



Land Information Memorandum for 16 Paton Place, Te Anau

Prepared under Section 44A Local Government Official Information and Meetings Act 1987

APPLICANT INFORMATION DETAILS

APPLICATION NUMBER: LIM/2026/10352
APPLICANT REQUESTING LIM: Shaun Andrew Ferris
YOUR REFERENCE:
APPLICATION RECEIVED: 13 July 2026
ISSUE DATE: 16 July 2026

PROPERTY DETAILS

PROPERTY ADDRESS: 16 Paton Place, Te Anau
LEGAL DESCRIPTION: Lot 1 DP 610648,
CURRENT OWNER: Daniela Guenter and Shaun Andrew Ferris
VALUATION NO. 3044061627 **PROPERTY ID:** 206885
AREA: 0.2438 hectares more or less

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Mandatory information

The following mandatory information is hereby provided in accordance with Section 44A(2) of the Local Government Official Information and Meetings Act 1987

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| <p>(a) the information about natural hazards that is required by section 44B: -</p> <p>(aa) information about other special features or characteristics of the land concerned, including information about the likely presence of hazardous contaminants, that—</p> <p>(i) Is known to the territorial authority; but</p> <p>(ii) Is not apparent from the District Plan under the Resource Management Act 1991:</p> |
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Natural hazards

Introduction

The following information identifies known natural hazards, potential natural hazards, and impacts of climate change that may exacerbate natural hazards for this property. This section also includes cumulative or combined effects of these hazards, as required under Section 44B of the Local Government Official Information and Meetings Act 1987 and the Local Government (Natural Hazard Information in Land Information Memoranda) Regulations 2025.

Note: The inclusion of a hazard does not imply a likelihood of occurrence. This information is provided to identify hazards known to Council as at the date of issue of this LIM. The LIM is not a risk assessment.

Readers are encouraged to seek specialist advice to confirm the suitability of the land for any intended use.

Summary of natural hazards affecting this property

Council's records identify these potential natural hazards on this site.	☐ No identified natural hazards ☐ Flooding inundation ☐ Coastal hazard ☐ Erosion ☐ Avulsion ☐ Falling debris ☐ Subsidence ☐ Slippage (Landslides) ☐ Alluvion ☒ Earthquake (including Liquefaction)
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Detailed natural hazard information

Earthquake (including Liquefaction)

Refer to the Building Discretionary Information section of this LIM for information on earthquake zoning in relation to building consent applications.

Refer to the Environment Southland Property Hazard Report attached to this LIM.

Information sourced from the District Plan

The site is subject to the following natural hazard overlays in the District Plan:	☒ No overlays identified on the site ☐ Flooding inundation ☐ Coastal hazard
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Information provided by the Regional Council

The Environment Southland Property Hazard Report attached to this LIM has been provided by the Regional Council.

Environment Southland maintains an online natural hazard portal.

To access the portal, visit:

<https://www.es.govt.nz/environment/hazards-and-protection/natural-hazards-portal>

Note: The information on the Environment Southland portal is prepared and maintained by the Regional Council. Southland District Council provides this link for reference only and does not verify or interpret the data contained within the portal.

Technical reports referenced

REPORT TITLE	Geological Hazards – Southland District Council Lifelines Study. GNS Science Consultancy Report 2006/100
AUTHOR/ENTITY	P J Glassey for the Institute of Geological Nuclear Sciences Limited (GNS Science)
COMMISSIONED BY	Southland District Council and Gore District Council
PURPOSE/SCOPE	To report on the geological hazards, excluding tsunamis, which affect the Southland region
DATE	23 June 2006
ACCESS LINK	Please contact Planning to request a copy of this report, reference number 2006/06/4492.

Section 36(2) 1991 or Section 72 2004 of the Building Act

No Section 36(2) 1991 or Section 72 of the 2004 Building Act registered against property title.

Conflicting or superseded information

Where multiple sources exist, Council provides all relevant known information without evaluating which is most accurate. Differences may arise due to methodology, scope, or update timing. Readers should review all information and seek professional advice.

Disclaimers

This LIM is valid only as at the date of issue. It includes information known to Council at that time. Council does not guarantee completeness or accuracy of external data, technical reports, or third-party material but provides such information in good faith under section 44D of the Act. For further information on the above section contact: resourceplanningcr@southlanddc.govt.nz or at 0800 732 732.

Likely presence of hazardous contaminants

Likely presence of hazardous contaminants

Contaminated Land Disclaimer Areas:

Former Landcorp Farm within the Te Anau Basin

Broad acre aerial application of the persistent pesticide DDT was undertaken on Landcorp farms in the Te Anau Basin Area in early 1960s. Statistical analysis by GHD Limited¹ indicates that the likelihood of residual contamination from this activity exceeding Soil Guideline Values for the protection of human health is relatively low (less than 1 in 100,000). However, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) may be triggered when subdividing, changing use or disturbing soil where land has been subject to this broad acre aerial application. Southland District Council has prepared a detailed Practice Note (available [here](#)) describing its approach to implementing the NES-CS. Environment Southland advises that higher localised concentrations may be present where associated activities such as aircraft loading, waste dumps, storage areas, etc. have occurred, and further investigation may be required.

¹ GHD Limited, 2013. Statistical analysis of DDT in shallow soil in the Te Anau Basin Area.

Environment Southland is the regional coordinator of information relating to the possible presence of hazardous contaminants. It is suggested that if you wish to investigate the potential for the presence of hazardous contaminants further, then you contact the Pollution Prevention Team at Environment Southland on 0800 768 845.

For further information on the above section contact: resourceplanningcr@southlanddc.govt.nz or at 0800 732 732.

(b) Information on private and public stormwater and sewerage drains as shown in the territorial authority's records:

Council's three waters services

Stormwater

No	Available for connection to public service.
No	Existing connection to public service. No stormwater reticulation available in this area. Stormwater assumed to be managed on site. <i>Council cannot guarantee that a stormwater lateral is in existence even though it may be showing in the GIS map. If location required, the property owner must excavate for the lateral at the owner's expense.</i>
No	Public line passes through property.

Wastewater

N/A	Available for connection to public service.
Yes	Reticulated. Connected to reticulated wastewater. Pumped sewer service line crosses front boundary 2.3 metres off left hand boundary (Viewed from northern boundary of the property).
No	Public line passes through property.

For further information on the above section contact: waterwaste-cs@southlanddc.govt.nz or at 0800 732 732.

On-site disposal system

Stormwater

Yes	Information known to Council. Refer to attached plan.
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Wastewater

Yes	Information known to Council. Refer to attached plan.
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For further information on the above section contact: building-cs@southlanddc.govt.nz or at 0800 732 732.

- (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 a drinking water supplier:
 - (ii) if the land is supplied with drinking water by a drinking water supplier, any conditions that are applicable to that supply:
 - (iii) if the land is supplied with water by the owner of the land, any information the territorial authority has about the supply:
 - (iv) any exemption that has been notified by the Water Services Authority to the territorial authority under section 57 of the Water Services Act 2021:

Note: Please see attached plans for positions of relevant reticulated services

Drinking-water standards - information on water and general water supply

Water supply

Yes	Council holds records relating to the supply of water to this property from a Council drinking-water supply.
N/A	Available for connection to Council drinking-water supply.
No	Private supply. Details unknown.
Yes	There is an existing connection to a Council drinking-water supply. Connected to reticulated water. Toby located 2.9 metres off left hand boundary (Viewed from road).
No	Has a metered supply.
Yes	This property is within a Council water supply boundary.
No	There are conditions applicable to the network supply.
No	Public drinking-water supply main passes through property.

Rural water supply

No	Existing connection to rural water supply scheme (UNITS).
No	Public rural water main passes through property.
No	This scheme is potable/fit for human consumption.

For further information on the above section contact: waterwaste-cs@southlanddc.govt.nz or at 0800 732 732.

(c) Rates Information relating to the property:

Rating information

Land Value:	\$430,000	Capital Value:	\$700,000
Rates current for year ended 30/6/2027	\$5,382.52	Paid:	☐ Yes ☒ No
Metered water			☐ Yes ☒ No

Please note that the rates information above is for the current rating year only. If you decide to purchase this property, a solicitor's enquiry will provide complete rating information (eg, amount to clear rates to instalment due date, arrears, penalties etc).

An encumbrance is a loan related to the property that can be repaid at any time, otherwise it continues to be included in the rates up to its due date.

No there is not a sewerage encumbrance on this property.

No there is not a water encumbrance on this property.

No there is not a Council related statutory land charge on this property.

Please note: Rates, rateable valuation details and water rates relate to a valuation number. This may be linked to other properties, or a parent property.

For further information on the above section contact our rates team via email at rates@southlanddc.govt.nz or at 0800 732 732.

(d) Information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority (whether under the Building Act 1991[, the Building Act 2004,] or any other Act):

Building information

Building permits

Building, plumbing and/or drainage permits held for the period prior to 30 June 1993

No Council records do not identify any building permits issued for this site prior to 30 June 1993.

Building consents

Note: Transition period 1/7/92 - 1/7/93 building permit or consent options

Building consents issued since 1 July 1992:

Yes

Council records do identify any building consents issued for this site since 1 July 1992

Consent details	Date	Consent No.	Code Compliance Certificate (CCC)	Intended Life
New Dwelling – Plans attached	08/09/2011	BLD/2011/47082/1	08/08/2012	31/3/05 - present > 50 yrs

Outstanding requisitions/other:

N/A

Certificates of Acceptance

Certificates of Acceptance issued since 31 March 2005:

No

Council records do not identify any Certificates of Acceptance issued for this site since 31 March 2005.

Certificates and schedules

The following compliance schedule/warrant of fitness relates to this site:

No

Council has no record of a compliance schedule/warrant of fitness for this site:

Swimming/spa pool: (Building Act 2004)

No

Council has no record of a pool registered onsite.

Dangerous/insanitary building information

No

No information known to Council.

Property related complaints

No

No information known to Council.

Other relevant certificates

No

No information known to Council.

For further information on the above section contact: building-cs@southlanddc.govt.nz or at 0800 732 732.

Resource management information

Land use and subdivision consents granted for this site are:

Yes

RMA/2023/53311 – Subdivision – Granted 28 March 2024

RMA/2004/118 – Subdivision – Granted 11 August 2004

RMA/2000/55 – Subdivision – Granted 1 August 2000

RMA/1999/119 – Subdivision – Granted 14 October 1999

Abatement notices and enforcement orders issued for this site are:

No

Council records do not identify any abatement notices and/or enforcement orders as having been issued for this site.

Other relevant planning certificates:

Yes

RMA/2012/53126 -Section 348 Right of Way – Granted 6 June 2012

For further information on the above section contact: resourceplanningcr@southlanddc.govt.nz
or at 0800 732 732.

(da) The information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004.

No

Council has no Records of Building Work (ROW's).

(e) Information concerning any certificate issued by a building certifier pursuant to the Building Act 1991 [or the Building Act 2004]:

No

No information known to Council.

[(ea) Information notified to the territorial authority under Section 124 of the Weathertight Homes Resolution Services Act 2006:]

No

No information known to Council.

For further information on the above section contact: building-cs@southlanddc.govt.nz or at 0800 732 732.

[(f) Information relating to the use to which that land may be put, and conditions attached to that use:

District Plan 2018

The provisions of the district plan determine what activities can be undertaken as a permitted activity on a property and what triggers a resource consent. The following zone in the District Plan applies to this property:

Zones (s)	General Residential
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The district plan can be viewed at our offices at 15 Forth Street, Invercargill, at any Southland District Council area office, at any district libraries, or visit the Southland District Council website:

<https://eplan.southlanddc.govt.nz/eplan/0/29>

For assistance with applying the operative district plan please contact the Planning department.

No

This property does not contain Highly Productive Land as defined under the National Policy Statement for Highly Productive Land. See the Land Use Capability Map for details on Land Use Classes for this property and for further information <https://environment.govt.nz/publications/national-policy-statement-for-highly-productive-land/>

This site has the following buildings, objects or places classified as historical, scientific, or natural beauty or wāhi tapu sites:

No

No information is held in Council records to identify any building, objects or places classified as historical, scientific, natural or wāhi tapu sites in relation to this site.

Other relevant planning information is as follows:

No

No other relevant planning information is held in Council records for this site.

For further information on the above section contact: resourceplanningcr@southlanddc.govt.nz or at 0800 732 732.

(g) Information which, in terms of any other Act, has been notified to the territorial authority by any statutory organisation having the power to classify land or buildings for any purpose:

The site has the following designations/other:

No

No information is held in Council records in relation to designations for this site.

For further information on the above section contact: resourceplanningcr@southlanddc.govt.nz
or 0800 732 732.

(h) Any information which has been notified to the territorial authority by any network utility operator pursuant to the Building Act 1991 [or the Building Act 2004].

All information if applicable will be shown on any hazard or services maps attached to the Land Information Memorandum.

Discretionary information:

- (3) In addition to the information provided for under subsection (2) of this section, a territorial authority may provide in the memorandum such other information concerning the land as the authority considers, at its discretion, to be relevant.

Southland District Council hereby provides the following discretionary information which it considers to be relevant in accordance with Section 44A(3) of the Local Government Official Information and Meetings Act 1987

Resource management discretionary information

The Southland District Council's policy on discretionary resource consent information in relation to resource consents is to provide LIM applicants with information on resource consents which have been approved on all sites which directly adjoin/bound onto the site to which the LIM application relates (with "directly adjoin/bound on to" also including sites directly across public roads from the site to which the LIM application relates). If resource consents have been granted in this locality but are located on sites which do not directly adjoin/bound on to the site of the LIM application, then these will **not** be identified on the LIM.

Yes

Details of resource consents/planning consents which have been granted on sites which directly adjoin/bound on to the site are:

RMA/2023/53267 - 20 Paton Place, Te Anau – 5 Lot Subdivision – Granted 14 March 2024

RMA/2005/53081 - 20 Paton Place, Te Anau - To Construct and Operate a Backpacker Facility – Granted 15 August 2005

High voltage power supply

No

No high voltage power supply lines are indicated on the planning map on or adjacent to the Land Information Memorandum property

For further information on the above section contact: resourceplanningcr@southlanddc.govt.nz or 0800 732 732.

Hazardous substances discretionary information

Council does not hold information that confirms the presence or absence of soil contamination at this site.

Land within 50m of this site's legal property boundaries which is registered on Environment Southland's Selected Land Use Sites (SLUS) register:

- 19 Caswell Road, Te Anau. HAIL Categories: A1. Agrichemicals including spray contractors commercial premises; A11. Pest control operators premises; A17. Storage tanks or drums for fuel, chemicals or liquid waste Classification/Status: Verified - HAIL.

SLUS registered sites are subject to the *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011* (the NES). These Regulations have implications for SLUS registered sites when carrying out an activity at that site as described in Regulations 5(2) to (6), that are briefly:

- removing or replacing all, or part of, a fuel storage system
- soil sampling
- disturbing soil
- subdivision
- changing the use of land.

SLUS registered sites are subject to the NES.

Please note that if a property is not currently entered on the SLUS register or tagged on Southland District Council records with regard to any site contamination issues, it does not mean that an activity with the potential to cause contamination has never occurred or is not currently occurring there. The SLUS register and Southland District Council records are not complete, and new sites are regularly being added/tagged as information is received and investigations into current and historic land uses are completed.

Partially Investigated classification means there is insufficient information to quantify adverse effects or risks to people or the environment from known HAIL activities. The site may not have been investigated, or if it has, sampling may be inadequate to assess the risk, or some activities on site may not have been investigated. Contamination may not have occurred but should not be assumed to have occurred.

If in doubt, it is advised that a suitably qualified and experienced practitioner be consulted on this matter.

Further information on the NES Regulations may be viewed at <https://environment.govt.nz/acts-and-regulations/>

For further information contact health@southlanddc.govt.nz or at 0800 732 732.

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Building discretionary information

Snow loadings

This property has a snow loading of:

☐ No	1.0 kPa	☐ Yes	1.5 kPa	☐ No	2.0 kPa	☐ No	Specific Design
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Explanation - Snow Loadings

The designated snow loading is used in selecting the appropriate tables for calculating structural member sizes from the Acceptable Solution NZS 3604 and relates to altitude of the property above sea level.

1.0 kPa	Sea level to 200 m altitude
1.5 kPa	201 m to 300 m altitude
2.0 kPa	301 m to 400 m altitude
Specific design	Altitudes above 400 m altitude require specific engineering design.

Earthquake zoning:

☐ No	1	☐ No	2	☐ Yes	3	☐ No	4
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Explanation - Earthquake Zones

The designated earthquake zone is used in calculating bracing demand necessary under the Acceptable Solution NZS 3604. Earthquake zones are 1, 2, 3 and 4 with 4 requiring the highest bracing demand.

For further information on the above section contact: building-cs@southlanddc.govt.nz or at 0800 732 732.

Other discretionary information

Yes

Designations

Designation NZTA 3 State Highway 94 is located to the south of the property as shown on the Planning map. See Part 1 – Designations section of the District Plan <https://eplan.southlanddc.govt.nz/eplan/rules/0/96/0/4800/0/36>

For further information on the above section contact: resourceplanningcr@southlanddc.govt.nz or at 0800 732 732.

Note: If land is potentially likely to be subject to liquefaction it shall not be considered “good ground” for the purpose of design using NZS 3604, NZS 4229, or NZS 4299.

Should there be concern that a particular site may be subject to liquefaction in a seismic event, it would be advisable that the ground conditions are investigated and reported upon by a Chartered Profession Engineer (CP-Eng) specialising in the geotechnical field. This investigation should address the potential for liquefaction to occur.

As a general guide, it is recognised that poorly consolidated non-cohesive soils (usually laid down under water) in combination with a high ground water table are normal prerequisites for liquefaction. From observations in Christchurch gravels and coarse sands did not appear to be the principal culprits relating to liquefaction, but very fine non-cohesive sands and silts were. However, further professional guidance should be sought.

A report and, if necessary, a specific foundation design from a CP-Eng to mitigate the effects of liquefaction may be required to support an application for building consent.

Refuse discretionary information

Wheelie bin collection

Refuse collection is compulsory in all urban townships.

Refuse collection is available in some rural areas - see attached rural wheelie bin routes map.

Check the public notices section of your local paper when a public holiday occurs on a collection day or call customer service on 0800 732 732.

If you are in a newly built house in an urban designated wheelie bin area, you may not be rated for a refuse collection.

Transfer stations and recycling centres

Please find attached the transfer stations - hours of opening.

When things go wrong

If you have a problem with your collection or if you wish to know more, please call our customer services team on 0800 732 732.

Moving house

If you are moving house or flat, you must leave the wheelie bin supplied to that property for the next owners or tenants.

Any other questions, please call our customer services team on 0800 732 732.



1 October - 31 March = **Summer Hours**1 April - 31 September = **Winter Hours**

Transfer Stations

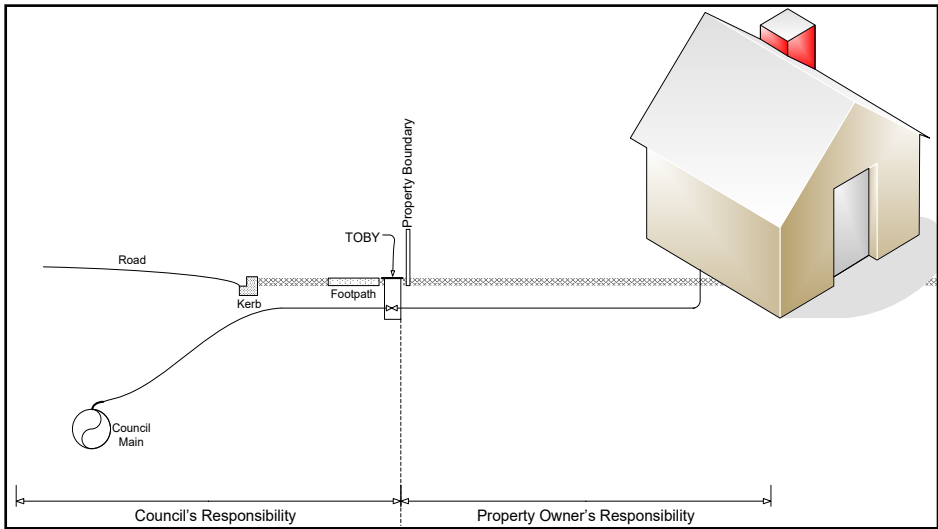
HOURS OF OPENING 2025/26

Open as below except, Good Friday, Easter Sunday, Christmas Day, New Year's Day and Anzac day morning on all sites where applicable.

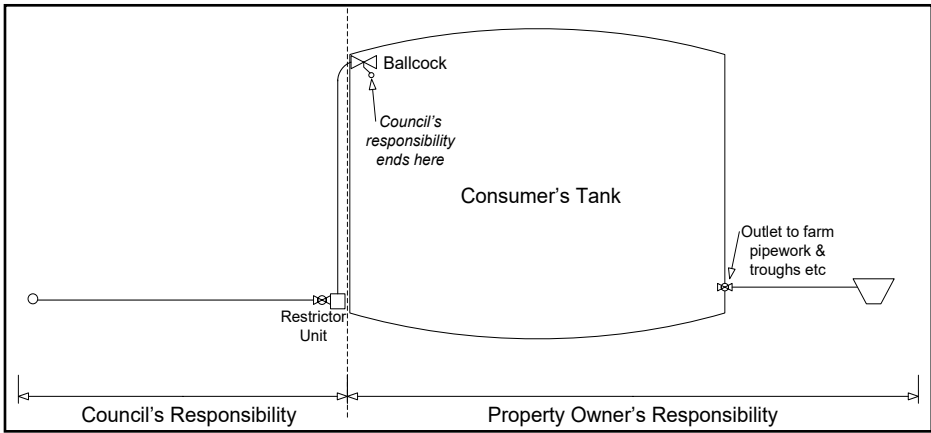
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Lumsden Oxford Street	Closed	Closed	Closed	4 - 5.30 pm	Closed	Closed	3:30 - 5:30 pm
Otautau Drummond Highway	Closed	10am - 12noon	Closed	10am - 12noon 10am - 12noon & 6 - 8 pm	Closed	10am - 12noon	10am - 12noon
Riverton Havelock Street	3 - 5pm	Closed	3 - 5pm	Closed	3 - 5pm	11am - 1pm 3 - 5pm	3 - 5pm
Te Anau Manapouri Te Anau Highway	2 - 5pm	2 - 5pm	2 - 5pm	2 - 5pm	2 - 5pm	2 - 5pm	2 - 5pm
Winton Florence Road	2 - 5.30pm	Closed	2 - 5.30pm	Closed	12pm - 5.30pm	1 - 5pm 11am - 5pm	2 - 5pm 1 - 5pm
Wyndale Wyndham Edendale Highway	Closed	Closed	3 - 5pm 4 - 6pm	Closed 6 - 7pm	3 - 5pm 4 - 6pm	1.30 - 5pm	1.30 - 5pm
Stewart Island Horseshoe Point Road	9.30am - 4.30 pm	Closed	9.30am - 4.30pm	9.30am - 4.30pm	9.30am - 4.30pm	9.30am - 12.30pm	Closed
GREENWASTE ONLY	Wallacetown (Clyde Street) Open Sundays from 3 - 5pm					SOUTHLAND DISTRICT COUNCIL Te Rohe Pōtae o Murihiku 	

Council’s limits of responsibility

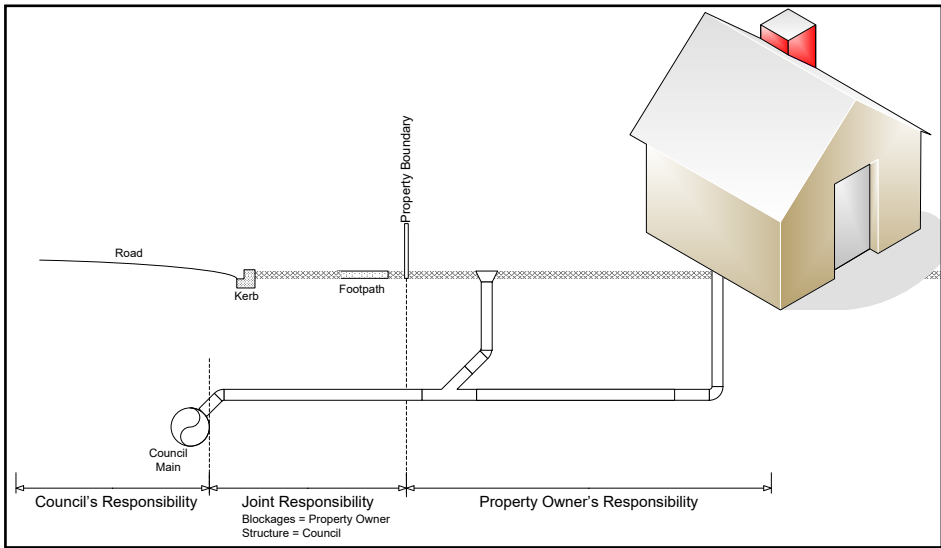
Urban water supply



Rural water supply



Sewerage scheme



Disclaimers

- this Land Information Memorandum has been prepared for the purposes of Section 44A of the Local Government Information and Meetings Act 1987 and contains relevant information relating to this land held by Southland District Council. It has been based on a search of Council's property records and there may be other information relating to the land which has not been specifically recorded against this property or known to the researchers. Council records may not show illegal or unauthorised buildings or works on the property. The applicant is solely responsible for ensuring that the land is suitable for their intended use.
- Southland District Council will only trace building consents/permit back as far as the Certificate of Title provided.
- generally, copies of plans and specifications for buildings erected by the Crown prior to 1992 are not held by the Council as there was no requirement upon the Crown to obtain building permits.
- for the period until rates are "struck" the current annual rates and rateable valuation details should not be relied upon and any queries should be directed to the rates department.
- the rates are not affected by a change in the rateable value or factors of a rating unit during the financial year in which the rates are set. Section 43(3) the Local Government (Rating) Act 2002.
- the Council has not undertaken any inspection of the land or any building on it for the purposes of preparing this Land Information Memorandum.
- should you have any doubts about the property, you are advised to employ a relevant independent consultant. You are solely responsible for ensuring that the land is suitable for a particular purpose.
- the Council and its officers, employees and agents accept no liability for any inaccuracy in, or omission from, this information or liability for any loss or damage suffered by any person that may directly or indirectly result from any person acting or refraining from acting on this information.
- the information has been prepared for the recipient to whom it is addressed and is intended for that recipient's use only. It is not intended to be relied on by any other person.
- any plan, map, aerial photographs or diagrams attached to the LIM are for illustrative purposes only and are not confirmation of the legal position of the boundaries, or any services on the land.
- where information has been supplied to Council by a third party, Council cannot guarantee the accuracy of that information, and it is supplied on the understanding that no liability shall arise or be accepted by the Council for any error contained therein.
- the information provided in this report may not reflect the current details of the legal description provided on your application form. This may be due to the property currently being under subdivision and the information has not been provided yet, and/or that the information has not yet been updated for the current valuation and improvements for this financial year.

Additional information

Weathertight homes information

Weathertightness is the term used to describe the resistance of a building to the weather.

Weathertightness is not necessarily waterproofing, but rather enduring against undue dampness inside buildings and damage to building elements as a result of this moisture. Since the mid-1990s, a considerable number of houses have been built using methods that will not withstand the weather conditions in New Zealand and therefore will not comply with the New Zealand Building Code. When it rains, some houses are leaking because of problems involving design and installation of materials. In some cases, the materials themselves have been used inappropriately.

Certificates and schedules

Buildings containing certain safety and essential systems, known as specified systems, require a compliance schedule. These specified systems ensure a building is safe and healthy for members of the public to enter, occupy or work in. The building owner must ensure continued effective operation of those features and systems and sign an annual building warrant of fitness.

