

RESOURCE CONSENT APPLICATION

for

SUBDIVISION & LAND USE



PROPERTY SITUATED AT

113 CLIFFS ROAD

ST CLAIR

DUNEDIN

Prepared by: TL Survey Services Ltd.
PO Box 901
Dunedin

Index

	Page
F9 Consent Application Form	
Application Details and Description of Proposal	1- 3
District Plan Requirements - Rule 18.5	3 - 4
Rule 8.7.2	4 - 5
Second Generation District Plan	5 - 6
Affected Persons	7
Assessment of Environmental Effects	7 - 16
Density, District Plan Integrity	16 - 17
Sec 104D & Sec 106 RMA	17- 18
Objectives and Policies of te Current District Plan	18
Assessment Matters for all Subdivision Activities - Rule 18.6.1	18 - 19
Part II RMA 1991	19
Conclusion	20
Point of Contact	21

Appendices

- Appendix 1: Subject site's Certificate of Title OT289/34
- Appendix 2: Transfer Documents 81253, 91573 & 122041.
- Appendix 3: Lyders Road and Right of way Certificate of Title.
- Appendix 4: Quickmap Print.
- Appendix 5: Planning Application Diagram.
- Appendix 6: Adjoining owners 'Affected Person(s) Consent' forms. (2)
- Appendix 7: Subject site's Plumbing and Drainage data
- Appendix 8: Underlying Plans: DP's 2969, 4874 and 25182 showing easements

APPLICATION FOR RESOURCE CONSENT

Under Section 88 of the Resource Management Act 1991

To: Senior Planner

Dunedin City Council

PO Box 5045

Dunedin

I, John Willems of TL Survey Services Ltd, PO Box 901, Dunedin, on behalf of the Applicant: John Fogarty, apply for the following type(s) of Resource Consent: Subdivision and Land Use, as described below:

1. The names and addresses of the owners and occupier (other than the applicant) of any land to which the application relates are as follows:

**Registered Owners: John Michael Fogarty,
c/- TL Survey Services Ltd.
PO Box 901
Dunedin**

2. The location of the proposed activity is as follows:

**Address: 113 Cliffs Road,
St Clair,
Dunedin**

Legal Description: Lot 3 DP 4874.

Held in: CT OT400/4.

Valuation Number: 27380/30600.

Map Grid reference: 2 314 590 E and 5 474 045 N

Other Relevant Information that identifies location: Refer to item 6 below.

3. A description of the activity to which the application relates is:

This application seeks a 2-Lot 'Residential 1 (Current District Plan) and General Residential 1 Zone' Subdivision Resource Consent on the above-described property.

4. The following additional resource consents are required in relation to this proposal and (have / have not) been applied for: *n/a*

5. I attach in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail

that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

6. I attach other information (if any), required to be included in the application by the district or regional plan the Resource Management Act 1991 or any regulations made under the Act. **N/A**

- As this is an application for Subdivision Resource Consent, the following information attached:

- ☐ (a) The position of all boundaries and areas of the proposed allotments - refer to the attached Aerial photo Planning Application Diagram.
- ☐ (b) Copy of the current Certificate of Title for the subject site
- ☐ (c) Cheque (\$1700) being Council's Resource Consent deposit fee.
- ☐ (d) Quickmap print etc
- ☐ (e) Other relevant data refer to Application index


signature

30 / 10 / 2015

Address for Service of Applicant:

**TL Survey Services Limited,
PO Box 901,
DUNEDIN.**

Telephone: **03 477 1133**

Facsimile: **03 477 1127**

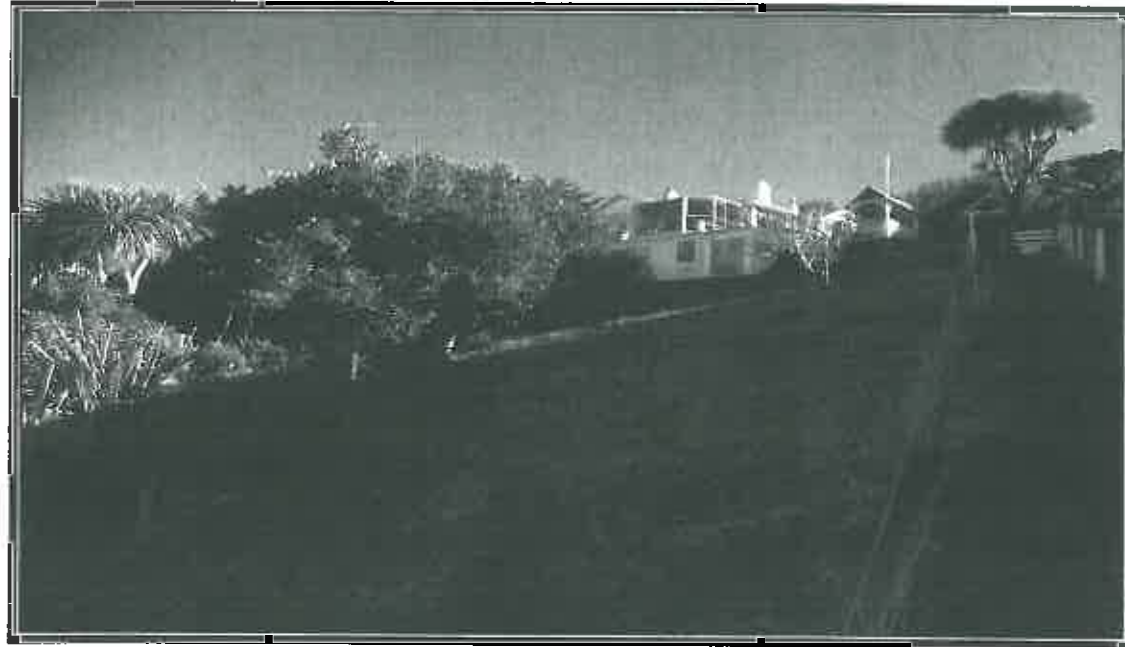
Application for a Resource Consent – Subdivision & Land Use**Lots 1 – 2 being a Proposed Subdivision of Lot 3 DP 4874.****Prepared by: TL Survey Services Ltd****Applicant: John Fogarty****Address for Service: TL Survey Services Ltd
PO Box 901
DUNEDIN****APPLICATION DETAILS****Registered Owners: John Michael Fogarty.****Current Legal Description: Lot 3 DP 4874.****Certificate of Title reference: OT289/34 (copy attached).**

Locality and site description: The site is situated at 113 Cliffs Road, St Clair. The only access is via a partially sealed and metalled road from Cliffs Road which has been locally known as Lyders Road. There is a single dwelling on the site together with garage and sheds. A variety of vegetation covers most of the property. This dwelling is fully serviced as identified in the documentation in the attached appendices. The property is surrounded by residential properties to the south east, south, north and west with Lyders Road adjoining the property's south eastern boundary and a small portion (we believe 2 metres DP 4874) adjoining Cliffs Road.

DESCRIPTION OF PROPOSAL

This application seeks a 2-Lot subdivision of the subject site as discussed below and depicted on the attached aerial photo-diagram/Planning Application Diagram, with each allotment to be held within separate Certificates of Title. There is an existing residence on the property within proposed Lot 2 with metalled driveway access from Cliffs Road via a locally named access way called Lyders Road. This access is also shared with several other residents in the immediate neighbourhood and further up this private roadway to the south west. The site is covered in a mix of vegetation. The allotments are described as follows:

Lot 1 at 817m² is vacant except for a variety of vegetation and trees. This allotment will be accessed via easement A over Lot 2 and the existing easements over Lyders Lane which the property has by virtue of easement instrument T 91572 and T 81253. This property currently has a pedestrian path located along the northern boundary, linking the dwelling to Cliffs Road



This photo shows a good portion of Lot 1 in the foreground and the existing dwelling on Lot 2 in the background. The existing pedestrian access path from the property to Cliffs Road is in view to the right of this view. (Taken August 2015)



This photo shows the view from the mid-point of lot 1 looking out towards the sea. The existing pedestrian access path from the property to Cliffs Road is to the left of this view. (Taken August 2015)

Lot 2 at 1973 m² comprises the existing dwelling and garage. It is proposed that access to this property will be via the existing accessway/driveway over Lyders Road as documented with easement instruments T 91572 and T81253. Access easement B is over Lot 1 as well as easement A in favour of Lot 1. The existing services for the dwelling on Lot 2 will be repositioned within Lot 1 since they are currently situated in a position that would adversely affect the placement of a dwelling within Lot 1. Services Easement D will be created within Lot 1 to encompass these services easements. Another easement (E) may be required to provide aerial Electricity and telecommunications services easement.

DISTRICT PLAN REQUIREMENTS

Dunedin City District Plan (DCDP).

Under the DCDP the above area is zoned **Residential 1** as shown on **Map 60**. **Rules 18.5.1, 18.5.3 - .7 and 8.7.2** of the District Plan are discussed below.

