



Valuation Number: 07151/240.00
GIS Number: 4900/0037/000

18 February 2016

Peter Bowman
210 Ngahape Road
RD3
Te Awamutu
3873

Delivery Method; Post, Email

LAND INFORMATION MEMORANDUM — 37 SYMOND ROAD

Please find attached a Land Information Memorandum for the above property. This LIM is issued on 18 February 2016 and is accurate as at that date only.

If you have any comments or questions in regard to this Land Information Memorandum please contact us on the numbers below.

Yours faithfully

Kara Dowthwaite
LIM CO-ORDINATOR

Address all correspondence to:

Chief Executive, Whakatane District Council, Private Bag 1002, Whakatane 3158 | Phone 07 306 0500 | Fax 07 307 0718

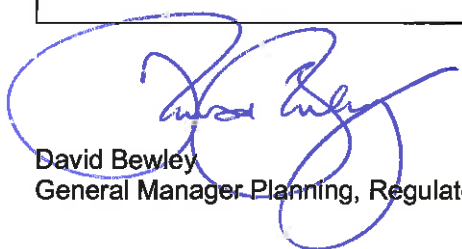
DATE OF ISSUE	18 FEBRUARY 2016		
GIS NO	4900/0037/000		
VALUATION NUMBER	07151/240.00		
1 NAME OF PROPRIETOR			
Neville Raymond Newland and Julie Joyce Newland			
2 LOCATION			
37 Symond Road			
3 LEGAL DESCRIPTION			
Lot 2 Deposited Plan 419608			
4 PHYSICAL DESCRIPTION			
House/Unit Number	37	Street	Symond Road
RD Number		Suburb/Area	Otakiri
Town	Whakatāne	Post Code	3120
5 AREA			
5.5935 hectares (more or less)			
6 ZONING			
Rural Plains under the Proposed Whakatāne District Plan.			
ATTACHMENTS			
• Certificate of Title • Keys to Map • Legal Description Map • District Plan Map(s) • Culture and Heritage Map • Community Facilities Map • Underground Services Map • Resource Consent decision letter(s) • Easement Instrument(s)			

7 SPECIAL FEATURES	COMMENTS
• Potential erosion	No information available
• Avulsion (the sudden removal of land, by the change in a river's course, or by flooding, to another person's land)	No information available
• Falling debris	No information available
• Subsidence	No information available
• Landslide and Debris Flow	No information available

• Alluvion (the deposit of earth, sand, etc, left during a flood)	No information available
• Inundation	No information available
• High winds	No information available
• Fill (compacted/uncompacted)	No information available
• Hazardous contaminants, including dangerous goods	No information available
• Historic sites	The property has a recorded archaeological/wahi tapu/historic site(s) on it or in the vicinity. Further information may be available from Heritage NZ Pouhere Taonga. The site cannot be damaged, modified or destroyed without first obtaining consent under Heritage NZ Pouhere Taonga Act 2014. In addition, resource consent may be required from the Whakatane District Council to undertake some activities within the identified site.
• Drainage restrictions	No information available
• Reserves (existing/proposed)	This property is located within the vicinity of Council owned and maintained land, refer to the community facility map for the location.
• Easements	Please refer to the attached Certificate of Title to confirm whether any easements exist over this property. There are Easement Instruments registered against the Certificate of Title, copies are attached.
• Other legal restrictions (eg, building line restrictions)	Please refer to the attached Certificate of Title.
• Any other special features	This site is located within Earthquake Zone 2 as prescribed in Figure 5.4 of NZS3604:2011 Code of Practice for Timber Framed Buildings. This site is located within Corrosion Zone B as prescribed in Figure 4.2 of NZS3604:2011 Code of Practice for Timber Framed Buildings.
8 SERVICES	COMMENTS
• Stormwater	Rural properties are generally required to dispose of roof run-off on site via ground soakage.
• Sewer	There is no public sewerage reticulation system available to connect to. Under such circumstances, properties would normally be required to dispose of sewage on site via private septic tank and field tile system in accordance with the provisions of the Operative On Site Effluent Treatment Plan from the BOP Regional Council.
• Water	No Public Supply
• Trade Waste Consent	No
9 RATES	COMMENTS

• Year ending 30.6.2016	\$2,682.83
• Number of instalments	4
• Date of next instalment	26 February 2016
• Current balance or arrears	\$562.12
• Date of valuation	September 2013
• Land value	\$155,000
• Capital value	\$550,000
10 WATER	COMMENTS
• Annual water supply charge	Not Applicable
• Last reading date	Not Applicable
• Consumption	Not Applicable
• Amount	Not Applicable
• Arrears outstanding	Not Applicable
11 BUILDINGS	
(a) Details of Building Permits	
No information available	
(b) Details of Building Consents	
Council's records indicate that building permits or building consents have been issued on land that this property was part of prior to subdivision. It is unclear from the property files whether any of these building permits/consents relate to buildings located on land now comprised in the legal description for this property. It is recommended that in these circumstances, the applicant inspect the property file to determine what building permits/consents relate to the subject property.	
Date	Consent No
27 January 2011	20223
Project	Date Code Compliance Certificate Issued
New Dwelling	Not Yet Issued
(c) Details of any other Certificate/Notice/Order or Requisition Affecting Buildings	
No information available	
(d) Certificate Issued by a Building Certifier Pursuant to the Building Act 1991 or the Building Act 2004	
No information available	
(e) Information notified to the territorial authority under Section 124 of the Weathertight Homes Resolution Services Act	
No information available	
12 USE OF LAND	
(a) Details of Resource Consents (Subdivision /Land Use) or Certifications of Compliance Issued for Land	
S.208 Resource Consent Subdivision dated 25 February 1981 - (copy of decision letter attached) 24.3.08.72 Resource Consent Subdivision dated 10 March 2009 - (copy of decision letter attached) SS-2014-83-86 Resource Consent Subdivision dated 11 September 2015 - (copy of decision letter attached)	
(b) Details of licences held	
No information available	
(c) Details of any other Certificate/Notice/Order of Requisition Affecting the Use of the Land	
No information available	
(d) Details of Conditions Affecting the Use of Land	
No information available	
Minimum Floor Level	In accordance with the requirements set out in the New Zealand Building Code.
13 INFORMATION NOTIFIED TO COUNCIL BY AN STATUTORY ORGANISATION HAVING POWER TO CLASSIFY LAND OR BUILDINGS	

(a) Requiring Authority	
No information available	
(b) Heritage Protection Authority	
No information available	
14 INFORMATION NOTIFIED TO COUNCIL BY ANY NETWORK UTILITY OPERATOR PURSUANT TO THE THE BUILDING ACT 2004	
No information available	
15 SECTION 69ZH OF THE HEALTH ACT 1956 – DRINKING WATER SUPPLIER	
(ba) Any information that has been notified to the territorial authority by a drinking-water supplier under Section 69ZH of the Health Act 1956	
No information available	
(bb) Information on:	
(i) whether the land is supplied with drinking water and if so, whether the supplier is the owner of the land or networked supplier	No information available
(ii) if the land is supplied with drinking water by a networked supplier, any conditions that are applicable to that supply	No information available
(iii) if the land is supplied with water by the owner of the land, any information the territorial authority has about the supply	No information available
16 ANY OTHER INFORMATION CONSIDERED TO BE RELEVANT	
<i>It is recommended that you also consider, or obtain professional advice on, the planning provisions of the Operative and Proposed Whakatane District Plan as it affects this property. A copy of the Whakatane District Plan is available for viewing on the Council's website www.whakatane.govt.nz or at all public libraries and Council offices in the District.</i> <i>The appeal period for the Proposed Whakatane District Plan closed on 5 February 2016. Pursuant to Section 86F of the Resource Management Act 1991, all rules contained within the Proposed Whakatane District Plan are now treated as operative with the exception of rules that are under further appeal. Information on appeals received by the Whakatane District Council (are/will be) available on Council's website www.whakatane.govt.nz</i> <i>Future development of the property, including subdivision, may require the payment of a monetary contribution for additional demands that may be placed on community infrastructure by the use or development of the land. Monetary contributions may be payable for water, stormwater and wastewater services.. If you are anticipating further development of the land, you are advised to read the Development Contributions Policy in the Long-term Plan 2015-2025.</i>	
17 DISCLAIMER	
This Land Information Memorandum has been prepared for the purposes of Section 44A of the Local Government Official Information and Meetings Act 1987 and contains all the information known to the Whakatane District Council relevant to the land described. It is based on a search of Council records only and there may be other information relating to the land which is not known by Council. The Council has not undertaken any inspection of the land or any buildings on it for the purpose of preparing the Land Information Memorandum. Accordingly, the Council is unable to verify that the consents held in our file match the buildings on the property. You are advised to pursue our file. The LIM Co-ordinator will hold the file for five working days. Please contact to arrange a suitable time to view the file (Telephone 07 3060500). The applicant is solely responsible for ensuring that the land is suitable for a particular purpose	


 David Bewley
 General Manager Planning, Regulatory and Corporate Services

LIM Proposed District Plan Legend

Coastal Hazards

-  2060 Erosion Risk Zone
-  2100 Erosion Risk Zone
-  Current Erosion Risk Zone
-  103.3m Moderate Inundation Risk Zone
-  103.6m Moderate Inundation Risk Zone
-  104.0m Moderate Inundation Risk Zone
-  104.1m Extreme Inundation Risk Zone
-  104.55m Extreme Inundation Risk Zone
-  104.7m Extreme Inundation Risk Zone
-  Variable Extreme Inundation Risk Zone
-  Variable ERZ Levels