Under the Building Act 2004, all buildings other than single residential buildings will require a compliance schedule and annual warrant of fitness if they contain any of the following:

- automatic systems for fire suppression (eg sprinkler system).
- automatic or manual emergency warning systems for fire or other dangers.
- electromagnetic or automatic doors or windows (eg doors or windows that close on fire alarm activation).
- emergency lighting systems.
- escape route pressurisation systems.
- riser mains for use by fire systems.
- automatic back-flow preventers connected to a potable water supply.
- lifts, escalators, travelators or other systems for moving people or goods within buildings.
- mechanical ventilation or air-conditioning systems.
- building maintenance units providing access to exterior and interior walls of buildings.
- laboratory fume cupboards.
- audio loops or other assistive listening systems.
- smoke control systems.
- emergency power systems for signs relating to a system or feature specified for any of the above systems or features.

Swimming/Spa Pool

Subject to Fencing of Swimming Pools Act 1987

The Fencing of Swimming Pools Act 1987 exists to protect young children from the dangers of unfenced swimming pools and spas. It does this by requiring owners to fence their pools.

Because Southland District Council is required to enforce government legislation regarding the fencing of swimming pools, we have to maintain a register of all pools with the district that are deeper than 400 mm. We therefore ask all pool owners to notify the Council of their pool/s and - in the case of a new pool - we ask that fencing details are shown on a building consent application.

Development contributions

The Southland District Council has a Development and Reserves Contribution Policy which outlines contributions which may be payable to the Council for new developments. This Policy is subject to change and future site development details should be discussed with Council to confirm if a Development and Reserves Contribution is applicable.

Council bylaws

Bylaws are rules or regulations that are created to control specific activities within Southland District. Council has water, wastewater and stormwater bylaws amongst various others. They are a useful way of dealing with issues that the Council determines are significant enough to pass enforcement options. All Council bylaws are available for viewing at Council offices or on the website www.southlanddc.govt.nz.

Rural water supplies

Council owns and manages 10 rural water supply schemes at Duncraigen, Homestead, Eastern Bush/Otahu Flat, Kakapo, Lumsden/Balfour, Mount York, Princhester, Ramparts, Takitimu and Orawia.

Rural water to the Te Anau rural water schemes are Stock Water ONLY and are not potable (not fit for human consumption).

Rural water to the Lumsden Balfour Scheme is potable to all areas of this scheme - Lumsden township, Balfour township and all other "zones" in the scheme eg, Longridge, Castlerock, Ardlussa etc.

Rural water to Eastern Bush/Otahu Flat is potable to all areas of the scheme. Orawia similarly is a potable urban scheme.

Property owners should be aware that public water mains and/or service lines can be located on the property. Farm Managers should be aware that locating these services prior to carrying out operations such as ploughing, contouring or installation of field drains to avoid damaging these services is required. Please request historical location information from Council as required to avoid damage. Structures such as sheds etc, are not permitted to be built over mains/service lines.

Council mains within private property

The following applies to building near Council service mains:

All permanent structures must be either:

- (a) 1.5 metres away from the main, OR
- (b) A distance equal to the depth of the main plus the diameter of the pipe, away from the main, **WHICHEVER IS GREATER.**

This applies to all permanent structures such as: house, garages, workshops, sleepouts, garden sheds (with foundations), glasshouses and commercial buildings.

Fences, gazebos, garden sheds with no foundations and paved areas are generally exempt as they are able to be moved or dug up if required.

The Local Government Act permits Council assets to be within private property without an easement and protects Council's assets within private property (including piped services). The Local Government Act gives Council the right to access, maintain and protect those assets (although there are some conditions).

Frequently asked building questions

What if a LIM shows that no records are held by the Council but there is some works or building on the property?

A Land Information Memorandum (LIM) identifies the information held by the Council concerning any building consent or permit for existing buildings or structures. In some cases, however, the Council's records may be incomplete, and there is a building in existence. The absence of Council records for building permits or consents may mean any of the following:

- the building was erected without a permit or consent;
- the Council no longer holds a record of the permit (past bylaws allowed for some records to be discarded after 10 years from the date of issue);
- the property was in the ownership of the Crown when the building was constructed and did not therefore require a permit.

What if I buy a property that has an existing building without any building consent or permit?

If building work has been carried out without a permit or building consent then there is no authority under the Building Act 2004 or any prior building legislation to retrospectively issue a building consent for the work. The Building Act 2004 provides that a Certificate of Acceptance may be issued where work has been done without a building consent. A Certificate of Acceptance will provide some verification for a building owner/future building owner that part or all of certain work carried out complies with the Building Code. A Certificate of Acceptance may only be issued in relation to building work carried out after 1 July 1992.

For buildings erected prior to 1 July 1992, without any building permit or for which Council holds no records, then Council is generally unlikely to take any action against the current owners of that building unless the building is dangerous or insanitary in terms of the Building Act 2004 or the provisions of the Health Act 1956. This assumes that the building complies in all other respects with other statutory requirements.

For work undertaken after 1 July 1992, for which the Council holds no record, it is likely that the building work was carried out without consent. If so, the property owner and the person who carried out the work may have contravened the relevant building legislation and enforcement action may be taken at the Council's discretion. If purchasers of properties require a report on a building they should engage a qualified builder or designer to inspect the building and provide the report. The Council is happy to put a copy of this report on the property file.

What type of work needs a building consent?

Basic building, such as laying a patio or installing kitchen cupboards, does not require a building consent, but more complicated household projects do.

If you are considering building or plumbing work, you should contact Council.

For more information, visit the Building Act 2004 website: www.building.govt.nz

It should be noted that this Land Information Memorandum only refers to **information held by Council** - it does not include detailed information held by other organisations and these should be contacted separately if further information is required.

Contact details for some relevant organisations are as follows:

Environment Southland	(03) 211 5115
PowerNet	(03) 211 1899
Stewart Island Electricity Supply Authority	0800 732 732
Telecom Cable Location Service	124
Transpower	Landowner 0508 526 369637
Contact Limited	(03) 249 8908
<i>(Gas Supply Snodgrass Road, Te Anau)</i>	
Elgas	0800 435 427
<i>(Gas supply other areas of Te Anau)</i>	

ATTACHMENTS: **Land Information Memorandum Maps**

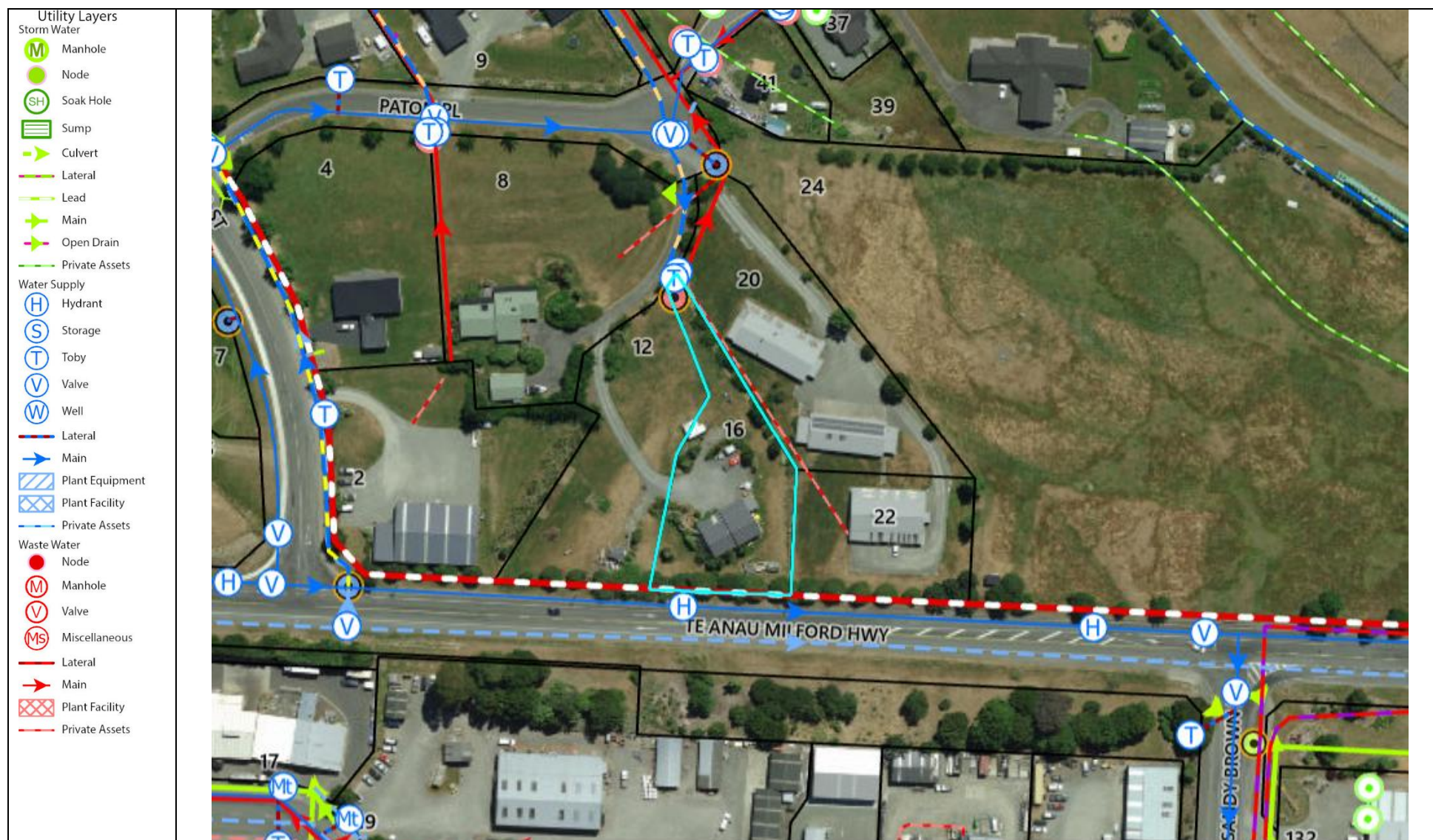
Approved for issue:



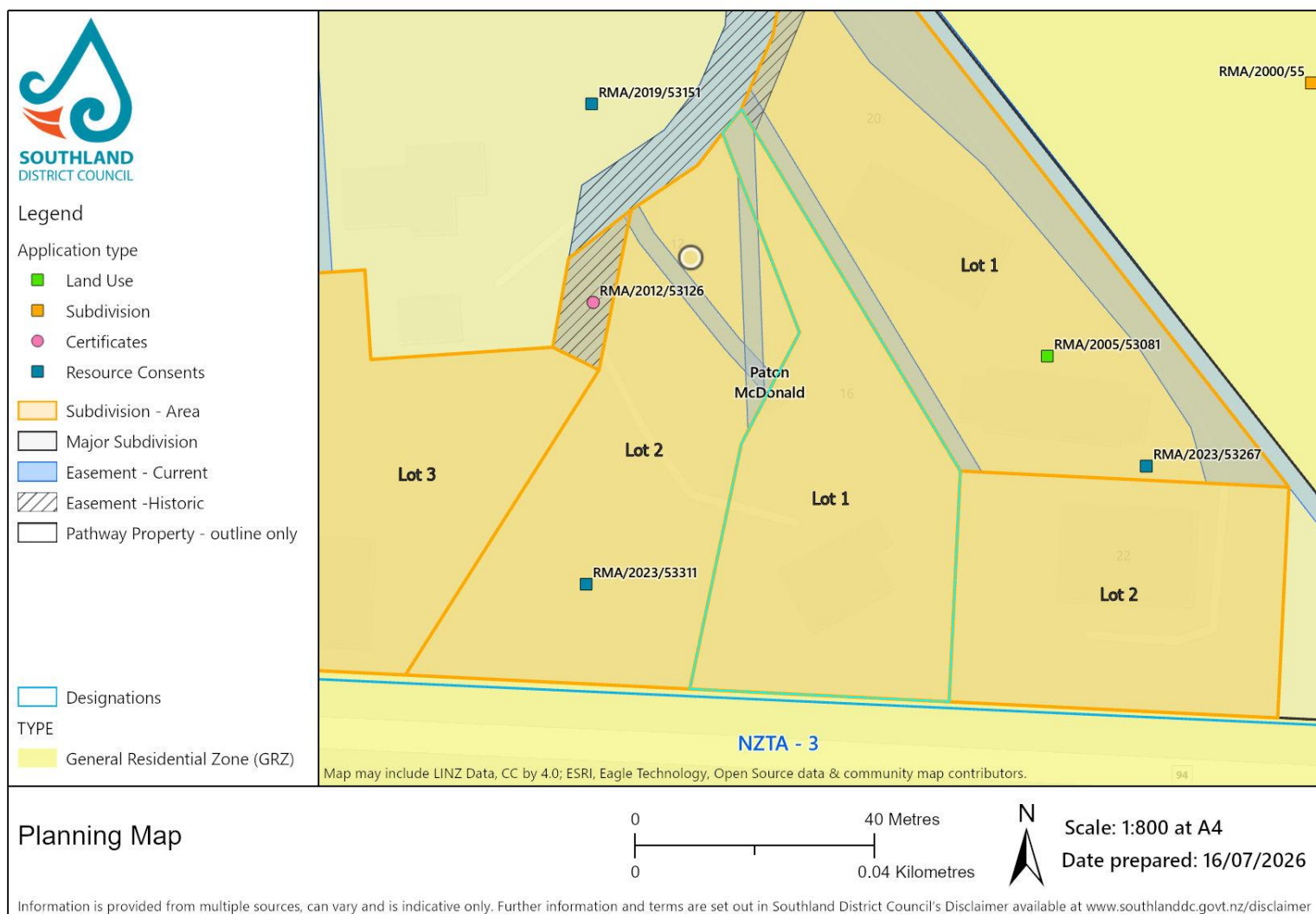
Information Management Officer

16 July 2026

Utilities map



Planning map



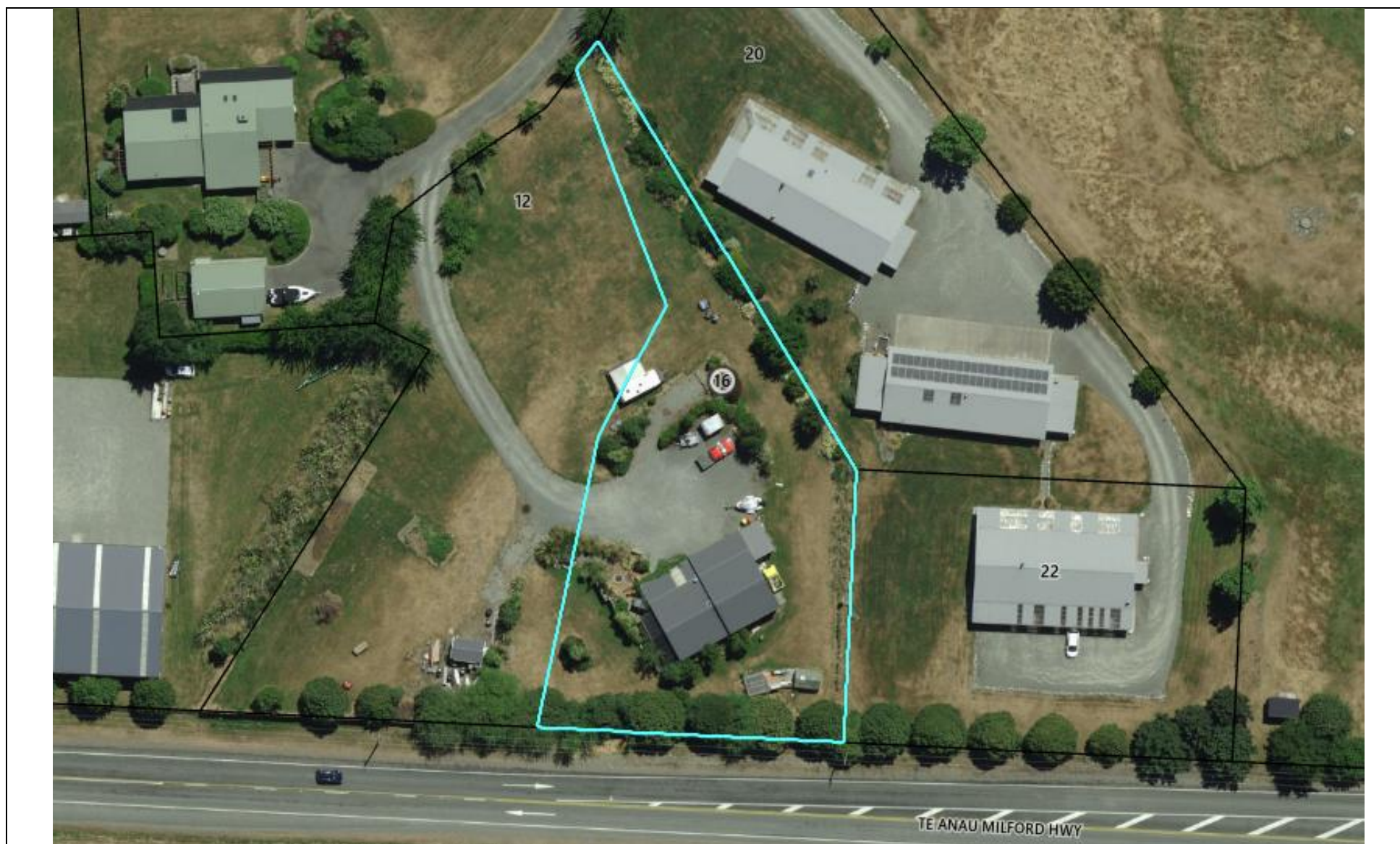
Land use capability map



Hazard map

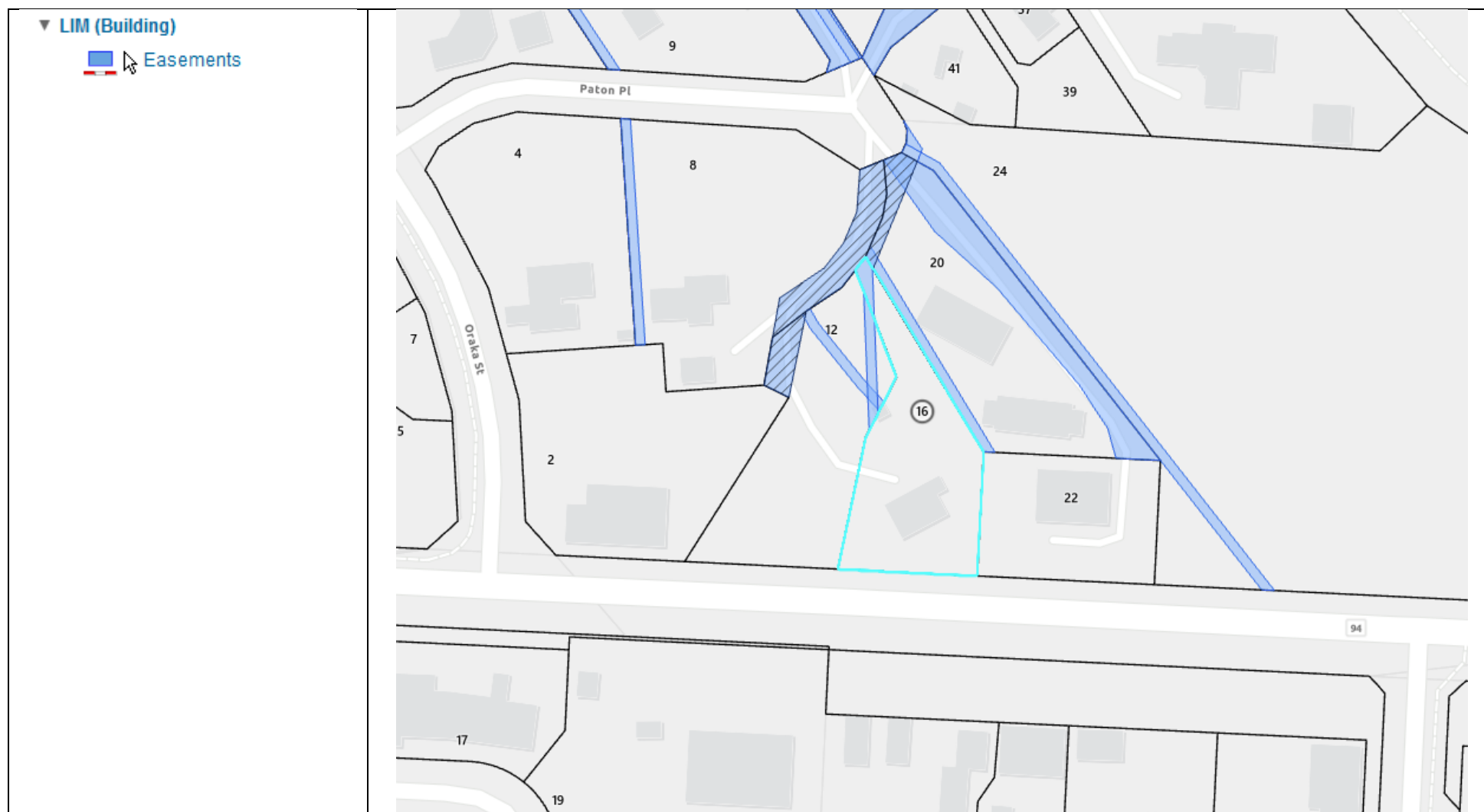


Aerial photo



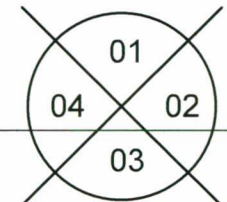
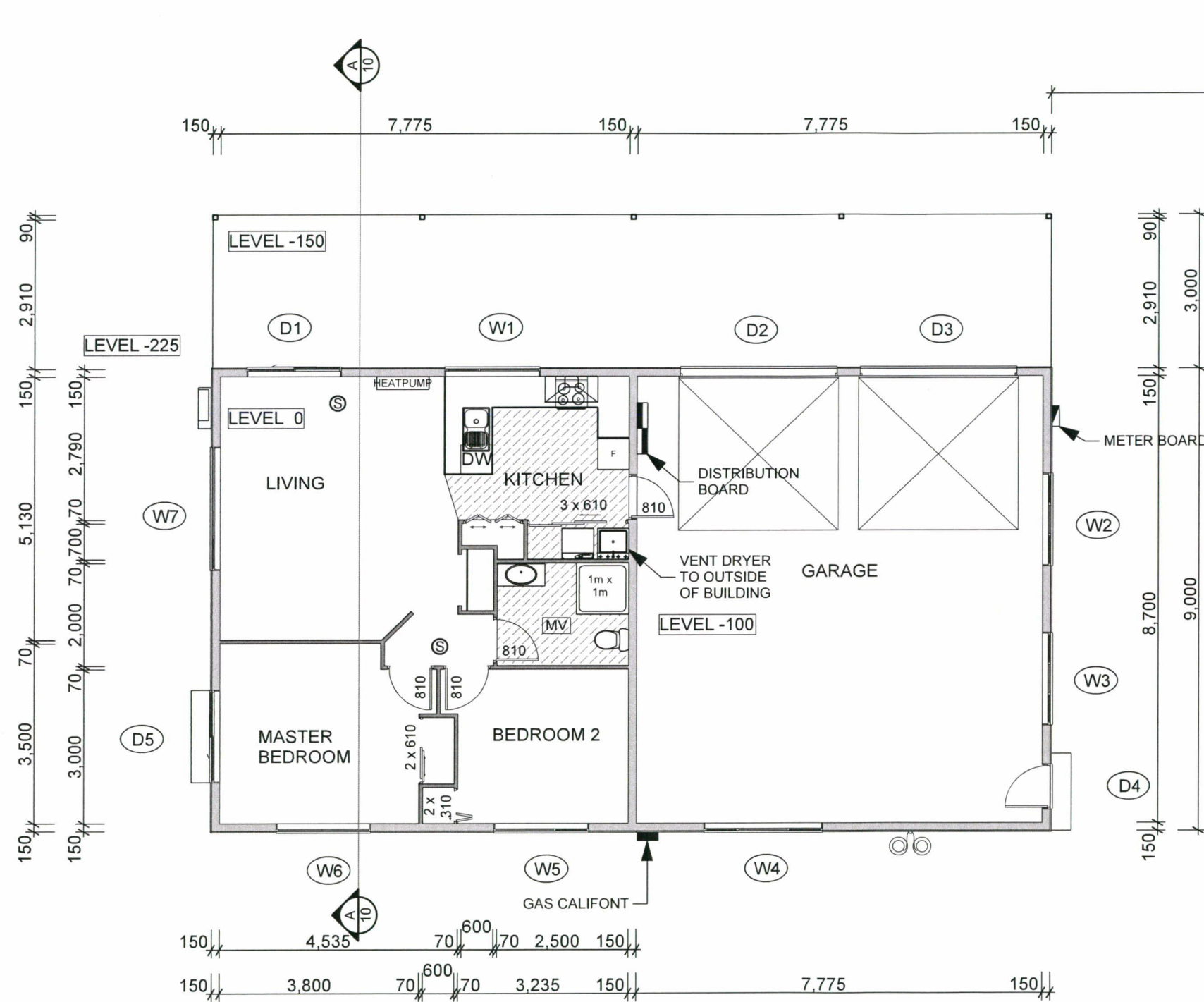
Easement map

DISCLAIMER: The GIS map provided below is generated from data provided by Land Information NZ (LINZ). As the map may not accurately reflect all known data as at today's date, please review the attached LINZ certificate of title/s for any ownership, land area, easement or other information that may have been omitted from the GIS map.



Attachments

1. Building and drainage information
2. Resource management attachments
3. Certificate of title



REFERENCE TO ORIENTATION OF ELEVATIONS

NOTES:

1. REFER ALSO TO SPECIFICATION FOR STANDARD OF WORKMANSHIP & MATERIALS REQUIRED, AS WELL AS ANY ATTACHED OR LOOSE SHEETS FOR ADDITIONAL INFORMATION.
2. VERIFY ALL DIMENSIONS AND LEVELS ON SITE.

ALL DIMENSIONS TO FRAMING LINES ARE NOMINAL ONLY, REFER TO SITE PLAN SHEET 01 FOR DIMENSIONS TO OVER-ALL SET OUT.

ALUMINIUM JOINERY - DOUBLE GLAZED GENERALLY - SEE DOOR & WINDOW SCHEDULE.
19mm H3.1 TIMBER REVEALS READY TO TAKE ARCHITRAVES.

NOTE:
ALL WINDOWS SHALL BE CONSTRUCTED IN ACCORDANCE WITH NZS 4211 TO SUIT LOCATION. ALL GLAZING SHALL BE TO NZS 4223 pt.3 1999
REFER TO SHEET 16 DOOR & WINDOW SCHEDULE FOR DIMENSIONS.

Ⓢ - SMOKE ALARM, TO COMPLY WITH NZBC F7

GROUND FLOOR AREA = 72m²

MV MECHANICAL VENT

The NZ Building Act/Regulations 2004 and the provisions of the NZ Building Code must be complied with in regard to any inconsistencies in the issued consent documents.