Under the DCDP the above area is zoned **Residential 1**,

Rule 18.5.1(iv)(a) & (b)

Rule 18.5.1 (iv) allows subdivision in the Residential Zones as a **discretionary (restricted) activity** provided that the subdivision complies with **Rules 18.5.3 – 18.5.6, 18.5.9 to 18.5.13** and that the proposed allotments comply with the zone's minimum area and frontage requirements. These are discussed below.

Rule 18.5.3 Access

This aspect of the application is discussed in more detail below under Transportation. However both allotments will have access via Lyders Road, which comes off Cliffs Road, via an existing easement as depicted on the attached copy of, and created on DP 4874. Lyders Road is the local name for the formed access as shown in the attached aerial photo diagram, which links several of the applicants' neighbours, and the subject site, to Cliffs Road. Lyders Road is not considered a legal or is it a public road. The local residents using this as access to their properties maintain the road at their expense.

Hence this application may be seen as **not complying** with this requirement since the access to the site is not via a legal road.



The above photo shows the access from Cliffs Road being the access to the subject site. The first portion of the access is hard surfaced just before the dwelling on the left of the access road. The subject site can be seen to the right of the access. (Taken March 2013)

Rule 18.5.4 & 18.5.5 Water bodies ...Esplanade Reserves or Strips ...etc: Not applicable.

Rule 18.5.6 Service Connection: Discussed below within Rule 8.13.10 Services etc.

Rule 18.5.9 Private Ways: Deleted.

Rule 18.5.10 Unserved Areas: Both allotments require servicing – Lot 2's dwelling is already serviced.

Rule 18.5.11 Concept Plan; Rule 18.5.12 Structure Plans & Rule 18.5.1 East Taieri Structure Plan Res 6 Zone: Not applicable.

RULE 8.7.2 CONDITIONS ATTACHED TO PERMITTED ACTIVITIES

The discussions below are in relation to the existing dwelling on Lot 2. The vacant site being Lot 1 will address the matters below at the time of Building Consent for this allotment.

- (i) **Minimum Yards:** (Minimum Front = 4.50m and Side = 2.0m and 2.0 metres rear sites). With a frontage onto Cliffs Road of an estimated 10 links (DP 4874) being 2 metres, the subject site is considered a rear site and as such the minimum yard requirements are 2 metres all round. The dwelling on Lot 2 is well established and complies with the yard requirements for the existing and

proposed boundaries. The minimum yard distance being 7 metres between the dwelling's north-western corner and the nearest boundary along the northern boundary.

- (ii) **Height plane angle:** This relates to (i) above thus this application is compliant in regards the existing dwelling - at this stage.
- (iii) **The maximum height:** The existing dwelling on Lot 2 is well below the minimum requirement of 9 metres.
- (iv) **Maximum site coverage (40% max. front and rear):** Lot 2's dwelling and garage add up to less than 350m² which equates to less than 18% site coverage: thus compliance with the requirement.
- (v) **Minimum Amenity Open Space** (Includes an area of 35m² and containing a 4.5m diameter circle): Lot 2 has sufficient amenity open space all around the property to comply with this requirement.
- (vi) **Separation distances (2.0m minimum requirement):** the future Building consent for Lot 1 will address this requirement and hence compliance with this rule.
- (vii)(a)(i) **Minimum car parking requirement:** Lot 2's existing dwelling and carport – open garage has ample car parking facilities. The future Building Consents for Lot 1 will address this requirement and hence its compliance.
- (viii) **Loading and access, (ix) Signs, (x) Noise, Glare, Lighting and Electrical Interference and (xi) Port Noise...within the Port Outer Control Boundary (Port Chalmers):** Not applicable.
- (xii) (a) (i) **Minimum site area front and rear sites (500m²):** The proposed allotments have areas as follows: Lot 1 = 817m² and Lot 2 = 1973m² hence both allotments comply with this requirement.

(b) (i) Minimum Frontage (3.5m – front and rear sites): As mentioned above it is estimated that the site has a total frontage onto Cliffs Road of 10 links (DP 4874) which converts to 2.02 metres being the approximate width the property's pedestrian access onto the adjoining Cliffs Road. Thus there is frontage onto Cliffs Road at 2 meters but only for proposed Lot 1. The actual vehicle access to the site will be over Lyders Road via existing access easements. Lyders Road is not legal and in private ownership – thus **non-compliance** with this requirement.

Note the above mentioned dimensions and areas are subject to final cadastral survey.

SECOND GENERATION DISTRICT PLAN

Under the proposed Second Generation District Plan the following applies:

The area is within the General Residential 1 Zone and as such this area includes the City's hill suburbs and valleys of the main urban area of Dunedin and Mosgiel.

Comment: The subject site is situated on the hill-side overlooking St Clair.

This area's **Density and maximum development potential is: 1 dwelling per 500m² and 1 habitable room per 100m².**

Comment: As discussed above the proposed allotment areas are Lot 1 = 817m² and Lot 2 = 1973m² thus both allotments comply with the proposed density requirement as well. We believe the existing dwelling on Lot 2 does not have 19 bedrooms therefore the existing dwelling complies with the number of bedroom requirements as well under the 2GDP.

The **maximum height** within this zone being **9 metres**

Comment: While the existing dwelling is reasonable large we believe it complies with this existing requirement also.

Set back from Boundaries being **4.5 metres** and **2.0 metres** all other boundaries.

Comment: Similar to the existing conditions discussed above under 8.7.2.

The **height** in relation to the boundary being at an angle of 45° 2 metres above ground level at the boundary.

Comment: Lot 2's dwelling is an existing situation and it would seem to comply with this requirement. This requirement for Lot 1's yet to be designed dwelling will be addressed at the time of Building Consent.

The **site coverage** being **40% for buildings** and **70% building and impermeable surfaces**.

Comment: This is a similar requirement as discussed within the existing District Plan 8.7.2 above and the existing dwelling complies with this requirement as well. This requirement for Lot 1 will be addressed within the Building Consent application.

Vehicle access requirements.

Comment: The access easement A over Lot 2 is shown at 3.5 metre legal width and 3.0 metres formed whereas the proposed 2GDP has these requirements as 4.5m legal and 3.0 m formed. Hence the legal width as shown on the attached plan will not comply with the proposed District Plan but the formation will comply.

Therefore in consideration of the above I believe that this application complies also complies with the proposed Second Generation District Plan requirements.

AFFECTED PERSONS

Section 94(2) of the Resource Management Act 1991 provides Council with the option of processing a resource consent application as a non-notified application where the written approval has been obtained from persons considered to be adversely affected by the granting of the consent.

This proposal seeks to create 1 additional allotment. Both allotments will have vehicular access to Cliffs Road over the existing Lyders Road (local name) via an existing easement – refer attached documents.

It was felt that the two adjoining property owners as listed below, located along the southern side of Lyders Road immediately opposite the subject site were deemed the parties most affected by this application.

Affected Party	Owner Yes/No	Occupier Yes/No	Address	Consent Obtained
Neville McKenzie	Yes	Yes	105 Cliffs Road, Dunedin	8-10-2015
Andrew & Judith Stewart (on behalf of the AH & JM Stewart Family Trust)	Yes	Yes	107 Cliffs Road Dunedin	8-10-2015

It is believed that the property owners situated near the end of Lyders Road would not be affected by this proposal since they do not have the same easement rights as the land has subject to this application.

For further discussion on the access refer to the transportation section below.

ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

Section 104 (1) (a) of the Resource Management Act 1991 requires that the consent authority have *regard* to any actual or potential effects on the environment of allowing the activity. Also Sec 88 (2) (b) of the RMA requires that every application for resource consent is to include an assessment of environmental effects in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment.

The following is an assessment of the effects that have been considered relevant for this proposed Subdivision activity in relation to **Section 8.13: Assessment of Resource Consent Applications** under Residential Zone rules.

Sustainability (8.13.1) RMA Sec.5 (2)

Comment: Presently the subject site comprises one domestic dwelling on the proposed Lot 2, with the proposed Lot 1 being vacant.

Both Lots 1 and 2 meet council's minimum requirement of 500 m² for the Residential 1 zone. Neither allotment could be further subdivided under the current Res 1 zone rules. Lot 1 will require connections to Council's services including Water supply,

waste water and storm water services. Power and telecommunication services will also need to be extended to accommodate the additional property. Easements will be required to safeguard these services to the dwelling on Lot 2.

Bulk and Location Issues (8.13.3)

Comment: One well established dwelling exists on Lot 2 while Lot 1 is vacant, therefore bulk and location requirements for Lot 1 will be subject to future Building consent. Lot 2's dwelling's bulk and location requirements have been discussed above under 8.7.2.

Location of Garages and Carports in the Front Yard (8.13.4)

Comment: Lot 2 has an existing garage attached to the dwelling. Any garage on the vacant allotment will be subject to future building consents.

Amenity Values and Character and Visual Impact (8.13.5) [Sec 7(c) RMA]

The RMA describes **amenity values** under **Sec 2** as, "*natural or physical qualities and characteristics of an area contributing to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes*". This definition is discussed below as it applies to this application.