Landscape Natural & Cultural Features

-  Significant Specimen Trees
-  Ridgeline
-  Esplanade Water Body
-  Cultural & Built Heritage Sites
-  Cultural & Built Heritage Sites
-  Outstanding Natural Feature and Landscape
-  Significant Amenity Landscape
-  Significant Indigenous Biodiversity Site

Hazards

-  Natural Hazard (NHaz4)
-  Natural Hazard
-  Overland Flow Paths
-  Mill Waste Contaminated Site

Misc Features

-  25 m Contour
-  35 m Contour
-  Edgecumbe Dairy Factory, Refer to Rule: 10.3.6
-  300 m oxidation pond buffer
-  Omeheu Spray Irrigation Scheme
-  Proposed Road

Built Features

-  Amenity Building Line
-  Indicative service lane
-  Pedestrian Street
-  Restricted Vehicle Access
-  Road Widening
-  Limited Access Road
-  Railway
-  State Highway
-  District Arterial Roads
-  Proposed Designation
-  Designation
-  Town Centre Boundary
-  12m Height Restriction
-  Key Urban Space
-  Strand Character Area
-  River Greenway Concept
-  Gas Transmission Pipeline Corridor
-  High Voltage Electrical Transmission Line
-  High Voltage Electrical Transmission Corridor

Planning Zones

-  Active Reserve
-  Business Centre
-  Coastal Protection (CPZ)
-  Commercial
-  Community and Cultural
-  Deferred Residential
-  Education
-  Industrial
-  Large Format Retail
-  Light Industrial
-  Mixed Use
-  Residential
-  Rural Coastal
-  Rural Foothills
-  Rural Ohiwa
-  Rural Plains
-  Urban Living
-  Statutory Acknowledgements

LIM Culture & Heritage Legend

Culture and Heritage

-  Proposed District Plan Heritage Schedule
-  Operative District Plan Heritage Schedule
-  NZ Historic Places Trust Register
-  Ngati Awa Historical Site
-  NZAA Archaeological Site
-  Marae Location
-  Tuwharetoa Settlement
-  Tuwharetoa Settlement Area
-  Maori Whenua

LIM Community Facilities Legend

Council Owned Facilities

Facility Type

-  Aquatic Centres
-  Public Conveniences
-  Sports Facilities Grounds

Community Facility Assets

Asset Type

-  Climbing Frame
-  Handrail
-  See saw
-  Shade Sail
-  Skate Park
-  Slide
-  Sporting Equipment
-  Stairs/Steps
-  Swing
-  Foot bridge
-  Decking/Boardwalk
-  Playground

Council Owned Buildings

Building Type

-  Commercial
-  Community Halls
-  Operational Properties
-  Other Properties
-  Pensioner Housing

Land

-  Council Owned/Administered Land

Assets

-  Asset Boundaries

LIM Services Legend

Water Supply

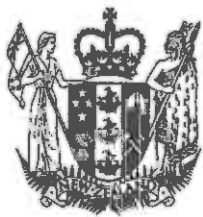
	Back Flow Preventer
	Hydrant
	Bulk Meter
	Customer Meter
	Air Release
	Control Valve
	Isolation Valve
	Isolation Valve Closed
	Non Return Valve
	Pump Station
	Bore (Source)
	Bore BOPRC
	Node
	Toby
	Connection
	Main
	Rider Main
	Reservoir
	Scheme

Waste Water

	Valve
	Pump Station
	Node
	Miscellaneous
	Manhole
	Outlet
	Connection
	Main
	Riser Main
	Facility
	Scheme

Storm Water

	Inlet
	Manhole
	Miscellaneous
	Node
	Pump Station
	Open Drain
	Dam
	Connection
	Main
	Rising Main
	Soakage Area
	Scheme



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



R. W. Muir
Registrar-General
of Land

Search Copy

Identifier 474655
Land Registration District South Auckland
Date Issued 28 May 2010

Prior References

SA27D/507

Estate Fee Simple
Area 5.5935 hectares more or less
Legal Description Lot 2 Deposited Plan 419608

Proprietors

Neville Raymond Newland and Julie Joyce Newland

Interests

Subject to a right to convey electricity over part marked B on DP 419608 created by Easement Instrument 8483891.3 - 28.5.2010 at 11:03 am

Appurtenant hereto is a right to convey water and electricity created by Easement Instrument 8483891.3 - 28.5.2010 at 11:03 am

The easements created by Easement Instrument 8483891.3 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey electricity over part marked B on DP 419608 in favour of Horizon Energy Distribution Limited created by Easement Instrument 8483891.4 - 28.5.2010 at 11:03 am

9327090.1 Mortgage to ANZ Bank New Zealand Limited - 1.3.2013 at 11:02 am



View Instrument

Instrument Type Easement Instrument
Instrument Number 8483891.3
Status Registered
Completion Date 2/06/2010
Date & Time Lodged 28/05/2010 11:03:11

Lodged By Plunket, Carol Anne
Lodged For Buddle Bentley McCleary (Whakatane)
Approved By Shannon, Cecile

Affected Computer Registers Land District

474654	South Auckland
474655	South Auckland
474656	South Auckland

*** End of Report ***



View Instrument Details

Instrument No. 8483891.3
Status Registered
Date & Time Lodged 28 May 2010 11:03
Lodged By Plunket, Carol Anne
Instrument Type Easement Instrument

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers	Land District
474654	South Auckland
474655	South Auckland
474656	South Auckland

Annexure Schedule: Contains 3 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument	☒
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☒
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☒
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☒
I certify that the Mortgagee under Mortgage H694638.4 has consented to this transaction and I hold that consent	☒

Signature

Signed by Ian David Bentley as Grantor Representative on 13/05/2010 04:27 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument	☒
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	☒
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	☒
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	☒

Signature

Signed by Ian David Bentley as Grantee Representative on 13/05/2010 04:27 PM

*** End of Report ***

Form B**Easement instrument to grant easement or *profit à prendre*, or create land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

JOHN RICHARD SHERRIFF as to a one half share and NGAIRE FRANCES SHERRIFF as to a one half share

Grantee

JOHN RICHARD SHERRIFF as to a one half share and NGAIRE FRANCES SHERRIFF as to a one half share

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement, <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to Convey Water Right to Convey Electricity	"A" on DP 419608	Lot 3 DP 419608 CT 474656	Lot 2 DP 419608 CT 474655
Right to Convey Electricity	"B" on DP 419608	Lot 2 DP 419608 CT 474655	Lot 1 DP 419608 CT 474654 Lot 3 DP 419608 CT 474656

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required, continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby [varied] [negatively] [added to] or [substituted] by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[the provisions set out in Annexure Schedule]

Covenant provisions

Delete phrases in [] and insert Memorandum number as required, continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

[Annexure Schedule]

Form L

Annexure Schedule

Page of Pages

Insert instrument type**Easement Instrument****1. Right to Convey Water Easement**

The following provisions shall apply to the Right to Convey Water easement:

- (a) The Grantee and other authorized persons have the right in common with the Grantor and all others having the like right:
 - (i) to take and convey water from the creek situated on that part of the servient land marked "A" on Deposited Plan 419608 (the water supply area) by means of an electric intake pump, including the right to maintain repair and replace when necessary the intake pump and headworks (if any) and to maintain an underground electric power supply to the intake pump through the water supply area; and
 - (ii) to convey and lead water in free and unimpeded flow (except during any periods of necessary cleansing, renewal or repair) drawn from the intake pump by means of a water pipe laid beneath the surface of the water supply area.
- (b) The right to convey and lead water shall be solely for the purposes of watering of livestock.
- (c) The Grantee shall be responsible for all the costs of installation, operating, repair, maintenance and replacement of the intake pump and headworks (if any) pipe and electrical supply equipment and the costs of electricity which shall be separately metered. The pump shall be installed in the shed currently erected within the water supply area.

2. Right to Transmit Electricity easements

The following provisions shall apply to each Right to Transmit Electricity easement:

- (a) The Grantee and other authorized persons have the right (in common with Grantor and all others having the like right) to lead and convey electricity without interruption or impediment (except during any periods of necessary renewal and/or repair) from the legal road adjoining the servient land by means of conduits, cables or pipes laid or to be laid under the surface of and through the soil of that part of the servient land marked "B" on DP 419608 except that any necessary transformer may be at ground level.
- (b) The Grantee shall be responsible for arranging the installation of the electricity supply all metering equipment and its continued maintenance.



