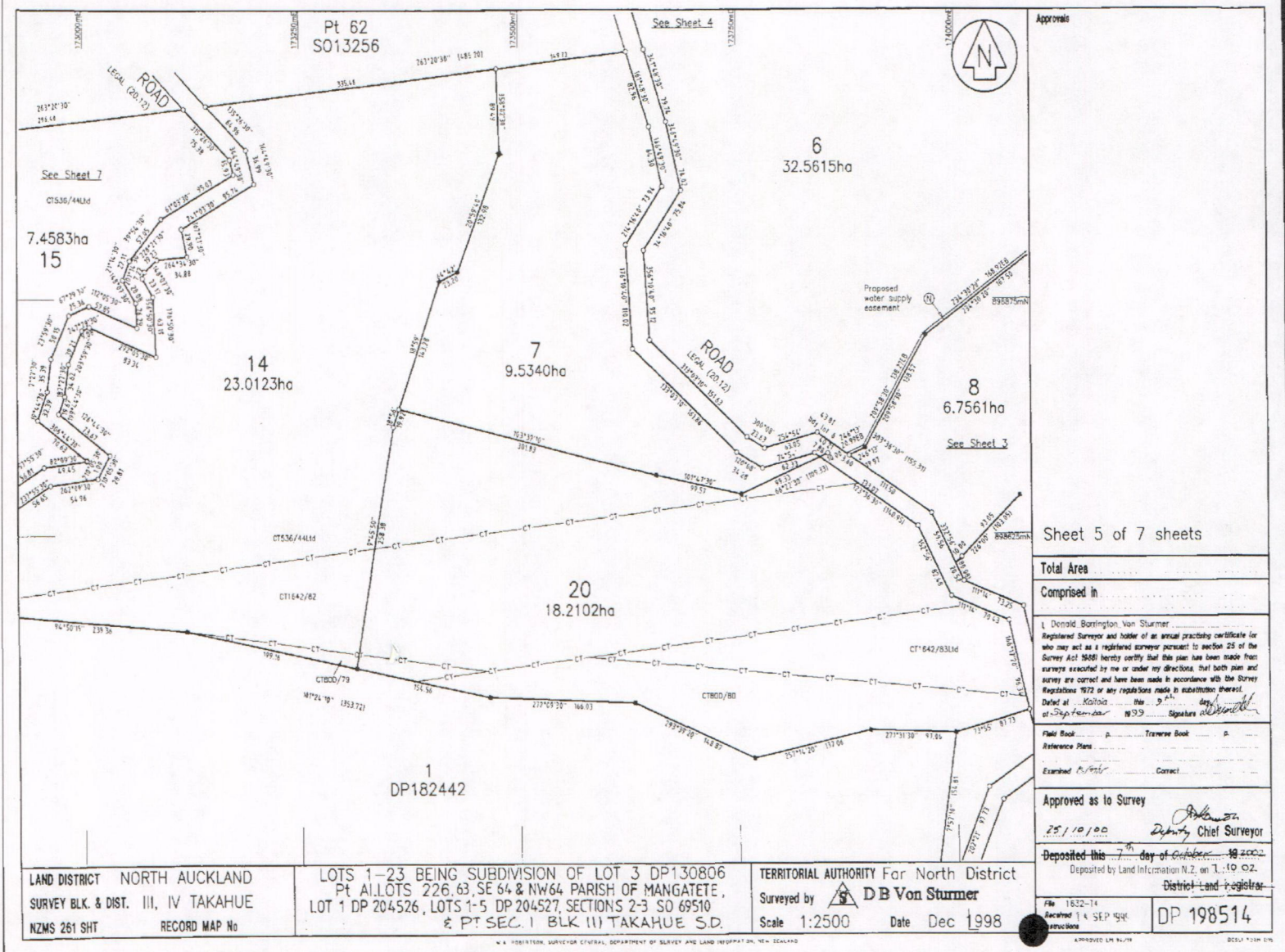


Transaction Id
Client Reference Jason Bill Duncan rd

Guaranteed Search Copy Dated 18/04/16 10:48 am, Page 5 of 8
Register Only

Identifier

583326



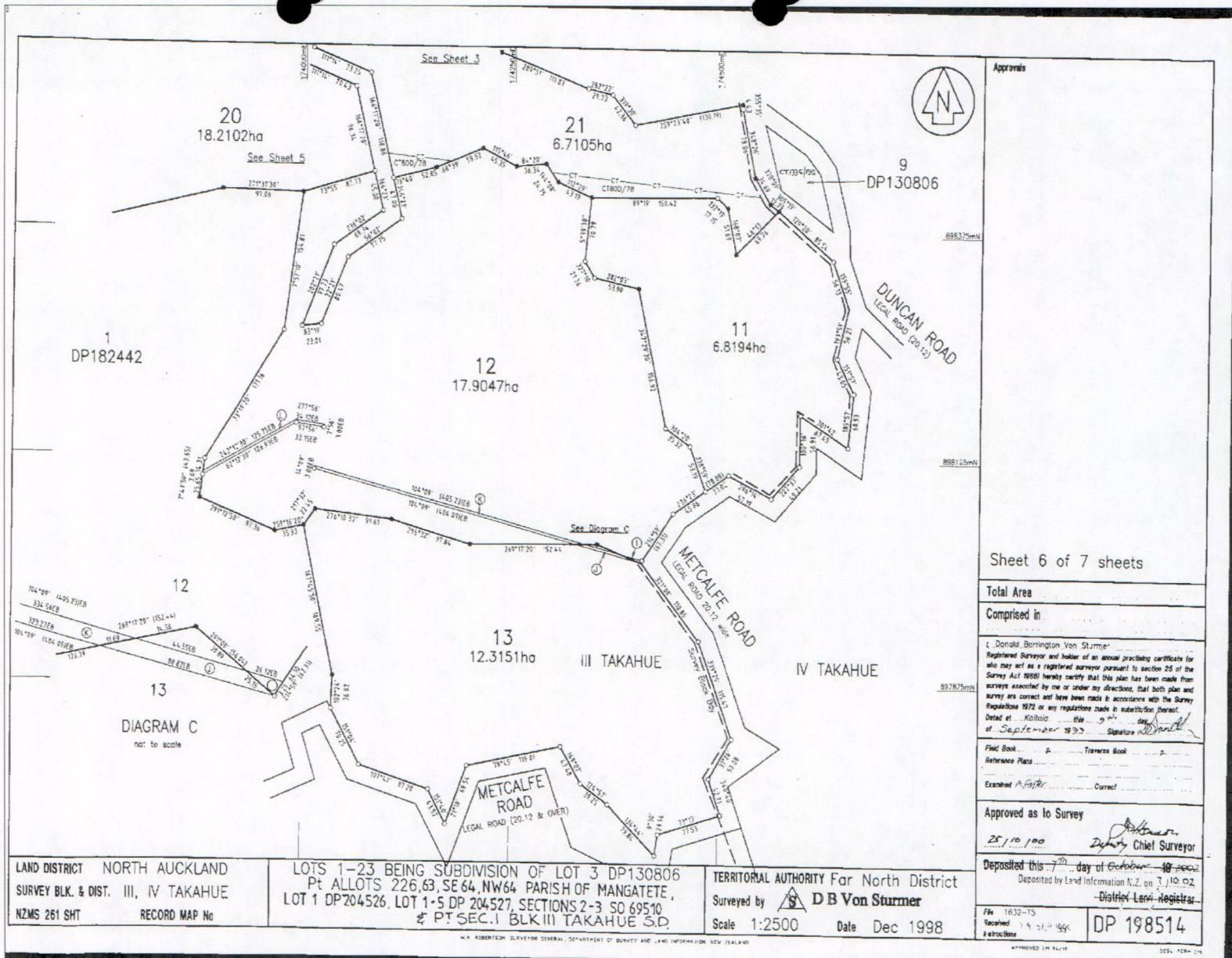
Approval

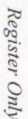
Sheet 5 of 7 sheets

Total Area	
Comprised in	
I, Donald Barrington Van Stummer, Registered Surveyor and holder of an annual practicing certificate for who may act as a registered surveyor pursuant to section 25 of the Survey Act 1980 hereby certify that this plan has been made from surveys executed by me or under my directions, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1973 or any regulations made in substitution thereof.	
Dated at	Kaitiaki this 9th day of September 1998
Field Book	Transverse Book
Reference Plans	
Examined	Correct
Approved as to Survey	
25/1/00 Deputy Chief Surveyor	
Deposited this 7th day of October 1998	
Deposited by Land Information N.Z. on 1.10.02	
District Land Registrar	
File	1822-14
Received	14 SEP 1998
DP 198514	

Identifier

583326







COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



R. W. Muir
Registrar-General
of Land

Guaranteed Search Copy issued under Section 172A
of the Land Transfer Act 1952

Identifier **583320**
Land Registration District **North Auckland**
Date Issued 20 June 2012

Prior References

411709

Estate	Fee Simple
Area	5.1645 hectares more or less
Legal Description	Lot 9 Deposited Plan 130806 and Lot 10 Deposited Plan 198514