The subject land is zoned Residential 1 within the current DCDP and as such the District Plan notes the following characteristics:

- *Front yards generally more than 4.5 m deep which are landscaped with trees and/or gardens.*
- *Side yards of 1.8 m or more giving a reasonable space between buildings.*
- *Single-storied, single-unit developments.*
- *Rear yards capable of accommodating large trees.*
- *Low site coverage (25%).*
- *A variety of dwelling sizes.*

These features help maintain the character of the zone contribute to the high amenity values in the zone.

Comment: The proposed subdivision will create an additional residential site in a residential zone, and in this regard, the effects of the proposal are largely anticipated by the zoning of the site. The District Plan maintains the amenity values of an area through the density provisions of the various zones. In this case, the subdivision proposal will result in two new sites from a site area of 2790m². This land could be developed with up to five residential units while complying with the density provisions of the Residential 1 zone but subject to a consent application including access and servicing etc.

Proposed Lot 2 consists of the majority of the site. Proposed Lot 1 is large enough for one residential dwelling. The position of the dwelling on Lot 2 means that further development with the residence in place would be difficult in positioning another dwelling on the site and vehicle access to another dwelling. Accordingly, the subdivision is likely to result in a total of only two residential units (one existing and one additional) and development is therefore comfortably within expectations for

the zone. I believe that the proposed subdivision maintains the amenity values and character of the zone and the general area.

No external alterations are envisaged to this existing dwelling on Lot 2. The subject site has a variety of vegetation most of which will remain but some clearing will be required to provide access to Lot 1 and at the time of Building Consent.

The site coverage and other matters within Rule 8.7.2 are discussed above in relation to Lot 2; however these aspects in relation to Lot 1 will be subject to future Building Consent.

This proposal ensures compliance with the Res 1 Zone's 500m² minimum area requirement, therefore the subdivision does not challenge the DCDP density of development allowed for within this zone.

Design and Appearance of Buildings, Structures, Landscaping and Consideration of Site Topography (8.13.6) and (18.6.1 (q))

Comment: There is an existing dwelling on Lot 2 which will remain unaltered. The additional allotment is vacant and at this stage no specific dwelling design or building platform placement on this site is being considered. Any future Building Consent will address any on-site works, dwelling placement issues and any site topography which may hinder the residential development.

We do not envisage any significant alteration necessary to the site's topography at this the subdivision stage. We are not aware of any stability issues on the site therefore no Geotech report has been included with this application – however a HAIL report has been requested but has not been forwarded by Council prior to the lodging of this application. It will be forwarded with comments once it is received by this office.

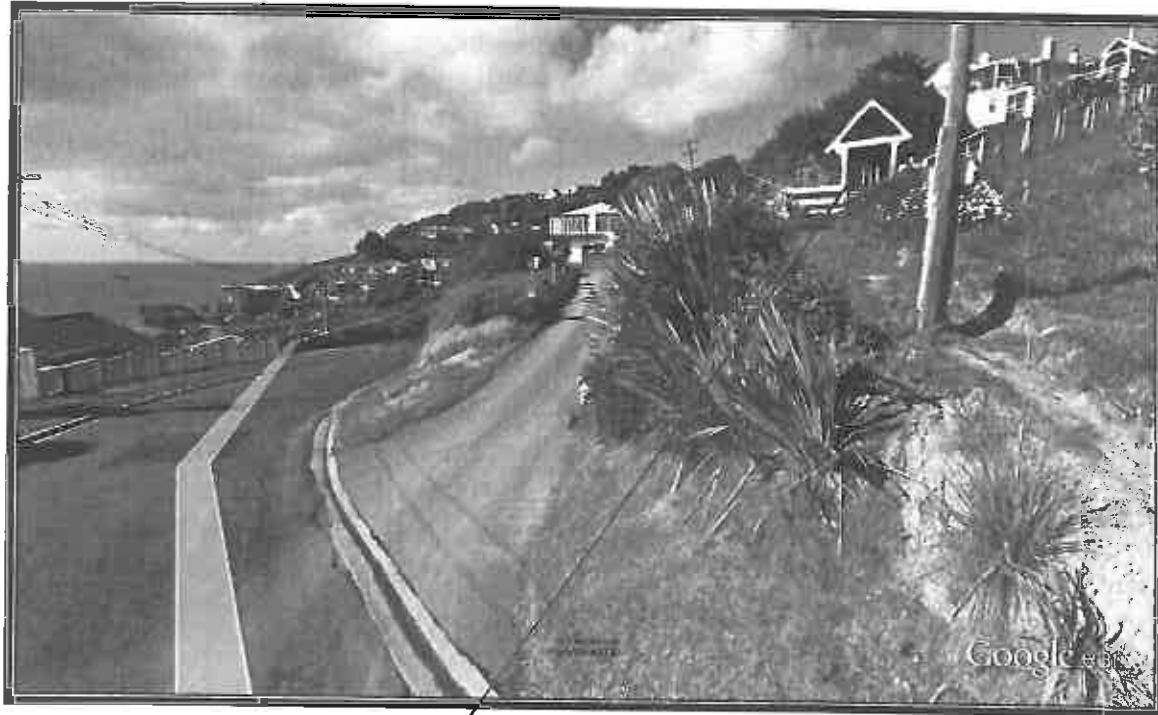
Landscaping

No significant landscaping is envisaged on the property during the subdivision process. Some work will be required at the proposed residential development and the Building Consent stage for Lot 1.

Transportation and Access (8.13.7) & (18.6.1 (c))

Comment: The existing access to the site from Cliffs Road is via a (generally) metalled road, which the property owners in the area, contribute to the maintenance thereof. Council are not involved in the care upkeep or maintenance of this access way.

Access to this road, which has been known locally as Lyders Road (from an historical owner of the area as indicated on DP 4874 attached), is on a corner on Cliffs Road between nos. 113 and 107 as shown in the 2 Google Earth photos below. This access is now the vehicular access to the subject site as well as other properties in the area including the two affected parties/properties in the schedule within the Affected Persons section discussed above. Lyders Road is held with freehold certificate of title 610647 (P J and C T Foster being the registered owners).



This view to the south shows Cliffs Road with the entrance to Lyders Road visible to the right. The beginning of Lyders Road is asphalt but as can be seen in this view this hard surface is only 25 metres long but still means that there is minimal movement of gravel onto Cliffs Road. The arched pedestrian access from the subject site to Cliffs Road is just visible also. (Google Earth photo Taken Nov. 2012)



This view to the north shows Cliffs Road with the entrance to Lyders Road just visible to the left. The Arched pedestrian access from the subject site to Cliffs Road is just visible also. (Google Earth photo Taken Nov. 2012)



This photo shows the existing pedestrian access from the property to Cliffs Road through the archway shown in the photos above. The drainage cleaning eye is also in this view. (Taken August 2015)



This photo shows the metalled 'Lyders Road' accessway from Cliffs Road with the driveway access to the subject site just visible at the middle of the photo. (Taken August 2015)



This photo shows the metalled 'Lyders Road' accessway from Cliffs Road as viewed from the photo immediately above looking towards Cliffs Road. The two properties to the right are the two properties that have given their approval for this subdivision. (Taken August 2015)



This photo shows the intersection of 'Lyders Road' and the driveway access to the subject site looking towards the subject site. (Taken August 2015)

Hours of Operation (8.13.9), Relocation of a Building from another Site (8.13.11) and Safety (8.13.12)

Comment: Not applicable at this stage.

Provision for Stormwater, Water and sewerage (8.13.10) Rule 18.5.6, 18.6.1 d, e, j, n, o, p & x.

Comment: The existing dwelling on Lot 2 is fully serviced. The accompanying services plan indicates that Council's services are available within both Cliffs Road and Lyders Road. We anticipate that this application should comply with the following:

Rule 18.5.6 (a) (DCDP) states that, every lot in the Residential 1 Zone shall have ***reticulated sewerage/waste water infrastructure*** available within the road providing access or within the allotment.

Comment: This service is available within Lyders Road adjoining the access to the subject site. The existing dwelling on Lot 2 has this service via the front of the property to Cliffs Road as indicated on the attached DCC Plumbing and Drainage plans for the property - attached. This service will need to be relocated to the position as indicated by easement H along Lot 1's northern boundary. The waste water for Lot 1 will also need to connect to this service in Cliffs Road independent of Lot 2's dwelling.



This photo shows the existing pedestrian access from the property to Cliffs Road through the archway shown in the photos above. The waste water drainage cleaning eye is also in this view we also believe that the water supply to the property is in this area as well. (Taken August 2015)

Rule 18.5.6 (b) requires *reticulated power and telephone services in the road or within the allotment.*

Comment: Both these services exist overhead within Lyders Road and Cliffs Road. The existing dwelling has this service as an aerial service between the pole in Cliffs Road and the one alongside the subject site's eastern boundary – the location is indicated on the attached plan as easements D, E and F. F is located within Lot 1 at this stage – this may change at the time of survey.

