

View Instrument Details



Instrument No 8163073.4
Status Registered
Date & Time Lodged 27 May 2009 15:24
Lodged By Duke, Suzanne Jill
Instrument Type Esplanade Strip under Resource Management Act 1991



Affected Computer Registers Land District

443414 Taranaki

Annexure Schedule: Contains 5 Pages.

Territorial Authority Certifications

I certify that I have the authority to act for the Territorial Authority 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 Stuart Alexander Barraclough as Territorial Authority Representative on 27/05/2009 02:05 PM

Registered Proprietor Certifications

I certify that I have the authority to act for the Registered Proprietor 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 Stuart Alexander Barraclough as Registered Proprietor Representative on 27/05/2009 02:05 PM

*** End of Report ***

Resource Management Act 1991

INSTRUMENT FOR ESPLANADE STRIP

INSTRUMENT dated the 11th day of May 2009

CHRISTOPHER DOMBROSKI, MARGARET MARY JOYCE AND SHERRIE JEAN DOMBROSKI (hereinafter called the "Grantor") being the proprietors of the land described in Schedule "A" hereto ("the land")

AND

NEW PLYMOUTH DISTRICT COUNCIL (hereinafter called "the Grantee") a body corporate under the provisions of the Local Government Act 1974 in whose district the land is located

1. WHEREAS

Section 229 of the Resource Management Act 1991 provides that an Esplanade Strip may be created for one or more of the following purposes:

- a) To contribute to the protection of conservation values by, in particular, -
 - i) Maintaining or enhancing the natural functioning of the adjacent sea, river or lake; or
 - ii) Maintaining or enhancing water quality; or
 - iii) Maintaining or enhancing aquatic habitats; or
 - iv) Protecting the natural values associated with the esplanade strip; or
 - v) Mitigating natural hazards; or
- b) To enable public access to or along any sea, river, or lake; or
- c) To enable public recreational use of the esplanade strip and adjacent sea, river, or lake where the use is compatible with conservation values;
- d) AND whereas the Grantee in considering the Grantor's application for a resource consent to subdivide "the land" was satisfied that the purposes of Section 229 of the Act could be provided for by an Esplanade Strip.

2. AND FURTHER it is acknowledged by both the Grantor and Grantee that this instrument shall create an interest in the land described in Schedule B hereto (hereinafter called "the strip") and on registration under the Land Transfer Act 1952 shall by statute, run with and bind the land subject to the instrument and bind every mortgagee or other person having an interest in the land, without that persons consent as prescribed in Subsection (2) subparagraph (d) and (e) and (f) of Section 232 of the Resource Management Act 1991.

3. CREATION OF ESPLANADE STRIP

The Grantor creates in favour of the Grantee, an esplanade strip for the purpose of providing pedestrian access and riparian protection over and along the land described in Schedule "B" hereto (the strip).

44 17
S/S 802

4. COVENANTS

4.1 The Grantor and the Grantee mutually covenant THAT:

4.2 The following acts are prohibited on the strip:

- a) Willfully endangering, disturbing, or annoying the lawful user of the strip (the owner or occupier of the strip);
- b) Willfully damaging or interfering with any structure adjoining or on the land, including any building, fence, gate, stile, marker, bridge, or notice;
- c) Willfully interfering with or disturbing any livestock lawfully permitted on the strip.

The prohibitions in paragraphs b) and c) shall not apply to the owner or occupier of the strip.

4.3 The following further acts are prohibited on the strip:

- a) Lighting any fire;
- b) Carrying any firearm;
- c) Discharging or shooting any firearm;
- d) Camping;
- e) Taking any animal on to, or having charge of any animal on the land;
- f) Taking any vehicle on to, or driving or having any charge or control of any vehicle on the land (whether the vehicle is motorised or non-motorised);
- g) Willfully damaging or removing any plant (unless acting in accordance with the Noxious Plant Act 1978 or the Biosecurity Act 1993);
- h) Laying any poison or setting any snare or trap (unless acting in accordance with the Agricultural Pests Destruction Act 1967 or the Biosecurity Act 1993).

The prohibitions in paragraphs e) and f) shall not apply to the owner or occupier of the strip who shall be entitled to graze or bring animals and vehicles onto the strip.

