

When replying please quote: 360/10/06/265

6 December 2006

M J Napier
C/- Clark Fortune McDonald & Associates
PO Box 207
Gore 9740

Attention: Murray Fortune

Dear Murray

Resource Consent Application 06/265 - M J Napier - To Undertake a Two Lot Subdivision - 127 Berwick Street, Riversdale (Your Reference: 4743)

I acknowledge your application for the above resource consent lodged and accepted by the Southland District Council's Resource Management Department on 27 October 2006.

The site is located at 127 Berwick Street, Riversdale and is located within the "Plains Rural Resource Area" defined in the Operative Southland District Plan 2001 (the District Plan). The site is approximately 0.49 hectares in area (4856m²), is legally described as Lot 4 DP 232 Blk XXXI Hokonui SD, and is held in Certificate of Title SL55/33.

This application seeks subdivision consent from the Southland District Council for a two-allotment development as illustrated on the Scheme Plan submitted with the application. Lot 1 is proposed to be 0.19 hectares (1895m²) in area and will be amalgamated with the adjoining property, Section 685 Hokonui SD. It is proposed that Lot 1 will be used as an accessway to Section 685, with access being gained from a new accessway off Berwick Street. Lot 2 will be retained by the current owner, Mr Wishart, and will contain the existing dwelling. This lot will retain the current accessway off Berwick Street. The application states that Lot 2 will retain the septic tank and effluent disposal field within the proposed Lot 2 boundaries.

This site is identified in the District Plan (Map 50) as being located partially within a "potential floodable area". Therefore, comments were sought from Environment Southland in relation to the application and these comments were received on 7 November 2006. Environment Southland has no concerns regarding potential floods on the property provided that Lot 1 is amalgamated with the adjacent Section 685.

The proposal is subject to the subdivision requirements of the District Plan, specifically Rule SUB.1(d), with the assessment of this proposal identifying the subdivision as a discretionary activity.



Decision

In considering the facts of this application, the Southland District Council has resolved as follows with respect to this matter, under delegated authority vested by the Council pursuant to section 34A of the Resource Management Act 1991, in the Council's Acting Manager Resource Management:

That pursuant to sections 94, 104B and 220 of the Resource Management Act 1991, the Southland District Council considers the application of Clark Fortune McDonald & Associates on behalf of:

- **M J Napier**

for the following resource consent:

- **to undertake a two lot subdivision of Lot 4 DP 232 Blk XXXI Hokonui SD**

to be an application for a subdivision consent as a discretionary activity.

The site to which this application relates is located at

- **127 Berwick Street, Riversdale being Lot 4 DP 232 Block XXXI Hokonui SD (Certificate of Title SL55/33)**

Pursuant to section 104B(a) of the Resource Management Act 1991, the Council resolves to grant subdivision consent to this application as a discretionary activity, to the following conditions being imposed, pursuant to Sections 104B(b), 108 and 220 of the Act:

1. That the subdivision shall be undertaken in accordance with the application submitted to the Southland District Council on 27 October 2006, and the subdivision Scheme Plan prepared by Clark Fortune McDonald & Associates, dated October 2006, referenced 4743, except as varied by the conditions of this consent.
2. That Lot 1 hereon be transferred to the owners of Section 685 Blk XXXI Hokonui Survey District (CT SL8D/888) and that one computer register be issued to include both parcels (CSN Request 613008).
3. That access to Lot 1 shall be formed by the Consent Holder at the Consent Holder's expense to conform with Council's Subdivision and Land Development Bylaw, section 6.20(c) Rural and drawing R09-2 (Commercial rural access) and with Council's Roding Policy 15.4.3 Private Rural Accessways, prior to the issue of the section 224(c) Certificate by Council following a satisfactory inspection by Council's Roding Engineer.
4. That prior to the issue of a section 224(c) Certificate, the Consent Holder shall confirm by way of land survey completed and certified by a registered surveyor, that the existing wastewater management system for the existing dwelling is wholly contained within the boundaries of Lot 2. The Consent Holder shall provide the Council with a plan of the onsite wastewater management system servicing Lot 2.