Rule 18.5.6 (c) states the need for *reticulated stormwater within the allotment, or kerb and channel, or water tables within the road providing access.*

Comment: This service is available within Lyders Road. We seek Council's comments on this service which has a manhole alongside the access to the subject site on Lyders Road. However this service for Lot 2's dwelling is also depicted on the attached DCC Drainage plans and similarly to the waste water service it will require re-locating to within the easement H corridor.

Rule 18.5.6 (d) calls for a *reticulated water supply in the road providing access, or within the allotment.*

There is a 100mm water supply main within Cliffs Road. This water main is located on the opposite side of the property in Cliffs Road. We believe that the existing house is serviced from this water main within the 2 metre frontage that the property has with Cliffs Road. This service may also require re-locating to within the easement H corridor along Lot 1's northern boundary.

There are 2 Fire Hydrants near the subject site but on Cliffs Road, one located north east of the site and the other south east of the site. The FH to the north is located approximately 80metres from the mid-point of proposed Lot 1 thus complying with the 135 metre requirement.

Lot 2's existing dwelling is located within 70 – 80 metres of the FH to the south east if a line is taken from this FH up to Lyders Road and then up and along the bank alongside Lyders Road and then to the dwelling. If a line is taken from the FH then Lyders Road and up the access way to the house then this distance is estimated at about 190 metres thus not compliant.

Lot 1 will have frontage onto Cliffs Road therefore there will be easy access to the Fire Hydrant via its 2 metre wide pedestrian access to Cliffs Road.



This photo shows the intersection of 'Lyders Road' and the driveway access to the subject site as well as the two manhole covers for the Stormwater and waste water sewers. (Taken August 2015)

Easements (Rule 18.6.1 (i))

Proposed easements have been discussed above and depicted on the attached plan as follows:

- Access easements A and B over Lot 2 and C, over Lot 6 DP 462608 in favour of Lot 1.
- Water, waste water and stormwater over Lot 1 in favour of Lot 2
- Electricity and telecommunications services D and E over Lot 6 DP 462608 and F over Lot 1 in favour of Lot 2.

If it is determined that more services require easements at the time of survey then these will be shown on the survey data set and easements schedule/memorandum of easements.

Cumulative Effects (8.13.13)

Comment: Subdivision is anticipated within the Residential 1 Zone at a Density of 500m². The property has a total area of 2790 m² which allows a total of 5 x 500m² allotments permitted within the property subject to consent application and land constraints. With a total of only 2 allotments being proposed, this application does not realise the full potential of the site and hence compliance with the Zone's density requirements is assured.

The applicant wishes to retain as much of the area immediately surrounding the existing dwelling as is possible and thus retaining the amenity area and values,

surrounding the existing well-established dwelling. Proposed Lot 2 therefore retains its amenity and privacy. The proposed Lot 1 is relatively large but only one dwelling is possible under the current and proposed District Plan rules.

Any cumulative effect regardless of degree or element of risk – an adverse cumulative effect is an effect when combined with other effects, is significant only when it breaches a threshold. It is not to be confused with precedent effect.

In this case there is sufficient area on the subject site to subdivide into 2 allotments as shown on the attached plan. Hence an additional dwelling is permitted by both the current District Plan rules and the proposed District Plan (2GDP) since the area is zoned Residential 1 with the current and General Residential 1 within the proposed District plan, both permit 1 residential dwelling per 500m² of land area.

Trees (8.13.14) & Indigenous Vegetation and Fauna (8.13.15) [RMA Sec 6(c)]

Comment: No such vegetation exists on site.

Hazards & Land Stability (8.13.17) and 18.6.1 b, & t

Comment: We are not aware of any land instability on the site or the immediate area and hence we do not believe that this application required a Geotech report – none has been supplied.

However because of Council's current stance in regards National Environmental Standards requirements, an application for a Hazardous Activities and Industries List (HAIL) property search was requested but was not available at the time this application was prepared and lodged with Council. As and when the report becomes available it will be forwarded with a conclusion in due course.

Manawhenua (8.13.2 & 6.7.2) RMA Sec 6; Archaeological Sites (8.13.16), Housing in the Residential 3 Zone (8.13.18,); Intensity of Residential activity in the Residential 3 Zone (8.13.19) and Momona Airport Village: Residential 6 Zone (8.3.20).

Comment: Not applicable.

DENSITY & DISTRICT PLAN INTEGRITY

The proposed allotments, their design and areas meet the District Plan's Residential 1 Zone's general compliances under Rules 18.5 and 8.7.2, Permitted Activity and Rules, including minimum yard, area etc. requirements for Lot 2. However Lot 1 will be subject to Building Consent application which will address these aspects.

The site has sufficient area at 2790 m² (current CT area) to accommodate a total of 5 x 500m² allotments as mentioned above under Rule 8.13.13 (current District Plan) as well as the proposed District Plan). With only 2 allotments being offered, this proposed subdivision does not compromise the current and future District Plan's Residential 1 or General Residential 1 Zone's density requirement or the District Plan

integrity. Any Building Consent for future development on Lot 1 will address those matters listed under Rule 8.7.2.

However it should be noted that the site has only a 2 metre approximate frontage to Cliffs Road while its actual physical vehicle access is via an existing easement over the privately owned Lyders Road currently also known as Lot 6 DP 4562608. As such we have also requested a **Land Use** consent as part of this application.

SECTION 104D REQUIREMENTS

This section of the RMA requires that a consenting authority not give approval to a non-complying activity unless the application can meet one of two limbs:

1. *that the adverse effects on the environment will be no more than minor, or*
2. *that the application is for an activity which will not be contrary to the objectives and policies of the District Plan or the relevant proposed plan..*

Comment: The proposed 2-lot subdivision presents complying areas for the allotments and viable use of the subject site. The physical access to the 2 allotments is via an existing right of way easement in favour of the subject site which exists within the Lyders Road corridor but only in part of its width as indicated on plan DP 4874.

The only other significant issue at this stage being the access along Lyders Road, which is a private road and not maintained by Council. This road is within private ownership with all users in the area having an access easement and therefore rights over the land as mentioned within the Transportation section above.

We believe that this proposed 2-lot subdivision of the subject site will have effects which are no more than minor and are not contrary to the objectives and policies of the District Plan.

Therefore we ask that Council exercise its discretion under Section 104D and consider granting consent in consideration of this application.

SECTION 106 OF THE RESOURCE MANAGEMENT ACT 1991

Under **Sec 106** of the RMA, Council has the power to decline a subdivision Consent where:

- 1) *The land or structure is subject to erosion, falling debris, subsidence, slippage or inundation. and*
- 2) *The proposed use of the land may accelerate, worsen or result in material damage to that land, other land or structure by the above mentioned items unless these effects are avoided, remedied or mitigated by conditions etc. to Council satisfaction*

Comment: We are not aware that the property is within any known landslide area or that there are any signs of land instability.

The proposed HAIL report will mention and address any known hazard issues existing on this property.

Therefore I believe that **Section 106** of the RMA is not applicable in this instance.

Objectives and Policies of the current District Plan.

As part of its consent documents council generally discuss the following objectives and Policies:

Objective 4.2.1 and Policy 4.3.1 (Sustainability Section) seek to maintain and enhance the amenity values of Dunedin.

Objective 8.2.1 and Policy 8.3.1 (Residential Section) seeks to ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated.

Objective 18.2.1 and Policy 18.3.1 (Subdivision Section) seek to ensure that subdivision activity takes place in a coordinated and sustainable manner.

Objective 20.2.2 and Policy 20.3.2 (Transportation Section) seek to ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.

I believe the general discussions above has indicated that this application is generally in accordance with Section 104 (1)(b) of the Resource Management Act 1991 and therefore consistent with above mentioned objectives and policies of the District Plan.

Assessment Matters for all Subdivision Activities under Rule 18.6.1

Activity	Assessment Matter	Comment
(a)	When considering applications in the Townscape.....; Schedule 25.1.....; Airport.....	Not applicable
(b)	The objectives, policies and Rules of the following sections of the District Plan: Sustainability, Manawhenua, Hazards and Trees.	Discussed above. Not applicable Discussed above.
(c)	The objectives, Policies and assessment matters of the Transportation Section.	Refer to the Transportation section 8.13.7 above.
(d)	Whether any extension of services will be rational and orderly and contribute towards the sustainable management of the environment	Refer to the Services section 8.13.10 above.