Proprietors

Edwin John Williams, Marion Linda Williams and Mark Pevats

Interests

D486313.1 Certificate pursuant to Section 115 Public Works Act 1981 - 10.3.2000 at 1.12 pm (affects Lot 10 DP 198514)

5262681.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - produced 24.6.2002 at 3:54 pm and entered 7.10.2002 at 9.00 am (affects Lot 10 DP 198514)

Subject to Section 241(2) Resource Management Act 1991 (affects DP 198514)

Appurtenant to Lot 10 DP 198514 is a water supply easement and an electric power supply easement specified in Easement Certificate 5262681.4 - produced 24.6.2002 at 3:54 pm and entered 7.10.2002 at 9.00 am

Subject to an electric power supply easement over part Lot 10 marked O on DP 198514 specified in Easement Certificate 5262681.4 - produced 24.6.2002 at 3:54 pm and entered 7.10.2002 at 9.00 am

6612090.5 Mortgage to ASB Bank Limited - 17.10.2005 at 9:00 am

39037.1 CAVEAT BY JASON ROBERT BILL AND PENELOPE RITA BILL - 31.8.2012 at 2:09 pm

9402444.1 Forestry Right under the Forestry Rights Registration Act 1983 over part in favour of EJ & ML Williams Limited created by Easement Instrument 9402444.1 - 23.5.2013 at 9:08 am



Far North
District Council

Private Bag 752, Memorial Ave
Kakaho 0440, New Zealand
Teaphone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137
Email: ask.us@fndc.govt.nz
Website: www.fndc.govt.nz

Application No: 2160157-RMASUB

Te Kaunihera o Tai Tokerau Ki Te Raki

11 November 2015

Jason Robert Bill
C/- Thomson Survey Ltd
PO Box 372
Kerikeri 0245

Dear Jason

Re: RESOURCE CONSENT APPLICATION BY Jason Bill

COPY

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 Team Leader Resource Consents of the Far North District Council, pursuant to Section 34A 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.

Please note that you will be sent either an invoice or credit note depending on the actual cost of processing your application. Any additional costs shown on an invoice need to be paid by the 20th of the month following the date of the invoice. If you receive a credit note, you have the option of requesting a refund by bank transfer, or transferring the amount to any other Council account. Please advise and supply a printed bank deposit slip and allow 10 working days for the refund to be processed.

If you have any further queries regarding this matter, please contact the reporting Planner.

Yours faithfully

Didi Paragne
Planning Support
Resource Consents Department





Far North
District Council

FAR NORTH DISTRICT COUNCIL

FAR NORTH OPERATIVE DISTRICT PLAN
DECISION ON RESOURCE CONSENT APPLICATION (SUBDIVISION)

Resource Consent Number: 2160157-RMASUB

Pursuant to section 104B & D of the Resource Management Act 1991 (the Act), the Far North District Council hereby grants resource consent to:

Jason Bill

The activity to which this decision relates:

Decision A

Subdivision proposal to adjust the boundaries of two adjoining allotments with no additional Computer Freehold Registers being created.

Decision B

Resolution to cancel an easement under s243(e) of RMA.

Subject Site Details

Address: 1278 Duncan Road, Kaitaia
Legal Description: Lot 9 DP 130806 & Lot 10 DP 198514 and
Lots 20-21 23 DP 198514,
Certificate of Title reference: CT-583320 & CT-583326

Decision A

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

- 1 The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Thomson Survey Ltd, referenced Proposed subdivision of Lots 10 & 21 DP198514, surveyors Ref No.8727 dated 27.11.2014, and attached to this consent with the Council's "Approved Stamp" affixed to it.
- 2 The survey plan, submitted for approval pursuant to Section 223 of the Act shall show:
 - (a) The plan shall show all easements to be duly granted or reserved within the memorandum of easements.
 - (b) The following amalgamation condition:
That Lot 2 hereon and Lot 9 DP 130806 (Part CFR 583320) & Lot 20 DP 198514 (Part CFR 583326) be held in the same computer freehold register
LINZ Ref: 1327260]

3. Prior to the issuing of a certificate pursuant to Section 224(c) of the Act, the consent holder shall:
 - (a) Secure the condition below by way of a Consent Notice issued under Section 221 of the Act, to be registered against the titles of the affected allotment. The costs of preparing, checking and executing the Notice shall be met by the Applicant.
 - (i) When a habitable building is constructed on Lot 2 it shall have a roof water collection system with a minimum tank storage of 45,000 litres. The tank(s) shall be positioned so that they are accessible (safely) for fire fighting purposes and fitted with an outlet compatible with rural fire service equipment. Where more than one tank is utilised they shall be coupled together and at least one tank fitted with an outlet compatible with rural fire service equipment. Alternatively, the dwelling can be fitted with a sprinkler system approved by Council.