View Instrument

Instrument Type Easement Instrument
Instrument Number 8483891.4
Status Registered
Completion Date 2/06/2010
Date & Time Lodged 28/05/2010 11:03:11

Lodged By Plunket, Carol Anne
Lodged For Buddle Bentley McCleary (Whakatane)
Approved By Shannon, Cecile

Affected Computer Registers Land District

474655 South Auckland

***** End of Report *****



View Instrument Details

Instrument No. 8483891.4
Status Registered
Date & Time Lodged 28 May 2010 11:03
Lodged By Plunket, Carol Anne
Instrument Type Easement Instrument

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers Land District
474655 South Auckland

Annexure Schedule: Contains 7 Pages

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒
- I certify that the Mortgagee under Mortgage H694638.4 has consented to this transaction and I hold that consent ☒

Signature

Signed by Ian David Bentley as Grantor Representative on 13/05/2010 04:28 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Tina Robyn McLennan as Grantee Representative on 27/05/2010 03:38 PM

*** End of Report ***

Form BEasement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

John Richard SHERRIFF and Ngale Frances SHERRIFF

Grantee

HORIZON ENERGY DISTRIBUTION LIMITED

Grant of Easement or Profit à prendre or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A
*Schedule, if required**Continue in additional Annexure*

Purpose (Nature and extent) of easement; profit or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to Convey Electricity	B (DP 419608)	Lot 2, DP 419608 (CT 474655)	In Gross

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required: continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negated]~~ ~~[added to]~~ or ~~[substituted]~~ by

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1962]~~

~~[the provisions set out in Annexure Schedule 2]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as required: continue in additional Annexure Schedule, if required

~~The provisions applying to the specified covenants are those set out in:~~

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1962]~~

~~[Annexure Schedule 2]~~

Form L

Annexure Schedule

Page 1 of 5 Pages

Insert instrument type

Easement

*Continue in additional Annexure Schedule, if required***1 EASEMENT TERMS**

- 1.1** The full free right, liberty and licence at all times hereafter for the Grantee, its engineers, surveyors, servants, agents, employees, workmen, contractors and invitees with or without vehicles laden or unladen and with materials, tools, machinery and implements:
- (a) to lay, construct and maintain lines and works on, in, over and under the soil of the Easement land. Any transmission lines are to be laid under the soil of the Easement Land, and no poles or towers will be erected on the Servient Land;
 - (b) to enter and remain upon the Servient land for the purposes of laying, constructing, maintaining, inspecting, repairing, renewing, enlarging, replacing or altering the lines or works as the case may be, and opening up the soil of the Servient land and make any access way, cuttings, fillings, grades, batters or trenches, and to re-open the same and generally to do and perform such acts or things upon the Servient land as may be necessary to enable the Grantee to receive the full free use and enjoyment of the rights and privileges granted under this Easement;
 - (c) to use the lines and works for the purpose of conveying electricity, data and / or communications without interruption or impediment.

2 COVENANTS

The Grantor and the Grantee covenant as follows:

- 2.1** The Grantee shall be responsible for:
- (a) the installation of the lines and works, and
 - (b) using its best endeavours to prevent the lines and works becoming a danger or a nuisance.

Form L

Annexure Schedule

Page 2 of 5 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

- 2.2 All work authorized to be carried out pursuant to this Easement shall be carried out as expeditiously as possible and shall do as little damage to the Servient land as is reasonably possible consistent with the rights and privileges conferred by this Easement.
- 2.3 The Grantee will from time to time repair and make good all damage to fences, gates or other improvements upon the Servient land directly caused by the Grantee carrying out any work pursuant to clause 1.1.
- 2.4 On completion of any work by the Grantee on the Servient land, the Grantee shall restore the surface of the Servient land as nearly as possible to its former condition and replace the soil at the surface and turf (if any) consolidated to its proper level.
- 2.5 The Grantor will not without the written permission of the Grantee:
- (a) grow or permit to be grown any natural or cultivated vegetation including trees and shrubs on the Easement land; or
 - (b) erect or permit to be erected any improvement on the Easement land; or
 - (c) disturb or permit to be disturbed the soil below a depth of 400 millimetres from the surface of the Easement land in any manner which will interfere with the rights granted by this Easement.
- and will not at any time do permit or suffer any act whereby the full and free use and enjoyment by the Grantee of the rights and privileges granted by this Easement are interfered with. The Grantee may at all times remove any natural or cultivated vegetation or improvement on the Servient land which will interfere with the rights granted by this Easement.
- 2.6 This Easement is in addition to and not in substitution for any statutory rights and authorities which the Grantee may have at any time in respect of the Servient land.

Form L

Annexure Schedule

Page 3 of 5 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedules, if required

2.7 The Grantor covenants with the Grantee that the Grantor waives and will not at any time claim any compensation from the grantee under Sections 57 and / or 58 of the Electricity Act 1992 or under any other provisions of any statute or regulation whatsoever.

2.8 The lines and works are and shall remain the sole property of the Grantee.

2.9 The Grantor shall pay the grantee's costs incurred in the negotiation, preparation, completion, execution and registration of this Easement.

3 DISPUTES

3.1 If a dispute in relation to the Easement arises between parties who have a registered interest under the Easement:

3.1.1 The party initiating the dispute must provide full written particulars of the dispute to the other party; and

3.1.2 The parties must promptly meet and in good faith try to resolve the dispute using informal dispute resolution techniques, which may include negotiation, mediation, independent expert appraisal or any other dispute resolution technique that may be agreed by the parties; and

3.1.3 If the dispute is not resolved within 14 working days of the written particulars being given (or any longer period agreed by the parties):

(a) the dispute must be referred to arbitration in accordance with the Arbitration Act 1996; and

Form L

Annexure Schedule

Page 4 of 5 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

- (b) the arbitration must be conducted by a single arbitrator to be agreed on by the parties or, failing agreement, to be appointed by the President of the District Law Society (being the District Law Society that has its headquarters closest to the land).

4 CONFLICT BETWEEN PROVISIONS

- 4.1 Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 (called the Fourth Schedule) and the modifications in this Easement Instrument, the terms of this Easement Instrument shall prevail.

5 DEFINITIONS

5.1 In this Easement

"Conveying electricity data and/or communications"

Means the conveyance of electricity, data and/or communications, and includes the generation, conversion and transportation of electricity

"Easement Land"

Means that part or those parts of the Servient land marked B on Deposited Plan 419608

"Lines"

Means one or more wires, cables, or conductors of any other kind used or intended to be used for conveying, electricity, data and/or communications, and includes poles, towers, insulators, casings, fixtures (major or minor), fittings, tunnels or other things used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire, cable or conductor, and also includes any part of a line and includes "existing works" as defined by the Electricity Act 1992

Form L

Annexure Schedule

Page 5 of 5 Pages

Insert instrument type

Easement

Continue in additional Annexure Schedule, if required

"Servient Land"

Means the land owned by the Grantor contained in Certificate of Title 474655

"Grantee"

Means Horizon Energy Distribution Limited and includes all its subsidiary companies (within the meaning of Sections 5 & 8 of the Companies Act 1993) and its successors, assigns and licensees

"Works"

Means every work or thing used, or designed or intended for use in or in connection with conveying electricity, data and/or communications.

A reference to any Statute or section of any Statute includes any enactment in amendment or substitution for such Statute or section.

RID DOCUMENT

Date: 12 February 2016

Valuation Number: 07181 003 21

Location: 37 SYMOND ROAD

Legal Description: LOT 2 DP 419608

Area (Ha): 5.5935

Valuation Date: 1 September 2013

	Normal Values	Special Values (if applicable)
Land Value:	250,000	
Improve Value:	135,000	
Capital Value:	385,000	
Tree Value:	0	

Contiguous Property:

2016 Year's Assessed Rates: **2,113.88**

Instalment 1: 21 Aug 2015

Instalment 2: 20 Nov 2015

Instalment 3: 26 Feb 2016

Instalment 4: 20 May 2016

Home Workspace

maintain valuation details (view only) - rt2000
 search (72) new (53) cancel (17) delete (1120) finance (1111) tasks > forms > links / tags = (6)

Valno: 67132 002 21 Cancelled
 Status: LIVE Revised: 01 Sep 2013
 NEWLAND, NEVILLE PAYMOND
 NEWLAND, JULIE JOYCE

08 JUL 2010 26 JUN 2014
 07:45p.m. 11:42a.m.
 Diane Moore x Oylan McIntyre
 NPD Cancel

Parcel	Sue	Legals	Key	Certificate Of Title
4900/5	7170445	LOT 2 DP 419608		

Road: SYMOND ROAD House 37 Unit
 Legals: LOT 2 DP 419608

- ☐ Occport
- ☐ D/credit
- ☐ D/debit
- ☐ Parent
- ☐ Debt Management

Values	Improvements
Capital 385,000	OWG FG OB Of
Land 250,000	
Improve 135,000	
Trees 0	Area 5.5935
Cert Of Title 00-474655	Group Code
Dwellings	