(e)(j)	The integration of new infrastructure with existing or possible expansions of infrastructure networks.	Refer to Services section 8.13.10 above.
(f)	The cumulative effect of the incremental loss or modification of areas of indigenous vegetation.....	While there is some vegetation on the site no indigenous vegetation exists on site.
(g)	The appropriateness of retaining amenity planting or planting trees etc.	Refer above – some vegetation will require removing as part of the overall development and establishment of a building platform and access for Lot 1.
(h)	The appropriateness of any building platform etc	No specific building platform for Lot 1 is being offered or proposed at this stage.
(i)	Any easements that may be required on or off the site etc	Access easements will be required and have been discussed above under Services 8.13.10.
(k)	The extent to which any allotment to be created by the subdivision has physical limitations which would render it unsuitable for future use.	At this stage we are not aware of any physical limitations limiting the use of the site as proposed in this application. A HAIL report will be forwarded in due course.
(l)	Delegated functions from other consent authorities	Not required.
(m)	Property access to and within the subdivision...	Refer Transportation Section 8.13.7.
(n)	Water supply to and within Subdivision Activities...	Refer to the Services section above– Rule 8.13.10
(o)	Storm water disposal from and within Subdivision Activities...	Refer to the Services section above– Rule 8.13.10.
(p)	Foul effluent Disposal from within Subdivision Activities...	Refer to the Services section above– Rule 8.13.10
(q)	Lot size and dimensions...	Both allotments exceed the existing Res 1 and proposed General Residential Zone's minimum area requirement of 500m².
(r)	Development in Rural Residential Zones	N/A.
(s)	Natural Character and Heritage Values...	N/A.
(t)	Hazards	No hazards are known of on the property – however refer to Hazards section above for further discussion on this issue – a HAIL report is forth coming.
(u - w)	Esplanade Reserves etc	N/A.
(x)	Public or Private Network Utility Services.	Refer to Services Section above– Rule 8.13.10.
(y)	The matters contained within the Code of Subdivision.	Discussed above.

PART II RMA 1991 MATTERS

I believe that under Sec. 5 (2) (c) of the RMA 1991, this application for 2 residential allotments does not make obvious any adverse effects that need to be avoided, remedied or mitigated with regard to the environment. I also believe that this application and proposed and continuing residential activity should be considered consistent with par II of the RMA.

CONCLUSION

This 2-lot subdivision application is being carried out so that the applicant and registered owner can develop the underutilised portion of his property being Lot 1. No specific dwelling design or building platform has been indicated or anticipated for Lot 1, however there is sufficient area within which a dwelling could be placed and not obstruct surrounding views.

Both allotments have access to the adjoining access road (Lyders Road) as shown on the attached application plan. The issues surrounding the access road (Lyders Road) have been discussed above.

The existing dwelling, as it is positioned within the proposed boundaries of Lot 2, complies with Council's Residential 1 Zone permitted activities and rules as far as area, access, yard requirements and site coverage is concerned. The actual dwelling's design and placement on Lot 1 will be subject to Council's Building Consent processes. The design of the subdivision layout has been discussed above and both allotments will be individually serviced.

Council places emphasise on recent case law in regards the granting of a non-complying activity. In granting a non-complying activity the application needs to demonstrate it is a 'true exception', otherwise in terms of precedent effects, the integrity of the Plan could be undermined. I believe that this application is non-complying only in the fact that it does not really have access and frontage to a legal and formed road other than via access easements over Lyders Road being also Lot 6 DP 462608. And as such this subdivision application could be considered as non-complying since it creates two lots with no compliant frontage to a legal road.

However, there is sufficient legal and physical access provided to both lots via the existing access easement mentioned above. I believe that the lack of frontage is considered a technicality by Council. I believe that in granting the proposed subdivision should not be expected to compromise the integrity of the District Plan.

Thus this application is not for an activity contrary to the objectives and policies of the existing as well as the proposed 2GDP. This application also generally complies with **Part II, Secs 104D and 106** of the RMA.

I believe that any **adverse effects**, of this proposal are not considered significant and ask that Council process this application as a **non-notified consent**. We look forward to council's consideration of this application and decision in due course.

POINT OF CONTACT

I ask that this application for a 2-lot subdivision be considered as a non-notified Subdivision Resource Consent Application and accordingly attach a \$1700 cheque, being the Resource Consent application deposit fee under this category. Should you wish to discuss this proposal please contact the undersigned.

Application prepared by:



John Willems
(Planning & Project Management Consultant
BSc Land Planning & Development & NZCD Survey
AMNZIS)

APPENDIX 1



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Historical Search Copy



Identifier **OT289/34**
Land Registration District **Otago**
Date Issued 16 February 1938

Prior References
OT192/42

State Fee Simple
Area 2790 square metres more or less
Legal Description Lot 3 Deposited Plan 4874

Original Proprietors
John Michael Fogarty

Interests

Subject to a right of way and drainage rights over part appurtenant to Lot 2 DP 4874 created by Transfer 122041

The right of way created by Transfer 122041 is subject to the Council's conditions of consent endorsed on Transfer 122041

Appurtenant hereto is a right of way over part Section 32 (CT OT194/19) coloured blue hereon created by Transfer 91572

The right of way created by Transfer 91572 is subject to the Council's conditions of consent endorsed on Transfer 81253

808406.2 Mortgage to Bank of New Zealand - 29.6.1992 at 9.36 am

[Land and Deeds--4.
[Form B.

Reference: Vol. 192, Folio 42 (Dml)
Transfer No.
Application No.
Order for N/C No. X. 6:96

Register-book.
Vol. 269 . folio 34



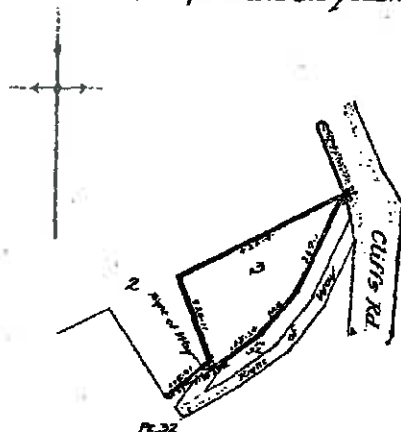
CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the Sixteenth day of February, one thousand nine hundred and thirty-eight,
under the hand and seal of the District Land Registrar of the Land Registration District of O T A G O Witnesseth that
MARY JOSE McLENDY wife of William Robert McLeander of Dunedin Land Saleperson

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and incumbrances as are notified by memorial under written or endorsed hereon, subject also to any existing rights of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereto appended green _____ be the several subdivisions a little more or less, that is to say: All that parcel of land containing two (2) rods, thirty decimal, three two (30.32) perches, more or less situated in the City of Invercargill being lot three (3) Deposited plan 4374 and being part Section 32 Otago Block XV 1861. Together with Right of Way over another part Section 32 (G.F. 194/19) coloured blue hereto attached by Planer 9572.

EQUIVALENT METRIC
AREA IS 2829 m²

Lot 3 LTP 4874
Pt. Sec. 32 Ocean Beach SD.
2r. 3032p edged green
01-55p. coloured yellow



Scale, 2 chains to an inch



E. Adams
District Land Registrar

Subject as to Right of Way and Drainage Rights
in favour of Lot 2 Deposited Plan 432; created by Transfer
122641.

Conditions contained in Councils Consent to Rights of
 have granted by Transfers 91572 and 122041 are annulled
 on Transfers \$1253 and 122041.

Advanced Copy of Report duly sealed and produced 25th November 1921 at 2.55 p.m.

Transfer 3rd 1885 29 Mary Jane
in sudden to injured with
Master wife of Fred Master
of Dundee in Retired Stationmaster
produced dnr 2nd December 1914 at 10.15+

Mortgage 2^o 152.9765 in Fred White
 DISC. to Stanley J. Poterens
 Produced 12th Oct 1931 at 10.1504

Transf. 133229 W. Alfred Edgley, Lister
to Stanley Walgreen, of Medicine
Piatryck produced 12th March 1941
at 11.20 a.m.

Historical Search Copy Dated 20/10/15 9:49 am, Page 3 of 3

APPENDIX 2

MEMORANDUM OF TRANSFER.

Image Quality due
to Condition
of Original

1 FREDRIK WILHELM LYDERS (sometimes called "Frederick Wilhelm...
Lyders") of Dunedin in Otago New Zealand Contractor.

_____ , being registered as the proprietor of an estate in fee simple subject however to such encumbrances liens and interests as are notified by memoranda underwritten, or endorsed hereon ^{First} in all that piece of land situate in the^s Dunedin & East Tairāwhiti District & Ocean Beach District.

containing by admeasurement Six (6) acres three (3) roods and thirtyseven (37) poles. _____

be the same a little more or less being part of Application Thirteen (13) Block Thirteen (XIII) on the Map of the said Dunedin & East Taieri District and part of Section Thirtythree (33) on the Map of the said ... Ocean Beach District and being all the land comprised and described in Certificate of Title Register Book Vol. 93 fol. 103. Secondly All that parcel of land situate in the Dunedin & East Taieri District and Ocean Beach Districts containing by admeasurement Seven (7) acres one (1) rood and fourteen (14) poles more or less Being part of Application Thirteen (13) Block Thirteen (XIII) on the Map of the said Dunedin & East Taieri District and part of Section Thirtythree (33) on the Map of the said ... Ocean Beach District and being all the land comprised in Certificate of Title Register Book Vol. 93 fol. 104. TOGETHER WITH Right of Way over other part of said Application Thirteen (13) said section Thirtythree (33) and part of Section Thirtyfour (34) Ocean Beach District aforesaid as contained in the said Certificate of Title. Thirdly All that parcel of land situate in the Dunedin & East Taieri District and Ocean Beach District containing by admeasurement Twelve (12) acres six (6) poles and six tenths of a pole (.6) more or less Being part of Application Thirteen (13) Block Thirteen (XIII) on the Map of the said Dunedin and East Taieri District and part of Sections Thirtythree (33) and thirtyfour (34) on the Map of the said Ocean Beach District and being all the land comprised in Certificates of Title Register Book Volume 93 folios 103 and 104. SUBJECT TO Right of Way over part of the said land as shown in the said Certificates of Title. Fourthly All that parcel of land situate in the Dunedin and East Taieri District containing by admeasurement eight poles and four tenths of a pole (.4) more or less Being that part of Application Thirteen (13) Block Thirteen (XIII) on the Map of the said Dunedin & East Taieri District which is shown by a red colour on the Plan drawn hereon and is part of the land comprised and described in Certificate of Title Register Book Vol. 194 fol. 19. Fifthly All that parcel of land situate in the Ocean Beach District containing by admeasurement one acre nineteen poles and six tenths of a pole more or less being part of Section Thirtytwo (32) on the Map of the said Ocean Beach District which said piece of land is shown by a yellow colour on the said plan drawn hereon and is part of the land comprised and described in the said Certificate of Title Register Book Vol. 194 fol. 19.