03

FLOOR PLAN

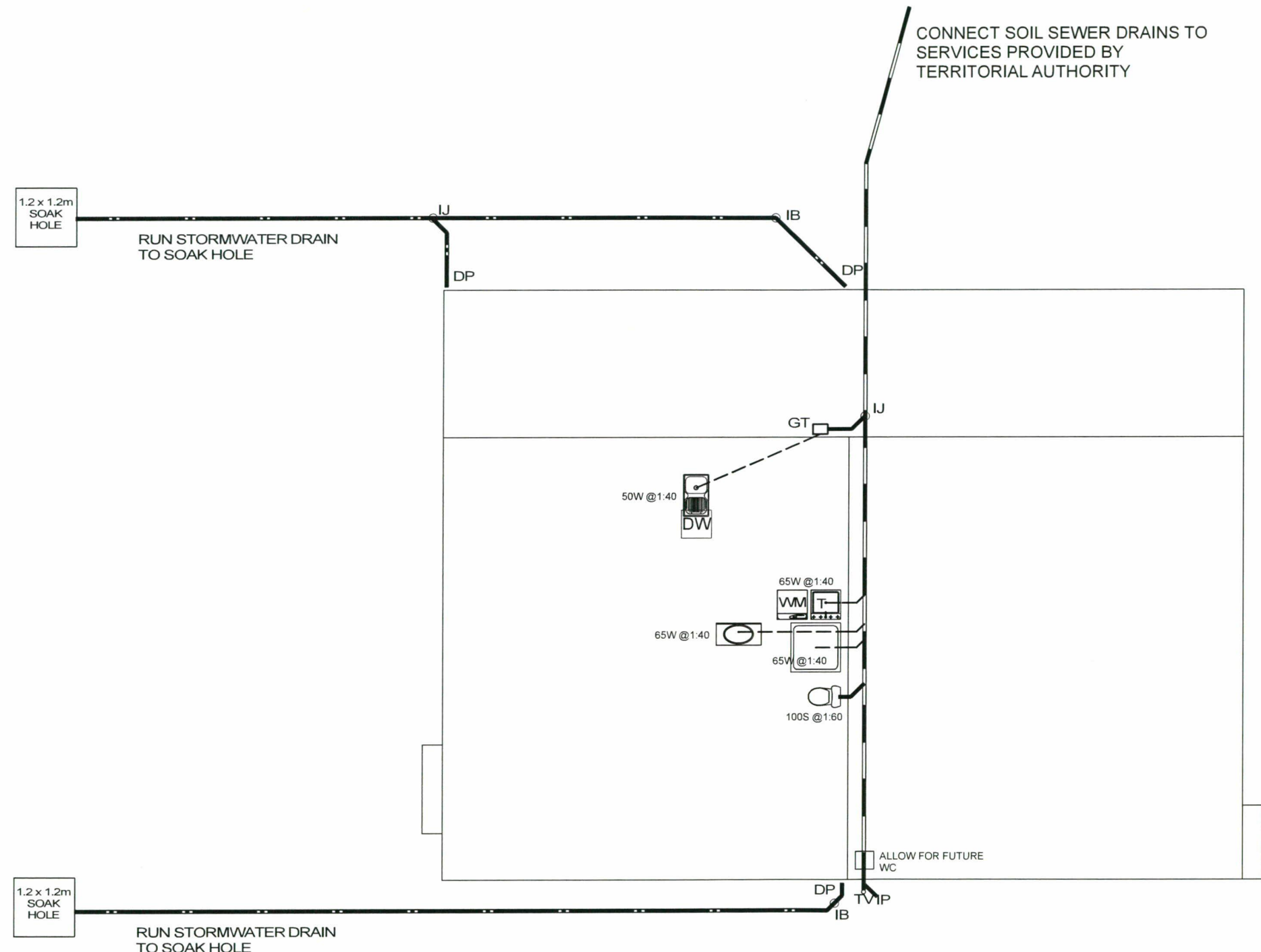
1:100

Copyright - These plans are copyright to Design Works Architectural Draughting Ltd and cannot be used or reproduced without their approval

REV	DATE	ISSUE	AD NZ architectural designers nz	Design Works ARCHITECTURAL DRAUGHTING LTD	Ph 03 218 1906, Fax 03 218 1907 d.works@xtra.co.nz PO Box 148, Invercargill <i>Better By Design</i>	PROJECT PATTON - McDONALD 16 PATON PLACE TE ANAU	DRAWING TITLE FLOOR PLAN DRAWING USAGE Consent / Construction	DESIGN	WP	DATE	5/09/2011	DWG NO	3
01	1 SEPT 2011	CHANGE DRAINAGE, SPOUTING AND SITING						DRAWN	WP	SCALE	1:100	SET OF	12

All dimensions, levels and site conditions to be checked and verified by Contractor prior to commencing any works. Drawings to be read in conjunction with specifications and Engineers calculations. All aspects of construction to comply with NZBC and Approved Documents, NZS 3604:1999, Building regulations and all other applicable standards.

DO NOT SCALE



DRAINAGE LEGEND

- DENOTES 100 dia. STORM WATER PIPE @ 1:120 min. GRADE
- DENOTES 100 dia. SOIL SEWER PIPE @ 1:60 min. GRADE
- IJ INSPECTION JUNCTION
- IB INSPECTION BEND
- AAV AIR ADMITTANCE VALVE
- GT GULLY TRAP
- TV TERMINAL VENT (80mm Dia.)
- WM WASHING MACHINE
- DP DOWN PIPE (80mm Dia. uPVC) SEALED INTO STORM WATER PIPE
- T TUB
- DW DISH WASHER

PLEASE NOTE: THIS LAYOUT IS SCHEMATIC ONLY.
ALL DRAINAGE SHALL COMPLY WITH AS/NZS 3500.
VERIFY ALL DIMENSIONS AND LEVELS ON SITE.
PROVIDE 400 COVER TO INVERT AT HEADS OF ALL DRAINS.
CONFIRM WITH OWNER FOR LOCATION OF OUTSIDE TAPS.
CONTRACTOR TO SUPPLY AS BUILT PLANS ON COMPLETION OF WORKS.

The NZ Building Act/Regulations 2014 and the provisions of the NZ Building Code must be complied with in regard to any inconsistencies in the issued consent documents.

REV	DATE	ISSUE
01	1 SEPT 2011	CHANGE DRAINAGE, SPOUTING AND SITING

ADNZ

architectural designers nz

Design Works

ARCHITECTURAL DRAUGHTING LTD

Ph 03 218 1906, Fax 03 218 1907

d.works@xtra.co.nz PO Box 148, Invercargill

Better By Design

PROJECT

PATTON - McDONALD

16 PATON PLACE

TE ANAU

DRAWING TITLE

DRAINAGE PLAN

DRAWING USAGE

Consent / Construction

DESIGN	WP	DATE	5/09/2011	DWG NO	2
DRAWN	WP	SCALE	1:100	SET OF	12
CHECK					
CODE					

All dimensions, levels and site conditions to be checked and verified by Contractor prior to commencing any works. Drawings to be read in conjunction with specifications and Engineers calculations. All aspects of construction to comply with NZBC and Approved Documents, NZS 3604:1999, Building regulations and all other applicable standards.

Must be returned on A3 sized paper

All drawings must show the compass directions, land boundaries with at least **TWO** fixed structural points of reference and specified pipeline and depth, with pipe gradients

WATER SERVICES

T: 0800 732 732

E: waterwaste-cssouthlanddc.govt.nz

CONSENT NO. /CAR NO. /PROJECT NO.

WW/2024/43

PROPERTY ADDRESS:

16 Paton Place, Te Anau

DATE:

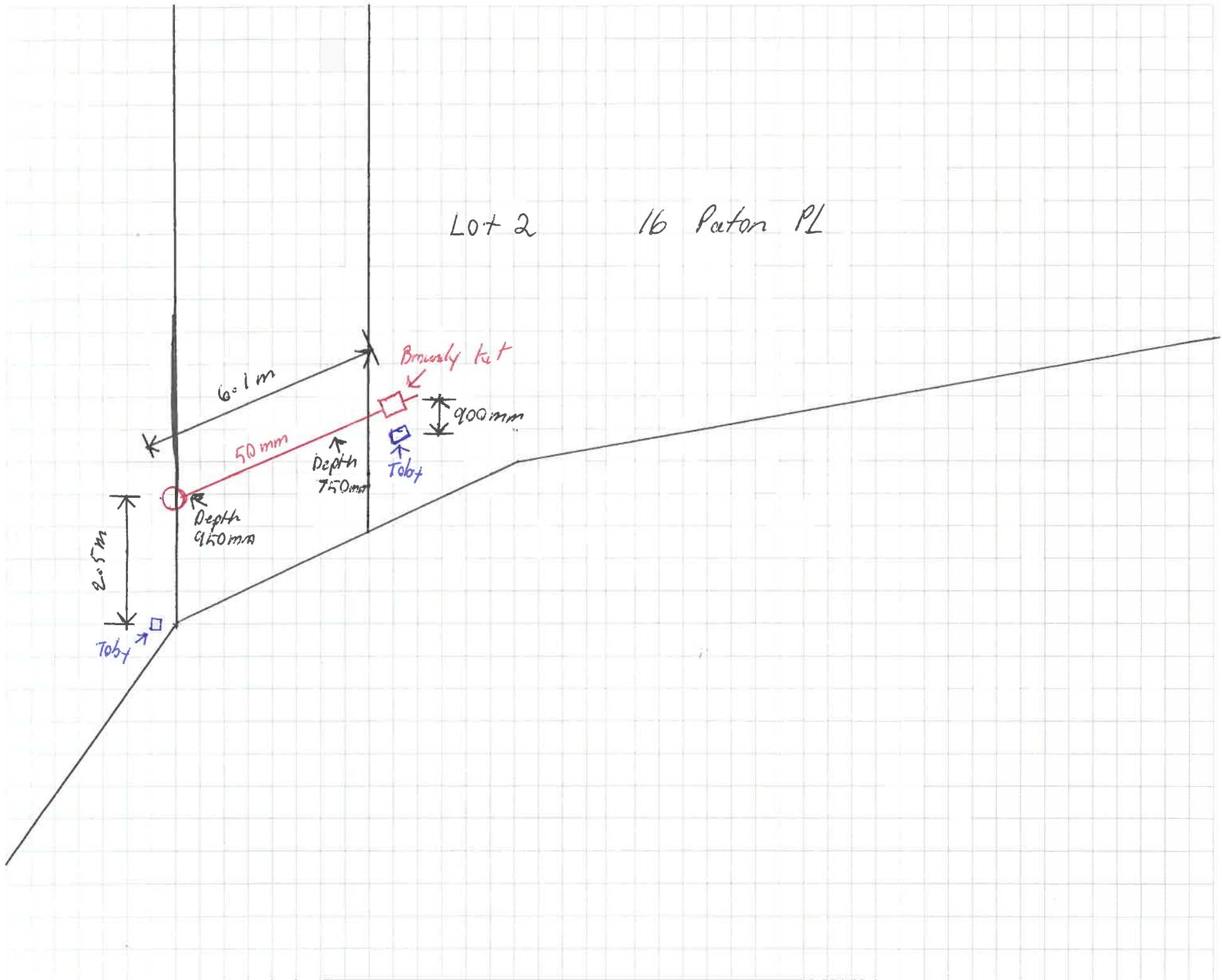
12/8/24

Water: BLUE _____

New sewerage drains: RED _____

New stormwater drains: DOTTED BLACK _____

Old drains: FULL BLACK _____



PLUMBER/DRAINLAYER (PRINT NAME):

Stephen M'Campsey

DRAINLAYER'S COMPANY NAME:

Te Anau Earth works

SIGNATURE OF PLUMBER/DRAINLAYER:

[Signature]

REGISTRATION NO.

38553



Southland District Council

60/3/99/119

14 October 1999

«Name»

Dear Sir/Madam

Resource Consent 99/119 - Ngai Tahu Holdings Corporation Ltd - "Lakefront" Block Subdivision, Te Anau

I am writing to formally advise of the Council's decision with respect to the above resource consent application, in accordance with Section 114 of the Resource Management Act 1991.

I advise that this resource consent application and submissions thereto were considered by the Council's Resource Planning Committee at its meeting on Thursday, 7 October 1999, in the Council Chambers, Southland District Council building, corner Clyde and Forth Streets, Invercargill.

The application had previously been publicly notified on Wednesday, 18 August 1999 and 25 submissions were received by the closing date on Wednesday, 15 September 1999.

Members of the Council's Resource Planning Committee who considered this application were:

Cr D W Frew, Chairman
Cr A D Ridley, JP (Te Anau Ward Member)
Cr J D Copland, JP
Cr S M Anderson
Cr S C Eunson, QSM JP
Cr JTC Frew

The applicant, Ngai Tahu Holdings Corporation Ltd, was represented at the hearing by:

Mr Russell Ibbotson, Solicitor, Preston Russell
Mr Ian McNabb, Project Manager, Ngai Tahu Property Group
Mr Boyd Wilson, Surveyor Consultant, Noel Bonisch Ltd

DECISION
POSTED
14/10/99
APPEAL PERIOD
CLOSES
8/11/99 *8/11*

The following submitters were present at the hearing and presented further written and verbal submissions to the Committee:

J F and J F McMurtrie (Mr McMurtrie also spoke and on behalf of P and S Etheridge)

C Carran

J Balneaves

F Inder

J Harwood

A Paton-McDonald

Southern Public Health Services, represented by Mr K Campbell

The hearing commenced at 9.45 am and Mr Ibbotson presented legal submissions on behalf of the applicant. He referred to the submissions expressing concern regarding the alignment of Lot 17, and suggested that a condition be included to require that Lot 17 be designed for a 60 kph design speed. Mr Ibbotson also referred a suggested alternative Condition 11, relating to streetlighting, which had been supplied that morning to the Resource Planning Section of the Council.

Mr Ibbotson also indicated that the applicant would be agreeable to a limitation of one vehicular access per new allotment within the subdivision.

Mr McNabb then presented further submissions outlining the background to the current application, and specifically referring to the process by which Ngai Tahu Holdings Corporation Ltd came to have an option to purchase the site of the application. Mr McNabb advised the Committee that at this stage Ngai Tahu Holdings Corporation Ltd had no firm plans for the future development of Lots 1 and 18 within the subdivision, and hence could not advise the Committee with regard to future development of this area, which had been raised in a number of submissions of opposition. Mr McNabb confirmed that Ngai Tahu Holdings Corporation Ltd was willing to provide a low pressure water supply system to the various allotments within the Transitional Resource Area.

Mr Wilson then provided further technical information in relation to the subdivision design for the consideration of the Committee.

Mr Wilson referred to the various relevant provisions of the Southland District Plan. He referred specifically to the issue of non-compliance with the minimum frontage requirements of the Transitional Resource Area of the District Plan, and suggested to the Committee that the minimum frontage requirements should not be rigorously applied to Lots 2, 6 and 7 because each allotment had adequate vehicular access, had a shape practical for its intended use, and had sufficient frontage to provide access to any future subdivision. Accordingly, Mr Wilson submitted that the reduced frontage would not be contrary to the objectives and policies of the District Plan, and the adverse effects on the environment from this non-compliance would be less than minor. Mr Wilson also spoke to the report which had previously been supplied by Mr Keith Anderson, Consulting Drainage Engineer, as part of the original application documentation. Mr Wilson stated that in his view there were many advantages of on-site treatment and disposal of household sewerage, and that the multi-chamber method of effluent disposal provided a sustainable method of disposal bearing in mind the size of the respective allotments. Mr Wilson also referred to the suggested condition relating to the alignment of the carriageway of Lot 17, which had previously been referred to by Mr Ibbotson in his opening submissions.

Mr Wilson outlined that the applicant did not consider that the suggested Condition 17 stated in the staff report was appropriate as the proposed Lots 1 and 18 within the subdivision would be amalgamated, and hence there would be no additional allotments being created which were capable of being connected to the Council's reticulated services. Mr Wilson pointed out that the existing area (being shown as Lots 1 and 18 on the scheme plan of subdivision) could already connect to the Council's reticulated services in the area.

Submitters:

J F and J F McMurtrie

Mr McMurtrie spoke regarding the McMurtries' concerns relating to the adequacy of the effluent disposal within the subdivision, and the potential for the proliferation of out-buildings on the respective new allotments which could create a visual eyesore within this scenic area. He also referred to the lack of any information and lack of consultation on the future development of Lots 1 and 18, and his concerns that the future development of these allotments would adversely affect adjacent property owners in the area.

Mr McMurtrie also spoke on behalf of P and S Etheridge, who were unable to attend the hearing. He advised that the Etheridges were concerned about the loss of their existing views of the lake and the mountains, the lack of consultation by the applicant over the extension of Howden Street and associated additional traffic flows, and the lack of detail on future plans for Lots 1 and 18.

C Carran

Mr Chris Carran tabled a written submission for the Committee's information and requested that Mr Halligan read this on his behalf - which he did.

This submission queried the reasons why the Rural Scenic Protection Zoning, which applied under the former Wallace County District Scheme, was removed from the site of the application. He also expressed concerns regarding the access on to State Highway 94, and the lack of provision of reticulated services, (particularly livestock water) within the subdivision. The submission also outlined Mr Carran's view that large corporations and government departments had done what they liked in Te Anau for many years. He also expressed concern that while he had no personal objection to the Ngai Tahu Holdings Corporation Ltd, he considered that there were other more appropriate sites for this type of subdivision, bearing in mind the scenic values of the area.

J Balneaves

Mr Balneaves expressed his concern relating to the adequacy of septic tanks in this area. Mr Balneaves pointed out that he had been involved in septic tank cleaning during his working career, and he considered that they did not work effectively on flat land. Accordingly, he requested that the Committee require that reticulated sewerage infrastructure be provided by the developer within the subdivision.

F Inder

Mr Inder expressed his concern regarding the inappropriateness of on-site effluent disposal within the site of the application. He referred to his extensive local knowledge of this area, and outlined that several of the allotments contained areas of low ground where effluent disposal would be inappropriate, as they could become saturated in times of high lake levels.

He also expressed concern regarding the lack of monitoring and maintenance provisions for on-site disposal systems if they were installed on the respective allotments.

Mrs J Harwood

Mrs Harwood presented both written and verbal submissions on behalf of herself and her family, who own a property adjacent to the proposed Lots 1 and 18. Mrs Harwood outlined her concerns regarding inadequacy of effluent disposal via on-site methods within the subdivision, particularly in relation to potential contamination of the lake, where the town water supply is drawn from. She also expressed concerns regarding the fact that Lots 1 and 18 could be developed in the future without public notification or the opportunity for adjoining owners to submit, and that Ngai Tahu had given no indication of its intentions with respect to Lots 1 and 18. Mrs Harwood expressed concerns that she considered that the natural flow of lake water is from the site of the application towards the town water supply intake, and hence if any contamination of lake waters occurred from the site of the application, it would eventually be directed towards the town supply intake.

A Paton-McDonald

Mr Paton-McDonald advised that he supported this application, and considered that there were numerous other persons who may have supported it who did not lodge submissions of support. However, he did have concerns regarding effluent disposal within the subdivision. He queried whether it would be feasible to connect the most southerly allotments within the subdivision to the foul sewer rising main which runs through this area, and requested that the Council's Engineering Staff clarify the Council's intentions with regard to the installation of a new main in this area. Mr Paton-McDonald considered that this would be an appropriate way of minimising the environmental effects of this subdivision, bearing in mind the proximity of reticulated services.

Southern Public Health Services

Mr Kevin Campbell, Manager of Southern Public Health Services presented a detailed written submission to the Committee and further elaborated on Southern Public Health Services' concerns with respect to the application. In particular, Mr Campbell's submission addressed the issue of on-site effluent disposal. Mr Campbell outlined that in Southern Public Health Services' view there was a lack of information provided by the applicant to support Mr Anderson's view that on-site effluent disposal could be adequately achieved on the respective allotments within the Transitional Resource Area. Mr Campbell referred to the high costs of individual on-site effluent disposal systems, and indicated that in Southern Public Health Services' view it would be difficult to persuade residents at some stage to connect to a reticulated sewerage scheme when they had already incurred initial high costs of installing on-site systems, which he anticipated could be in the order of \$5,500 to \$10,000 per installation. Mr Campbell recommended that the application be declined by the Committee pending a proper analysis of alternatives - most particularly an analysis of extending the existing sewerage system to the proposed subdivision compared to that of on-site sewerage disposal systems.

J A Mowat

Mr Halligan advised the Committee that Mrs Mowat had been unable to attend the hearing, and had provided a written submission which he tabled, circulated to all Councillors, and read.

This submission expressed Mrs Mowat's concerns relating to the lack of detailed information regarding effluent disposal and the future development of Lots 1 and 18. This submission stated that Mrs Mowat and her family contended that when the effects of this proposed subdivision were considered in the context as required by the Act, it should be concluded that the proposal would have adverse effects on the surrounding environment that are more than minor and that granting the consent would be contrary to the public interest.

Applicant's Summation

In summing up, Mr Ibbotson stated that Ngai Tahu Holdings Corporation was concerned regarding submitters' assertions that the application was a "shallow application", and he stated that Ngai Tahu considered that it was less than acceptable that it be asserted that they would advocate an irresponsible attitude towards the disposal of human effluent.

Mr Ibbotson stated that much of Mr Campbell's submission was, in his view, based on issues associated with the future development of the respective allotments, not the current application as before the Committee.

Mr Ibbotson also referred to the Southland Regional Council's Regional Effluent Land Application Plan, and he tabled a letter from Mr K R Swinney, Policy and Planning Manager for the Southland Regional Council in this regard.

This letter referred to the roles of the respective local authorities with regard to effluent disposal. Mr Ibbotson stated that this letter made it clear that district councils should not be imposing conditions relating to on-site effluent disposal on resource consents, which would merely duplicate the provisions of the Regional Effluent Land Application Plan. Mr Ibbotson also emphasised that from a cultural prospective, land based effluent disposal is preferable to discharge to water, which is abhorrent to Iwi. He emphasised that the water supply which Ngai Tahu proposed to install would be a potable low pressure supply.

Upon the conclusion of Mr Ibbotson's summation, the Committee resolved (moved Cr J Frew, seconded Cr Ridley) to move into "Public Excluded" to make its decision on this application, as is provided for under Section 48 of the Local Government Official Information and Meetings Act 1987.

The Committee resolved (moved Cr Ridley, seconded Cr J Frew) as follows with respect to this application:

"That the Committee considers the application of Ngai Tahu Holdings Corporation Ltd to subdivide Section 1, SO 11693, Block I, Manapouri Survey District (being the land contained in CT 9D/348) in order to create Lots 1 to 18 as shown on the scheme plan of subdivision to be an application for a subdivision consent as a non-complying activity.

Pursuant to Section 105 of the Act, the Committee resolves to grant subdivision consent to this application subject to the following conditions being imposed pursuant to Sections 108, 220 and 221 of the Resource Management Act 1991.

1. THAT LOTS 16 AND 17 SHALL VEST IN THE SOUTHLAND DISTRICT COUNCIL AS ROAD RESERVE.

2. THAT NO INDIVIDUAL ACCESSSES SHALL BE PERMITTED VIA THIS CONSENT FROM LOTS 10 AND 11 TO STATE HIGHWAY 94, WITH ALL ACCESS LOTS 10 AND 11 TO BE VIA LOT 16 (THE NEW ROAD). ACCESS TO LOT 13 IS TO BE VIA THE EXISTING REGISTERED CROSSING PLACES ONTO STATE HIGHWAY 94 (CROSSING PLACES 10 AND 11).
3. THAT THERE SHALL BE ONLY ONE VEHICULAR ACCESS TO THE NEW ROAD (LOT 16) FROM EACH OF ALLOTMENTS 2, 3, 4, 5, 6, 7,8, 9, 10, 11 AND 14.
4. THAT THE ROAD FORMATION SHALL BE A SIX METRE WIDE SEALED CARRIAGEWAY FOR THE ENTIRE LENGTH OF LOTS 16 AND 17, WITH 750 MM WIDE SHOULDERS AND OPEN DRAIN BERMS. NO FOOTPATHS ARE REQUIRED.
5. THAT THE ALIGNMENT OF THE CARRIAGEWAY WITHIN LOT 17 IS TO BE DESIGNED TO A 60 KPH DESIGN SPEED. THE ALIGNMENT DESIGN IS TO BE SUBMITTED TO THE COUNCIL'S RESOURCES ENGINEER FOR APPROVAL PRIOR TO ANY CONSTRUCTION WORK COMMENCING.
6. **ENGINEERING DOCUMENTATION:**
THAT FULL ENGINEERING CONSTRUCTION DOCUMENTATION (DRAWINGS AND SPECIFICATIONS) IN ACCORDANCE WITH THE COUNCIL'S "SUBDIVISION AND LAND DEVELOPMENT STANDARDS BYLAW 1999" SHALL BE SUBMITTED BEFORE ANY CONSTRUCTION WORK COMMENCES.
7. **CERTIFICATION OF SUBDIVISIONAL WORKS:**
THAT A PRODUCER STATEMENT - CONSTRUCTION - CONTRACTOR'S CERTIFICATE UPON COMPLETION OF SUBDIVISIONAL WORK SHALL BE PROVIDED TO THE COUNCIL BY THE ENGINEER/SURVEYOR, AND THAT A CERTIFICATE UPON COMPLETION OF SUBDIVISIONAL WORK BY THE ENGINEER/ SURVEYOR BE SUPPLIED TO THE COUNCIL. BOTH CERTIFICATES ARE TO BE SUPPLIED PRIOR TO THE ISSUE OF THE SECTION 224(c) CERTIFICATE.
8. **AS-BUILT DRAWINGS:**
THAT AS-BUILT DRAWINGS IN HARD COPY AND DISKETTE FORM COMPATIBLE WITH MICRO STATION ARE TO BE SUPPLIED ON COMPLETION OF THE WORKS AND BEFORE APPLICATION IS MADE TO ISSUE THE SECTION 224(C) CERTIFICATE. DRAWINGS ARE TO GIVE FULL DETAILS TO BE ACCURATE TO WITHIN 100 MM FOR POSITION AND 20 MM FOR LEVEL.
9. **INFRASTRUCTURE INSTALLATION:**
THAT ALL INFRASTRUCTURE, INCLUDING STORMWATER DRAINAGE, POWER AND TELEPHONE RETICULATION, ROADS (AS REFERRED TO IN CONDITION (4) ABOVE), STREETLIGHTING AND STREET SIGNS NECESSARY TO SERVICE THE SUBDIVISION IS TO BE INSTALLED BY THE CONSENT HOLDER AT THE CONSENT HOLDER'S EXPENSE.
10. THAT STREET NAME SIGNAGE IN ACCORDANCE WITH THE TE ANAU TOWNSHIP STANDARD IS TO BE PROVIDED. THE PROPOSED NAMES FOR THE STREETS ARE TO BE SUBMITTED TO COUNCIL FOR APPROVAL PRIOR TO THE ISSUE OF THE SECTION 224(C) CERTIFICATE.