Summary	Year	2016
Assessed		2,113.88
To Invr		528.45
To Clear		1,056.95

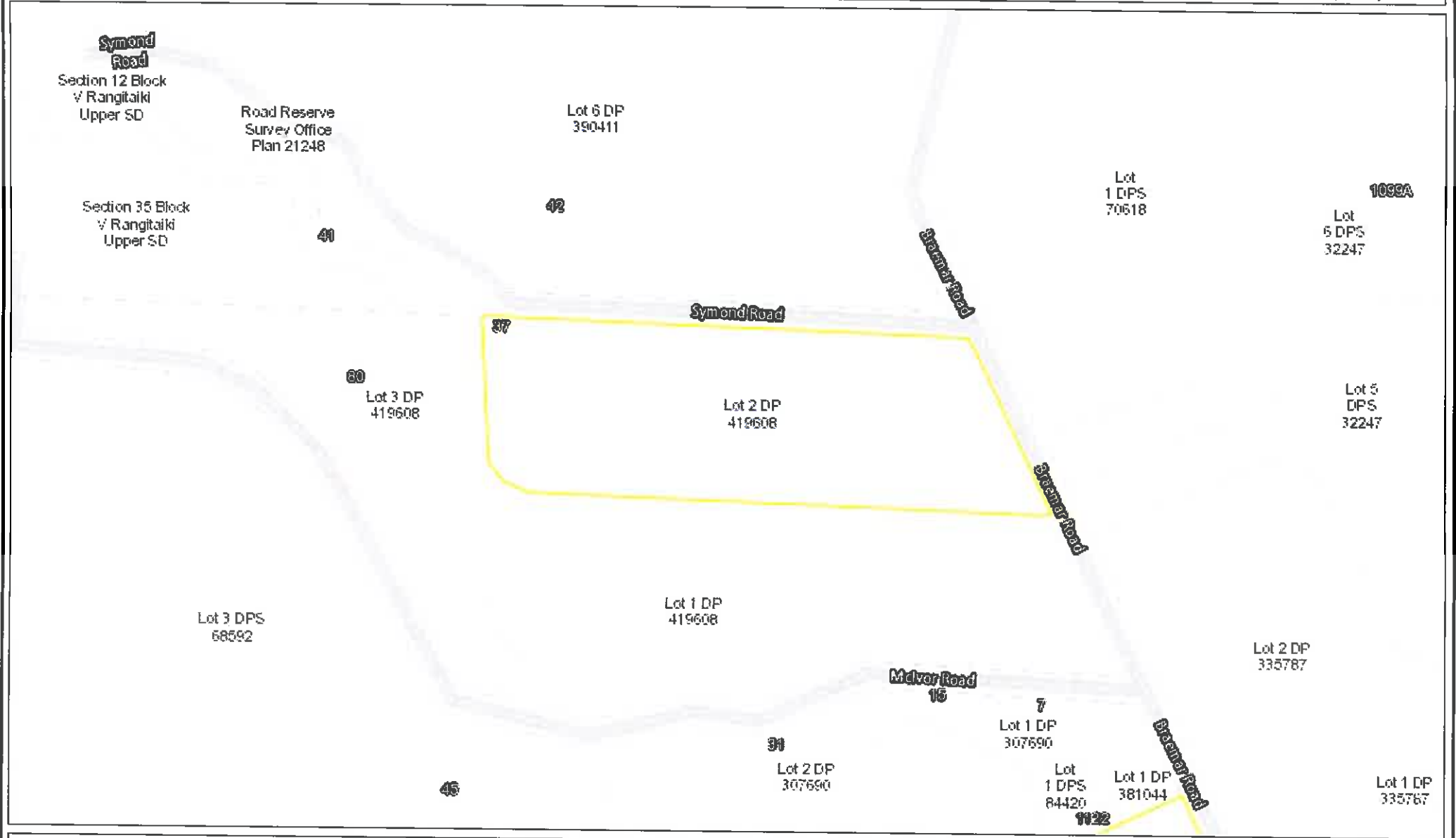
Balances		
Rates		528.50
Water		
Total		528.50

Parcel ID	030005sup3	LIVE	28 FEB 2011	04 MAR 2014
		Start Date	28 Feb 2011	01:25p.m
Type	SURVEYED	VACANT	x Daisy Cust	x Datacom Solutions
Legal Details	Phle			
Name	LOT 2 DP 419608			
Parcel	LOT	2	Block	
Plan	DP	419608		
Location Details	Planning Zones			
Maori Block	1			
Survey Distinct				
Meshblock				
Area Unit	Area (ha) 3.5935			
Address	Road Name	House	Unit	Suburb
	1 SYMOND ROAD	37		RURAL
Sue Number	7170445			
Comments				
	GIS Area 5.5921			
	Legacy RC ID			
	Title/parent Plan			
	Parcel Associations			
	Parcel Associat...	Assocn Descrip		
	RA	Resource Cons		
	CC	Contact Centre		
	DG	Dogs		
	OLD	Old Parcels		

37 Symond Road - Legal Description Map

Date Printed: 12 February 2016

Prepared By:



0,1

SCALE 1: 4,000
0

Projection: NZGD_2000_New_Zealand_Transverse_Mercator

0,1 Miles



Aerial Photography flown between 2011 and 2013, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved Note: Place names may not conform to LINZ guidelines 2008. DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC accepts no liability in contract, tort or otherwise howsoever, for any loss, damage, injury or expense (whether direct, indirect or consequential) arising out of the provision of this information or its use by you. *Position of all assets & historical sites are approximate, actual positions are to be verified on site.



37 Symond Road - Proposed District Plan Map

Date Printed: 12 February 2016

Prepared By:



0.1

SCALE 1: 4,000
0



Aerial Photography flown between 2011 and 2013, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved Note: Placenames may not conform to LINZ guidelines 2006. DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC accepts no liability in contract, tort or otherwise howsoever, for any loss, damage, injury or expense (whether direct, indirect or consequential) arising out of the provision of this information or its use by you. *Position of all assets & historical sites are approximate, actual positions are to be verified on site.

Projection: NZGD_2000_New_Zealand_Transverse_Mercator

0.1 Miles



37 Symond Road - Culture and Heritage Map

Date Printed: 12 February 2016

Prepared By:



0.3

SCALE 1: 8,000

Projection: NZGD_2000_New_Zealand_Transverse_Mercator

0.3 Miles



Aerial Photography flown between 2011 and 2013, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved Note: Placenames may not conform to LINZ guidelines 2008. DISCLAIMER: While Waikato District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC accepts no liability in contract, tort or otherwise however, for any loss, damage, injury or expense (whether direct, indirect or consequential) arising out of the provision of this information or its use by you. *Position of all assets & historical sites are approximate, actual positions are to be verified on site.



37 Symond Road - Community Facility Map

Date Printed: 12 February 2016

Prepared By:



0.3
SCALE 1: 8,000
0
Projection: NZGD_2000_New_Zealand_Transverse_Mercator 0.3 Miles



Aerial Photography flown between 2011 and 2013, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved Note: Placenames may not conform to LINZ guidelines 2008. DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC accepts no liability in contract, tort or otherwise howsoever, for any loss, damage, injury or expense (whether direct, indirect or consequential) arising out of the provision of this information or its use by you. *Position of all assets & historical sites are approximate, actual positions are to be verified on site.



37 Symond Road - Underground Services Map

Date Printed: 12 February 2016

Prepared By:



0.1

SCALE 1: 4,000
0

Projection: NZGD_2000_New_Zealand_Transverse_Mercator

0.1 Miles



Aerial Photography flown between 2011 and 2013, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved Note: Placenames may not conform to LINZ guidelines 2008. DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC accepts no liability in contract, tort or otherwise howsoever, for any loss, damage, injury or expense (whether direct, indirect or consequential) arising out of the provision of this information or its use by you. *Position of all assets & historical sites are approximate, actual positions are to be verified on site.



S208

F86

26 February 1981

Mr R J Overington
P O Box 596
WHAKATANE

Dear Sir

re Proposed Subdivision : M Beijeman, Braemar Road, Onapu

I am pleased to advise that the Council at its meeting held on the 25 February 1981 considered your Scheme Plan and resolved as follows:

"(a) THAT in accordance with Section 279(1) of the Local Government Act 1974 Scheme Plan No. S86/1 showing a proposed subdivision of Sections 19, 20, 21 and 23 Block V Rangitaiki Upper Survey District shall be approved subject to the following conditions:

1. That pursuant to Section 279(2)(j) the following allotments shall be amalgamated and one Certificate of Title be issued to include all parcels:

Section 22 (3D/623)
Section 24 (666/95)
Part 2 Section 22 (3D/624)
Section 18 (3D/623)

2. That the entrance into proposed Lots 1 and 2 shall be from Braemar Road and shall be constructed in accordance with Plan WDC 1095 to the satisfaction of the Chief Engineer.
3. That the location of the McIvor Road fences shall be defined by the surveyor and licences granted for any discrepancies that give the properties occupation of road reserve.

(b) THAT pursuant to Section 305 of the Local Government Act 1974 the Land Transfer Plan of Lots 1 and 2 and the balance area of the abovementioned subdivision shall

cont...

approved and signed and sealed by Council once the Transfer Plan is in accordance with the approved Scheme Plan.

- (c) THAT Council is satisfied that the allotments referred to in Condition (a)(1) above are used solely or principally for rural purposes.
- (d) THAT any Bond relating to the above conditions shall be signed and sealed by the Council once the General Manager and the Chief Engineer have given their consent..
- (e) THAT all costs of and incidental to the preparation, registration and discharge of any Bond agreement shall be paid by the subdivider."

Please find attached one copy of the Scheme Plan duly endorsed by the General Manager pursuant to Section 252 of the Local Government Act 1974.

Yours faithfully

J W Mandemaker
PLANNING OFFICER

Enclosure:

24 3.02.72
2770/0070/00
2770/0080/00

10 March 2009

John Richard & Ngaire Frances Sherriff
C/- R J Overington
P O Box 600
WHAKATANE

Attention: Glenn Sutton and John Hesseling

Dear Sirs

I am pleased to advise you that the decision in respect to your subdivision consent application has been made and the consent has been granted.