In consideration of the sum of FIVE THOUSAND FIVE HUNDRED POUNDS (£5500)

paid to me by WILLIAM JOHN MARSHALL of Henley in Otago aforesaid
Farmer. _____

the receipt of which sum is hereby acknowledged.

[Approved by the District Land Registrar, Dunedin.—No. 13.]

do hereby transfer to the said William John Marshall.

7. On a lease or interest
describing each lease estate.

all my estate and interest in the said piece of land

Firstly, secondly, thirdly and fourthly above described TOGETHER WITH full and free right and liberty for the said William John Marshall and his assigns and all persons authorised by him or them in common with me and my assigns and all other persons duly authorised with or without heres motors and vehicles of every or any kind at all times and for all purposes connected with the use and enjoyment of the lands expressed to be hereby transferred to pass and repass over and along the ... piece of land fifthly above described and shown by a yellow colour on the said Plan drawn hereto.

In witness whereof I have hereunto subscribed my name this twentysecond.

.....day of ...February..... one thousand nine hundred and twentytwo.

Signed on the day above-named by the said

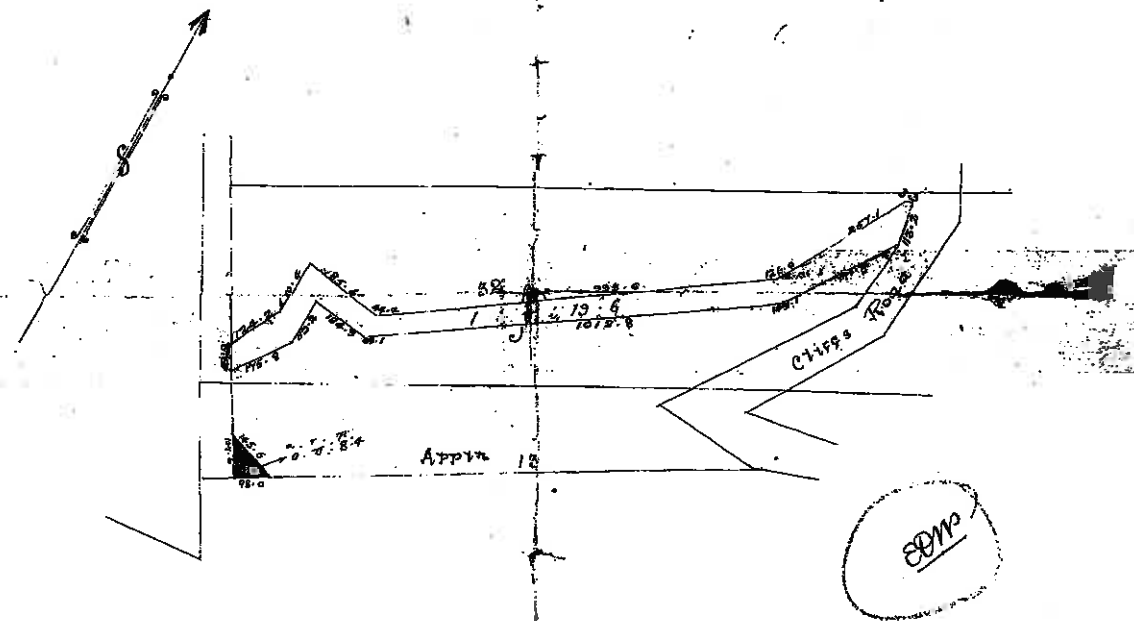
FREDRIK WILHELM LYTERS

in the presence of:-

F. H. Lyders ✓

Channon ✓
Notary
Dumidin

Image Quality due
to Condition
of Original



No. 91572

Transfer of grant of right-of-way over Part Sec. 32

Correct for the purposes of the Land Transfer Act.

Situated in the Ocean Beach District

FREDERICK WILHELM LYDERS Vendor.

J. H. Smith
SOLICITOR FOR THE PURCHASER, DUNEDIN.

MARY JANE McFADDEN Purchaser.

Particulars entered in the Register Book, Vol. 192

Folio 42 194/1

the 2nd day of November 1910

at 2.40 o'clock.



J. H. Smith
District Land Registrar.

*accepted
for registration
see 78/253*

ASPINALL & SIM,

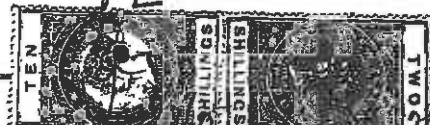
RALPH H. ASPINALL,

SOLICITORS,

DUNEDIN.



91572



E. 106]

New Zealand.

MEMORANDUM OF TRANSFER.

I FREDERICK WILHELM LYDERS of Dunedin Building Contractor

being registered as proprietor or

of an estate in fee simple subject
however to such encumbrances liens and interests as are notified by memoranda
underwritten or endorsed hereon in all that piece of land situate in the OCEAN

of BEACH DISTRICT containing by admeasurement

Thirty two poles and nine tenths of a pole

be the same a little more or less being that part of Section Thirty-two on plan of the said District deposited in the Lands Registry Office at Dunedin aforesaid and being part of the land included in Certificate of Title Dunedin Register Book Volume 194 Folio 19

as the same is more particularly shown on the plan drawn hereon and therein edged ^{green} ~~yellow~~ IN CONSIDERATION of the sum of TEN SHILLINGS paid or satisfied to me by MARY JANE McFADDEN wife of William Robert

McFadden of Dunedin aforesaid Land Salesman (the receipt of which sum

I hereby acknowledge) DO HEREBY TRANSFER AND GRANT unto the said Mary

Jane McFadden and her transferees full and free right and liberty to

and for her and them registered proprietor or proprietors for the

time being of that piece of land situated in the OCEAN BEACH DISTRICT

aforesaid containing by admeasurement One acre more or less being

part of Section Thirty-two on plan of the said District deposited in

the Lands Registry Office at Dunedin aforesaid as No. 2869 and being

all the land included in Certificate of Title Dunedin Register Book

Volume 192 Folio 42 and shown on the plan drawn hereon and therein

edged ^{yellow} ~~green~~ or any part thereof and his her and their tenants servants

agents workmen and visitors from time to time and at all times here-

~~in common with me and all others having the like right~~

after at his her and their will and pleasure to go pass and repass

with or without horses or other animals carts and carriages of all

descriptions through over and along the said piece of land firstly

hereinbefore described to the end and intent that the right-of-way

hereby granted shall be for ever hereafter appurtenant to the said

piece of land secondly hereinbefore described for all purposes

connected with the use occupation and enjoyment thereof.