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

- (a) The purpose of the subdivision is to subdivide the land into two allotments, with Lot 1 to be used to upgrade access to the adjoining land. Subject to the conditions imposed, the Council is satisfied that the granting of this subdivision consent will result in no more than minor adverse environmental effects.
- (b) Part of the site is identified in the District Plan as being located within a “potential floodable area”. The application was therefore referred to Environment Southland for comment and feedback. Environment Southland had no concerns with the subdivision application. Accordingly, the Council considers that granting the subdivision consent is not contrary to section 106 of the Act.
- (c) The development is unlikely to result in discernable additional demands on the roading infrastructure in the area. The Council’s Roding Engineer has no concerns regarding this application as long as the new accessway is constructed to comply with the Council’s Subdivision and Land Development Bylaw for Private Rural Accessways.
- (d) The amalgamation of Lot 2 and Lot 2 DP4406 has been approved subject to a condition of consent (Condition 2) as advised by Land Information New Zealand.
- (e) Comments were received from Council’s Environmental Health Officer. He has stated that the Consent Holder will need to confirm that the wastewater management system for the existing dwelling on Lot 2 does not cross any existing or newly created boundaries. Should this not be the case, it will be the Consent Holder’s responsibility to rectify the situation prior to the completion of the subdivision, at the consent holder’s expense.
- (f) The proposal does not affect any party external to the site and does not result in effects that are more than minor, and consequently the Council is satisfied, pursuant to section 93(1)(b) of the Act, that the proposal could be properly considered on a non-notified basis.

Consent Holder’s Rights

The consent holder is reminded of the rights of objection and appeal which exists in relation to this decision, in accordance with sections 120 and 357 of the Resource Management Act 1991. The right of objection exists as this decision was made under delegated authority vested by the Council pursuant to section 34A of the Resource Management Act 1991.

It is suggested that, if you wish to lodge an appeal, the provisions of the Resource Management Act 1991 are referred to in order to ensure that the appeal is lodged in the appropriate format. Any appeal should be lodged with:

**The Registrar
Environment Court
PO Box 2069
Christchurch**

and a copy served on the Council.

Costs

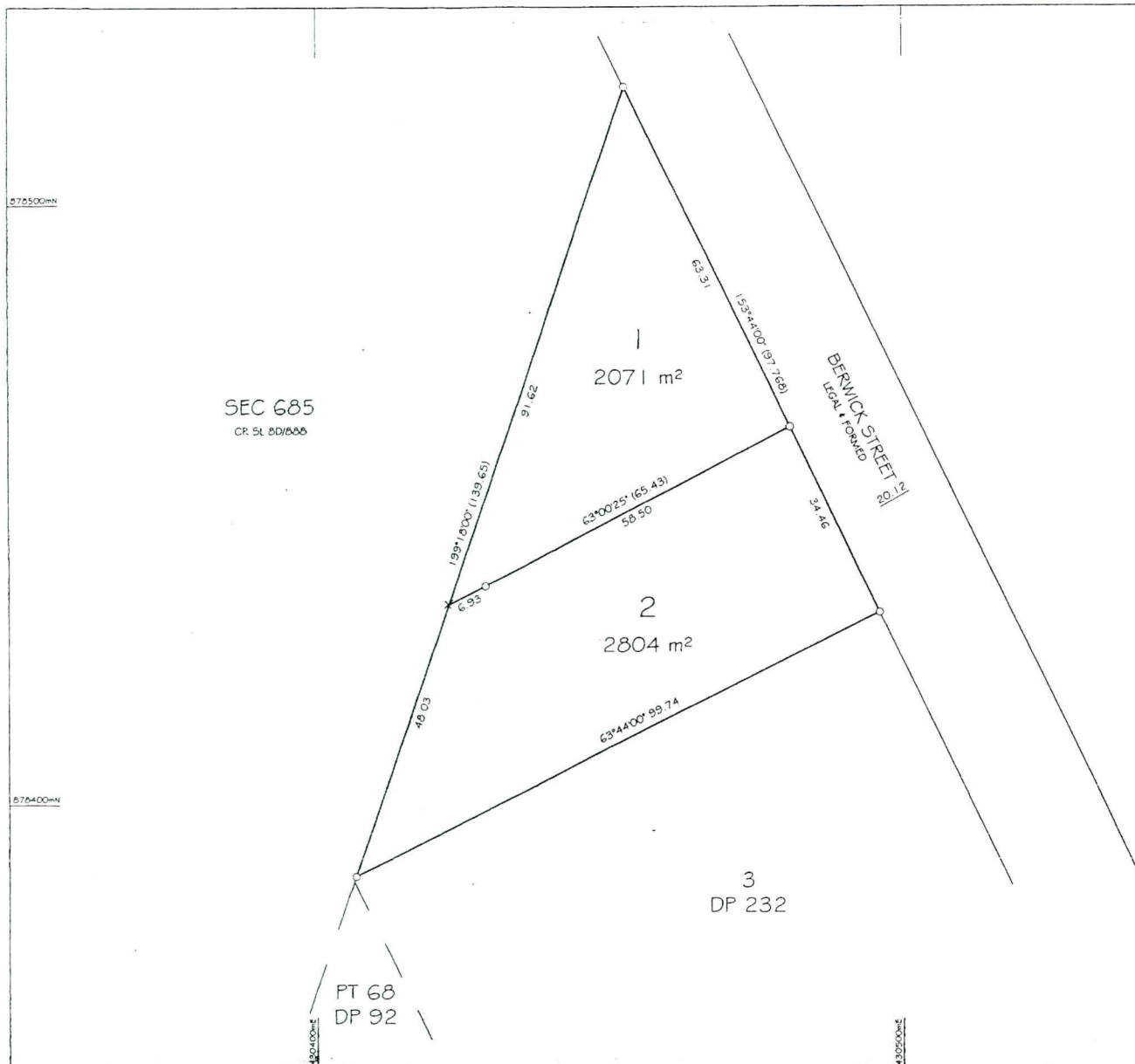
I advise that the Council's costs in processing this application are currently being calculated, and an invoice will be forwarded within 10 working days of the receipt of this decision.