The Council's resolution and the conditions of consent are set out below. You must comply with all of the conditions of this consent and ensure all the legal paperwork is completed before you can apply to Land Transfer New Zealand for new titles for the lots.

Your surveyor or agent will explain in detail the process that you now need to follow in order to complete the required works and obtain new titles. In general terms there are three key steps to the process. The first is to arrange for the surveying work to be completed by your surveyor and to have the new title plan certified by the Council. The second is to carry out all of the works required by these consent conditions. The Council will inspect the physical works and certify their compliance. There are Council fees and charges associated with these processes. The third step is to arrange any legal documentation to be prepared by your solicitor.

Please read the consent conditions carefully and ensure that you understand what is required of you. Please ensure that any contractor or person acting on your behalf is provided with a copy of the consent conditions and also understands their requirements.

Please note that this consent will expire if not given effect to within five years from the date of this letter. Under some circumstances this five year period may be extended if an application for an extension is made before the consent lapses and in accordance with Section 125 of the Resource Management Act 1991.

In accordance with Sections 357A and 357B of the Resource Management Act 1991, you have the right to submit to the Council an objection to any of the conditions of approval or the additional administrative charges. An objection must be lodged with the Whakatane District Council within 15 working days of receipt of the Council's decision. If you are in any way not satisfied with the decision of the Council on your objection, you have the right to appeal to the Environment Court. Any appeal is required to be lodged with the Environment Court within fifteen working days of receiving the decision on your objection.

An invoice for the additional fees payable for the processing of the resource consent will be forwarded to you shortly.

If you have any further enquiries about this resource consent or its conditions please contact Emma Hilderink, (Senior Planner), at this office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Laura Swan', with a long horizontal flourish extending to the right.

Laura Swan
TEAM LEADER CONSENTS
- PLANNING

24.3.08.72
2770/0070/00
2770/0080/00

**RESOURCE CONSENT APPLICATION— JOHN RICHARD & NGAIRE FRANCES
SHERRIFF, THREE LOT RURAL SUBDIVISION (ONE ADDITIONAL LOT), 70 & 80
MCIVOR ROAD, WHAKATANE**

On 10 March 2009, the Team Leader Consents - Planning, under delegated authority, resolved as follows:

"1. *THAT pursuant to Sections 34A, 104, 108 and 220 of the Resource Management Act 1991, the Whakatane District Council grants consent as a discretionary activity to subdivide into three lots land legally described as Lot 1 DPS 30717 and Lot 2 DPS 30717 at 70 and 80 McIvor Road, Whakatane subject to the following conditions:*

- (a) *The proposed activity shall be carried out in general accordance with Plan Number 2510/3 dated August 2008, revised on 12/02/2009, prepared by Ross Overington Surveyors and information submitted as part of this application, except where modified by any other condition of this consent.*
- (b) *That the development may be carried out in two stages however the section 223 certificate for both stages must be approved by the Council within 5 years from the date of this consent.*

Stages One and Two

- (c) *That the consent holder shall nominate an independent potable water supply for each lot, to the satisfaction of the Director Environment and Policy.*
- (d) *That if a communal water supply is to be used to satisfy condition (c), then the consent holder shall:*
 - (i) *establish to the satisfaction of the Director Environment and Policy that the proposed source of water supply to serve the lots meets the requirements of the New Zealand Drinking Water Standards in terms of potability. All costs incurred in establishing same are to be met by the applicant;*
 - (ii) *create appropriate easements over the proposed source of water supply serving the development as well as over the water supply lines should they pass through adjoining lots;*
 - (iii) *submit to Council for approval a comprehensive supply and maintenance agreement which shall address such matters as:*

- maintenance;
 - continuity of supply;
 - monitoring and costs associated with monitoring to the satisfaction of the Director Environment and Policy;
 - managerial responsibility for continuity of a potable water supply
- (e) That the septic tank effluent and stormwater disposal systems serving the dwelling on Lot 3 are to be contained a minimum of 1.5 metres inside the lot boundaries.
- (f) That all easements required to protect rights-of-way or services shall be duly granted and reserved.
- (g) That in accordance with Section 220(1)(g) of the Resource Management Act 1991, all easements that are no longer required shall be extinguished.
- (h) That the consent holder shall pay the Council's legal costs and disbursements directly attributable to the preparation, execution, registration and enforcement of the consent notices and the Council's conditions set out in the notices.

Stage One

- (i) That the combined vehicle crossing to serve proposed Lots 1 and 2 shall be upgraded and constructed to conform to clause 3.1.12.3 and Standard Drawing R28 of the Council's Engineering Code of Practice 2007. Alternatively an independent vehicle crossing to each of the proposed lots shall be formed to conform to clause 3.1.12.3 and Standard Drawings R25 and R28 of the Council's Engineering Code of Practice 2007. The consent holder shall contact the Council's engineering provider Opus Consultants to arrange for inspection to be carried out prior to sealing of the vehicle entrance/s. Opus Consultants will require 48 hours notice to perform the inspection.
- (j) That a stock-proof seven-wire post-and-batten fence shall be erected to provide a buffer strip of vegetation along both sides of the Karaponga Stream within Lot 1 of at least five metres in width. Where there is a steep bank next to the stream the fence shall be placed at the top of the bank to the satisfaction of the Director Works and Services or their delegate. An alternative standard of stock-proof fence may be erected with the agreement in writing by the Director Works and Services or their delegate.
- (k) That a consent notice, or other form of legal covenant, shall be issued and registered against the Certificate of Title for Lot 1 to record that the owners shall on an ongoing basis:

- (i) *maintain the seven-wire post-and-batten fence, or pre-approved alternative fencing standard, along the top of the bank of both sides of the Karaponga Stream in perpetuity to the satisfaction of the Council;*
 - (ii) *not cause, permit or suffer any stock, including sheep, to graze within the fenced margins of the Karaponga Stream;*
 - (iii) *not cause or permit or suffer any fire to be lit within the fenced stream margins or on any part of the land from which the fire may spread to the fenced stream margins;*
 - (iv) *control any pest plants and animal pests as identified in the most recent version of the Bay of Plenty Regional Plant and Animal Pest Management Strategies and any other environmental plant pests as Whakatane District Council Officers may advise; and*
 - (v) *permit the Council's officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions; and*
 - (vi) *pay the Council's legal costs and disbursements directly attributable to the enforcement of the consent notice and the Council's conditions set out in the notice.*
- (l) *That a monitoring fee of \$100.00 (inclusive of GST) shall be paid to the Council as a single charge for the administration, monitoring and supervision of this resource consent. Notwithstanding the above, where there is good and reasonable cause for unprogrammed monitoring and additional site inspections, then the costs of that will be a charge on the consent holder. Such costs are recovered on an actual and reasonable basis as defined in the General Conditions and Notes of the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.*

Stage Two

- (m) *That the existing vehicle crossing to proposed Lot 3 shall be upgraded to conform with Standard Drawing R 28 of the Council's Engineering Code of Practice 2007. The consent holder shall contact Council's engineering provider Opus Consultants to arrange for inspection to be carried out prior to formation of the vehicle entrance. Opus Consultants will require 48 hours notice to perform the inspection.*
- (n) *That a stock-proof seven-wire post-and-batten fence shall be erected to provide a buffer strip of vegetation along the both sides of the Karaponga Stream on Lot 3 of at least five metres in width. Where there is a steep bank next to the stream the fence shall be placed at the top of the bank to the satisfaction of the Director*

Works and Services or their delegate. An alternative standard of stock-proof fence may be erected with the agreement in writing by the Director Works and Services or their delegate.

- (o) *That a consent notice, or other form of legal covenant, shall be issued and registered against the Certificate of Title for Lot 3 to record that the owners shall on an ongoing basis:*
 - (i) *maintain the seven-wire post-and-batten fence, or pre-approved alternative fencing standard, along the top of the bank of both sides of the Karaponga Stream in perpetuity to the satisfaction of the Council;*
 - (ii) *not cause, permit or suffer any stock, including sheep, to graze within the fenced margins of the Karaponga Stream;*
 - (iii) *not cause or permit or suffer any fire to be lit within the fenced stream margins or on any part of the land from which the fire may spread to the fenced stream margins;*
 - (iv) *control any pest plants and animal pests as identified in the most recent version of the Bay of Plenty Regional Plant and Animal Pest Management Strategies and any other environmental plant pests as Whakatane District Council Officers may advise; and*
 - (v) *permit the Council's officers or contractors entry upon the land at reasonable times so as to ascertain compliance with these conditions; and*
 - (vi) *pay the Council's legal costs and disbursements directly attributable to the enforcement of the consent notice and the Council's conditions set out in the notice.*
- 2. ***THAT*** *pursuant to Section 36 of the Resource Management Act 1991, an additional administrative charge (to be invoiced separately) shall be paid to Council in relation to the receiving, processing and granting of this resource consent.*
- 3. ***THAT*** *pursuant to Section 37 and 37A of the Resource Management Act 1991, the Council advises that the 20 working day time limit for issuing a resource consent is being extended by 20 working days. This will bring the new date for the resource consent to 10 March 2009."*

Advice Notes

- 1. *A development contribution is payable for this subdivision prior to the issue of a s224c certificate for stage two.*
- 2. *All archaeological sites are protected under the Historic Places Act 1993. The applicant shall cease all operations immediately should any koiwi or*

other taonga be discovered within the area of the development. No archaeological sites shall be modified or disturbed in any way unless written authority has been obtained from the New Zealand Historic Places Trust in consultation with the relevant iwi authority.