11. THAT ALL POWER AND TELEPHONE RETICULATION TO DWELLINGS AND ANCILLARY BUILDINGS IS TO BE FULLY UNDERGROUNDED.
12. THAT FLAG LIGHTING SHALL BE INSTALLED AT THE INTERSECTION OF STATE HIGHWAY 94 AND THE PROPOSED LOT 16, IN ACCORDANCE WITH AS/NZS 1158 - "ROAD LIGHTING STANDARDS", WITH THE POSITION OF THIS FLAG LIGHTING TO APPROVED BY TRANSIT NEW ZEALAND PRIOR TO INSTALLATION, AND

THAT FLAG LIGHTING IN ACCORDANCE WITH AS/NZS 1158 - "ROAD LIGHTING STANDARDS" SHALL BE INSTALLED IN THE ROAD RESERVE CREATED BY THIS SUBDIVISION (LOTS 16 AND 17) AT LOCATIONS ON THE ROAD ALIGNMENT AS THE COUNCIL'S RESOURCES ENGINEER SHALL DIRECT TAKING INTO ACCOUNT THE NEED FOR ROAD SAFETY AND THE STANDARD OF STREETLIGHTING REQUIRED FOR THIS TYPE OF SUBDIVISION. WITHOUT ALTERING THE GENERALITY OF THIS CLAUSE, FLAG LIGHTING TO THE SPECIFIED STANDARD SHALL BE INSTALLED AT THE FOLLOWING TWO LOCATIONS:

- (i) ON THE NORTH SIDE OF THE CARRIAGEWAY NEAR THE LOT 5/LOT 6 BOUNDARY ON THE EXTENSION OF THE CARRIAGEWAY CENTRE LINE AND TWO METRES INSIDE THE ROAD RESERVE BOUNDARY, AND
 - (ii) ON THE FRONTAGE OF LOT 2 AT THE ROAD ANGLE AND OFFSET TWO METRES INSIDE THE NORTH AND WEST ROAD RESERVE BOUNDARIES RESPECTIVELY.
13. THAT THE CONSENT HOLDER SHALL BE REQUIRED TO DEMONSTRATE, PRIOR TO THE ISSUE OF THE SECTION 224(C) CERTIFICATE BY THE COUNCIL, HOW STORMWATER WILL BE DISPOSED OF WITHOUT CREATING A NUISANCE TO PROPERTY OWNERS.
14. THAT THE INTERSECTION BETWEEN LOT 16 AND STATE HIGHWAY 94 SHALL BE FORMED AT THE CONSENT HOLDER'S COST TO TRANSIT NEW ZEALAND DIAGRAM "D" STANDARD. THIS FORMATION SHALL TAKE PLACE PRIOR TO THE ISSUE OF THE SECTION 224(C) CERTIFICATE BY THE COUNCIL, OR SUCH LATER DATE AS AGREED BETWEEN THE CONSENT HOLDER AND THE COUNCIL.
15. THAT A CONSENT NOTICE SHALL BE REGISTERED IN ACCORDANCE WITH SECTIONS 220(c) AND 221 OF THE ACT AGAINST THE NEW CERTIFICATES OF TITLE FOR LOTS 2-14 WHICH STATES THAT THE EFFLUENT DISPOSAL AREAS FOR ANY FUTURE DEVELOPMENTS ON THESE ALLOTMENTS SHALL BE REQUIRED TO BE CONSTRUCTED AT A MINIMUM LEVEL OF 206.0 METRES ABOVE MEAN SEA LEVEL (BLUFF) - BEING THE MAXIMUM RECORDED LAKE LEVEL PLUS A FREEBOARD OF 0.9 METRES.

THIS CONSENT NOTICE SHALL FURTHER SPECIFY THAT THE PROPERTY OWNER SHALL, AT HIS OWN EXPENSE, PROVIDE A CERTIFICATE TO COUNCIL FROM A REGISTERED SURVEYOR OR ENGINEER CERTIFYING THAT THE EFFLUENT DISPOSAL SYSTEM HAS BEEN CONSTRUCTED AT OR ABOVE THE REQUIRED MINIMUM LEVEL.

16. THAT PURSUANT TO SECTION 220(1)(b)(ii) OF THE RESOURCE MANAGEMENT ACT 1991, LOTS 1 AND 18 ON THE PLAN SHALL BE HELD IN THE SAME CERTIFICATE OF TITLE (LAND REGISTRY REFERENCE NUMBER TO BE CONFIRMED).
17. THAT THE SURVEYOR SHALL BE REQUIRED TO CONFIRM, PRIOR TO THE ISSUE OF THE SECTION 224(c) CERTIFICATE BY THE COUNCIL, THAT THE EXISTING EFFLUENT DISPOSAL SYSTEM FOR THE EXISTING DWELLING ON LOT 12 DOES NOT CROSS ANY NEW ALLOTMENT BOUNDARIES.

IF IT IS DISCOVERED THAT THIS IS NOT THE CASE, THEN APPROPRIATE REMEDIAL WORKS TO CONTAIN THE EFFLUENT FROM THIS DWELLING WITHIN THE BOUNDARIES OF LOT 12 SHALL BE REQUIRED TO BE COMPLETED AT THE CONSENT HOLDER'S EXPENSE PRIOR TO THE ISSUE OF THE SECTION 224(C) CERTIFICATE BY THE COUNCIL.
18. THAT PRIOR TO THE ISSUE OF THE SECTION 224(C) CERTIFICATE BY THE COUNCIL, THE CONSENT HOLDER SHALL BE REQUIRED TO PAY TO THE COUNCIL A HEADWORKS CONTRIBUTION FOR WATER SUPPLY OF \$10,014.66, GST INCLUSIVE. THIS CONTRIBUTION IS A CONTRIBUTION WHICH WILL BE UTILISED TO PROVIDE FOR MAINTENANCE AND UPGRADING OF THE COUNCIL'S TE ANAU TOWNSHIP RETICULATED URBAN WATER SUPPLY SYSTEM, TO WHICH THESE RESPECTIVE ALLOTMENTS WILL BE CONNECTED.
19. THAT A CONSENT NOTICE BE REGISTERED IN ACCORDANCE WITH SECTION 220(C) AND 221 OF THE RESOURCE MANAGEMENT ACT 1991 TO REQUIRE THAT ANY NEW DWELLING TO BE CONSTRUCTED ON LOT 12 TO THE WEST OF THE EXISTING BUILDING LINE RESTRICTION SHALL BE CONSTRUCTED IN THE AREA SHOWN AS "BUILDING AREA" ON THE SCHEME PLAN OF SUBDIVISION. THIS AREA IS TO BE DEFINED ON THE SURVEY PLAN OF SUBDIVISION, AND A CONSENT NOTICE REGISTERED ACCORDINGLY.

Pursuant to Section 113 of the Act, the reasons for this approval are:

- (a) The Committee considers that, bearing in mind the size of the respective allotments within the subdivision, the subdivision is not contrary to the objectives and policies of the Southland District Plan. The Committee acknowledges that the frontages of Lots 2, 6 and 7 do not comply with the minimum frontage requirements of the Transitional Resource Area, but the Committee considers that adequate vehicular access is available to the respective allotments within the subdivision and that the environmental effects of this non-compliance are minor only.
- (b) The Committee is very mindful of the issues raised by the various submitters relating to on-site effluent disposal within this subdivision. These submissions were raised both via written submissions and by the submitters who attended the formal hearing of the application. The Committee considers that, having considered the applicant's submissions and evidence and the written submissions and evidence of those submitters who attended the hearing, the adverse effects of on-site effluent disposal on the allotments as presented in the current application will be minor only.

The Committee considers that Mr Anderson's report has established that on-site effluent disposal is feasible on the respective allotments within the current subdivision. The Committee notes the concerns of submitters relating to future resubdivision of the respective allotments, and the submitters' concerns that such resubdivision would increase the potential for future contamination of groundwater and the waters of Lake Te Anau. The Committee considers that it is limited legally in the extent to which it can address such potential future effects via conditions on the current application, and it is also mindful of the fact that any future development on the respective allotments will be required to comply with the provisions of the Southland Regional Council's Regional Effluent Land Application Plan, or a separate application for discharge consent from the Southland Regional Council will be required under the Resource Management Act 1991.

The Committee would wish to signal now that future resubdivision of Lots 2 to 14 within the subdivision would likely to be dealt with on a notified basis by the Council, and that the consent holder and intending purchasers should be aware of the fact that the subdivision in the Transitional Resource Area is discretionary and that the Council hence retains the discretion to decline a future subdivision consent in this area if it considers such action to be appropriate.

- (c) The Committee notes the concerns of Mr Carran regarding access onto the Limited Access Road (State Highway 94), but also notes that Transit New Zealand had given its written approval in terms of Section 94 of the Resource Management Act to this proposal.
- (d) The Committee notes submitters' concerns (and in particular the concerns of the Community Board) that the ratepayers of Southland District would be required to subsidise the future installation of reticulated services in this area, should future resubdivision create environmental problems. However, again the Committee considers that it is limited in the extent to which it could address future resubdivision by way of the current application. The Committee would wish to signal that any proposals for future resubdivision of this area would be likely to be closely scrutinised, to ensure that all servicing issues were appropriately provided for as part of any proposed development at the developer's cost.
- (e) The Committee is mindful of the concerns expressed by Mr Inder and others regarding low lying portions of the various allotments, particularly those closest to Lake Te Anau. The Committee considers that the imposition of the consent notice as stipulated via Condition 15 will require future developments to locate effluent disposal systems at least 900 mm above the previous highest recorded lake level, and hence that this will provide a level of protection from saturation of effluent disposal fields in times of high lake levels.
- (f) The Committee considers that the requirement for underground power and telephone reticulation services will minimise the visual effects of this subdivision in this area.

- (g) While the Committee notes the concern of various submitters who adjoin the proposed Lots 1 and 18, the Committee considers that it is not appropriate by way of this current subdivision consent to impose conditions to limit the future development of Lots 1 and 18. As was highlighted in the staff report on this application, the area shown as Lots 1 and 18 was previously zoned Residential 2/Residential 3 under the former Wallace District Scheme from 1987 onwards, and accordingly its identification in the Urban Resource Area under the operative Southland District Plan prepared under the Resource Management Act 1991 is consistent with its previous identification under the former Wallace District Scheme prepared under the Town and Country Planning Act 1977.
- (h) The Council has imposed Condition 18 on this consent as the consent holder intends to provide low pressure potable water supply to Lots 2 to 14 by way of connection to the Council's existing reticulated town water supply. Accordingly, the Council has imposed headworks contributions consistent with charges which other similar parties connecting to this scheme have incurred elsewhere in the Te Anau area. This headworks contribution will be utilised in order to provide for maintenance and future upgrading of the Te Anau Reticulated Water Supply System. It is noted that the scheme to be provided by the consent holder is a low pressure potable supply which is being provided primarily for livestock purposes and is considered by Council to be suitable for this subdivision only; and hence is not likely to be available or suitable for any future re-subdivision.

The Committee also resolved as follows with respect to Lot 15 within the subdivision; with this resolution only being required to be endorsed on the survey plan if the sale of Lot 15 to the Southland District Council proceeds:

THAT PURSUANT TO SECTION 321(3)(e) IF THE LOCAL GOVERNMENT ACT 1974, THE SOUTHLAND DISTRICT COUNCIL IS SATISFIED THAT LOT 15 IS TO BE UTILISED AS THE SITE OF A PUBLIC UTILITY, AND ACCORDINGLY THE COUNCIL RESOLVES THAT SECTION 321(1) OF THE LOCAL GOVERNMENT ACT 1974 (WHICH REQUIRES LEGAL AND PHYSICAL FRONTAGE TO A FORMED ROAD) SHALL NOT APPLY.

The Committee further resolved that, should the sale of Lot 15 to the Council not proceed, then the area currently shown as Lot 15 shall be permitted to be included within Lot 12 without requiring any further consideration or approval by the Committee."

You are reminded that a 15 working day appeal period exists to this decision under Sections 120 and 121 of the Resource Management Act. Any appeal should be lodged with The Registrar, Environment Court, Department of Justice, Tribunals Division, P O Box 5027, Lambton Quay, Wellington.

It is suggested that if you do wish to appeal, you should obtain legal advice prior to doing so in order to ensure that the appeal is lodged in the appropriate format and also to ensure that you are aware of the potential cost implications of lodging such appeal.

If you require any additional information, please do not hesitate to contact the undersigned.

Yours faithfully

B G Halligan
MANAGER - RESOURCE PLANNING

FILE COPY

**CONSENT NOTICE PURSUANT TO SECTION 221 OF
THE RESOURCE MANAGEMENT ACT 1991**

Subdivision consent pursuant to
Sections 105, 220 and 221 of the
Resource Management Act 1991

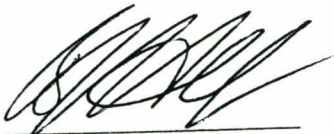
**Resource Consent 99/119- Lots 2-14 DP 15395 (Certificates of Title 12B/289, 12B/290, 12B/291,
12B/292, 12B/293, 12B/294, 12B/295, 12B/296, 12B/297, 12B/298, 12B/299, 12B/300, 12B/301)-
Ngai Tahu Holdings Corporation Limited- Te Anau**

Pursuant to Sections 220(1)(c) and 221 of the Resource Management Act 1991 the Southland District Council, by a resolution passed on 7th October 1999, imposed the following condition on the above subdivision consent, being a subdivision of Section 1 SO 11693 Block I Manapouri Survey District:

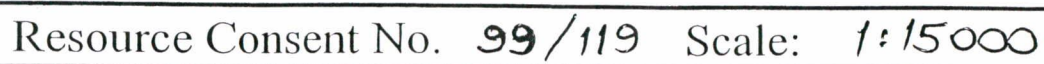
“ That the effluent disposal areas for any future developments on Lots 2-14 shall be required to be constructed at a minimum level of 206.0 metres above mean sea level (Bluff)- being the maximum recorded level for Lake Te Anau plus a freeboard of 0.9 metres.

Any person undertaking a development in the future on Lots 2-14 shall be required to provide a certificate to the Council from a registered surveyor or registered engineer certifying that the effluent disposal system has been constructed at or above the required minimum level.”

Dated at Invercargill this 20th day of June 2000.



BG Halligan
Manager- Resource Planning
as **AUTHORISED OFFICER**





Southland District Council

Amended
FILE COPY

When replying please quote: 60/3/00/55 B Halligan

1 August 2000

Noel Bonisch Limited
P O Box 1262
INVERCARGILL

ATTENTION: Mr Gavin Gilder

Dear Mr Gilder

Resource Consent 00/55 - A J Paton-McDonald - Te Anau (Te Anau Ward)

I acknowledge receipt at the Resource Planning Section of the above resource consent application on 11 April 2000, and the additional information (being adjoining owners' and purchasers' written approvals) received on 23 June 2000.

This application seeks a subdivision consent for the creation of Lots 1-5 as shown on the scheme plan of subdivision, being a subdivision of Lot 11 of the Ngai Tahu Lakefront Subdivision (Resource Consent 99/119). Lots 1-4 are new rural-residential allotments, ranging in area from 2.15 to 3.00 hectares. Lot 5 is a jointly owned access allotment, which will be jointly maintained by the owners of Lots 1-4.

I advise that this application has been considered by the Council's Resource Planning Department staff, under delegated authority vested by the Council pursuant to Section 34 of the Resource Management Act 1991. It has been resolved as follows with respect to this matter:

"That pursuant to Sections 94, 104 and 220 of the Resource Management Act 1991, the Southland District Council considers the application of Noel Bonisch Limited, registered surveyors, on behalf of:

A J Paton-McDonald

applicant, for consent to:

Subdivide Lot 11, DP 15395 (CT 12B/298) in order to create Lots 1-5 as shown on the scheme plan of subdivision, in the Transitional Resource Area

to be an application for a subdivision consent as a non-complying activity.

re:7j31july

Pursuant to Section 105 of the Act, the Council resolves to **grant subdivision consent** to this application, subject to the following conditions being imposed pursuant to Sections 108 and 220 of the Act:

1. That prior to the issue of the Section 224(c) certificate by the Council, the consent holder shall be required to pay a reserves contribution of \$1,395.00, GST inclusive, in accordance with the requirements of Rule FIN.5 of the Southland District Plan. This reserves contribution is calculated as follows:

Three additional rural-residential allotments x \$465.00 (GST inclusive) per allotment = \$1,395.00

2. That in accordance with Sections 220(1)(c) and 221 of the Resource Management Act 1991, a consent notice be registered against the new certificates of title for Lots 1-4 which states that any new dwelling to be constructed on each of these allotments shall require to be constructed within the 30 m x 30 m "Building Platform" on each allotment, as illustrated on the scheme plan. These Building Platforms are required to be illustrated on the survey plan of subdivision when submitted to Council for Section 224(c) certification, and shall be illustrated on the survey plan in identical positions to the positions illustrated on the scheme plan.

3. That Lot 1 hereon and an undivided one-fourth share of Lot 5 hereon be held in the same certificate of title, and

That Lot 2 hereon and an undivided one-fourth share of Lot 5 hereon be held in the same certificate of title, and

That Lot 3 hereon and an undivided one-fourth share of Lot 5 hereon be held in the same certificate of title, and

That Lot 4 hereon and an undivided one-fourth share of Lot 5 hereon be held in the same certificate of title. See 273964.1

4. That the configuration of the allotments within this subdivision shall be as illustrated on the amended scheme plan dated 15 May 2000. In particular, a minimum of 5 m splays are to be provided at the intersection of Lot 5 and the Lakefront Block subdivision road.
5. That the easements as shown in the Memorandum of Easements illustrated on the amended scheme plan dated 15 May 2000 shall be shown in a Memorandum of Easements on the survey plan, and that these easements be duly granted and reserved.
6. That all infrastructure, including water supply, sewerage, stormwater drainage, power and telephone reticulation, and roads necessary to service the subdivision is to be installed by the consent holder at the consent holder's expense. In particular, the water main is to be installed in the road reserve, as per the amended scheme plan dated 15 May 2000, not on private land.

When lodging the survey plan of the subdivision for the Section 224 (c) certification, the surveyor is to provide documented evidence to confirm that the purchaser of Lot 9 is agreeable to the creation of Easement D as shown on the scheme plan dated 15 May 2000, if the sewer main is to be installed over Lot 9.

Please note also that **INFRASTRUCTURE LOCATED ON PRIVATE LAND WILL NOT BE TAKEN OVER BY THE COUNCIL ON COMPLETION OF THE WORKS.** The only facility which will be taken over and maintained by Council following completion of works to the required Council standards is the section of the water main from State Highway 94 to the intersection of Lot 5 and Oraka Street.

7. **Engineering Documentation**

That full engineering documentation (drawings and specifications) for infrastructure to be taken over by the Council is to be approved by the Group Manager-Asset Management before any construction commences.

Further, outline drawings and specification notes are to be provided for the infrastructure not being taken over. The details given should be sufficient to assure Council that the standards of construction will be inherently safe and fit for the purpose required, will not cause a nuisance for neighbours, and will not have any adverse impacts on Council infrastructure. For example, the sewer will feed directly into the Council sewer. If it is not constructed correctly, it will have the potential to cause a nuisance to allotments which it crosses and blockages on the Council sewer main.

8. **Construction Supervision**

That the construction of the infrastructure to be taken over by the Council is to be supervised by a registered engineer or surveyor who will be responsible for certifying that the construction has been carried out in accordance with the agreed standards.

9. **As Built Drawings**

That complete as-built drawings for all infrastructure to be taken over by the Council in hard copy and digital format compatible with Microstation are to be supplied on the completion of the works and before application is made for the Section 224(c) certification for the subdivision. Drawings are to be accurate to within 100 mm for position and 20 mm for levels.

10. **Headworks Contribution**

That prior to the issue of the Section 224(c) certificate by the Council, a financial contribution towards services of \$8,261.56 GST inclusive, calculated as per the attached calculation sheet and in accordance with Rule FIN .7 of the Southland District Plan, shall be paid by the consent holder.

11. That effluent disposal from Lots 1-4 shall be via reticulation to the Council's Te Anau reticulated sewerage scheme, rather than via on-site methods.

12. That prior to the issue of the Section 224(c) certificate by the Council for this subdivision, the consent holder shall be required to physically and permanently close all existing accesses from State Highway 94 to Lot 11, DP 15395, if this has not already occurred.

Pursuant to Section 113 of the Act, the reasons for this approval are:

- (a) The Council is satisfied that, subject to the conditions of approval as outlined, this subdivision will not generate significant adverse environmental effects. The site of the application is located in the Transitional Resource Area, where subdivision is a discretionary activity. However, the subdivision has assumed non-complying activity status, as the frontage for the all allotments do not comply with the minimum frontage requirements of the Transitional Resource Area. The Council is satisfied that the adverse effects of this subdivision will be minor only.
- (b) The written approvals of the current owner, all existing adjoining owners, the purchasers of Lots 9, 10, 12 and 13 in the Lakefront subdivision, Te Runanga o Ngai Tahu, Te Ao Marama, Southern Public Health Services, Ngai Tahu Property Group, and the Guardians of Lakes Te Anau, Monowai and Manapouri have been obtained to the application. The Te Anau Community Board has also advised that it is agreeable to the granting of this consent, provided that the respective allotments are connected to the reticulated services. The Community Board also stressed the importance of ensuring that the respective property owners are aware of the fact that they are responsible for the future maintenance of Lot 5, not the Council. It is noted that the application states (Page 4) that a right-of way easement has been created so as to enable maintenance provisions to be specified, as the creation of an access allotment alone does not do this. It is important that, during the negotiations with prospective purchasers, the consent holder makes them aware of the future maintenance arrangements for Lot 5.
- (c) Although the frontage for Lots 3 and 4 do not comply with the minimum frontage requirements of Rule TRA.1 of the District Plan; the Council considers that the reduced frontage will not be contrary to the objectives and policies of the Southland District Plan, as provision has still been made for adequate vehicular access to each allotment.
- (d) The Council has processed this application of a non-notified basis as the respective allotments are to be connected to reticulated water and sewerage schemes, and all the parties which Council considers could be adversely affected by the granting of this consent have provided their written approvals.
- (e) The requirement for a consent notice to be registered against the new certificates of title for Lots 1-4 has been imposed at the consent holder's request, so as to recognise the 150 metre minimum separation specified in the District Plan.
- (f) The Council is agreeable to access being obtained by way of the access allotment-Lot 5. However, the Council wishes to make it very clear that it **WILL NOT BE RESPONSIBLE FOR THE FUTURE MAINTENANCE OF LOT 5, WITH THE MAINTENANCE OF THIS ALLOTMENT TO BE THE RESPONSIBILITY OF THE FUTURE OWNERS OF LOTS 1 TO 4,** as outlined in (b) above.

- (g) The requirement for a headworks contribution for water and sewerage has been imposed in accordance with the formula specified in the District Plan, based on the Depreciated Asset Value of the respective reticulated systems. The requirement for a reserves contribution of \$465.00 GST inclusive per additional allotment (three additional allotments) has been imposed as the Council considers that the primary use of these allotments is residential. This contribution will be utilised for the acquisition and development of reserves in the Te Anau area.

Further, it has been resolved as follows with respect to this matter:

- That pursuant to Section 321(3)(c) of the Local Government Act 1974, the Council is satisfied that adequate access is available to Lots 3 and 4 by way of an access allotment (Lot 5) running with the land, and accordingly resolves on that ground that the provisions of Section 321(1) of the Local Government Act 1974 (which require frontage to a public or private road) shall not apply. An access allotment is not a "private road" as defined in the Local Government Act 1974, and hence this resolution is necessary.

(It is understood that this resolution will be shown on the survey plan when submitted)

- That pursuant to Section 221(3) of the Resource Management Act 1991, the Council hereby cancels the consent notice registered against Lot 11, DP 15395. The purpose of this consent notice was to specify a minimum level for on-site effluent disposal systems, but this is no longer necessary as effluent disposal from the respective allotments will be to the Council's reticulated Te Anau sewerage scheme.

(A certificate to this effect will be produced when the survey plan is submitted to Council for Section 224(c) certification).

I advise that the Council's additional costs of processing this application, over and above the \$250.00 resource consent processing deposit, total \$2,354.95 GST inclusive, calculated as per the attached costing sheet. An invoice for this amount, along with a copy of this consent, has been forwarded to Mr Paton-McDonald at the address provided.

You are reminded of the rights of objection and appeal which exist to this decision, in terms of Sections 120, 121 and 357 of the Resource Management Act 1991, for a period of 15 working days from your receipt of this decision.

If you require any additional information, please contact the undersigned.

Yours faithfully

B G Halligan
MANAGER - RESOURCE PLANNING

Copies sent to:

A J Paton-McDonald, P O Box 233, Te Anau

Mr B E Brown, Te Anau Community Board, P O Box 25, Te Anau

Don Reid

Jenny Green/Barbara Johnson

Graham Jones



717250mN

717000mE

299250mE

299500mE

299750mE

LAND DISTRICT SOUTHLAND
SURVEY BLK/DIST 1 MANAPOURI S.D.LOTS 1 TO 5 BEING SUBDIVISION
OF LOT 11 DP 15395TERRITORIAL AUTHORITY SOUTHLAND DIST.
SURVEYED BY RALPH MOIR & ASSOC.
Scale 1:1500 Date MARCH 2002File Received 15/03/2002
SURVEYORS FILE E21 T

DP 307197

I HEREBY CERTIFY THAT THIS PLAN WAS
APPROVED BY THE SOUTHLAND DISTRICT
COUNCIL PURSUANT TO SEC 223 OF THE
RESOURCE MANAGEMENT ACT 1991 ON

..7th DAY OF March

SUBJECT TO THE GRANTING OR RESERVING
OF THE EASEMENTS SET OUT IN THE
MEMORANDUM ENDORSED HEREON, AND
SUBJECT TO THE AMALGAMATION CONDITIONS
SET OUT HEREUNDER:THAT LOT 1 HEREON AND AN UNDIVIDED
ONE-FOURTH SHARE OF LOT 5 HEREON BE
HELD IN THE SAME CERTIFICATE OF TITLE,
AND THAT LOT 2 HEREON AND AN UNDIVIDED
ONE-FOURTH SHARE OF LOT 5 HEREON BE
HELD IN THE SAME CERTIFICATE OF TITLE,
AND THAT LOT 3 HEREON AND AN UNDIVIDED
ONE-FOURTH SHARE OF LOT 5 HEREON BE
HELD IN THE SAME CERTIFICATE OF TITLE,
AND THAT LOT 4 HEREON AND AN UNDIVIDED
ONE-FOURTH SHARE OF LOT 5 HEREON BE
HELD IN THE SAME CERTIFICATE OF TITLE.
SEE 273964.1FURTHERMORE PURSUANT TO SECTION 321(3) (C)
OF THE LOCAL GOVERNMENT ACT 1974 THE SAID
COUNCIL IS SATISFIED THAT ADEQUATE ACCESS
IS AVAILABLE TO LOTS 3 AND 4 BY WAY OF AN
ACCESS ALLOTMENT (LOT 5 HEREON) RUNNING
WITH THE LAND AND ACCORDINGLY RESOLVES
THAT THE PROVISIONS OF SECTION 321(4) OF
THE ACT SHALL NOT APPLYAUTHORISED OFFICER
ROADS LEGAL & 20.12 WIDE UNLESS OTHERWISE SHOWN

NEW C's T ALLOCATED

LOT 1 27940
LOT 2 27941
LOT 3 27942
LOT 4 27943

TOTAL AREA 10.0842 ha

COMPRISED IN
C.T. SL128/298

CLASS OF SURVEY I

AREAS J, K, L, M & N ARE TO BE SUBJECT
TO A LAND COVENANTAREAS F, G, H & I ARE TO BE SUBJECT
TO A CONSENT NOTICEI, DON MOIR
BEING A PERSON ENTITLED TO PRACTISE AS A
REGISTERED SURVEYOR, CERTIFY THAT -
(a) THE SURVEYS TO WHICH THIS DATASET
RELATES ARE ACCURATE, AND WERE UNDERTAKEN
BY ME IN ACCORDANCE WITH THE SURVEY ACT
1996 AND THE SURVEY REGULATIONS 1998;
(b) THIS DATASET IS ACCURATE, AND HAS BEEN
CREATED IN ACCORDANCE WITH THAT ACT AND
THOSE REGULATIONS.