5. FENCING

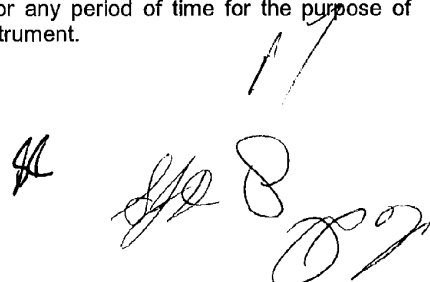
The Grantee may in the future, in order to enhance the Conservation values of the strip, erect a fence along the boundary of the strip.

6. PLANTING

The Grantee may in the future, in order to enhance the Conservation values of the strip, undertake riparian planting along the length of the strip.

7. ACCESS TO THE STRIP

Any person shall have the right at any time to enter upon the land over which the esplanade strip has been created and remain on that land for any period of time for the purpose of recreation, subject to any other provisions of this instrument.

Handwritten signatures and initials at the bottom of the page, including a large 'H' and several cursive signatures.

8. VARIATION OF ESPLANADE STRIP

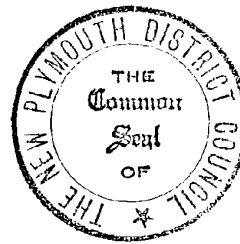
In the event of the Grantee undertaking fencing of the strip and riparian planting, this instrument will be varied in accordance with Section 234 (3) of the Resource Management Act 1991 and the prohibitions in 4.2 (b) and (c) and 4.3 (e) and (f) extended to include the owner of the strip (with the exception of those parts of the strip where existing access tracks provide vehicular and stock access to other parts of the Grantor's property).

Signed by CHRISTOPHER DOMBROSKI)MARGARET MARY JOYCE)SHERRIE JEAN DOMBROSKI)

in the presence of:)

Ayeen J Oke
Suzanne Jill Dike
Legal Secretary
New Plymouth

C. Dombroski
M. M. Joyce
S. J. Dombroski

SEALED with the Common Seal of THE)NEW PLYMOUTH DISTRICT COUNCIL)

[Signature]
 Mayor

[Signature]
 Manager Secretariat

SCHEDULE A

The parcel of land being 14.8300 hectares more or less being Lot 1 Deposited Plan 411680 being all of the land contained in Computer Freehold Register 443414.

SCHEDULE B

A strip of land not more than 10 metres wide adjoining the true right bank of the Katikara Stream where the aforementioned stream forms the western boundary of the land in Computer Freehold Register 443414.

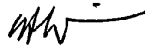
CONSENT OF MORTGAGEE

IN THE MATTER of Land Transfer Plan
411680 (Taranaki Registry)

RABOBANK NEW ZEALAND LIMITED hereby consents to the following:

1. the deposit of LT 411680
2. the vesting of Lots 2 and 3 as road
3. the creation of an Esplanade Strip
4. the creation of a Land Covenant Easement for a building exclusion area

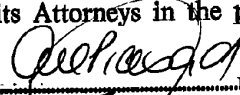
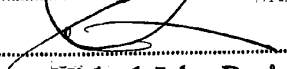
SIGNED by **RABOBANK NEW ZEALAND LIMITED** in the presence of:)

Witness:  Craig Andrew Weir

Occupation: BANK OFFICER

Address: WELLINGTON

SIGNED for **RABOBANK NEW ZEALAND LIMITED**
by its Attorneys in the presence of:


..... Manjit Datt Prasad

..... Michael John Davis

Date: 20th MAY. 2009

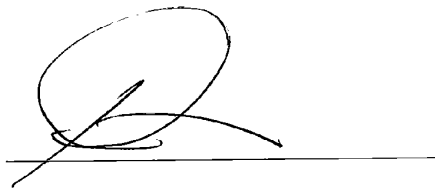
MMJ-379171-10-13-V1/sjd

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

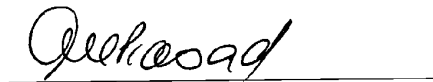
We, **Michael John Davis** of Wellington in New Zealand, Senior Manager, and
Manju Datt Prasad of Wellington in New Zealand, Senior Manager , certify -

1. THAT by deed dated 18 April 2000 (Sup Doc 5944), Rabobank New Zealand Limited of Level 12, 80 The Terrace, Wellington appointed us its attorneys.
2. THAT we have not received notice of any event revoking the power of attorney.

SIGNED at Wellington on the **20th day of May 2009**

A handwritten signature in black ink, appearing to be 'Michael John Davis', written over a horizontal line.

Michael John Davis

A handwritten signature in black ink, appearing to be 'Manju Datt Prasad', written over a horizontal line.

Manju Datt Prasad