- 3. The potability of the proposed water supply to serve dwellings on Lots 1 and 2 will need to be established to the satisfaction of Council at the time of application for building consent. All costs incurred in establishing this are to be borne by the applicant.*
- 4. Prior to the granting of a building consent for any habitable building being constructed on the lots, each property owner shall demonstrate how they will comply with Rule 4.4.2.2 of the Proposed Whakatane District Plan which requires a water supply for fire fighting purposes. The provision of a 5 000 litre water storage tank or a swimming pool and appropriate fire service fittings and couplings would satisfy this requirement.*
- 5. A transformer may need to be installed as a result of this subdivision in order to provide an adequate electricity supply to the lots. Please liaise with your electricity provider.*
- 6. That the effluent disposal systems for proposed dwellings on Lots 1 and 2 needs to be in accordance with the requirements of the Operative On-site Effluent Treatment Regional Plan and Whakatane District Council.*
- 7. The vehicle crossing to Lots 1 and 2 is currently a culvert with seal over it with no other formation. The existing vehicle crossing to Lot 3 requires the NE splay to be upgraded to the R28 standard.*

Reasons for the decision

- 1. The proposed activity is a discretionary activity in the Rural 1 Zone of the Proposed Whakatane District Plan. The proposal has this status for the following reasons:*
 - Rule 4.1.7.1(b) provides that if at least 60% of the land held in title is of 'Class IV to Class VIII' or 'Class III with severe soil limitation', then the average and minimum lot size for Rural 2 zone shall apply.*
- 2. The Council is satisfied that the proposal is not contrary to the policies and objectives (Objective LRS3, Policy 1, Objective BE1, Policies 1 and 2, Objective LS2, Policy 1 and 2) contained in the Proposed Whakatane District Plan, as the productive capability of the land and soils are not compromised, and rural amenity is sufficiently maintained. It is also recognised that the soils are classified as having limiting factors for productive use.*
- 3. The Regional Council has a number of relevant planning documents that have been considered:*
 - Operative Regional Water and Land Plan*
 - Operative Bay of Plenty Regional Policy Statement*

In particular Section 6 (Land) of the Regional Policy Statement was considered. The relevant policies of Section 6 aim to safeguard the life supporting capacity of the soil and to enable land to meet the foreseeable needs of future generations. The proposal is considered to be consistent with the relevant policies and objectives due to the fencing, weed and pest control and stock exclusion from the Karaponga Stream which is required by this consent. This stream contains important habitat for indigenous flora and fauna.

4. *The principal issues that were in contention related to potential adverse effects on amenity, rural character, and natural character. In making its decision the Council received information from Ken Phillips, archaeologist and Wai Ora Soil Conservation Ltd. The main findings of fact in relation to this consent were that more than 100% of the properties soils are Class IIIs5, Class VIe15 and Class VIIe2.*
5. *The Council is satisfied that any adverse environmental effects that may actually, or potentially result from the subdivision are avoided, remedied or mitigated by the conditions of this resource consent. The effects of the subdivision are considered minor. While one new lot is being created with rights for an additional dwelling and accessory building for habitation, the effects of this change in land use will be offset by the protection and enhancement of the Karaponga Stream which flows through the property. The majority of the land can still be used for primary production purposes. All services will be protected by easements and vehicle entrances will be formed or upgraded to the Council's standards.*
6. *The Council is satisfied that all parties potentially affected by the proposal have provided written consent to the proposed activity. There were no special circumstances in terms of Section 94C of the Resource Management Act 1991 which warranted the public notification of this proposal.*
7. *The Council is satisfied that this proposal is in accordance with Part II matters of the Resource Management Act 1991, as it does not involve a change in land use so will not adversely affect the ability of this land to meet the needs of future generations. The Council is therefore satisfied that this subdivision is an efficient use of land and the amenity values and environmental quality of this area will not be adversely affected.*



Laura Swan
TEAM LEADER CONSENTS
- PLANNING

24.3.08.72
2770/0070/00
2770/0080/00

10 March 2009

John R and Ngaire F Sherriff
C/- Ross Overington Surveyors
P O Box 600
WHAKATANE

Attention: Glenn Sutton

Dear Sir/Madam

DEVELOPMENT CONTRIBUTION – THREE LOT SUBDIVISION (ONE ADDITIONAL LOT), JOHN R AND NGAIRE F SHERRIFF, 70 AND 80 MCIVOR ROAD, WHAKATANE

You have recently lodged an application with Council for the above Subdivision Consent. The Council has now considered whether your proposal requires the payment of a Development Contribution.

The Policy on Development Contributions was formulated by the Council under the Local Government Act 2002. Its main purpose is to ensure that new developments and subdivisions make a fair and equitable financial contribution to the future infrastructure of the District.

The attached brochure provides some further details on the Development Contribution, while the policy as a whole is contained within the Ten Year Council Community Plan. This is available on the Council's website: www.whakatane.govt.nz

In accordance with Council's policy, the Team Leader Consents-Planning, has on 10 March 2009 resolved as follows;

"THAT pursuant to Section 198 of the Local Government Act 2002 and the Development Contributions Policy of the adopted Long-Term Council Community Plan 2006 – 2016 (as amended by the 2007/08 Annual Plan), a development contribution of \$7,711.88 (inclusive of GST), shall be paid to the Whakatane District Council prior to the issue of a Section 224 certificate for Stage 2 of the development.

Reasons

This development, either individually or cumulatively with other developments, requires new or additional assets or assets of increased capacity to provide appropriately for reserves, network infrastructure and community infrastructure. The level of contribution is the result of applying the formula in the Development Contributions Policy in the Long-Term Council Community Plan."

Advice Note

When you are ready to pay the development contribution fee please contact the Planning Department's Technical Administration Officer at the Council to request that a tax invoice be sent to you.

You do not have to pay this Development Contribution at this stage. For a Building Consent or Land Use Consent, the Development Contribution will be included within the account created when the Building Consent is invoiced. If your application is for a subdivision only, the Development Contribution needs to be paid before you receive the Section 224 Certificate which will enable you to obtain the new titles created by your subdivision.

I also wish to advise that an applicant may request Council to review the Development Contribution required. A request to review the Development Contribution must be made in writing to the Council within 15 working days after you receive this letter. A deposit of \$500 is required to be submitted with your request to review the development contribution. The request for a review must set out the reasons for the request. Any request received will be considered by the Hearings Committee of Council, which may determine whether to hold a hearing for the purposes of the review. If so, the Council will give five working days notice of the commencement date, time and place of that hearing. The Council may, at its discretion uphold, reduce, postpone or cancel the original amount of Development Contribution required on the development. The decision of the Council shall be communicated to you within 10 working days of any determination or hearing.

If you have any further enquiries, please contact Emma Hilderink, (Senior Planner), at this office.

Yours faithfully



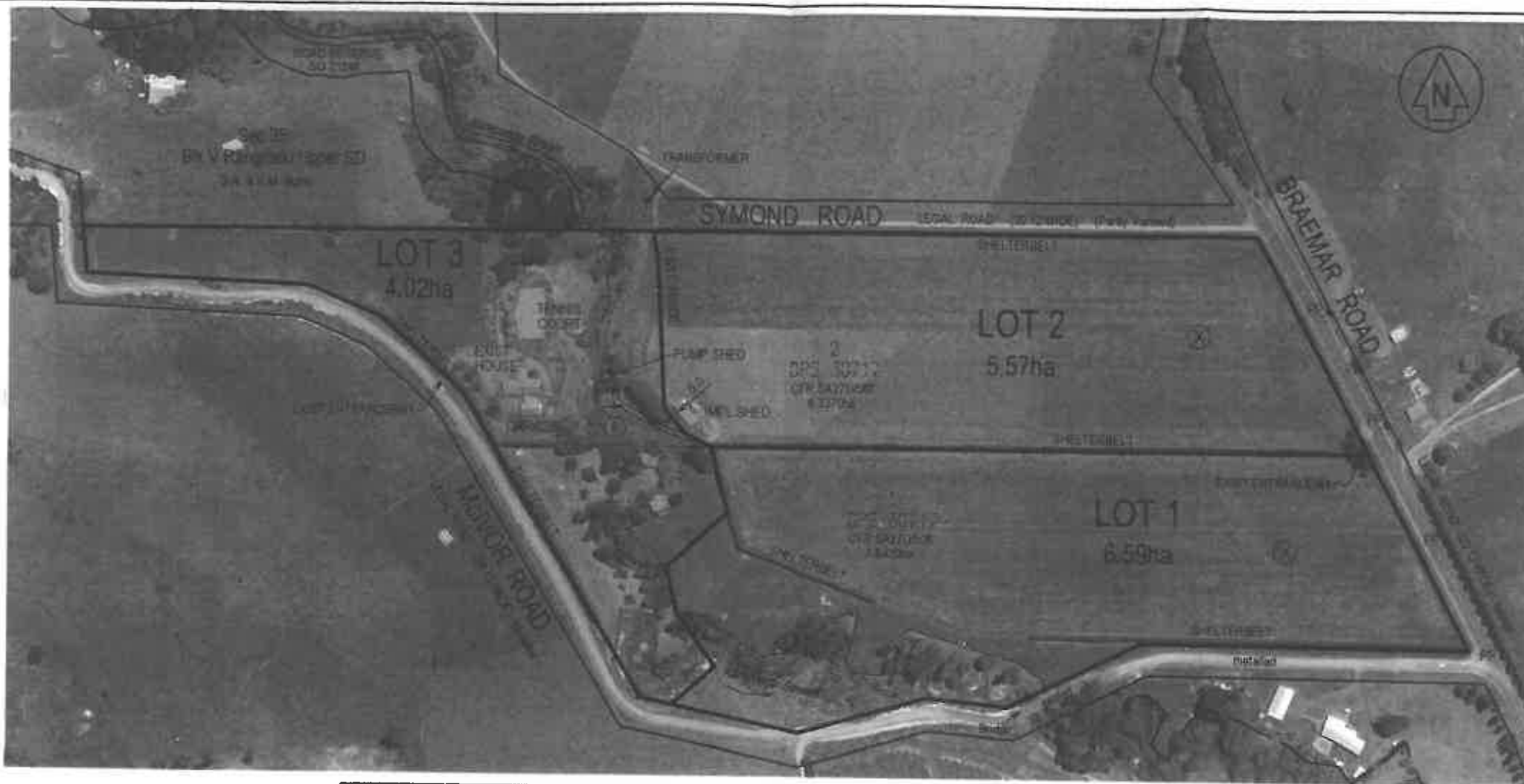
Laura Swan
TEAM LEADER CONSENTS
- PLANNING