12/3/02

Field Book p. Traverse Book p.
Reference Plans

Examined Correct

Approved as to Survey

...7.5.102... Chief Surveyor

Deposited this 26th day of JUNE 2002

for Registrar-General of Land

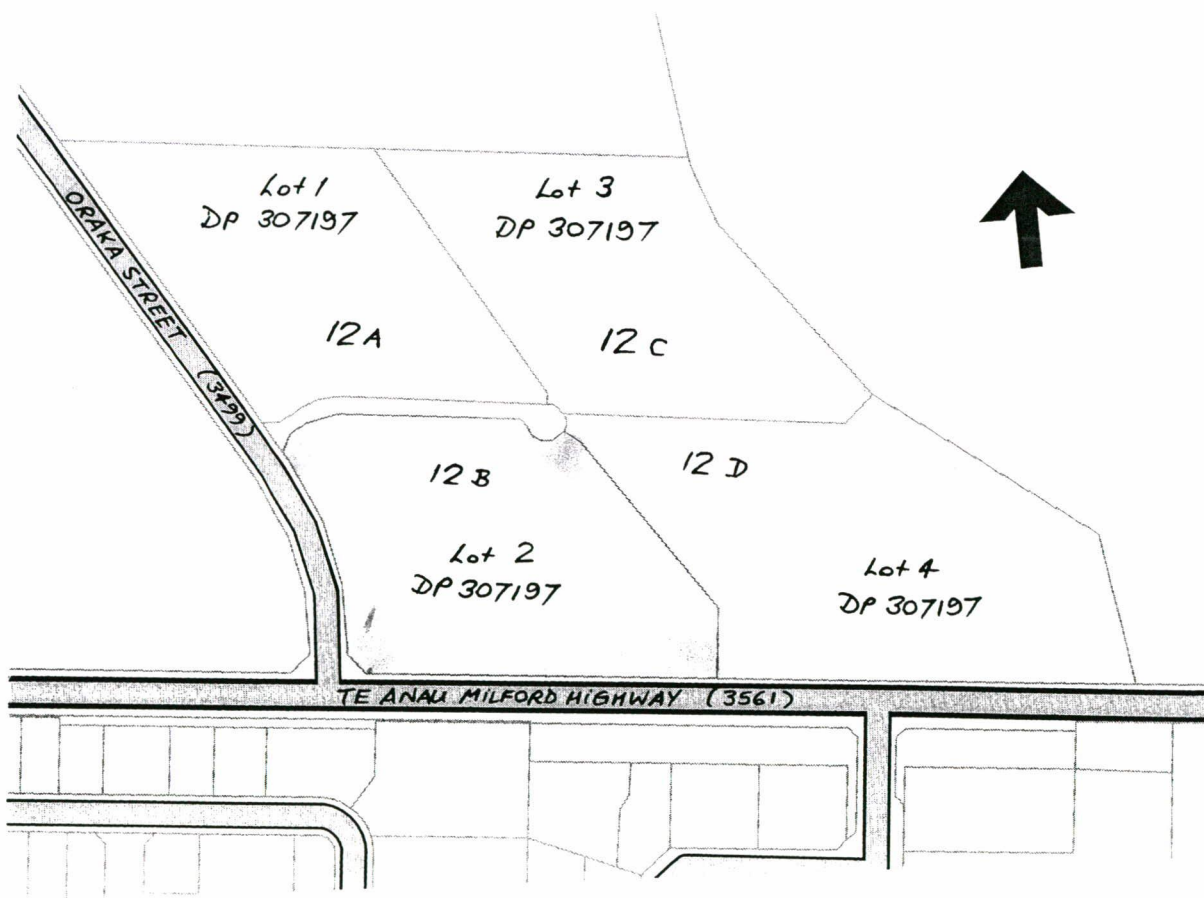
File Received 15/03/2002
SURVEYORS FILE E21 T

SCHEDULE OF EXISTING EASEMENTS			
NATURE OF EASEMENT	SHOWN	SERVIENT TENEMENT	CREATING TRANSFER
CONVEY SEWAGE	E	LOT 1	274470.8

MEMORANDUM OF EASEMENTS			
NATURE OF EASEMENT	SHOWN	SERVIENT (LOT)	DOMINANT (LOTS)
CONVEY SEWAGE	A	1	2, 3 & 4
CONVEY ELECTRICITY & TELECOMMUNICATIONS	D	3	2 & 4
RIGHT OF WAY & CONVEY SEWAGE, WATER, ELECTRICITY AND TELECOMMUNICATIONS	B	4	1, 2 & 3
	C	5	1, 2, 3 & 4

COVENANT M EXTENDS OVER EASEMENT E
COVENANT K EXTENDS OVER EASEMENTS M & A
COVENANT N EXTENDS OVER EASEMENT DDIAGRAM
NOT TO SCALEORAKA STREET
(20.00)

TE ANAU - MILFORD HIGHWAY (SH 94)

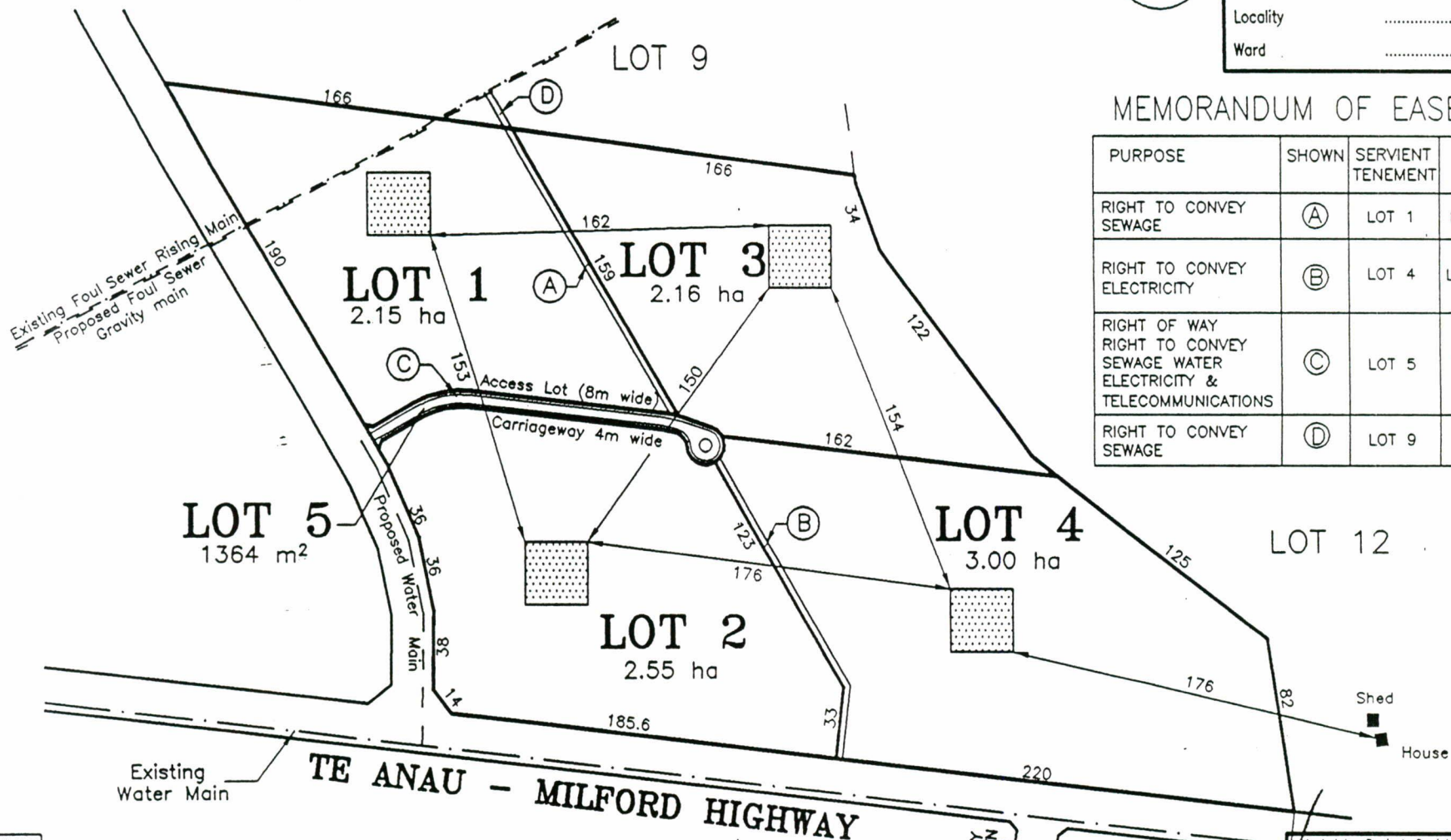




Application No
File Reference
Date Received
Locality
Word

MEMORANDUM OF EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO CONVEY SEWAGE	(A)	LOT 1	LOT 2, 3 & 4
RIGHT TO CONVEY ELECTRICITY	(B)	LOT 4	LOTS 1, 2 & 3
RIGHT OF WAY RIGHT TO CONVEY SEWAGE WATER ELECTRICITY & TELECOMMUNICATIONS	(C)	LOT 5	LOTS 1, 2, 3, & 4
RIGHT TO CONVEY SEWAGE	(D)	LOT 9	LOTS 1, 2, 3, & 4



NOTE: ALL AREAS AND DIMENSIONS
ARE SUBJECT TO SURVEY

NOEL BONISCH Limited
REGISTERED SURVEYORS
12 DON STREET, P.O. BOX 1262
PHONE 03-218 2546
INVERCARGILL, N.Z.

Updated 15 May 2000
Updated 5 April 2000
7 March 2000

SCHEME PLAN

LAND DISTRICT SOUTHLAND
Record Map No: D43
Comprised in:

PROPOSED SUBDIVISION OF
LOT 11 LAKE FRONT SUBDIVISION
TE ANAU

Local Authority: Southland District Council
At Original Format of A4 the Scale is: 1:3000

Noel John Bonisch Registered Surveyor certify
that this scheme plan has been prepared by me

Noel Bonisch

Approved

Authorised Officer...../...../.....

Scheme Plan Number:

D.P.

Surveyor's
File Reference 1748/7



Southland District Council

When replying please quote: 60/3/00/55 B Halligan

7 June 2000

Ken Lloyd

Mr B E Brown
Te Anau Community Board
C/- P O Box 25
TE ANAU

COPY TO

Noel Bonisch Ltd
P O Box 1262
INVERCARGILL

ATTENTION: Boyd Wilson

Dear Mr Brown

Resource Consent 00/55 - A J Paton-McDonald, Te Anau

Please find attached for the Te Anau Community Board's consideration a copy of the above resource consent application and associated information, and also a copy of the comments of the Council's Engineering staff regarding this matter.

Mr Paton-McDonald has an unconditional sale and purchase agreement with Ngai Tahu Holdings Corporation Ltd for the purchase of Lot 11 in the Ngai Tahu "Lakefront" Block Subdivision in Te Anau. A copy of the scheme plan of the Lakefront subdivision showing the position of Lot 11 in relation to the other allotments is attached for the Board's information.

Mr Paton-McDonald proposes to subdivide Lot 11 into four new rural residential allotments, ranging in area from 2.15 to 3 hectares, as shown on the scheme plan of subdivision attached.

Three of the new rural residential allotments will be offered for sale, with the fourth being retained by Mr Paton-McDonald. Lot 5, being an access allotment will be held in four undivided one-fourth shares in the same ownership by the owners of Lots 1 to 4 and hence will not vest in Council as road reserve.

Lots 1 to 4 will be connected to the Te Anau Township Reticulated Urban Water Supply System. Each of Lots 1 to 4 will also be connected by a 150 mm diameter gravity sewer main to the Council sewer main to the north of the site of the application. The applicant intends to negotiate an easement in favour of Southland District Council over Lot 9 of the Lakefront Block Subdivision, in order to enable sewerage to be conveyed to the Council's main.

As can be seen by the scheme plan of subdivision, the scheme plan identifies proposed 30 m x 30 m building platforms, within which it is proposed to construct dwellings within and which comply with the 150 m minimum separation distance as outlined in the District Plan. The applicant has requested that the Council impose consent notices to require the new dwellings to be constructed within these building platforms, so as to mean that no additional land use consents are required for the construction of dwellings within the defined building platforms on the respective allotments.

The Board will recall the concerns voiced regarding the Lakefront Block Subdivision, and its lack of reticulated services. I attach a copy of my letter to Noel Bonisch Ltd dated 3 May 2000 for the Board's information. As can be seen from this letter, I have advised that the Council is prepared to consider dealing with this application on a non-notified basis if the applicant is successful in obtaining various parties written approvals.

At the time of writing this letter, the applicant had obtained the bulk of these approvals and had been advised verbally that all other approvals would be forthcoming. The applicant has requested that this application be referred to the Te Anau Community Board now, rather than when all written approvals are received, as the applicant is concerned that he will miss the forthcoming meeting of the Community Board on 21 June 2000.

It would be appreciated if you could consider this application and Mr Jones' suggested engineering conditions and advise whether the Board is agreeable to the granting of this subdivision consent. Alternatively if you have any specific issues or concerns with respect to this subdivision or have other conditions which the Board will wish to see imposed, it will be appreciated if you could advise accordingly on the attached copy of this letter.

Thanking you in advance for consideration of this matter. If you wish to discuss this matter further, please do not hesitate to contact the undersigned on (03) 214 9717 (direct line).

Yours faithfully

B G Halligan
MANAGER - RESOURCE PLANNING



Southland District Council

(F)
3495/16
16 Paton Place
Te Anau

When replying please quote: 60/3/04/118 B Halligan

11 August 2004

«name»

Dear «name1»

**Resource Consent 04/118 – A J Paton-McDonald – 12A, 12B and 12C Oraka Street,
Te Anau – Resource Consent Application Decision**

I am writing to advise, further to previous correspondence, that the hearing of the above resource consent application and submissions thereto took place before the Council's Resource Planning Committee, at a hearing held on Friday, 30 July 2004 in the Council Chambers, Southland District Council Building, Invercargill.

The Southland District Council's Resource Planning Committee was made up of the following representatives:

- **Cr J T C Frew, Chairman**
- **Cr A D Ridley, Te Anau Ward Member**
- **Cr S M Anderson**
- **Cr L A Bailey**
- **Cr J D Copland**
- **Cr P Duffy**
- **Cr C A Kingipotiki**

The applicant was represented at the hearing by:

- **Mr K Hovell, Planning Consultant, Hovell Environmental Planning**
- **Mr A J Paton-McDonald, Applicant**

Council staff present at the hearing were:

- **Mr L McKenzie, Group Manager, Regulatory Services**
- **Mr B G Halligan, Manager, Resource Planning**
- **Mr P Higgs, Group Manager, Services and Assets**
- **Mr N Bishop, Roading Engineer**
- **Mrs B Greenwood, Administration Officer**

The following submissions had been received in relation to this application:

- **Transit New Zealand**
- **Te Anau Community Board (late submission)**
- **Environment Southland**

None of these submitters were present at the hearing.

The Committee resolved to receive and consider the late submission from the Te Anau Community Board.

The Hearing

The hearing commenced with Mr Halligan tabling his staff report and speaking in relation to this report. He advised the Committee that in his opinion the consent sought could be granted, and that the proposed development constituted a transition between the existing residential development to the west and the less intensive rural development to the east of the site.

He also advised the Committee that the development was sufficiently separated from the existing Te Anau Oxidation Ponds to meet the recommended 300 metre minimum separation distance as recommended by the Ministry of Health.

Mr Halligan pointed out that submitters had raised infrastructural issues with respect to the proposed development, and that in particular:

- Transit New Zealand's submission requested that the developer undertake a number of traffic safety measures adjacent to the site, including a significant intersection upgrade at the intersection of Oraka Street and the Te Anau-Milford Highway (State Highway 94).
- The Te Anau Community Board had also requested that a number of infrastructural measures be incorporated into the conditions of the consent, and in particular raised its concerns relating to the proposal to dispose of stormwater by way of on-site methods, rather than to a reticulated stormwater disposal system.

Mr Halligan advised the Committee that in his opinion some of the conditions which were being sought by submitters were ultra vires the Council, as they did not relate to the site to which the consent relates. Mr Halligan emphasised that any conditions which the Committee should impose as conditions of this resource consent must be within the Council's legal powers under the Resource Management Act and consistent with the provisions of the Southland District Plan and the Council's Subdivision and Land Development Standards Bylaw.

Mr Higgs then spoke in relation to stormwater disposal issues within the subdivision. Mr Higgs indicated that the Council was proposing to undertake a major study of stormwater arrangements within the Te Anau Basin, but that this information at present did not exist. However, he considered that the proposed stormwater arrangements with respect to this subdivision, being on-site stormwater disposal and utilisation of swales, would be likely to be a sustainable arrangement, subject to detailed design being submitted to the Council for approval prior to the issue of a Section 224(c) Certificate for the subdivision by the Council.

Mr Bishop then addressed the Committee in relation to the staff perspective on roading issues with respect to this development. Mr Bishop advised that the roading staff had some concerns with respect to the geometry of intersections between Lot 15 and the accesses to the respective allotments. He advised that he considered that these issues could be addressed at the detailed engineering design stage by liaison between the applicant and/or their consultant, and the Council's Engineering Section.

The Applicant's Submissions:

Mr Hovell presented a written statement of evidence on behalf of the applicant.

Mr Hovell advised that he considered that the development was consistent with the scale of other developments recently approved by Council in the Oraka Street area, and that the development constituted a transition between rural and urban areas in this locality. He advised that he considered that the density of development proposed was such that it would retain the open rural character of the area.

Mr Hovell also advised that he considered that the application was consistent with the objectives and policies of the District Plan, and with the provisions of other relevant planning instruments.

Mr Hovell advised that he considered that the issues raised in submissions by Transit New Zealand did not reasonably relate to this specific application. He noted that more than 400 sections had been created in Oraka Street, hence that he considered that it was unfair to expect this particular developer of 14 new allotments to pay for works that would benefit all users of the road.

Mr Hovell commented that he did not consider that the requirement for registration of a prohibition against the planting of pest plants by way of a consent notice, as suggested in the staff report, was an appropriate mechanism to address this issue.

Mr Hovell also advised that he considered that the issues raised by the Te Anau Community Board in some instances deviated from the Council's Subdivision and Land Development Standards Bylaw and the Southland District Plan, and that it was not fair on his client to deviate from these established standards. Mr Hovell did, however, agree that it was appropriate that the power supply within the subdivision be undergrounded, as requested by the Board.

In relation to the staff report, Mr Hovell stated that he generally supported the Planner's recommendation to approve the subdivision and land use consent sought, but then outlined a number of alterations which he sought to the suggested consent conditions in the staff report. In particular, Mr Hovell stated that he considered that the figure proposed by recommended Condition 2.7 was flawed, as it proposed a contribution based on 14 new sewage connections, when his client had already paid for three sewerage connections as part of the previous subdivision of this area, and accordingly, in his view, this figure should be adjusted to \$33,857.30.

In response to queries from the Committee, Mr Hovell advised that he considered that the width of the proposed legal road and proposed access allotment and right-of-way were appropriate, and that no further width was necessary.

Mr Hovell also advised that the easement shown as "D" on the scheme plan is an existing easement over other adjacent land to the east.

Mr Paton-McDonald advised that he would be prepared to consider the installation of low wattage street lighting within the development, so as to minimise the visual effect of this street lighting.

Mr Hovell also reiterated that specific engineering information would be provided on the on-site soakage arrangements and access arrangements prior to the Section 224(c) Certificate being issued by the Council.

Following the conclusion of the evidence by Mr Hovell, a brief interlude was taken by the Committee in order to ensure that representatives of Transit New Zealand had not arrived, subsequent to the commencement of the hearing, as the Transit New Zealand submission specifically requested a right to be heard. However, no Transit New Zealand representatives had arrived, so the hearing continued on this basis.

The Committee then resolved to move into public excluded, as is provided for by the Local Government Official Information and Meetings Act, Section 48, as there is a right of appeal to the Environment Court in relation to this decision.

The Decision

(Moved Cr Ridley and seconded Cr Bailey)

"THAT THE SOUTHLAND DISTRICT COUNCIL RESOURCE PLANNING COMMITTEE CONSIDERS THE APPLICATION OF HOVELL ENVIRONMENTAL PLANNING, PLANNING CONSULTANTS ON BEHALF OF:

- **MR A J PATON-McDONALD**

FOR THE FOLLOWING RESOURCE CONSENTS:

- **SUBDIVISION CONSENT FOR A 14 ALLOTMENT RESIDENTIAL SUBDIVISION ACCESSED FROM ORAKA STREET, TE ANAU, AS SHOWN ON THE SCHEME PLAN DATED APRIL 2004 SUBMITTED WITH THE APPLICATION, WITH LOT 15 TO VEST IN COUNCIL AS PUBLIC ROAD AND LOT 16 TO BE A PRIVATE ACCESS ALLOTMENT WHICH WILL BE HELD IN ONE-FOURTH SHARES BY THE OWNERS OF LOTS 7-10, AND**
- **LAND USE CONSENT TO ERECT A DWELLING UPON EACH OF THE 14 PROPOSED RESIDENTIAL ALLOTMENTS (BEING LOTS 1-14 ON THE SCHEME PLAN DATED APRIL 2004) WITHIN A PERIOD OF TEN YEARS.**
- **TO BE AN APPLICATION FOR SUBDIVISION AND LAND USE CONSENTS AS A DISCRETIONARY ACTIVITY.**

THE SITE TO WHICH THIS CONSENT RELATES IS LOCATED:

- **12A, 12B AND 12C ORAKA STREET, TE ANAU**

LEGAL DESCRIPTION:

- **LOTS 1-3 AND LOT 5, DP 307197, BEING EXISTING CERTIFICATES OF TITLE 27940, 27941 AND 27942**

ZONING:

- **THE SITE TO WHICH THIS ALLOCATION RELATES IS LOCATED WITHIN THE "TRANSITIONAL RESOURCE AREA" UNDER THE OPERATIVE SOUTHLAND DISTRICT PLAN 2001.**

THE COMMITTEE HEREBY **GRANTS SUBDIVISION AND LAND USE CONSENTS** TO THIS APPLICATION, IN ACCORDANCE WITH SECTION 104B OF THE ACT, SUBJECT TO THE FOLLOWING CONDITIONS BEING IMPOSED

PURSUANT TO SECTIONS 104B(b), 108 AND 220 OF THE ACT:

SUBDIVISION CONSENT CONDITIONS**1. INFRASTRUCTURE:**

THAT ALL INFRASTRUCTURE INCLUDING WATER, SEWER, STORMWATER, POWER AND TELEPHONE RETICULATION, ROADS, FOOTPATHS, LANDSCAPING, STREET LIGHTING (PREFERABLY DESIGNED TO MINIMISE LIGHT-SPILL OUTSIDE OF THE IMMEDIATE ENVIRONS OF THE SUBDIVISION), ROAD LINE-MARKING AND SIGNAGE TO SERVICE THE SUBDIVISION IS TO BE INSTALLED BY THE CONSENT HOLDER AT THE CONSENT HOLDER'S COST IN ACCORDANCE WITH COUNCIL'S SUBDIVISION AND LAND DEVELOPMENT BYLAW. UNDERGROUND POWER AND TELEPHONE RETICULATION IS REQUIRED TO BE PROVIDED.

THE INFRASTRUCTURE IS TO INCLUDE PARTIAL WIDENING BY AN ADDITIONAL 2.5 M IN WIDTH ON THE EAST SIDE OF THE ROAD CARRIAGEWAY OF ORAKA STREET TOWARDS AN ULTIMATE ROAD WIDTH OF 11M FOR THE FULL FRONTAGE OF THE SUBDIVISION AND THE INSTALLATION OF STORMWATER MAIN, KERB, CHANNEL, GRASSED BERM AND FOOTPATH ALONG THIS FRONTAGE.

THE HEAD OF THE LOT 15 CUL-DE-SAC SHALL BE WIDENED TO ALLOW FOR TRUCK TURNING. INCLUSION OF THE SPLAY AREA OF LOT 16 INTO LOT 15 MAY IMPROVE THE USABILITY.

THE PROPOSED GREEN ENGINEERING SOLUTION FOR STORMWATER DISPOSAL WITHIN THE SUBDIVISION WILL NEED TO BE PROVEN. IF THE LONG-TERM SUSTAINABILITY OF THIS SOLUTION AT MINIMUM COST TO THE COMMUNITY CANNOT BE DEMONSTRATED, A FULLY PIPED SOLUTION WILL BE REQUIRED. COUNCIL'S ENGINEERING STAFF HAVE COMMENTED THAT IT IS EXPECTED THAT A SOAKAGE SOLUTION WILL EFFECTIVELY PRECLUDE ANY FUTURE RE-SUBDIVISION OF THESE ALLOTMENTS.

2. ENGINEERING DOCUMENTATION:

THAT FULL ENGINEERING CONSTRUCTION DOCUMENTATION (TEST RESULTS, CALCULATIONS, DRAWINGS AND SPECIFICATIONS) IN ACCORDANCE WITH COUNCIL'S SUBDIVISION AND LAND DEVELOPMENT BYLAW IS TO BE SUBMITTED TO AND APPROVED BY COUNCIL BEFORE ANY CONSTRUCTION WORK COMMENCES.

THE DOCUMENTATION IS TO INCLUDE A PLAN OF LANDSCAPING PROPOSED TO BE INSTALLED.

3. **CCTV INSPECTION:**

THAT PRIOR TO ACCEPTANCE OF THE SUBDIVISION BY COUNCIL ALL NEWLY CONSTRUCTED FOUL SEWERS SHALL HAVE A CLOSED CIRCUIT TELEVISION (CCTV) INSPECTION CARRIED OUT IN ACCORDANCE WITH THE "NEW ZEALAND PIPE INSPECTION MANUAL" MARCH 1999, SECOND EDITION, AT THE CONSENT HOLDER'S COST. A PAN AND TILT CAMERA SHALL BE USED AND LATERAL CONNECTIONS SHALL BE INSPECTED FROM INSIDE THE MAIN. INSPECTION DATA SHALL BE PROVIDED IN A FORMAT FOR CAPTURE INTO COUNCIL'S HANSEN INFORMATION MANAGEMENT SYSTEM (EG FLEXIDATA OR SIMILAR).

4. **ENGINEERING CERTIFICATION:**

THAT THE CONTRACTOR AND THE SUPERVISING ENGINEER ARE TO CERTIFY THAT THE CONSTRUCTION HAS BEEN CARRIED OUT IN ACCORDANCE WITH THE AGREED STANDARDS THROUGH THE ISSUING OF WRITTEN STATEMENTS COVERING THEIR RESPECTIVE RESPONSIBILITIES.

5. **AS-BUILT DOCUMENTATION:**

THAT COMPLETE AS-BUILT DETAILS ARE TO BE SUPPLIED TO COUNCIL IN BOTH HARD COPY AND DIGITAL FORMATS ON COMPLETION OF THE WORKS AND BEFORE APPLICATION IS MADE TO ISSUE THE SECTION 224(C) CERTIFICATE. THE POSITION OF ALL INFRASTRUCTURE TO BE TAKEN OVER BY COUNCIL IS TO BE DETAILED RELATIVE TO NZ MAP GRID WITH AN ACCURACY OF +/- 100 MM AND LEVELS RELATIVE TO MEAN SEA LEVEL WITH AN ACCURACY OF +/- 20 MM.

6. **VESTING OF LAND:**

THAT LOT 15 TO VEST IN THE SOUTHLAND DISTRICT COUNCIL AS ROAD, AT NO COST TO COUNCIL.

7. **FINANCIAL CONTRIBUTION FOR SERVICES:**

THAT A FINANCIAL CONTRIBUTION FOR WATER AND SEWERAGE SERVICES IN ACCORDANCE WITH RULE FIN.7 OF THE DISTRICT PLAN OF \$33,857.31 GST INCLUSIVE, CALCULATED AS PER THE ATTACHED SHEET, IS TO BE PAID TO COUNCIL BY THE CONSENT HOLDER, PRIOR TO THE ISSUE OF THE SECTION 224(C) CERTIFICATE BY THE COUNCIL.

8. **ENGINEERING FEES:**

THAT, PRIOR TO THE ISSUE OF THE SECTION 224(C) CERTIFICATE BY COUNCIL, THE CONSENT HOLDER SHALL REIMBURSE COUNCIL FOR ALL COSTS INCURRED BY COUNCIL DURING THE ENGINEERING DESIGN AND CONSTRUCTION APPROVAL PROCESS. THE EXPECTED AMOUNT OF THIS IS \$5,071.00 AS SET OUT IN THE ATTACHED CALCULATION SHEET, BUT THIS IS DEPENDENT ON THE SUPPLY OF ADEQUATE INFORMATION BY THE CONSENT HOLDER.