Decision B

Resolution to extinguish an easement under S243(e) of RMA.

That pursuant to Section 243(e) of the Resource Management Act 1991, Council hereby cancels the condition as to the granting of easement 'O' on DP198514.

Advice Notes

1. Archaeological sites are protected pursuant to the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority issued pursuant to that Act. Should any site be inadvertently uncovered, the procedure is that work should cease, with the Trust and local iwi consulted immediately. The New Zealand Police should also be consulted if the discovery includes koiwi (human remains). A copy of Heritage New Zealand's Archaeological Discovery Protocol (ADP) is attached for your information. This should be made available to all person(s) working on site.

Reasons for the Decision

1. Description of the Activity:

The proposal is to subdivide the site by way of boundary adjustment which will effectively reduce the 5 hectare block of land that contains an existing dwelling, to a 1.23 hectare block. The remaining balance of land will be amalgamated with the adjoining lot, increasing it in size to 24.92 hectares.

An existing power supply easement shown as 'O' on DP198514 exists between the two properties. The existing easement will need to be carried down to the new titles with proposed Lot 1 being the new servient tenement and proposed Lot 2 being the dominant tenement. A resolution will be included to cancel easement 5262681.4.

2. District Plan Rules Affected:

The proposed activity does not comply with the Boundary Adjustment Rule 13.7.1 or 13.7.2.1 as the resultant lot sizes do not meet the controlled activity minimum lot size in the Rural Production Zone, therefore is a non-complying activity.

3. Principal Issue[s] in Contention and Main Findings on those Issues:

The principal issue that was in contention were the size of the proposed allotments relative to the minimum site size required for a controlled activity.

Proposed Lot 2 will be decreasing in size however this lot already contains a residential dwelling with existing services.

The proposal in essence is not creating any further effects to what is already in existence. It was considered that the proposal is generally consistent with the existing development along Duncan Road and would therefore not detract from the rural character of the area.

**4. Relevant Statutory Provisions:
Policy Statements & Plan Provisions:**

(a) The Operative Far North District Plan;

The following objectives and policies from the Far North District Plan were of particular relevance to the application:

Objectives 13.3.1, 13.3.2, 13.3.5 and Policies 13.4.1, 13.4.2, 13.4.5, 13.4.8, 13.4.13, 13.4.14 of Chapter 13 Subdivision. In addition, the objectives and policies of Chapter 8.6 Rural Production are relevant.

Part 2 Matters

The Council has taken into account the purpose & principles outlined in sections 5, 6, 7 & 8 of the Act. It is considered that granting this resource consent application achieves the purpose of the Act.

5. Notification and Affected Parties

The Council has determined (by way of an earlier report and resolution) that the adverse environmental effects associated with the proposed activity are no more than minor and that there are no affected persons or affected order holders.

6. Overall Evaluation

Regard has been had to the gateway tests of Section 104D. In this instance the proposal is considered to have no more than minor adverse effects on the environment, and is not contrary to the objectives and policies. As such, at least one of the gateway tests is satisfied and Council can consider granting consent.

Overall, it is considered that the proposal will have a no more than minor effect on the environment. In addition, the proposal is generally consistent with the objectives and policies of the Far North District Plan, and is consistent with the sustainable management purpose of the RMA.

Approval

This resource consent has been prepared by Sheryl Hansford, Assistant Planner and is granted under delegated authority (pursuant to section 34A of the Resource Management Act 1991) from the Far North District Council by:

P. J. Killalea
Wayne Smith, Team Leader Resource Consents

11th November 2015.
Date

Right of Objection

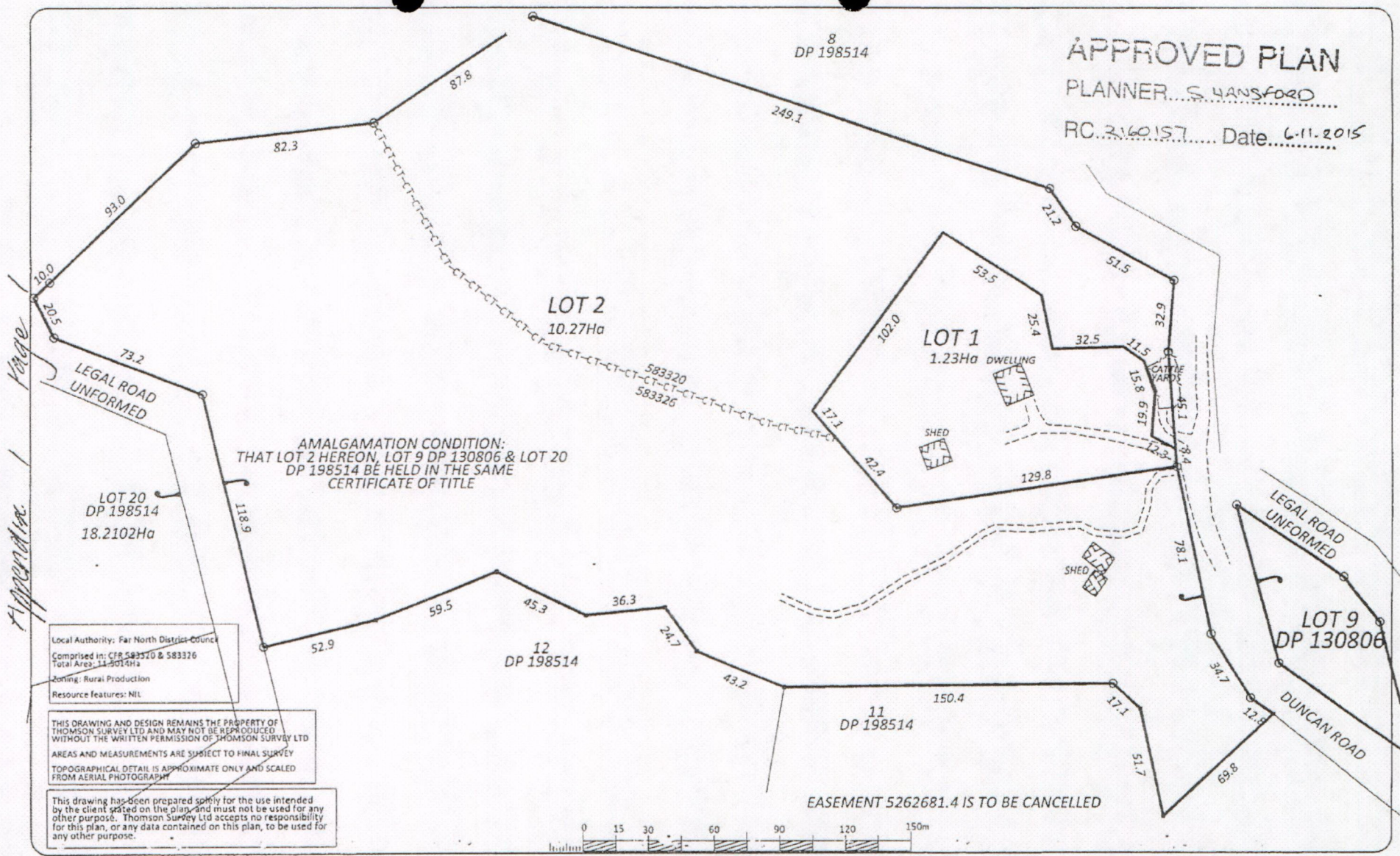
If you are dissatisfied with the decision or any part of it, you have the right (pursuant to section 357A of the Resource Management Act 1991) to object to the decision. The objection must be in writing, stating reasons for the objection and must be received by Council within 15 working days of the receipt of this decision.

Lapsing Of Consent

Pursuant to section 125 of the Resource Management Act 1991, this resource consent will lapse 5 years after the date of commencement of consent unless, before the consent lapses;

The consent is given effect to; or

An application is made to the Council to extend the period of consent, and the council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.



Appendix 1

Local Authority: Far North District Council
 Comprised in: CFR 583320 & 583326
 Total Area: 11.9014Ha
 Zoning: Rural Production
 Resource features: Nil

THIS DRAWING AND DESIGN REMAINS THE PROPERTY OF
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 other purpose. Thomson Survey Ltd accepts no responsibility
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THOMSON SURVEY
LAND SURVEYORS

315 Kerikeri Rd
 P.O. Box 372 Kerikeri
 Email: kerikeri@tsurvey.co.nz
 Ph: (09) 4077360 Fax (09) 4077322

Registered Land Surveyors, Planners & Land Development Consultants

PROPOSED SUBDIVISION OF LOTS
10, & 21 DP 198514
1278 DUNCAN ROAD

PREPARED FOR: BILL

Name		Date	ORIGINAL	
Survey	SL	14.01.13	SCALE	SHEET
Design	SL	27.11.14	1:1500	SIZE
Drawn	SL	27.11.14		
Approved				
Rev				
8727 Scheme LCO				

Surveyors
 Ref. No: **8727**
 Series
 Sheet of

A3