These costs are recoverable by the Council in accordance with section 36(3) of the Act and Council's Approved Schedule of Fees and Charges under the Act. The invoice for the costs incurred will be sent to the address for service provided.

If you require any additional information or clarification, please contact the Southland District Council.

Yours faithfully

Gillian Holmes
Resource Planner
MWH NZ Ltd
For Southland District Council.



Approvals N J WISHART
REGISTERED PROPRIETOR

I HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE SOUTHLAND DISTRICT COUNCIL PURSUANT TO SECTION 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 19 DAY OF JUNE 2007

SUBJECT TO THE AMALGAMATION CONDITION SET OUT HEREON

(a) THAT LOT 1 HEREON BE TRANSFERRED TO THE OWNERS OF SECTION 685, BLK XXX, HOKONUI SD (CR SL 80/888) AND THAT ONE COMPUTER REGISTER BE ISSUED TO INCLUDE BOTH PARCELS (CSN REQUEST 613008)

Trevor M. Gamble
AUTHORISED OFFICER

LT 387668 (Title Plan)



CLASS OF SURVEY : 1

NEW C'sT ALLOCATED	
LOT 1	CT 350696
LOT 2	CT 350697

Total Area 4875 m²

Comprised in CT SL55/33

I, Murray Peter Fortune of Gore, being a person entitled to practice 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.

Dated at GORE this 12th day of May 2007. Signature *[Signature]*

Approval as to survey by Land Information New Zealand on 06.10.8.2007

Deposited by Land Information New Zealand on 23.1.10.2007

File Received 5: 7.07 Instructions 4743

DP 387668

LAND DISTRICT..... SOUTHLAND
Survey Blk & Dist. XXXI, HOKONUI SD

LOTS 1 & 2 BEING SUBDIVISION OF
LOT 4, DP 232

TERRITORIAL AUTHORITY SOUTHLAND DISTRICT
Surveyed by CLARK FORTUNE McDONALD & ASSOC
Scale 1:500 Date APRIL 2007

29 November 2007



Mr Kevin McNaught
Southland District Council
P O Box 903
Invercargill
New Zealand