9. **MAINTENANCE:**

THAT ALL OF THE INFRASTRUCTURE TO BE TAKEN OVER BY COUNCIL IS TO BE MAINTAINED BY THE CONSENT HOLDER FOR A PERIOD OF TWO YEARS FROM THE DATE THAT THE SECTION 224(C) CERTIFICATE IS SIGNED BY COUNCIL. A BOND WITH SECURITY OF \$20,000.00 IS TO BE ENTERED INTO BETWEEN THE CONSENT HOLDER AND THE COUNCIL AT THE CONSENT HOLDER'S COST, TO ENSURE FULFILMENT OF THIS CONDITION.

ALTERNATIVELY, IF THE CONSENT HOLDER PREFERS, THEY MAY PAY TO THE COUNCIL DIRECTLY A SUM OF \$20,000.00 TO BE HELD IN A COUNCIL TRUST ACCOUNT AND REIMBURSED, INCLUDING ANY ACCRUED INTEREST, TO THE CONSENT HOLDER AT THE COMPLETION OF THE MAINTENANCE PERIOD.

10. **RESERVES CONTRIBUTION:**

THAT IN ACCORDANCE WITH RULE FIN.5 OF THE OPERATIVE SOUTHLAND DISTRICT PLAN, THE FINANCIAL CONTRIBUTION FOR RESERVES OF \$5,115.00 GST INCLUSIVE SHALL BE PAID BY THE CONSENT HOLDER TO THE COUNCIL PRIOR TO THE ISSUE OF THE SECTION 224(C) CERTIFICATE FOR THIS SUBDIVISION.

THIS FINANCIAL CONTRIBUTION IS ASSESSED ON THE BASIS OF THE 11 ADDITIONAL RESIDENTIAL ALLOTMENTS BEING CREATED BY WAY OF THIS SUBDIVISION (THERE ARE ALREADY THREE EXISTING ALLOTMENTS, AND 14 ALLOTMENTS ARE PROPOSED), MULTIPLIED BY THE \$465.00 PER ALLOTMENT CONTRIBUTION SPECIFIED IN RULE FIN.5 OF THE DISTRICT PLAN.

11. **CONSENT NOTICE**

THAT A CONSENT NOTICE SHALL BE PREPARED AND REGISTERED AGAINST THE NEW CERTIFICATES OF TITLE FOR LOTS 1-14 TO STATE THAT NO PLANTS DESIGNATED AS PEST PLANTS IN ENVIRONMENT SOUTHLAND'S REGIONAL PEST MANAGEMENT STRATEGY OR THE NATIONAL PEST PLANT ACCORD MAY BE PLANTED ON ANY OF THESE ALLOTMENTS.

12. **RESTRICTIVE COVENANT**

THAT THE CONSENT HOLDER SHALL SUPPLY TO THE COUNCIL A COPY OF ALL OF THE RELEVANT CERTIFICATES OF TITLE FOR LOTS 1-14 ISSUED BY WAY OF THIS SUBDIVISION, IN ORDER TO CONFIRM THAT THE RESTRICTIVE COVENANT AS OUTLINED IN APPENDIX A OF THE APPLICATION DOCUMENTATION HAS BEEN REGISTERED AGAINST THESE NEW CERTIFICATES OF TITLE (IT IS NOTED THAT THIS COVENANT REFERS TO PROHIBITION ON PLANTING OF CERTAIN SPECIES OF TREES, BUT THIS WOULD BE SUPERSEDED BY SUGGESTED CONDITION 11 ABOVE AND HENCE SHOULD BE REMOVED).

THE RESTRICTIVE COVENANT SHALL BE EXPANDED TO INCLUDE THE CLAUSE AS OUTLINED IN SECTION 4.4 OF THE STATEMENT OF EVIDENCE OF MR HOVELL AS PRESENTED AT THE HEARING.

13. **AMALGAMATION CONDITION**

THAT LOT 7 HEREON AND AN UNDIVIDED ONE-FOURTH SHARE OF LOT 16 HEREON BE HELD IN THE SAME CERTIFICATE OF TITLE, AND THAT LOT 8 HEREON IN AN UNDIVIDED ONE-FOURTH SHARE OF LOT 16 HEREON BE HELD IN THE SAME CERTIFICATE OF TITLE, AND THAT LOT 9 HEREON AND AN UNDIVIDED ONE-FOURTH SHARE OF LOT 16 HEREON BE HELD IN THE SAME CERTIFICATE OF TITLE, AND THAT LOT 10 HEREON AND AN UNDIVIDED ONE-FOURTH SHARE OF LOT 16 HEREON BE HELD IN THE SAME CERTIFICATE OF TITLE.

14. **EASEMENTS**

THAT THE EASEMENTS AS SHOWN ON THE SCHEME PLAN BE ILLUSTRATED ON THE SURVEY PLAN OF SUBDIVISION SUBMITTED FOR SECTION 224(C) CERTIFICATION, AND DULY GRANTED AND REMOVED.

LAND USE CONSENT CONDITIONS

15. **DURATION OF CONSENT:**

THAT IN ACCORDANCE WITH SECTION 125(1) OF THE RESOURCE MANAGEMENT ACT 1991, THE CONSENT HOLDER HAS A PERIOD OF TEN YEARS FROM THE DATE OF THIS CONSENT TO GIVE EFFECT TO THIS LAND USE CONSENT.

16. **HEIGHT OF BUILDINGS**

THAT ANY BUILDING TO BE CONSTRUCTED ON LOTS 1-14 SHALL NOT EXCEED A HEIGHT OF 9 METRES ABOVE EXISTING NATURAL GROUND LEVEL, AND SHALL BE SITED AT LEAST 4.5 METRES FROM ALL BOUNDARIES WHICH ADJOIN LEGAL ROADS, AND AT LEAST 1.0 METRES FROM ALL OTHER BOUNDARIES. A CONSENT NOTICE TO THIS EFFECT TO BE REGISTERED ON THE NEW CERTIFICATES OF TITLE FOR LOTS 1-14 IN ACCORDANCE WITH SECTION 221 OF THE RESOURCE MANAGEMENT ACT 1991.

17. **KŌIWI ACCIDENTAL DISCOVERY**

IF KŌIWI (HUMAN SKELETAL REMAINS) ARE DISCOVERED, THEN WORK SHALL STOP IMMEDIATELY AND TE AO MARAMA INC (NGĀI TAHU (MURIHIKU) RESOURCE MANAGEMENT CONSULTANTS) WILL BE ADVISED.

THEY WILL ARRANGE A SITE INSPECTION BY THE APPROPRIATE TANGATA WHENUA AND THEIR ADVISERS, INCLUDING STATUTORY AGENCIES, WHO WILL DETERMINE WHETHER THE DISCOVERY IS LIKELY TO BE EXTENSIVE AND WHETHER A THOROUGH SITE INVESTIGATION IS REQUIRED.

MATERIALS DISCOVERED WILL BE HANDLED AND REMOVED BY IWI RESPONSIBLE FOR THE TIKANGA APPROPRIATE TO THEIR REMOVAL OR PRESERVATION.

TAONGA OR ARTEFACT ACCIDENTAL DISCOVERY

TAONGA OR ARTEFACT MATERIAL (EG POUNAMU/GREENSTONE ARTEFACTS) OTHER THAN KŌIWI WILL BE TREATED IN A SIMILAR MANNER SO THAT THEIR IMPORTANCE CAN BE DETERMINED AND THE ENVIRONMENT RECORDED BY QUALIFIED ARCHAEOLOGISTS ALONGSIDE THE APPROPRIATE TANGATA WHENUA.

***IN-SITU* (NATURAL STATE) POUNAMU/GREENSTONE ACCIDENTAL DISCOVERY**

PURSUANT TO THE NGĀI TAHU (POUNAMU VESTING) ACT 1997, ALL NATURAL STATE POUNAMU/GREENSTONE IN THE NGĀI TAHU TRIBAL AREA IS OWNED BY TE RŪNANGA O NGĀI TAHU. THE NGĀI TAHU POUNAMU RESOURCE MANAGEMENT PLAN PROVIDES FOR THE FOLLOWING MEASURE:

- ANY *IN-SITU* (NATURAL STATE) POUNAMU/GREENSTONE ACCIDENTALLY DISCOVERED SHOULD BE REPORTED TO THE POUNAMU MANAGEMENT OFFICER OF TE RŪNANGA O NGĀI TAHU AS SOON AS IS REASONABLY PRACTICABLE. THE POUNAMU MANAGEMENT OFFICER OF TE RŪNANGA O NGĀI TAHU WILL IN TURN CONTACT THE APPROPRIATE KAITIAKI PAPATIPU RŪNANGA.
- IN THE EVENT THAT THE FINDER CONSIDERS THE POUNAMU IS AT IMMEDIATE RISK OF LOSS SUCH AS EROSION, ANIMAL DAMAGE TO THE SITE OR THEFT, THE POUNAMU/GREENSTONE SHOULD BE CAREFULLY COVERED OVER AND/OR RELOCATED TO THE NEAREST SAFE GROUND. THE FIND SHOULD THEN BE NOTIFIED IMMEDIATELY TO THE POUNAMU MANAGEMENT OFFICER.

CONTACT DETAILS FOR THE POUNAMU MANAGEMENT OFFICER ARE AS FOLLOWS:

TE RŪNANGA O NGĀI TAHU
LEVEL 7, TE WAIPOUNAMU HOUSE
158 HEREFORD STREET
P O BOX 13-046
OTAUTAHU/CHRISTCHURCH

PHONE: (03) 366 4344

FAX: (03) 365 4424

WEB: www.ngaitahu.iwi.nz

POUNAMU MANAGEMENT OFFICER
KAIWHAKARITE TIAKI POUNAMU
TE RŪNANGA O NGĀI TAHU

18. THAT THE COUNCIL RESERVES THE RIGHT TO REVIEW THE CONDITIONS OF THIS CONSENT, ONCE PER ANNUM ON THE ANNIVERSARY OF THIS CONSENT, FOR A PERIOD OF FIVE YEARS, IN ORDER TO ADDRESS ANY ADVERSE ENVIRONMENT EFFECT WHICH MAY ARISE FROM THE EXERCISE OF THIS CONSENT WHICH IT IS APPROPRIATE TO DEAL WITH AT A LATER STAGE. MATTERS WHICH MAY BE THE SUBJECT OF THIS REVIEW ARE:

- STORMWATER DISPOSAL
- ACCESS AND MANOEUVRING ARRANGEMENTS WITHIN THE DEVELOPMENT

Reasons for Decision

Pursuant to Section 113 of the Act, the reasons for this decision are:

- (a) Council is satisfied that, subject to the conditions of approval as outlined, this development constitutes a transition between the Urban Resource Area and the Rural Resource Area, and therefore the development is generally consistent with the objectives and policies of the Transitional Resource Area under the Operative Southland District Plan 2001. The Committee also notes that the development is of a density that is less intensive than other developments that have been approved recently in this Resource Area. The Committee considers that the density of this development is consistent with the peri-urban nature of the Transitional Resource Area under the Operative Southland District Plan 2001.
- (b) The Committee also notes that this subdivision will be reticulated for water and sewerage, at the consent holder's cost, and that the Transitional Resource Area of the Operative Southland District Plan 2001 makes provision for development to be approved at densities less than the one hectare minimum/two hectare average, where reticulation is to occur.
- (c) The Committee notes the concerns of the Te Anau Community Board regarding on-site stormwater disposal in relation to this subdivision, and the Community Board's request that this development be reticulated for stormwater disposal. However, the Committee also notes the information provided by the Council's Group Manager-Services and Assets, Mr Higgs at the hearing in relation to this issue; and the Committee is satisfied that disposal of stormwater via on-site soakage and swales within the subdivision is an acceptable environmental outcome provided that the consent holder provides suitable engineering documentation prior to the issue of the Section 224(c) Certificate for this subdivision to verify to the Council's satisfaction that an appropriate engineering assessment has been undertaken of this method. This is required by the conditions of the consent, notably Condition 1.

The Committee's determination that on-site stormwater disposal is acceptable is based on the density of this development, and this is not necessarily applicable to all other developments within the Te Anau basin. The suitability of a stormwater disposal system would be assessed on its merits by the Council's Engineering staff at a time of any future applications being lodged, and the rural-residential density of this subdivision is a key factor in the Committee considering this to be an acceptable engineering solution in this instance.

- (c) The Committee notes the additional design and appearance measures volunteered by Mr Hovell in Section 4.4 of his statement of evidence, and commends these additional measures. It is required that these be incorporated into the final restrictive covenant to be registered by the consent holder against the new certificates of title for Lots 1-14 within the subdivision.

- (d) The Committee notes the access arrangements within the subdivision, and the fact that several of the allotments will be accessed by way of a jointly-owned access allotment (Lot 16) which will not be Council road. The Committee accepts this arrangement, **but wishes to ensure that the consent holder and any intending purchasers are fully aware that the Council will not be responsible for future maintenance and upgrading of Lot 16, which is a jointly owned access allotment and not Council road.**

The Council's Engineering staff have commented that the cul-de-sac at the eastern end of Lot 15 may require widening to meet the Council's subdivisional standards. Therefore, this will require suitable design prior to the issue of the Section 224(c) Certificate by the Council, as is referred to in the conditions of this consent.

- (e) The Council notes the measures as volunteered by the developer in relation to mitigating any adverse visual effect in relation to new structures on the respective allotments, by way of the imposition of the restrictive covenant as outlined in the application and as elaborated on by Mr Hovell at the formal hearing. Council considers that the developer's imposition of this restrictive covenant, coupled with the consent notice requirement which the Council has imposed in relation to height and bulk and location of buildings, will mitigate any adverse visual effects in the Transitional Resource Area in this locality. The Committee considers that the measures as volunteered by the developer in relation to the design and colour scheme of buildings are important in this locality; as these are emphasised by the Transitional Resource Area provisions of the District Plan and the site is a visually prominent site, being located adjacent to the Te Anau-Milford Highway (State Highway 94) which is a main tourist thoroughfare.
- (f) The Committee notes the submission of Transit New Zealand which requests that the Council imposes conditions on this resource consent to require the consent holder to undertake works at the intersection of Oraka Street and the Te Anau-Milford Highway in order to enhance traffic safety in this locality.

While the Committee does not dispute Transit's expertise in traffic safety issues associated with State Highway management, the Committee considers that the imposition of the conditions as requested by Transit would be unreasonable on this developer.

The Committee notes the information as presented by Mr Hovell in the applicant's submissions which states that the applicant strongly opposes the imposition of the conditions as requested by Transit New Zealand because these:

"cannot reasonably relate to this particular consent. More than 400 sections have been created in Oraka Street, and it is unfair to expect the developer of 14 new allotments to pay for works that would benefit all users of the road".

Therefore, the Committee concurs with the applicant's view in this instance that while the measures as suggested by Transit New Zealand may be desirable from a traffic safety perspective, it would be unreasonable and possibly ultra vires the Council to seek to impose such conditions on this particular development when other larger scale developments have also occurred in this locality and have not been subject to similar conditions.

The Committee notes also that, while Transit New Zealand requested to be heard in relation to its submission, Transit New Zealand representatives were not present at the hearing, and accordingly the Committee had no further information to consider in relation to Transit New Zealand's request other than the written submission as lodged.

- (g) The Committee notes the issues raised by the Te Anau Community Board's late submission (which the Committee resolved to receive and which the applicant advised on a "without prejudice" basis they had no opposition to being considered by the Committee), which focused on infrastructural issues within the development.

The Committee considers that the infrastructural conditions which it has imposed on this resource consent deal appropriately with infrastructural issues, and are consistent with the Council's Subdivision and Land Development Standards Bylaw and the provisions of the Operative Southland District Plan 2001. The Committee also considers that it would be ultra vires the Council to seek to impose conditions on this developer (such as the requirement to form a further footpath on the frontage of another site which is not the subject of this consent), as these types of conditions do not reasonably relate to the site for which the resource consents are sought. Accordingly, the conditions which the Committee has imposed on this resource consent are consistent with the Council's District Plan and Subdivision and Land Development Standards Bylaw, and with the recommendations of the Council's Engineering staff.

- (h) The Committee notes Mr Hovell's viewpoint that the imposition of a consent notice prohibiting the planting of pest plants on the respective new allotments is "*a dumb idea*". However the Committee does not concur with this viewpoint and notes that this is a request which has been made by a submitter - Environment Southland. The Committee has imposed similar conditions on other developments in this locality, and (contrary to Mr Hovell's viewpoint) the Committee considers that these types of conditions do have a value in raising awareness with respect to pest plant issues – particularly where this site is in close proximity to the Fiordland National Park and Lake Te Anau.
- (i) The Committee notes the consent holder's concern with respect to recommended Condition 2.7 in the Staff Report, which required a financial contribution of \$38,328.94, GST Inclusive, to be paid to the Council by the consent holder prior to issue of the Section 224(c) Certificate for this subdivision. The consent holder contends that this figure is excessive, as the consent holder has already paid for three additional sewer connections by way of the previous subdivision approved by way of DP 307197.

Council's records have been checked in this regard, and the financial contribution has been adjusted accordingly".

You are reminded of the right of appeal which exists in relation to this decision, to the Environment Court for a period of 15 working days from your receipt of this decision, as is outlined under Sections 120 and 121 of the Resource Management Act 1991.

If you wish to lodge an appeal in relation to this decision, it should be lodged with the Environment Court within 15 working days of your receipt of this notice of decision, and you should serve a copy of this notice of appeal on the Council, the applicant/consent holder and all other persons who made a submission on the application within five working days of the notice of appeal being lodged with the Environment Court.

If you require any additional information or clarification, please do not hesitate to contact the undersigned.

Yours faithfully



B G Halligan
MANAGER - RESOURCE PLANNING



Digital Title Plan - DP 346387

Survey Number	DP 346387
Surveyor Reference	W2258 - Patton McDonald (Bill)
Surveyor	Kim Marie Botting
Survey Firm	Paterson Pitts Partners (Wanaka) Ltd
Surveyor Declaration	I Kim Marie Botting, being a person entitled to practise as a licensed cadastral surveyor, certify that - (a) The surveys to which this dataset relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor-General's Rules for Cadastral Survey 2002/2; (b) This dataset is accurate, and has been created in accordance with that Act and those Rules. Declared on 11/01/2005.

Survey Details

Dataset Description	Lots 1 - 16 being subdivision of Lots 1 to 3 and 5 DP 307197 and easements over Lot 4 DP 307197		
Status	Deposited		
Land District	Southland	Survey Class	Class I Cadastral Survey
Submitted Date	11/01/2005	Survey Approval Date	13/01/2005
		Deposit Date	14/04/2005

Territorial Authorities

Southland District

Comprised In

CT 27940
CT 27941
CT 27942
CT 27943

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Lot 1 Deposited Plan 346387	Fee Simple Title	0.5040 ha	190645
Lot 2 Deposited Plan 346387	Fee Simple Title	0.3659 ha	190646
Lot 3 Deposited Plan 346387	Fee Simple Title	0.4273 ha	190647
Lot 4 Deposited Plan 346387	Fee Simple Title	0.5261 ha	190648
Lot 5 Deposited Plan 346387	Fee Simple Title	0.5839 ha	190649
Lot 6 Deposited Plan 346387	Fee Simple Title	0.5283 ha	190650
Lot 7 Deposited Plan 346387	Fee Simple Title	0.6044 ha	190651
Lot 8 Deposited Plan 346387	Fee Simple Title	0.5116 ha	190652
Lot 9 Deposited Plan 346387	Fee Simple Title	0.4608 ha	190653
Lot 10 Deposited Plan 346387	Fee Simple Title	0.6013 ha	190654
Lot 11 Deposited Plan 346387	Fee Simple Title	0.3621 ha	190655
Lot 12 Deposited Plan 346387	Fee Simple Title	0.3621 ha	190656
Lot 14 Deposited Plan 346387	Fee Simple Title	0.4083 ha	190657
Lot 15 Deposited Plan 346387	Vesting on Deposit for Road	0.2709 ha	
Lot 16 Deposited Plan 346387	Fee Simple Title	0.2060 ha	Multiple



Digital Title Plan - DP 346387

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Marked A Deposited Plan 346387	Easement		
Marked A1 Deposited Plan 346387	Easement		
Marked B Deposited Plan 346387	Easement		
Marked C Deposited Plan 346387	Easement		
Marked C1 Deposited Plan 346387	Easement		
Marked D Deposited Plan 346387	Easement		
Marked F Deposited Plan 346387	Easement		
Marked G Deposited Plan 346387	Easement		
Marked H Deposited Plan 346387	Easement		
Marked I Deposited Plan 346387	Easement		
Marked J Deposited Plan 346387	Easement		
Marked K Deposited Plan 346387	Easement		
Marked L Deposited Plan 346387	Easement		
Marked M Deposited Plan 346387	Easement		
Marked N Deposited Plan 346387	Land Covenant		
Marked E Deposited Plan 346387	Easement		
Lot 13 Deposited Plan 346387	Fee Simple Title	0.3544 ha	190658
Total Area		<u>7.0774 ha</u>	

Schedule / Memorandum

PLAN TITLE:
Lots 1 - 16 being subdivision of Lots 1 to 3 and 5 DP 307197, and Easements over Lot 4 DP 307197.
 LT 346387 RM04/118 W2258

Paterson Pitts Partners Ltd.
 Consultants in
 Surveying, Land Planning & Development
 Dunedin Alexandra Cromwell Wanaka Queenstown

Sheet Purpose: *Easements*

Sheet 1 of 3

EXISTING EASEMENTS IN GROSS			
PURPOSE	MARKED	SERVIENT TENEMENT	GRANTEE
Right to Convey Sewage	K	Lot 10 Hereon	Southland District Council T. 274470.8
	L	Lot 11 Hereon	
	M	Lot 12 Hereon	

Lots 1 to 14 DP 346387 are subject to Pt IV A Conservation Act 1987

Lots 1 to 16 are subject to existing Consent Notice CONO 274470.4

Lots 1 to 16 are to be subject to a Consent Notice.

lots 1 to 16 are to be subject to a Land Covenant

Areas "G" & "N" are to be subject to a Land Covenant (No Build)

EASEMENTS TO BE RELINQUISHED

As Lot 15 Hereon is to be vested as Road the following existing easements need to be relinquished.

"A", "C" and "D" DP 307197.

OPTIONAL EASEMENT IN GROSS			
PURPOSE	MARKED	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	A1, C & C1	Lot 16 Hereon	Lots 7, 8, 9, 10 Hereon

Schedule / Memorandum

PLAN TITLE:
Lots 1 - 16 being subdivision of Lots 1
to 3 and 5 DP 307197, and Easements
over Lot 4 DP 307197.

LT 346387 RM04/118 W2258

Paterson Pitts Partners Ltd.

Consultants in
Surveying, Land Planning & Development
Dunedin Alexandra Cromwell Wanaka Queenstown

Sheet Purpose: Easements

Sheet 2 of 3

OPTIONAL EASEMENT IN GROSS

PURPOSE	MARKED	SERVIENT TENEMENT	GRANTEE
Right of Convey Electricity	B & F	Lot 4 DP307197	The Power Company LTD

MEMORANDUM OF EASEMENTS IN GROSS

PURPOSE	MARKED	SERVIENT TENEMENT	GRANTEE
Right to Drain Sewage	A	Lot 10 Hereon	Southland District Council
Right to Convey Electricity	A1, C & C1	Lot 16 Hereon	The Power Company LTD
Right to Convey Telecommunication & computer media	A1, C & C1	Lot 16 Hereon	Telecom New Zealand
Right to Convey Water and Drain Sewage	A1, C & C1	Lot 16 Hereon	Southland District Council
Right to Convey Electricity	D	Lot 1 Hereon	The Power Company LTD
Right to Convey Telecommunication & computer media	D	Lot 1 Hereon	Telecom New Zealand
Right to Convey Water	D	Lot 1 Hereon	Southland District Council
Right to Drain Sewage	E & F	Lot 4 DP 307197	Southland District Council
Right to Drain Sewage	G	Lot 5 Hereon	Southland District Council

Schedule / Memorandum

PLAN TITLE:
 Lots 1 - 16 being subdivision of Lots 1
 to 3 and 5 DP 307197, and Easements
 over Lot 4 DP 307197.

LT 346387

RM04/118

W2258

Paterson Pitts Partners Ltd.