DEVELOPMENT CONTRIBUTION ASSESSMENT

RC: 24.3.08.72

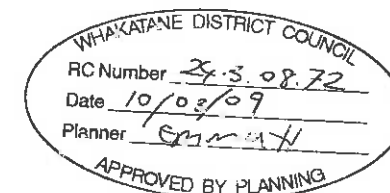
Applicant:	John R & Ngaire F Sherriff
Legal Description:	Lot 1 DPS 30717 and Lot 2 DPS 30717
Address:	70 & 80 McIvor Road, Whakatane
Application:	Three Lot Subdivision (One Additional Lot)

Rural	Code	Amount per Unit of Demand	Units of Demand	Cost excl GST	GST	Amount payable incl GST
Water	0	\$0.00	1	\$0.00	\$0.00	\$0.00
Stormw ater	0	\$0.00	1	\$0.00	\$0.00	\$0.00
Wastew ater	0	\$0.00	1	\$0.00	\$0.00	\$0.00
Solidw aste	80 10 10 1730	\$84.00	1	\$84.00	\$10.50	\$94.50
Roading and Whakatane Carparking	80 10 10 1737	\$1,330.00	1	\$1,330.00	\$166.25	\$1,496.25
Community Infrastructure	80 10 10 1744	\$3,351.00	1	\$3,351.00	\$418.88	\$3,769.88
Reserves	80 10 10 1753	\$2,090.00	1	\$2,090.00	\$261.25	\$2,351.25
Total		\$6,855.00		\$6,855.00	\$856.88	\$7,711.88



- NOTES:
- 1) AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY
 - 2) TOTAL AREA LOTS 1 - 3 = 16.1790ha
 - 3) ZONING IS RURAL 1 (PLAINS)
 - 4) ⊗ DENOTES POSSIBLE HOUSE SITE
 - 5) STAGE ONE: LOT 1
STAGE TWO: LOTS 2 & 3

PROPOSED EASEMENTS			
PURPOSE	SHOWN	SERV. TEN.	DOM. TEN.
Right to convey: Water (Stock Only & Underground), Electricity (Underground)	Ⓐ	LOT 3	LOT 2



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PREPARED FOR:
J. R. & N. F. SHERRIFF
80 McIVOR ROAD
WHAKATANE

PROPOSED LOTS 1 - 3 BEING SUBDIVISION OF LOTS 1 & 2 DPS 30717

COMPRISED IN CFR SA27D/506 & SA27D/507

WHAKATANE DISTRICT

DATE	AUGUST 2008
12/02/2009	Lot boundaries amended
24/10/2008	Lot 1/2 body amended
Date	Revision

Boulder Consultants (CN) Limited, trading as
**ROSS OVERINGTON
SURVEYORS**
PO Box 800 Phoenix House, Pyne Street, WHAKATANE
Phone: 07 306 8314 Email: whakatane@bouldersurveyors.co.nz

DESIGNED JPH/GJS	SURVEYED	SCALES 1 : 2500 (A3)
DRAWN SAW		

DRAWING No.
2510/3
CAD No.
2510-002-scheme

SS-2014-8386-00
0420/0166/000

11 September 2015

Overington Surveyors
PO Box 600
WHAKATĀNE 3158



Attention: RJ Overington

Dear Sir

RESOURCE CONSENT (RURAL SUBDIVISION) —

TYPE: SUBDIVISION CONSENT
APPLICANT: NR & JJ NEWLAND
DETAILS: TO SUBDIVIDE TWORURAL LOTS (ONE ADDITIONAL LOT)
ADDRESS: 1098 BRAEMAR ROAD/37 SYMOND ROAD, ONEPU
Your Ref: 3284

I am pleased to advise you that your subdivision consent has been granted. The Council's resolution and the conditions of consent are attached. As the consent holder you must comply with all the conditions of this consent and ensure all the legal paperwork is completed before you can apply to Land Information New Zealand for new titles for the lots.

Your surveyor or agent will explain the process for you to complete the required works and obtain the new titles. In general terms there are three key steps to the process:

1. Arrange for the surveying work to be completed by your surveyor and to have the new survey plan approved by Council. This is otherwise known as the Section 223 Certificate, and must be completed within five years of the date of this letter or the consent will expire.
2. Carry out all of the works required by these consent conditions. The Council will inspect the physical works and certify their compliance. There is a maximum period of 3 years from the date of the survey plan approval during which you must complete the conditions of consent and obtain the approval of Council. This is also known as the Section 224 Certificate.
3. Arrange for any legal documentation to be prepared by your solicitor.

It is important that you understand the steps in the process and how the timeframes work so you can control them to your advantage. Please discuss the process with your surveyor or contact a Planner at the Council if you have any questions. Under some circumstances the time frames may be extended, and you should consult your surveyor or agent on this matter. Please note that there are Council fees and charges associated with these processes.

Please read the consent conditions carefully and ensure you understand what is required of you. Please ensure that any contractor or person acting on your behalf is provided with a copy of the consent conditions and also understands the requirements. You should ensure they are provided with a copy of any approved engineering drawings or Standard Drawings from the Council's Engineering Code of Practice or District Plan. If you or your contractor have any questions about the standard or specifications of a drawing please contact the Council to clarify what is required. As the consent holder, it is your responsibility to ensure all of the conditions are met and all works are

completed to the required standard. If works are not completed correctly then you will have to rectify the problem at your own cost. For example, this may include re-laying a right-of-way or vehicle crossing if it is not constructed to the required standard.

Similarly you must ensure that any inspections that are required by the conditions of consent are undertaken (for example, for sewer laterals, right-of-ways and vehicle crossings). If the required inspection is not done then the Council may not be able to approve construction. If you have any questions about what must be inspected and when it must occur please contact the Council.

In accordance with Sections 357A and 357B of the Resource Management Act 1991, you have the right to object to any of the attached conditions of consent or the additional administrative charges. An objection must be lodged with the Whakatāne District Council within 15 working days of receiving the Council's decision. If you are in any way not satisfied with the decision of the Council on your objection, you have the right to appeal to the Environment Court. Any appeal must be lodged with the Environment Court within fifteen working days of receiving the decision on your objection.

An invoice for the additional fees payable for the processing of the resource consent will be forwarded to you shortly.

If you have any further enquiries about this resource consent or its conditions please contact a Planner at this office.

Yours faithfully



Shane McGhie
PRINCIPAL PLANNER

RESOURCE CONSENT (RURAL SUBDIVISION) —

TYPE: SUBDIVISION CONSENT
APPLICANT: NR & JJ NEWLAND
DETAILS: TO SUBDIVIDE TWO RURAL LOTS (ONE ADDITIONAL LOT)
ADDRESS: 1098 BRAEMAR ROAD/37 SYMOND ROAD, ONEPU

On 11 September 2015, the Principal Planner, under delegated authority, resolved as follows:

- "1. **THAT** pursuant to Sections 34A, 104, 108 and 220 of the Resource Management Act 1991, the Whakatāne District Council grants consent as a discretionary activity to subdivide land described as:

Legal description: Lot 2 DP 419608
Site Address: 1098 Braemar Road/37 Symond Road, Onepu

subject to the following conditions:

- (a) That the proposed activity shall be carried out in general accordance with Plan Number 3284/1 dated July 2015 prepared by Overington Surveyors and information submitted as part of this application except where modified by any other condition of this consent.
- (b) That the consent holder shall nominate an independent potable water supply for both lots to the satisfaction of the General Manager Planning and Regulatory Services. The potability of the nominated supply shall be established to the satisfaction of Council at the time of application for building consent. All costs incurred in establishing this are to be borne by the applicant.
- (c) That all easements required to protect services shall be duly granted and reserved.
- (d) That the septic tank, effluent and stormwater disposal systems serving the existing dwelling on Lot 1 shall be contained a minimum of 1.5 metres inside the lot boundaries or appropriate easements shall be duly granted or reserved. Evidence shall be provided in the form of a surveyed plan.
- (e) That the existing separate vehicle crossings to serve proposed Lots 1 and 2 shall be formed and constructed to comply with Standard Drawing R28 of the Council's Engineering Code of Practice. The consent holder shall submit a corridor access request (CAR) and a traffic management plan (TMP) through www.corridoraccess.co.nz at least 10 working days prior to any work required being carried out on the road. The consent holder shall contact Council's Transportation Team to arrange for an inspection to be carried out prior to sealing of the vehicle crossing. They will require 48 hours notice to perform the inspection.
- (f) That a monitoring fee of \$300.00 shall be paid to the Council for the administration, monitoring and supervision of this consent. Notwithstanding the above, where there is good and reasonable cause for unprogrammed monitoring and additional site inspections, then the costs of that will be a charge on the consent holder. Such costs are

recovered on an actual and reasonable basis as defined in the General Conditions and Notes of the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.