PLAN DEPOSIT NOTICE

Surveyors Reference: 4743

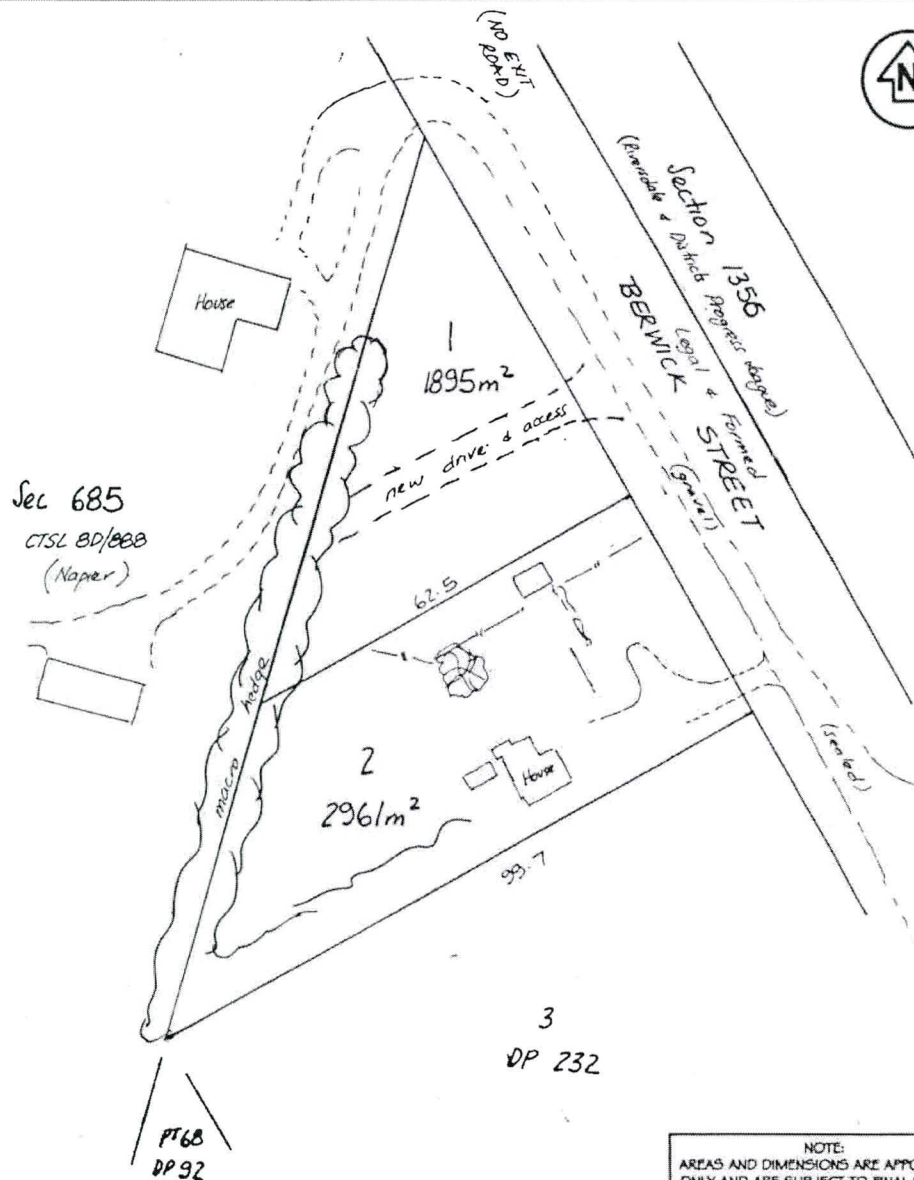
Deposited Plan No DP 387668 of Lots 1 and 2 being subdivision of Lot 4 DP 232 Land Registration District of Southland lodged by Fortune, Murray Peter was deposited on 23/10/2007.

The following new Certificates of Title have been issued:

Legal Description	Area	Certificate of Title
Lot 1 Deposited Plan 387668 and Section 685 Block XXXI Hokonui Survey District	19.4120 hectares	350696
Lot 2 Deposited Plan 387668	2804 square metres	350697

Processing Centre Manager

Auckland Processing Centre
Oracle Tower
56 Wakefield Street
Private Bag 92016
Auckland
New Zealand
Tel 0800 ONLINE (665463)
Fax 64-9-365 9901
Internet
<http://www.linz.govt.nz>



Scheme Plan No. _____

Date Received _____

File Reference _____

Township of _____

Extension No. _____

Area Schedule

	Lots	ha.	m²
Residential			
Commercial or Industrial			
Rural	1-2		4855
New Roads			
Service Lanes			
Access Ways			
Road, Service Lane or Access Way Res.			
Esplanade Res.			
Rac. Scenic, Historic or Utility Res.			
Land to be vested in Corporation in lieu of Reserves			
Total Area			4855

Schedule of Easements

Purpose	Shown	Servient Tenement	Dominant Tenement

I, Murray Peter Fortune, Registered Surveyor hereby certify that this scheme plan has been prepared by me in accordance with the provisions of Part X of the Resource Management Act 1991.

_____, Registered Surveyor.

Approved M J NAPIER

_____, Applicant

Approved

_____, Chief Executive

Scheme Plan No. _____

D.P. _____

Surveyor's File No. 4743

LAND DISTRICT SOUTHLAND	PROPOSED SUBDIVISION OF LOT 4 DP 232	TERRITORIAL AUTHORITY SOUTHLAND DISTRICT
Survey Blk & Dist. XXX, HOKONUI SD		Surveyed by CLARK FORTUNE McDONALD & ASSOC
Comprised in CT 5L55/33		Scale 1:750 Date OCTOBER 2006