Consultants in
 Surveying, Land Planning & Development
 Dunedin Alexandra Cromwell Wanaka Queenstown

Sheet Purpose: *Easements*

Sheet 3 of 3

MEMORANDUM OF EASEMENTS IN GROSS

PURPOSE	MARKED	SERVIENT TENEMENT	GRANTEE
Right to Drain Sewage	H	Lot 1 Hereon	Southland District Council
Right to Convey Water and Drain sewage	I	Lot 14 Hereon	Southland District Council
Right to Convey Water and Drain sewage	J	Lot 10 Hereon	Southland District Council

MEMORANDUM OF EASEMENTS

PURPOSE	MARKED	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	D	Lot 1 Hereon	Lots 3 & 4 Hereon
Right to Convey Electricity & Telecommunication & Computer media	G	Lot 5 Hereon	Lot 1 Hereon
Right to Convey Electricity	I	Lot 14 Hereon	Lot 10, 11, 12 Hereon
Right to Convey Electricity	J	Lot 10 Hereon	Lot 11 Hereon



Non Primary

Lot 9 DP 15395

Lot 12 DP 15395

Lot 4 DP 307197

ORAKA STREET
(Legal)

15
To vest as Road in
Southland District Council

TE ANAU-MILFORD HIGHWAY (SH 94)
(Legal)

Limited Access

(Legal)

Land District: Southland

Digitally Generated Plan
Generated on: 14/04/2005 12:12am Page 7 of 8

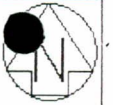
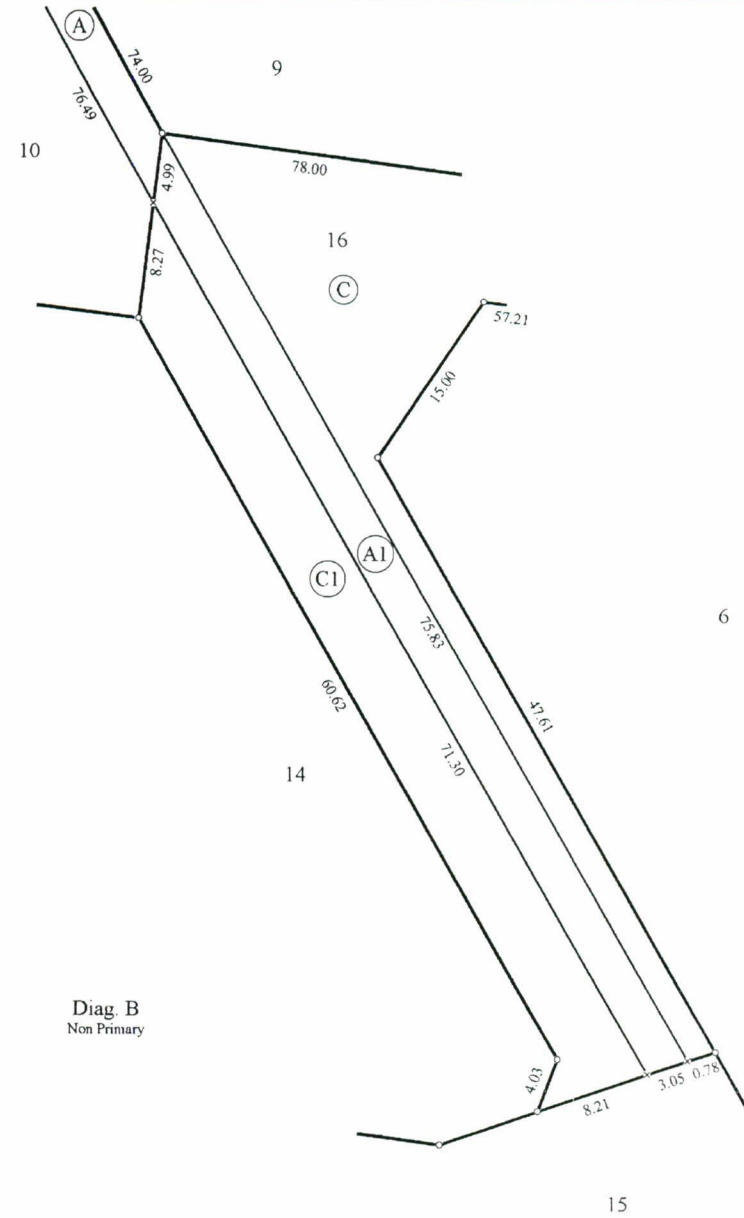
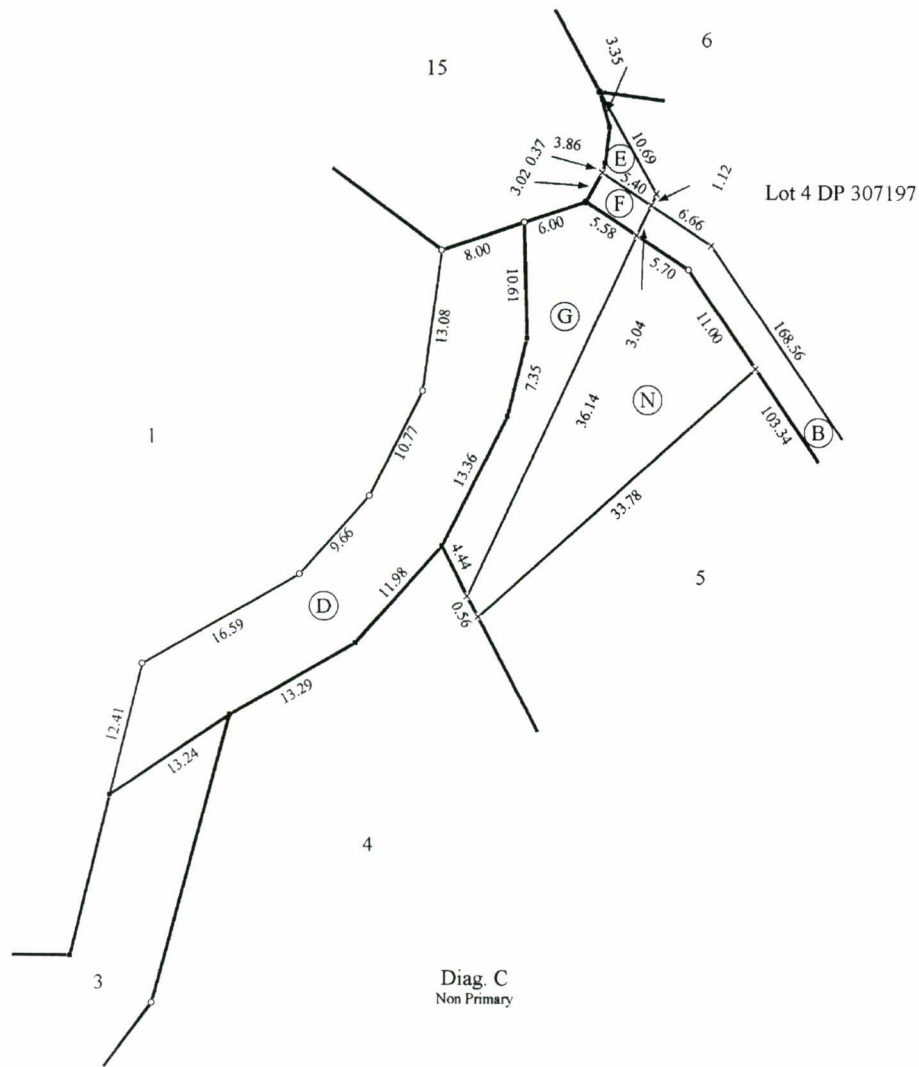
Lots 1 - 16 being subdivision of Lots 1 to 3 and 5 DP 307197 and easements over
Lot 4 DP 307197

Surveyor: Kim Marie Botting
Firm: Paterson Pitts Partners (Wanaka) Ltd

Digital Title Plan
DP 346387

Deposited on: 14/04/2005

T 2/3



T 3/3

When replying please quote: 360/10/12/126 M Hunter

6 June 2012

A J Paton-McDonald
C/- Clark Fortune and McDonald & Associates
PO Box 207
Gore 9740

COPY TO: David Joll
Graham Jones
File

Attention: Mr M Fortune

Dear Murray

Resource Consent 12/126 - A J Paton-McDonald - Section 348, Local Government Act 1974 - Right-of-Way over Lot 3, DP 346387

I acknowledge receipt at the Resource Management Department of the abovementioned right of way application and associated information on 17 May 2012.

This application seeks approval from the Southland District Council pursuant to Section 348 of the Local Government Act 1974 for the creation of a Right-of-Way to further facilitate legal access to the property owned by Mr A J Paton-McDonald and is located in the "Te Anau Urban Resource Area" under the Operative Southland District Plan 2001.

This Right-of-Way will enhance legal access to Lot 4, DP 346387, being the land contained within existing Computer Freehold Register 190648, over Lot 3, DP 346387, being the land contained within existing Computer Freehold Register 190647. The proposed easement "DD" is shown on the draft submitted Plan LT 454430, which is attached to this decision.

The site is not located in a potentially floodable area and there are no known sites of lwi or archaeological significance present on either of the two sites.

Council's Te Anau Ward Area Engineer has reviewed the proposal and notes that the preceding applications have required that the crossing point be formed to Council's Subdivision and Land Development Bylaw specification R09-1.

I advise that this application has now been considered by the Council's Senior Resource Management Planner, under delegated authority pursuant to Section 34A of the Resource Management Act 1991. The following has been resolved with respect to this matter:



"That pursuant to Section 348(1) of the Local Government Act 1974, the Southland District Council considers the application prepared by Clark Fortune McDonald, on behalf of:

- **A J Paton-McDonald**
- **To create a Right-of-Way to enhance legal access to an existing allotment, being Right-of-Way "DD" over Lot 3, DP 346387, in favour of Lot 4, DP 346387**

The site to which this Right-of-Way relates is located at:

- **12 and 16 Paton Place, being Lots 3 and 4, DP 346387, held in Computer Freehold Registers 190647 and 190648 with the Valuation References 30440/61612 and 30440/61613**

to be an application for a **Section 348 Certificate** under Section 348 of the Local Government Act 1974.

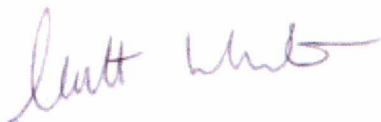
Accordingly, I advise that it has resolved with respect to this matter that under delegated authority vested by the Council in the Senior Resource Consents Planner, pursuant to the Local Government Act 1974:

"That pursuant to Section 348(1) of the Local Government Act 1974, the Southland District Council consents to approve the proposed Right-of-Way shown as "DD" on Right-of-Way Application 12/126. This Right-of-Way has been sought to provide a right of access over Lot 3, DP 346387, being the land contained within existing Computer Freehold Register 190647, in order to provide legal access to Lot 4, DP 346387, being the land contained within existing Computer Freehold Register 190648."

I acknowledge receipt of the \$316.20 Section 348 Certificate processing fee. No additional costs have been incurred in the processing of this resource consent.

If you require any clarification, please do not hesitate to contact the undersigned on 0800 732 732 or via email on matt.hunter@southlanddc.govt.nz.

Yours faithfully



Matt Hunter
RESOURCE MANAGEMENT PLANNER



80 m

1 : 1000

This plan is suitable for information only and is not suitable for boundary definition. Southland District Council accepts no liability for any error whatsoever.

Produced by C F McD (Gore) 09/24 5/14/2012

CLARK FORTUNE McDONALD & ASSOCIATES
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS
14 Morsey Street, Gore, P.O. Box 207, Telephone (08) 208-6474

SOUTHLAND DISTRICT COUNCIL

No: 360/10/12/126 Copyright © 2010 Southland District Council

Approved: [Signature]

Date: 26 June 2012

Schedule/Memorandum of Easements – DP 454430

Surveyor Reference: 5323

SOUTHLAND DISTRICT COUNCIL

No: 360/10/12/126
Approved: [Signature]
Date: 06 June 2012

Proposed Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	DD	Lot 3 DP 346387 (CR 190647)	Lot 4 DP 346387 (CR 190648)



Title Plan - DP 454430

Survey Number	DP 454430
Surveyor Reference	5323 / Paton-McDonald
Surveyor	Murray Peter Fortune
Survey Firm	Clark Fortune McDonald & Assoc (Gore)
Surveyor Declaration	I Murray Peter Fortune, being a licensed cadastral surveyor, certify that: (a) this dataset provided by me and its related survey are accurate, correct and in accordance with the Cadastral Survey Act 2002 and the Rules for Cadastral Survey 2010, and (b) the survey was undertaken by me or under my personal direction. Declared on 08 Jun 2012 08:04 AM

Survey Details

Dataset Description	Easement over Lot 3 DP 346387		
Status	Deposited		
Land District	Southland	Survey Class	Class A
Submitted Date	08/06/2012	Survey Approval Date	03/07/2012
		Deposit Date	05/07/2012

Territorial Authorities

Southland District

Comprised In

CT 190647

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Area DD Deposited Plan 454430	Easement		
Total Area		0.0000 Ha	

Schedule/Memorandum of Easements – DP 454430

Surveyor Reference: 5323

Proposed Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	DD	Lot 3 DP 346387 (CR 190647)	Lot 4 DP 346387 (CR 190648)



Diag. A
Non Primary

15.00

PATON PLACE
(Legal Road)

Lot 4 DP 307197

Lot 1 DP 346387
(CR 190647)

Lot 5 DP 346387

Existing Easement D DP 346387

Lot 4 DP 346387
(CR 190648)

23°56'00"
13.24
19°56'30"
15.08
DD

27.30
19°08'00"

Lot 3 DP 346387
(CR 190647)

119°55'30"
8.62

FILE: 5323

Land District: Southland
Dataset Type: Parcels without Survey Information

Digitally Generated Plan
Generated on: 13/07/2012 3:05pm Page 3 of 3

Easement over Lot 3 DP 346387

Surveyor: Murray Peter Fortune
Firm: Clark Fortune McDonald & Assoc (Go

Title Plan
DP 454430

Deposited on: 5/07/2012

T 1/1

13 July 2012



Dianne Williams
Southland District Council TA Certification Division
PO Box 903
Invercargill 9840

Survey Ref: 5323 / Paton-McDonald

Territorial Authority Ref: RC 12/126 Paton-McDonald

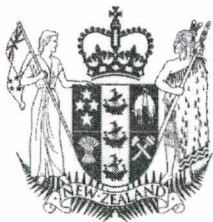
Deposit of DP 454430 Southland Land District

Cadastral Survey Dataset DP 454430 of Easement over Lot 3 DP 346387 Land Registration District of Southland lodged by Murray Peter Fortune was deposited on 05/07/2012.

The following new Computer Register(s) have been issued:

National Manager Survey & Title Operations

Christchurch Survey & Title Operations
112 Tuam St
Private Bag 4721
Christchurch Mail Centre
Christchurch 8140
New Zealand
Tel 0800 ONLINE (665463)
Fax 64-3-366 6422
Internet <http://www.linz.govt.nz>



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



R. W. Muir
Registrar-General
of Land

Identifier **190648**
Land Registration District **Southland**
Date Issued 15 March 2005

Prior References

27941

Estate Fee Simple
Area 5261 square metres more or less
Legal Description Lot 4 Deposited Plan 346387

Proprietors

Paton-McDonald Construction Limited

Interests

Subject to Section 3 Geothermal Energy Act 1953

Subject to Section 3 Petroleum Act 1937

Subject to Section 6 and 8 Mining Act 1971

Subject to Section 8 Atomic Energy Act 1945

Subject to Part IV A Conservation Act 1987

Subject to Section 5 and 261 Coal Mines Act 1979

274470.4 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 14.7.2000 at 11:30 am

Appurtenant hereto is a right to convey electricity and telecommunications specified in Easement Certificate 5262989.5 - 26.6.2002 at 9:00 am

The easements specified in Easement Certificate 5262989.5 are subject to Section 243 (a) Resource Management Act 1991

6346289.11 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 15.3.2005 at 9:00 am

Appurtenant hereto is a right of way created by Easement Instrument 6346289.20 - 15.3.2005 at 9:00 am

The easements created by Easement Instrument 6346289.20 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 6346289.21 - 15.3.2005 at 9:00 am

Report / Decision on a Resource Consent Application

(Sections 95A, 95B, 104, 104B, and 221)

Application number:	RM2023 53311
Applicant:	Shaun Ferris
Site address:	12 and 16 Paton Place, Te Anau
Legal description:	Lot 3 DP 346387 and Lot 4 DP 346387
Zone:	General Residential
Overlays and map notations:	N/A
Activity status:	Discretionary
Description of application:	Subdivision application to create three lots from two existing lots; and cancellation of consent notice instrument 274470.4

Proposed activity

The proposal is described on pages 2 and 3 of the Assessment of Environmental Effects by Kelsie Beaver of Bonisch and expanded on/described throughout the AEE. The key aspects are:

- The subdivision of two existing urban lots into three. The proposed lots are as follows:
 - Lot 1: 2382m² containing an existing dwelling;
 - Lot 2: 3060m² containing an existing shed; and
 - Lot 3: 4092m² containing an existing commercial building.
- The cancellation of consent notice 274470.4 in its entirety as it relates to wastewater disposal.

Description of site and existing environment

The application site and surrounding environment are described on page 2 of the AEE. I adopt the applicant's description with regard to the description. The location of the subject site is shown in Figure 1 below:



Figure 1: Location of subject sites outlined and shaded blue. Source: SDC's GIS

Activity status

Southland District Plan ('District Plan')

The application was lodged prior to the National Planning Standards version of the Southland District Plan becoming operative. The National Planning Standards version of the Southland District Plan was made operative on 15 February 2024. There are no substantive changes to objectives, policies or rules. The changes essentially relate to the structure of the document and the definition section. Of note, the zone to which this application relates to is now known as the General Residential Zone as opposed to the Urban Zone.

The proposal requires resource consent for a controlled activity under the following rules:

Activity status rule	Rule Breach	Reason	Matters of control or discretion	Notification clause
Controlled	SUB-R2 (4)	Subdivisions within the General Residential Zone are a controlled activity provided the criteria of (a) – (h) are met. In this instance, this criterion is met – as demonstrated in the table below.	Esplanade mechanism requirements; and The need for financial contributions and/or bonds.	N/A

Assessment against controlled activity requirements

Criteria:	Comment:
There is a minimum buildable area of 15 metres x 12 metres free of impediments and capable of meeting bulk and location requirements of the GRZ - General Residential Zone.	This has been shown as a buildable area on the scheme plan.
All infrastructure (including water, stormwater, wastewater, electricity, and telecommunications) will be installed to the boundary as a minimum by the developer, as part of the subdivision consent, where that infrastructure is provided within that GRZ - General Residential Zone. OR be capable of accommodating a suitable on-site wastewater disposal system that complies with the relevant New Zealand Standard, where that residential zone does not have a reticulated wastewater system.	Additional necessary infrastructure will be installed prior to 224c. While servicing is not a matter of control for this subdivision activity, for the subdivision itself to be controlled servicing must be installed prior to 224c. The applicant has agreed to install such servicing.
There is no new access off a State Highway.	No new access of the State Highway is proposed.
No allotment is identified as being subject to natural hazards as shown in the Hazard Overlay on the District Plan Maps.	The site is not within a Hazard Overlay area.
No allotment includes part or all of the National Grid Yard or National Grid Corridor.	The site is not within the National Grid Yard or Corridor.
The standards set out in the Southland District Council Subdivision, Land Use and Development Bylaw 2012.	Works will comply with this Bylaw with the applicant agreeing to install additional servicing in accordance with the Bylaw.
The site on which the activity is to be undertaken does not contain an item of Historic Heritage as listed in HH-SCHED1.	The site does not contain any item of Historic Heritage.
The subdivision boundaries of any allotments, which have existing buildings are aligned to ensure that the	Existing buildings not near boundaries.

buildings comply with the requirements of the Building Act 2004 and the Building Code 2004.	
---	--

Resource Management Act 1991

The proposal requires a discretionary activity consent pursuant to s221 of the RMA to cancel consent notice instrument 274470.4 in its entirety. This consent notice contains the following condition:

“That the effluent disposal areas for any future development on Lots 2 – 14 shall be required to be constructed at a minimum level of 206.0 metres above sea level (Bluff) – being the maximum recorded level for Lake Te Anau plus a freeboard of 0.9 metres.

Any person undertaking a development in the future on Lots 2 – 14 shall be required to provide a certificate from a registered engineer certifying that the effluent disposal system has been constructed at or above the required minimum level”

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NЕСS')

The [NES](#) controls soil disturbance and subdivision of land where an activity on the Hazardous Activities and Industries List ('HAIL') is being carried out, has been carried out, or is more likely than not to have been carried out. The AEE notes that DDT has been aerially applied in the Te Anau basin but levels have tested below background levels and are not considered to be a risk to human health. Considering the use of DDT has been banned in New Zealand since 1989 and the entire of Te Anau is not considered a HAIL site for this purpose, the subject site in question is not considered a piece of land to which the NESCS regulation relates to.

As such, the proposal is not considered to be a piece of land covered by the NESCS and therefore, pursuant to Regulation 5(9), the NESCS does not apply to the site.

Overall activity status

Overall, the application must be assessed as **discretionary** being the most restrictive activity status.

Written approvals [Sections 95D, 95E(3)(a) and 104(3)(a)(ii)]

The applicant has obtained written approval from the following person/party:

Name(s)	Property address	Location	Owner / Occupier
New Zealand Transport Agency (Waka Kotahi)	Road Controlling Authority of the adjacent state highway (SH94)	Adjacent state highway (SH94)	N/A

Adverse effects on NZTA and the highway network are disregarded.

A letter has been supplied from Fiordland Outdoors that acknowledges confirmation that their land is also part of the subdivision. This is not formal APA, however it is noted that the subdivision could not proceed on this land without the landowner's approval when the actual subdivision takes place.

NOTIFICATION ASSESSMENT

Adverse effects on the environment and affected persons [Sections 95A, 95B, 95E(3) and 95D]

When assessing whether adverse effects on the **environment** will be, or are likely to be, more than minor, any effects on the owners and occupiers of the application site and adjacent properties must be disregarded (section 95D(a)). The assessment of **affected persons** under section 95E includes persons on adjacent properties as well as those within the wider environment.

Although the subdivision itself is controlled, bundled with the cancellation of a consent notice cancellation the overall activity status of the proposal is discretionary.

As a discretionary activity, assessment of this proposal is unrestricted and all actual and potential effects must be considered. Guidance as to the effects that require consideration is contained in the relevant objectives and policies, and any associated matters of discretion or control.

The objectives and policies in the District Plan set the context for assessing the effects of the application. With regard to urban subdivisions, these are found in

Sections 95D(b) and 95E(2)(a) allow the adverse effects of activities permitted by the District Plan or an NES to be disregarded via the “permitted baseline” principle. In this case, any subdivision that creates additional Titles requires resource consent. Likewise, all consent notice cancellations required resource consent. Therefore, there is no permitted baseline of relevance to this proposal.

Assessment

Subdivision

As demonstrated above, the subdivision meets the definition of a controlled activity subdivision. Lot 2 is able to accommodate a future residential activity. The applicant has agreed to acoustic insulation within 100 meters of the adjacent state highway should a habitable building be established in this area. This will be imposed by way of a consent notice instrument on these Titles.

Effects relating to the subdivision are assessed to have a less than minor effect on the environment and on any persons.

Consent Notice Cancellation

This consent notice related specifically to new wastewater systems. As reticulated wastewater is now available in Te Anau. Consent notice 274470.4 is therefore redundant as onsite wastewater systems are no longer required or proposed.

Effects relating to the cancellation of consent notice instrument 274470.4 are therefore assessed to have a less than minor effect on the environment and on any persons.

Statutory Acknowledgements

The site is not within a Statutory Acknowledgement Area.

Conclusion

Overall, I consider that any adverse effects generated on the wider environment will be less than minor. Moreover, I consider that the adverse effects generated on any person will be less than minor.

Notification tests [Sections 95A and 95B]

Sections 95A and 95B set out the steps that must be followed to determine whether public notification or limited notification of an application is required.

PUBLIC NOTIFICATION TESTS – Section 95A

Step 1: Mandatory notification – section 95A(3)	
➤ Has the applicant requested that the application be publicly notified?	No
➤ Is public notification required under s95C (following a request for further information or commissioning of report)?	No
➤ Is the application made jointly with an application to exchange reserve land?	No
Step 2: If not required by Step 1, notification is precluded if any of these apply – section 95A(5)	
➤ Does a rule or NES preclude public notification for all aspects of the application?	No
➤ Is the application a controlled activity?	No
➤ Is the application a boundary activity?	No
Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)	
➤ Does a rule or NES require public notification?	No
➤ Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor (discussed above)?	No
Step 4: Relevant to all applications that don't already require notification – section 95A(9)	
➤ Do special circumstances exist that warrant the application being publicly notified?	No

In accordance with the provisions of section 95A, the application **must not be publicly notified**.

LIMITED NOTIFICATION TESTS – Section 95B	
Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)	
➤ Are there any affected protected customary rights groups or customary marine title groups?	No
➤ If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is that party an affected person in this regard?	No
Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)	
➤ Does a rule or NES preclude limited notification for all aspects of the application?	No
➤ Is this a land use consent application for a controlled activity?	No
Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)	
➤ Are there any affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval (discussed above)?	No
Step 4: Relevant to all applications – section 95B(10)	
➤ Do special circumstances exist that warrant notification to any other persons not identified above?	No

In accordance with the provisions of section 95B, the application **must not be limited notified**.

Notification recommendation

That, for the reasons outlined above, the application be processed on a **non-notified** basis pursuant to sections 95A and 95B of the Resource Management Act 1991.

Reported and recommended by: Alex Dunn – Consultant Planner

Date: 28 March 2024

Notification decision

That the above recommendation be accepted for the reasons outlined in the report.

☒ I have viewed the application and plans.

☒ I have read the report and accept the conclusions and recommendation.

☒ I am not aware of any actual or potential conflicts of interest.

Delegated officer:

Signature:



Name: Scott Freeman

Position: Team Leader Consent Processing

Date: 28 March 2024

SECTION 104 ASSESSMENT

Actual and potential effects on the environment [Section 104(1)(a)]

The adverse effects on the environment are assessed in the preceding section 95 discussion, and that assessment is equally applicable here.

Overall, I consider that the effects of the proposed activity on the environment will be acceptable.

Relevant objectives, policies, rules and other provisions of a Plan or proposed plan [Section 104(1)(b)(vi)]

Regard must be had to the relevant objectives and policies in the District Plan. The relevant objectives and policies are located within the Subdivision Section of the District Plan.

SUB 01 – Subdivision is integrated and well-planned and gives particular consideration to the anticipated future land use and development.

The subdivision provides for an additional residential allotment within the General Residential Area. The proposal is consistent with this objective.

SUB 02 – Allotments are provided with connections to utility services and infrastructure, where they are available.

Reticulated services are available and connections to Lot 2 will be made prior to 224c. The proposal is consistent with this objective.

SUB-P4 – Recognise the benefits of a compact urban form and infill subdivision that provides for:

- *The effective connection and efficient use of existing infrastructure, including reticulated utility services and the transport network.*

The subdivision proposed creates another allotment within an urban (general residential) zone that is able to provide for residential development. Service connections will be provided and a redundant consent notice instrument cancelled. The proposal is consistent with this policy.

In addition to the above, SUB-P6 and SUB-P7 provide for compliance with the Subdivision, Land Use and Development Bylaw 2012 and require utility connections be made. The proposed subdivision will adhere to these requirements and therefore is deemed consistent with these policies.

Overall, the proposal is consistent with the relevant statutory provisions of the District Plan.

Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]

The District Plan gives effect to the relevant higher order documents referred to in s104(1)(b), including the Regional Policy Statement. As such, there is no need to specifically address them in this report.

Other relevant matters [Section 104(1)(c)]

There are no other relevant matters.

Matters for subdivisions [Section 106]

In terms of s106 of the RMA, the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions below.

Part 2 of the Resource Management Act [Section 104(1)]

Taking guidance from the most recent case law¹, the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Southland District. It was competently prepared through an independent hearing and decision-making process in a manner that appropriately reflects the provisions of sections 5-8 of the Act.

Accordingly, no further assessment against Part 2 is considered necessary.

Section 104(3)(d) notification consideration

Section 104(3)(d) states that consent must not be granted if an application should have been notified and was not. No matters have arisen in the assessment of this application which would indicate that the application ought to have been notified.

Section 104 Recommendation

DECISION A: ON APPLICATION FOR CANCELLATION OF CONSENT NOTICE INSTRUMENT 274470.4

That, for the above reasons, the application **be granted** pursuant to Sections 104, 104B, and 221(3) of the Resource Management Act 1991 to cancel consent notice instrument 274470.4 in its entirety as it relates to the subject site. This cancellation is to happen prior to, or concurrently with, the 224c application for the subdivision consent (Decision B).

Advice notes:

- All costs associated with this cancellation shall be borne by the consent holder.

DECISION B: ON APPLICATION FOR SUBDIVISION CONSENT

That, for the above reasons, the application to subdivide two existing allotments (held in two titles) into three allotments (to be held in three titles) at Paton Place, Te Anau, **be granted** pursuant to Sections 104, 104B, 108 and 108AA and 220 of the Resource Management Act 1991, subject to the following conditions:

General conditions

Activity in accordance with application

¹ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

1. The works must proceed in accordance with the information submitted with the application, including the stamped approved plans entered into Council records as RMA 2023 53311.

During Construction

2. When the applicant is ready to make connection to Council assets, they will be required to make and Application to Connect to Council Services. This application carries a fee of \$380.00. The conditions above do not constitute any approval to undertake any of the works to connect to Council infrastructure. The application to connect to Council services is the only means by which access may be granted to existing infrastructure. Any instance where this is not complied with may result in the disconnection of any non-approved connections and the responsible parties be sought for cost recovery by Council.

Condition specific advice note: Condition 4 and 5 deal with the new connections that are required.

Prior to s223

3. All necessary easements shall be duly granted or reserved.

Condition specific advice note: This consent approval also approves the cancellation of redundant easements that are subject to s243

To Be Completed Prior to s224c

4. A new potable water connection in Paton Place for lot 2. This new connection is to have an acu-flo toby manifold installed in the correct box at the property boundary. All work is to be in accordance with Council's Subdivision, Land Use and Development Bylaw 2012 and the Council Water Supply Bylaw, including all as-built information. All connections to the existing Council infrastructure are to be undertaken by Council's maintenance and operations contractor, Downer Ltd.
5. Establish a new wastewater connection to the existing sewer main located in easement G to service Lot 2. All work is to be done in accordance with the Council's Subdivision, Land Use and Development Bylaw.
6. The Consent Holder applicant is to satisfy Council, by way of letter from the appropriate authorities that the power and telecom utilities have been provided to the satisfaction of the utility operator and are in the appropriate location on the boundary of Lot 2.
7. A new access for Lot 1 shall be formed from the right of way.
Note: This access does not have to be sealed off of the right of way.
8. The consent holder shall pay a Financial Contribution for Reserves for Lot 2 (exclusive of GST). The financial contribution shall be based on 1% of the market value (exclusive of GST) of this allotment.