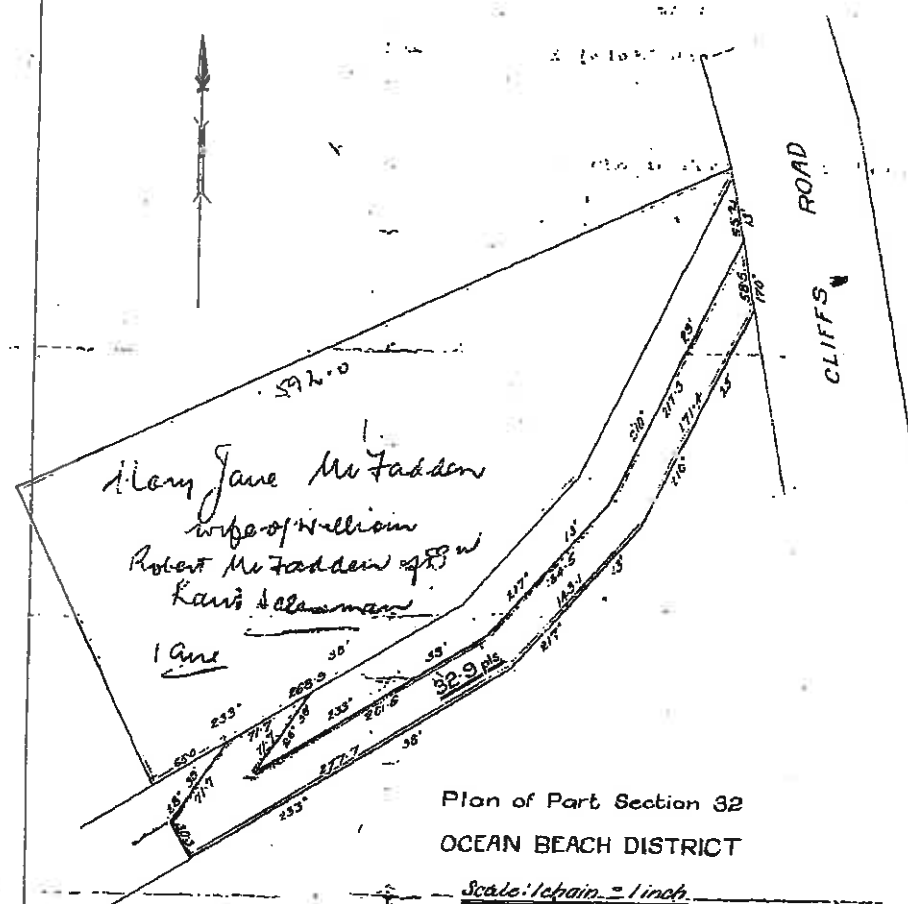
IN WITNESS whereof the parties hereto have hereunto set their hands

this 14th day of September. One thousand nine hundred
and twenty five.

SIGNED by the said FREDERICK WILHELM
LYDERS in the presence of:-

J. H. Lyders
J. Baker Builder
430 Castle St. Dunedin

Memorandum of Encumbrance
Right of way created by transfer
No 81253

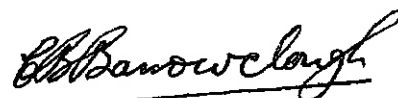


No agreement within the meaning of
Sec 88 of the State Code Act 1923
has been executed by the parties hereto
Ashmole & Son
1923

122041⁷⁴

No. TRANSFER OF
 Allotment 2 Deposited Plan No.
 4874 and Allotment 13 Depd. Plan
 No. 370
 situated in the OCEAN BEACH DISTRICT.

CORRECT FOR THE PURPOSES OF THE LAND TRANSFER ACT.



Solicitor for the Purchaser.

MARY JANE McFADDEN
 -2-
 WILLIAM ROBERT McFADDEN } Vendors.

WILLIAM GARDYNE } Purchaser.

Particulars entered in the Register-book

Vol. 142 Folio 163,190/67,192/42

the 15th day of December 1937
 at 11.15 o'clock.



THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF DUNEDIN (hereinafter called "the Corporation") DOETH HEREBY CONSENT to the right of way granted by the within Memorandum of Transfer SUBJECT HOWEVER to an undertaking dated the 11th day of December 1936 by Mary Jane McFadden the transferor named and described in the said Memorandum of Transfer as and being the registered proprietress of Allotment 3 and part Allotment 2 on the plan of subdivision of part of Section 62, Ocean Beach District prepared by Henry Louis Paterson of Dunedin Licensed Surveyor and deposited in the Land Registry Office at Dunedin as Number 4874 and being all the land comprised in Certificate of Title Register Book Volume 193 Folio 42 on behalf of herself her executors administrators and assigns and other the owner or owners for the time being of the lands of which she is the registered proprietress as aforesaid

(1) to form metal (or at the option of the Corporation asphalt) light and drain the said right of way coloured yellow on the said plan of subdivision prepared by the said Henry Louis Paterson and at all times hereafter to keep the same metalled (or asphalted) lighted and drained to the satisfaction of the Corporation and its Engineer for the time being

(2) unless the consent in writing of the Corporation to the contrary is first had and obtained to keep the said right of way clear and free of all buildings walls fences hedges obstructions hindrances and obstacles of every kind.

DATED this 23rd day of September One thousand nine hundred and thirty-seven.

THE COMMON SEAL OF THE MAYOR COUNCILLORS
 AND CITIZENS OF THE CITY OF DUNEDIN was
 hereto affixed in the presence of:-

MAYOR

COUNCILLOR

BRUGH, CALVERT & BARROWCLOUGH,

SOLICITORS,
 DUNEDIN.



122041 TE

[Approved by the District Land Registrar, Dunedin. No. 281]

MEMORANDUM OF TRANSFER.

WHEREAS MARY JANE McFADDEN wife of William Robert McFadden of Dunedin
in the Provincial District of Otago and Dominion of New Zealand Land
Salesman _____ is being registered as the proprietress
of an estate in fee simple _____

subject

however to such encumbrances, liens, and interests as are notified by memorandum
underwritten or indorsed hereon, in all that piece of land situate in the _____

OCEAN BEACH DISTRICT _____, containing by admeasurement
One (1) acre be the same a little more or less being part of Section
Thirty-two (32) on the public maps of the said District and being the
whole of the land comprised and described in Certificate of Title
Register Book Volume 192 folio 42 TOGETHER WITH Right of Way created
by Transfer Number 91572 AND SUBJECT to conditions contained in the
Dunedin City Council's consent to the said Memorandum of Transfer
be the same a little more or less Registered Number 91572 AND TOGETHER WITH
the consent to the laying out of a right of way and subject to the
conditions thereof filed with Plan Deposited in the Lands Registry
Office at Dunedin aforesaid as Number 4874 AND WHEREAS the said
William Robert McFadden is registered as the proprietor of an estate
in fee simple subject as aforesaid in FIRST all that piece of land
situated in the TOWNSHIP OF ST. CLAIR PARK containing by admeasure-
ment Four (4) acres Three (3) rods Fifteen (15) poles and four tenths
(.4) of a pole be the same a little more or less being Allotment
Eleven (11) and parts of Allotments Nine (9) and Ten (10) on plan of
the said Township deposited as aforesaid as Number 370 and being the
whole of the land comprised and described in Certificate of Title
Register Book Volume 190 folio 67 SUBJECT to Agreement as to Fencing
contained in Transfer Number 32258 AND SUBJECT ALSO to Order in
Council Number 4400 AND SECONDLY that piece of land situated in the
said Township containing by admeasurement Two (2) acres Twenty-five
(25) poles and five tenths (.5) of a pole be the same a little more or
less being Allotment Thirteen (13) on said Plan Number 370 and being
the whole of the land comprised and described in Certificate of Title
Register Book Volume 142 folio 163 SUBJECT to Agreement as to Fencing
contained in Transfer Number 41720 AND WHEREAS by Agreements for
Sale and Purchase bearing date the Twenty-ninth day of April One
thousand nine hundred and thirty-six and the Twenty-seventh day of May
One thousand nine hundred and thirty-six respectively the said Mary
Jane McFadden and William Robert McFadden agreed with WILLIAM GARDYNE
formerly of Gore but now of Dunedin aforesaid Farmer for the sale to
him of the said Allotment Thirteen (13) and those parts of the above
described land more particularly shown on said Plan Number 4074 as
Allotment Two (2) NOW THEREFORE THIS TRANSFER WITNESSETH that IN
CONSIDERATION of the sum of SIX HUNDRED AND FIFTY POUNDS (£650) paid
to them by the said William Gardyne the receipt of which sum is hereby
acknowledged THEY the said Mary Jane
McFadden and William Robert McFadden DO HEREBY TRANSFER to the said
William Gardyne all their respective estates and interests in the said
Allotment Thirteen (13) on said Plan 370 and said Allotment Two (2) on
said Plan Number 4874 TOGETHER WITH the said Right of Way and
paid to by SUBJECT to the said conditions and to the said Agree-
ments as to Fencing and the said Order in Council SUBJECT to the
following condition or covenant namely that the said Mary Jane McFadden
and William Robert McFadden their and each of their executors and
administrators shall not be called upon by the said William Gardyne
his executors administrators or assigns at any time to contribute
towards the cost of erecting or maintaining fences on any of the boun-
daries of the land hereby the receipt of which sum hereby acknowledge
transferred and that they or either of them shall not be liable to so
contribute but this provision shall not extend to or in favour of any
person to whom they or either of them may transfer any adjoining land
AND the said Mary Jane McFadden DOTH HEREBY TRANSFER AND GRANT unto
the said William Gardyne his executors administrators and assigns and
his and their servants agents workmen and visitors and all persons
having business with him or them a free and perpetual right of way
ingress egress and regress on horseback or on foot loaded or unloaded
by night as well as by day in over and upon the piece of land coloured
yellow on said Deposited Plan Number 4874 for the purpose of giving
access to and from the said Allotment Two (2) said Plan Number 4874

Agreement stamped.

Duty 1/13

Asst. Commissioner of Stamp Duties

Agreement stamped.