2. *THAT within 20 working days of the receipt of the invoice the additional administrative charges that were incurred in relation to the receiving, processing and granting of this resource consent (pursuant to Section 36 of the Resource Management Act 1991) shall be paid to the Council in full.*

Advice Notes

1. *Any new dwellings to be constructed will be required to have an approved on-site effluent disposal system in accordance with guidelines set by the Operative On-site Effluent Treatment Regional Plan (2014).*
2. *Any dwelling to be constructed on each lot shall require a firefighting The New Zealand Fire Service recommends that water storage volumes and delivery systems be installed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008.*
3. *The applicant and any future owners should ensure that the take of water from the Karaponga Stream for use by Lots 1 and 2 complies with Rule 41 (Take and Use of Surface Water) of the Regional Water and Land Plan, otherwise resource consent from the Regional Council will be required.*

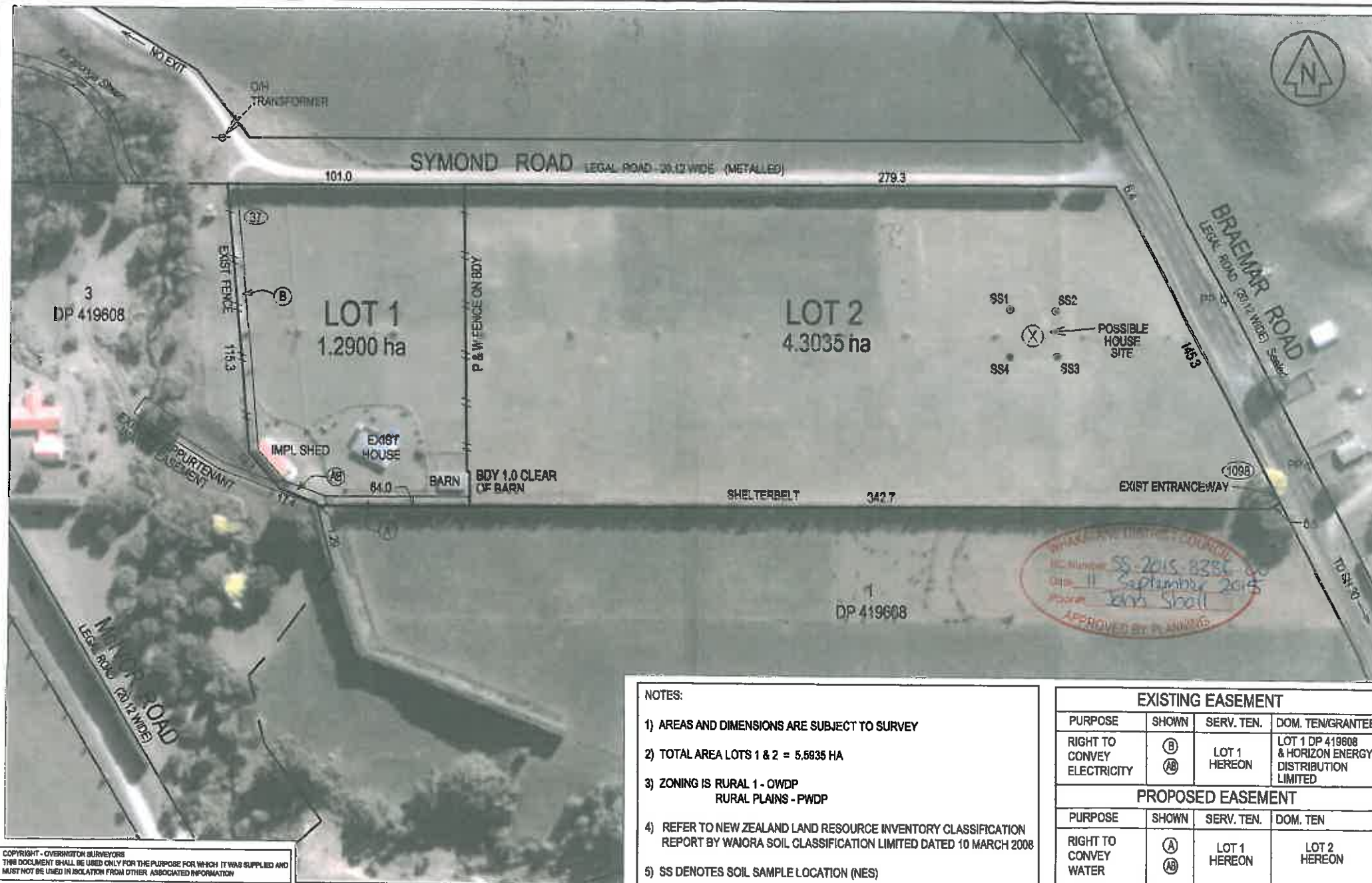
Reasons for the decision

1. *The Council notes that the subject land is a 5.5935 hectare property situated in the Rural 1 Zone of the Operative Whakatāne District Plan. Proposed Lot 2 of 4.3035 hectares is currently vacant with no residential occupation and proposed Lot 1 of 1.2900 hectares contains an existing dwelling.*
2. *The Council is satisfied that the proposed subdivision can be assessed under the performance standards of Rules 4.1.7.1(b) and 4.1.6.2(a) of the Operative Whakatāne District Plan as the soils on the property are Class III (3) with a severe soil limitation for 100% of the property. The Council is therefore satisfied that the subdivision proposal is a discretionary activity under Rule 4.1.6.2(a).*
3. *The Council is satisfied that the proposal is not contrary to the objectives and associated policies contained in the Operative Whakatāne District Plan. Council has had particular regard to Objectives LRS3 (Land Resource) and BE1 (Rural Character).*
4. *The Council is satisfied that any adverse environmental effects that may actually, or potentially, result from the subdivision are likely to be minor or are avoided, remedied or mitigated by the conditions of this resource consent.*

5. *The Council is satisfied that this proposal is in accordance with Part 2 Matters of the Resource Management Act 1991, as it does not involve a change in land use so will not adversely affect the ability of this land to meet the needs of future generations. The Council is therefore satisfied that this subdivision is an efficient use of land and the amenity values and environmental quality of this area will not be adversely affected.*
6. *The Proposed Whakatāne District Plan was notified on 28 June 2013, and the period for submissions has now closed. However, Council has not yet made decisions on the submissions received. Council is satisfied that the Rules of the Operative Whakatāne District Plan are the dominant planning Rules for this resource consent.*
7. *The Council is satisfied that this proposal is not contrary to the relevant objectives and policies contained in the Proposed Whakatāne District Plan.*



Shane McGhie
PRINCIPAL PLANNER



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NOTES:

- 1) AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY
- 2) TOTAL AREA LOTS 1 & 2 = 5.5935 HA
- 3) ZONING IS RURAL 1 - OWDP
RURAL PLAINS - PWDP
- 4) REFER TO NEW ZEALAND LAND RESOURCE INVENTORY CLASSIFICATION
REPORT BY WAIORA SOIL CLASSIFICATION LIMITED DATED 10 MARCH 2008
- 5) SS DENOTES SOIL SAMPLE LOCATION (NES)

EXISTING EASEMENT

PURPOSE	SHOWN	SERV. TEN.	DOM. TEN/GRANTEE
RIGHT TO CONVEY ELECTRICITY	(B) (AB)	LOT 1 HEREON	LOT 1 DP 419608 & HORIZON ENERGY DISTRIBUTION LIMITED

PROPOSED EASEMENT

PURPOSE	SHOWN	SERV. TEN.	DOM. TEN
RIGHT TO CONVEY WATER	(A) (AB)	LOT 1 HEREON	LOT 2 HEREON

PREPARED FOR: NR & JJ NEWLAND
1098 BRAEMAR ROAD
(37 SYMOND ROAD), RD2
WHAOKATANE 3192

PROPOSED LOTS 1 & 2 BEING SUBDIVISION OF LOT 2 DP 419608

COMPRISED IN CFR 474655

WHAOKATANE DISTRICT

DATE
JULY 2015

Drawn
Date
Revision

Overington
SURVEYORS
P.O. Box 508 Phoenix House, Pigeon Bay, WHAKATANE
Phone: 07 363 1104 Email: whakatanes@overington.co.nz
DESIGNED RJO SURVEYED
DRAWN

DRAWING No.

3284/1

CAD No.

SCALE
1: 1500 (A3)