Ongoing Conditions/ Consent Notices

9. The following shall be registered as a consent notice on the Titles of Lots 1 and 2:
 - a. Any dwelling or other noise-sensitive activity in or partly within 100 metres of the edge of the State Highway 94 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB L_{A eq} (24hr) inside all habitable spaces.

Advice notes:

- The Council will require payment of its administrative charges in relation to monitoring of conditions, as authorised by the provisions of section 36 of the Resource Management Act 1991.
- Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.

- This resource consent has been processed under the Resource Management Act 1991 and relates to **district planning matters only**. You will also need to comply with the requirements of the Building Act 2004 and any other legislative requirements (including but not limited to Environment Southland Regional Plan(s), health licence, liquor licence, archaeological authority, certificate of title restrictions such as covenants, consent notices, encumbrances, right of way or easement restrictions, landowner approval where required).
- If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).

Reported and recommended by: Alex Dunn – Consultant Planner

Date: 28 March 2024

Section 104 Decision

That the above recommendation be accepted for the reasons outlined in the report.

- ☒ I have viewed the application and plans.
- ☒ I have read the report and accept the conclusions and recommendation.
- ☒ I am not aware of any actual or potential conflicts of interest.

Delegated officer:

Signature:



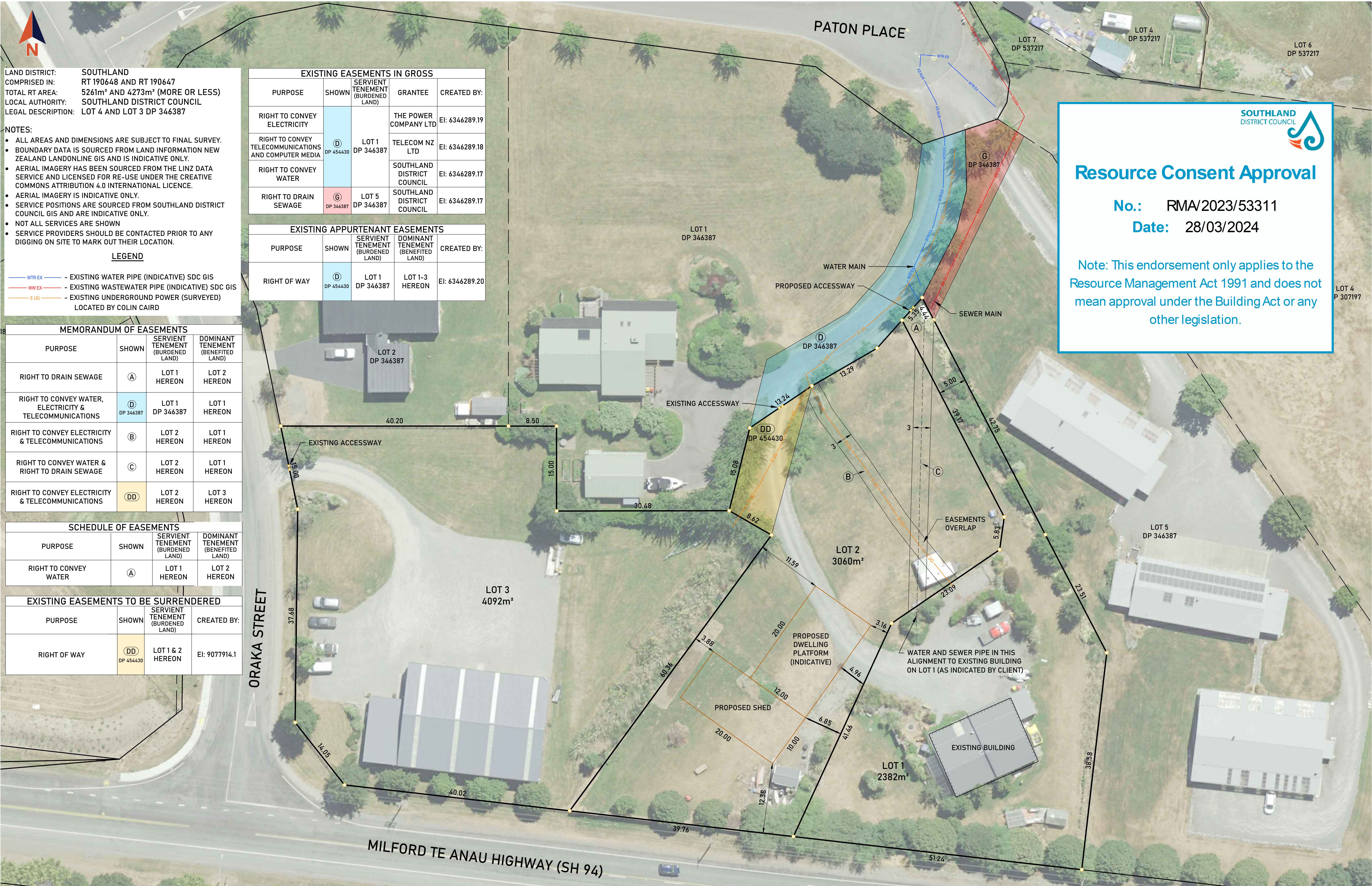
Name: Scott Freeman

Position: Team Leader Consent Processing

Date: 28 March 2024

Appendix A: Stamped approved Plan

Appendix A – Stamped Approved Plan



LAND DISTRICT: SOUTHLAND
COMPRISED IN: RT 190648 AND RT 190647
TOTAL RT AREA: 5261m² AND 4273m² (MORE OR LESS)
LOCAL AUTHORITY: SOUTHLAND DISTRICT COUNCIL
LEGAL DESCRIPTION: LOT 4 AND LOT 3 DP 346387

- NOTES:
- ALL AREAS AND DIMENSIONS ARE SUBJECT TO FINAL SURVEY.
 - BOUNDARY DATA IS SOURCED FROM LAND INFORMATION NEW ZEALAND LANDONLINE GIS AND IS INDICATIVE ONLY.
 - AERIAL IMAGERY HAS BEEN SOURCED FROM THE LINZ DATA SERVICE AND LICENSED FOR RE-USE UNDER THE CREATIVE COMMONS ATTRIBUTION 4.0 INTERNATIONAL LICENCE.
 - AERIAL IMAGERY IS INDICATIVE ONLY.
 - SERVICE POSITIONS ARE SOURCED FROM SOUTHLAND DISTRICT COUNCIL GIS AND ARE INDICATIVE ONLY.
 - NOT ALL SERVICES ARE SHOWN
 - SERVICE PROVIDERS SHOULD BE CONTACTED PRIOR TO ANY DIGGING ON SITE TO MARK OUT THEIR LOCATION.

LEGEND

- WIREX - EXISTING WATER PIPE (INDICATIVE) SDC GIS
- WWEX - EXISTING WASTEWATER PIPE (INDICATIVE) SDC GIS
- EUG - EXISTING UNDERGROUND POWER (SURVEYED) LOCATED BY COLIN CAIRD

MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOMINANT TENEMENT (BENEFITED LAND)
RIGHT TO DRAIN SEWAGE	(A)	LOT 1 HEREON	LOT 2 HEREON
RIGHT TO CONVEY WATER, ELECTRICITY & TELECOMMUNICATIONS	(D) DP 346387	LOT 1 DP 346387	LOT 1 HEREON
RIGHT TO CONVEY ELECTRICITY & TELECOMMUNICATIONS	(B)	LOT 2 HEREON	LOT 1 HEREON
RIGHT TO CONVEY WATER & RIGHT TO DRAIN SEWAGE	(C)	LOT 2 HEREON	LOT 1 HEREON
RIGHT TO CONVEY ELECTRICITY & TELECOMMUNICATIONS	(DD)	LOT 2 HEREON	LOT 3 HEREON

SCHEDULE OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOMINANT TENEMENT (BENEFITED LAND)
RIGHT TO CONVEY WATER	(A)	LOT 1 HEREON	LOT 2 HEREON

EXISTING EASEMENTS TO BE SURRENDERED			
PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	CREATED BY:
RIGHT OF WAY	(DD) DP 454430	LOT 1 & 2 HEREON	EI: 9077914.1

EXISTING EASEMENTS IN GROSS				
PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	GRANTEE	CREATED BY:
RIGHT TO CONVEY ELECTRICITY			THE POWER COMPANY LTD	EI: 6346289.19
RIGHT TO CONVEY TELECOMMUNICATIONS AND COMPUTER MEDIA	(D) DP 454430	LOT 1 DP 346387	TELECOM NZ LTD	EI: 6346289.18
RIGHT TO CONVEY WATER			SOUTHLAND DISTRICT COUNCIL	EI: 6346289.17
RIGHT TO DRAIN SEWAGE	(G) DP 346387	LOT 5 DP 346387	SOUTHLAND DISTRICT COUNCIL	EI: 6346289.17

EXISTING APPURTENANT EASEMENTS				
PURPOSE	SHOWN	SERVIENT TENEMENT (BURDENED LAND)	DOMINANT TENEMENT (BENEFITED LAND)	CREATED BY:
RIGHT OF WAY	(D) DP 454430	LOT 1 DP 346387	LOT 1-3 HEREON	EI: 6346289.20



Resource Consent Approval

No.: RMA/2023/53311

Date: 28/03/2024

Note: This endorsement only applies to the Resource Management Act 1991 and does not mean approval under the Building Act or any other legislation.

CLIENT:	PROJECT:		SHEET TITLE:	REV	REVISION DETAILS	DATE	SURVEYED:	JOB NUMBER	SCALE (@ A1)
S FERRIS	THREE LOT SUBDIVISION, 16 PATON PLACE, TE ANAU			A	FOR CLIENT COMMENT	23/03/2023	DESIGNED:	8207	1:300
				B	FOR CLIENT ISSUE	6/06/2023	DRAWN: TJJ	23/03/2023	
				C	FOR CLIENT ISSUE	25/10/2023	DRAWING CHECK: JMH	23/03/2023	
							DESIGN CHECK:		
							APPROVED:	SP1	C

Property hazard report

Property Information

Property Address: 16 Paton Place 'the property'

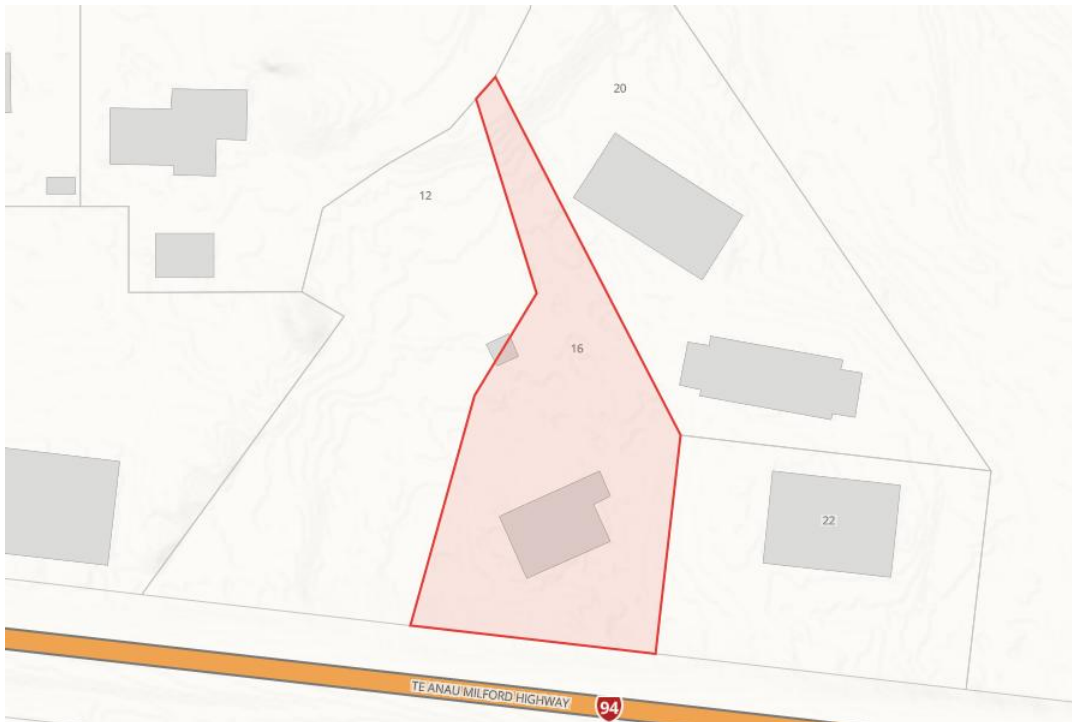
Legal Description: Lot 1 DP 610648

Territorial Authority: Southland District Council

LIM Reference Number: LIM/2026/10352

Date Generated: **15/07/2026**

Property Location



This natural hazard information has been provided by the Southland Regional Council (Environment Southland), based on the best available knowledge and data as at 15/07/2026. The information relates to hazards that may affect the land described above and is provided in accordance with Local Government (Natural Hazard Information in Land Information Memoranda) Regulations 2025. Please note that this report has been automatically generated and is only a representation of available data at the time of production.

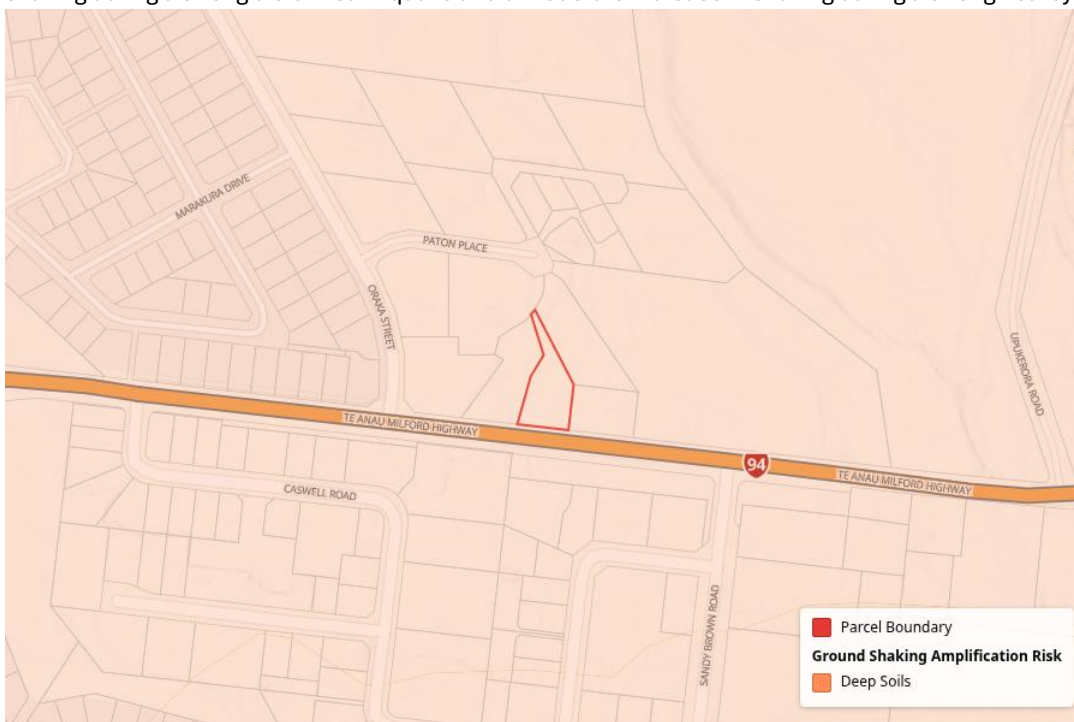
Hazard data in the Southland region is continually being updated, and no guarantee is provided as to its completeness. Data contained within this report is available information held on public records by Environment Southland and others. Further information for hazard data available in the Southland Region, including the reports purpose is available here. This information should provide you with an understanding of the potential hazards, such as flood risk and earthquake risk, but it's important to keep in mind that the information may change, so it's always best to verify its accuracy with a professional.

Summary of Natural Hazards Identified

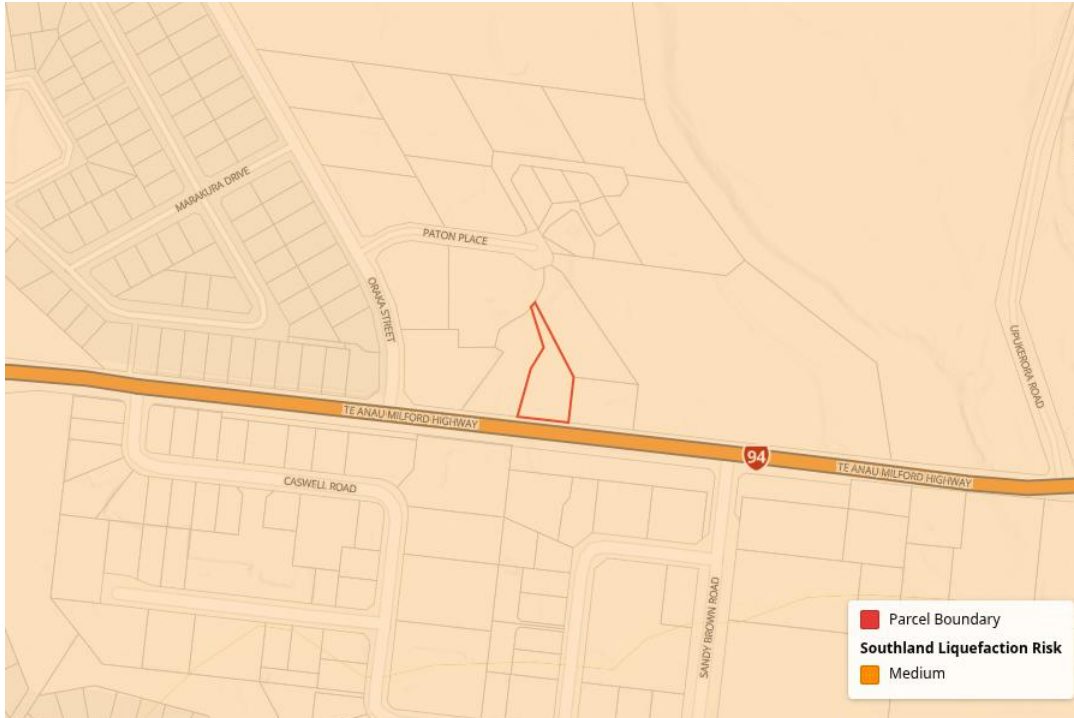
Maps showing the delineation of the reported natural hazards can be found at Environment Southland's Natural Hazard Portal, available here: [Southland's Natural Hazard Portal](#)

EARTHQUAKE

- **Southland Ground Shaking and Amplification Risk:** The amount of shaking felt in any given earthquake varies with the strength of the subsoil and underlying rock at the location. The soil and rock condition has been mapped as an indicator of the capacity for amplified shaking. The ground at the site is classified as Deep Soils, which is described as Moderate increase in shaking during a strong distant earthquake and a moderate increase in shaking during a strong nearby earthquake..



- **Southland Liquefaction risk:** The liquefaction risk for the property is described as: Medium. This classification is indicative only and is no substitute for detailed site investigations, including subsurface investigations, to determine ground conditions.

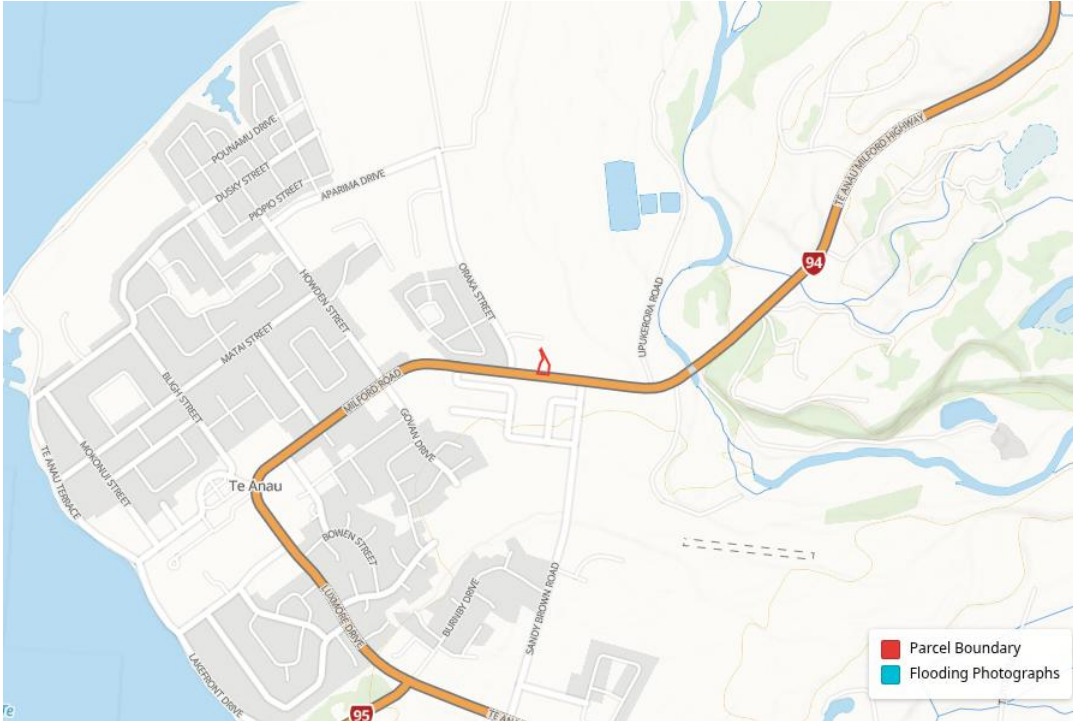


TSUNAMI

- **Tsunami Evacuation Zones:** Tsunami modelling in Southland is still being undertaken and is subject to change. If you are concerned, near a waterbody and there is a long or strong earthquake, evacuate the area immediately. Do not wait for official warnings

FLOODING

- **Actual or Potential Floodplain:** While the floodplains of main stem waterways and larger tributaries are currently mapped, it is important to note that the floodplains of many minor waterways are not mapped but may still have a riverine flood risk.



LANDSLIDE

- GNS Landslide Database:** The property contains or is within proximity to a historically mapped landslide feature(s) identified within the Earth Sciences New Zealand (formerly GNS Science) New Zealand Landslide Database (2017 NZLD Archive). ESNZ are currently in the process of reviewing and updating this information to the 2025 database (v2). As such this interpretation is subject to change as this review is undertaken and /or new information becomes available. More information is available here <https://www.gns.cri.nz/data-and-resources/new-zealand-landslide-database/> and <https://link.springer.com/article/10.1007/s10346-017-0843-6>

Other information and links

- BRANZ Maps** – information relating to earthquake zones, corrosion zones, wind regions, wind zones, climate zones, rainfall intensity: <https://experience.arcgis.com/experience/6e83b0bb19d14a0db411aebdc301cf49>
- Natural Hazard's Portal (Natural Hazard's Commission)** – information pertaining to previous settled NHC (formerly EQC) claims on the property <https://www.naturalhazardsportal.govt.nz/s/>

- **Emergency Management Southland** - Your go-to resource for disaster preparedness, response, and recovery for the Southland region <https://www.cdsouthland.nz/>

Contact

For further information on the information contained within this report, you can contact Environment Southland, phone: (03) 211 5115 / 0800 76 88 45, email: service@es.govt.nz

Disclaimer:

1. Southland Regional Council (Environment Southland) provides this information for your personal use only.
2. This information provided to you is based on the best information currently held by Environment Southland. Any comments provided in respect of natural hazards are an indication of the natural hazard from analysis of that information only and Environment Southland may not have undertaken a recent physical inspection of the land. Any comments do not necessarily reflect the greatest extent of the natural hazard suffered in the past, or likely to be suffered in the future.
3. Whilst due care has been taken in providing comments and information regarding natural hazards, any comments and information provided by Environment Southland is provided for guidance purposes and should be considered as being indicative only. Your use of the information is entirely at your own risk.
4. Any comments and information provided to you should not be relied upon as the sole basis for any decision, particularly in relation to potential risk.
5. The information provided is in some cases regional in scope with higher uncertainty in accuracy of natural hazard scenarios and cannot be substituted for a site-specific investigation. A suitably qualified and experienced practitioner should be engaged if a site specific investigation is required.
6. Environment Southland's comments and information does not imply any actual level of damage to any particular structure, utility service or other infrastructure.
7. You should independently verify the accuracy, completeness, quality and/or fitness for any particular purpose of any information before taking any action in reliance upon it.
8. Environment Southland accepts no liability for:
 - (a) any error, omission, or inaccuracy of the information or from any use of or reliance on the information provided.
 - (b) any loss (including, without limitation, consequential loss, loss of profits or loss of data), damage, cost or expense of any kind suffered or incurred in connection with your use of, or reliance on, comments or information provided.
9. Environment Southland makes no representations, warranties or undertakings about any of the comments or information provided, without limitation, their accuracy, completeness, quality or fitness for any particular purpose.
10. You release Environment Southland from any claims arising from your use of information provided by it.
11. Information we provide to you may not be used for the purposes of any legal disputes.
12. These disclaimers and exclusions shall be governed by, and construed in accordance with, the laws of New Zealand. If any provision of these disclaimers and exclusions is unlawful, void or for any reason unenforceable, that provision shall be deemed severable and shall not affect the validity and enforceability of the remaining provisions



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Historical Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **1209516**
Land Registration District **Southland**
Date Issued 10 February 2025

Prior References
190648

Estate Fee Simple
Area 2438 square metres more or less
Legal Description Lot 1 Deposited Plan 610648
Original Registered Owners
Shaun Andrew Ferris and Daniela Guenter

Interests

Subject to Section 3 Petroleum Act 1937
Subject to Section 3 Geothermal Energy Act 1953
Subject to Section 6 and 8 Mining Act 1971
Subject to Section 5 and 261 Coal Mines Act 1979
Subject to Section 8 Atomic Energy Act 1945
Subject to Part IV A Conservation Act 1987
Appurtenant hereto is a right to convey electricity and telecommunications specified in Easement Certificate 5262989.5 - 26.6.2002 at 9:00 am
The easements specified in Easement Certificate 5262989.5 are subject to Section 243 (a) Resource Management Act 1991 6346289.11 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 15.3.2005 at 9:00 am
Appurtenant hereto is a right of way created by Easement Instrument 6346289.20 - 15.3.2005 at 9:00 am
The easements created by Easement Instrument 6346289.20 are subject to Section 243 (a) Resource Management Act 1991 Land Covenant in Easement Instrument 6346289.21 - 15.3.2005 at 9:00 am
9135805.2 Mortgage to Westpac New Zealand Limited - 27.8.2012 at 2:44 pm
Subject to a right to convey telecommunications and water and a right to drain sewage over part marked A on DP 610648 created by Easement Instrument 13160442.6 - 10.2.2025 at 2:01 pm
Appurtenant hereto is a right to convey water, electricity and telecommunications and a right to drain sewage created by Easement Instrument 13160442.6 - 10.2.2025 at 2:01 pm
The easements created by Easement Instrument 13160442.6 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right (in gross) to convey telecommunications over part marked A on DP 610648 in favour of Chorus New Zealand Limited created by Easement Instrument 13160442.7 - 10.2.2025 at 2:01 pm
13160442.8 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 10.2.2025 at 2:01 pm
13253619.1 Discharge of Mortgage 9135805.2 - 9.5.2025 at 12:11 pm
13253619.2 Transfer to Daniela Guenter (1/2 share) and Shaun Andrew Ferris (1/2 share) - 9.5.2025 at 12:11 pm

13253619.3 Mortgage to Bank of New Zealand - 9.5.2025 at 12:11 pm