Duty 8/10

Asst. Commissioner of Stamp Duties

H. J. McF.
W. R. McF.

administrators and assigns the owners for the time being of the said Allotments Two (2) and Three (3) in such proportions as in the event of dispute the engineer for the time being of the Dunedin Drainage and Sewerage Board shall decide and in the event of the said engineer being unable or unwilling to act the dispute as to the proportions in which such cost is to be borne shall be decided by arbitration within the meaning of "The Arbitration Act, 1909".

and any part thereof and to and from the Right of Way coloured blue on said Plan Number 4874 such easement of right of way hereby created ~~do hereby transfer to the said being in common with that of any other~~ person or persons from time to time entitled to any easement of right of way over the said piece of land coloured yellow or any part thereof TO THE INTENT that such easement of right of way hereby created shall be forever appurtenant to said Allotment Two (2) on said deposited Plan Number 4874 and every part thereof for all purposes connected with the use occupation and enjoyment thereof AND the said Mary Jane McFadden ~~estate and interest in the said piece of land~~ DOETH HEREBY FURTHER TRANSFER AND GRANT unto the said William Gardyne his executors administrators and assigns and the owner or owners occupier or occupiers for the time being of the said Allotment Two (2) and every part thereof to connect by a drain or drains to the drain or drains already existing on Allotment Three (3) said Plan 4874 at the points marked "A" and "B" on the plan drawn hereon and to convey discharge and carry away waste water storm water and sewerage into Ravenswood Road through Allotment Three (3) said Plan 4874 by means of the pipe drain or drains presently running through said Allotment Three (3) the present position of the said pipe drains being shown by a blue line drawn on the plan drawn hereon AND TOGETHER ALSO with full and free right liberty and license for the said William Gardyne or other the owner or owners occupier or occupiers for the time being of the said Allotment Two (2) or any part thereof to enter into and upon the said Allotment Three (3) for the purpose of inspecting maintaining cleansing repairing altering taking up and replacing such connecting drain or drains and for any of such purposes to enter either with or without servants or workmen at all reasonable times upon the said Allotment Three (3) PROVIDED HOWEVER that immediately upon the completion of such connecting inspecting maintaining cleansing repairing altering taking up or replacing as aforesaid the surface of any part of the said Allotment Three (3) which may have been disturbed shall be restored as nearly as possible to the same condition as it was in at the time of the effecting of such works or any of them as aforesaid AND IT IS HEREBY AGREED AND DECLARED that the cost of keeping the said drain or drains in good order and repair and fit for the purpose for which they are laid shall be borne by the said Mary Jane McFadden and the said William Gardyne their executors - (Margin)

In witness whereof these presents have been executed this 23rd

day of July one thousand nine hundred and thirty-seven.

Signed on the day above named by the said

MARY JANE McFADDEN and WILLIAM

ROBERT McFADDEN

in the presence of

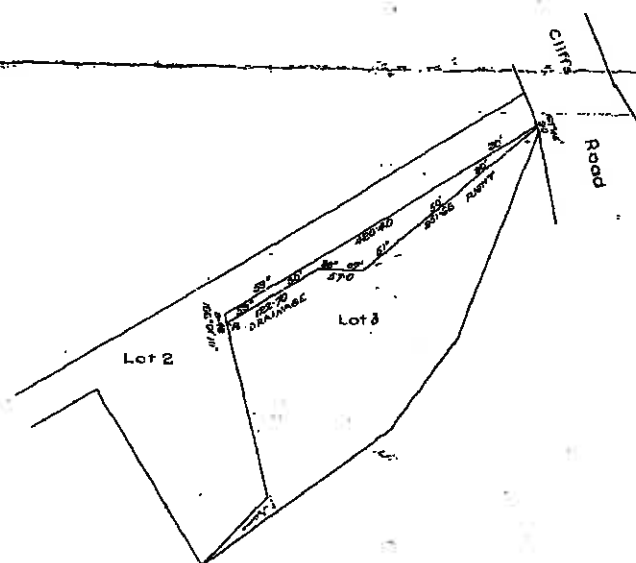
W. G. Gray
Solicitor
Dunedin

M. J. McFadden

W. R. McFadden

Memorandum of Encumbrance
as to part of the land in C.T. 192/42 (Lot 3 D.P. 4874)
Memorandum of Mortgage Register Number 58851.

MEMORANDUM OF ENCUMBRANCES.



16.12.37

The State Advances Corporation of New Zealand the mortgagee under and by virtue of Memorandum of Mortgage registered number 58851 DOTH HEREBY CONSENT to the grant of Right of Way over the piece of land coloured yellow on Deposited Plan number 4874 as described in the above Memorandum of Transfer.

Dated this 29th day of November, 1937.

THE COMMON SEAL of THE STATE
ADVANCES CORPORATION OF NEW
ZEALAND was by the authority of a
resolution of a committee of the Board of
Management authorised by the said Board for
the purpose *h.c. unto* affixed in the presence
of:



(being an officer appointed by
the Board of Management).



APPENDIX 3



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



R. W. Muir
Registrar-General
of Land

Search Copy

Identifier 610647
Land Registration District Otago
Date Issued 19 February 2014

Prior References

507030 507032

Estate Fee Simple
Area 5217 square metres more or less
Legal Description Lot 5-6 Deposited Plan 462608

Proprietors

Peter John Foster and Celia Teresa Foster

Estate Fee Simple - 1/15 share
Area 1945 square metres more or less
Legal Description Lot 17 Deposited Plan 424179

Proprietors

Peter John Foster and Celia Teresa Foster

Interests

348455 Resolution imposing Building Line Restriction (affects Lot 17 DP 424179) - 18.11.1969 at 12.10 pm
(affecting Clayton Street frontage)

Subject to a right of way over part Lot 6 DP 462608 marked HH, GG, AA, BB and CC on DP 462608 created by
Transfer 81253 - 27.7.1922 at 3:00 pm

Subject to a right of way over part Lot 6 DP 462608 marked GG and BB on DP 462608 created by Transfer 91572 -
2.11.1925 at 2:40 pm

Appurtenant hereto is a right to drain sewage and stormwater created by Transfer 915449.5 - 4.9.1996 at 12:07 pm

Subject to a right of way over part Lot 6 DP 462608 marked AA, BB and CC on DP 462608 created by Transfer
915449.6 - 4.9.1996 at 12:07 pm

The easements created by Transfer 915449.6 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way over part Lot 6 DP 462608 marked AA, BB and CC on DP 462608 created by Transfer
915449.7 - 4.9.1996 at 12:07 pm

The easements created by Transfer 915449.7 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way, a right to drain sewage and water and a right to convey electricity, water,
telecommunications, computer media over part Lot 17 DP 424179 marked A on DP 424179, a pedestrian right of
way and a right to drain sewage and water over part Lot 6 DP 462608 marked HH, GG, AA, BB and CC on DP
462608 created by Easement Instrument 8435496.8 - 9.3.2010 at 9:53 am

Appurtenant to Lot 5 DP 462808 is a right of way, a right to drain sewage and water and a right to convey
electricity, water, telecommunications, computer media and gas created by Easement Instrument 8435496.8 -
9.3.2010 at 9:53 am

Some of the easements created by Easement Instrument 8435496.8 are subject to Section 243 (a) Resource
Management Act 1991 (See DP 424179)

Subject to a right to convey telecommunications and computer media (in gross) over part Lot 17 DP 424179
marked A on DP 424179 in favour of Telecom New Zealand Limited created by Easement Instrument 8435496.9 -

Identifier 610647

9.3.2010 at 9:53 am

The easements created by Easement Instrument 8435496.9 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey electricity (in gross) over part Lot 17 DP 424179 marked A on DP 424179 in favour of Aurora Energy Limited created by Easement Instrument 8435496.10 - 9.3.2010 at 9:53 am

The easements created by Easement Instrument 8435496.10 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey gas (in gross) over part Lot 17 DP 424179 marked A on DP 424179 in favour of Nova Gas Limited created by Easement Instrument 8435496.11 - 9.3.2010 at 9:53 am

The easements created by Easement Instrument 8435496.11 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to drain sewage and stormwater (in gross) and a right to convey water (in gross) over part Lot 17 DP 424179 marked A on DP 424179 and a right to drain sewage and stormwater (in gross) over part Lot 6 DP 462608 marked BB, GG and HH on DP 462608 in favour of Dunedin City Council created by Easement Instrument 8435496.12 - 9.3.2010 at 9:53 am

The easements created by Easement Instrument 8435496.12 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 8435496.13 (affects Lot 5 DP 462608) - 9.3.2010 at 9:53 am

8406398.13 Surrender of the right of way created by transfer 81253 in respect of Lots 2-5 & 8 DP 421353 and Lot 6 DP 412503 - 12.5.2010 at 11:08 am

9646552.5 Surrender of the pedestrian right of way created by Easement Certificate 8435496.8 appurtenant to Lots 13 and 15 DP 424179 - 19.2.2014 at 3:19 pm

Subject to Section 241(2) Resource Management Act 1991 (affects DP 462608)

9646552.11 Consent Notice pursuant to Section 221 Resource Management Act 1991 (affects Lot 5 DP 462608) - 19.2.2014 at 3:19 pm

9678113.1 Surrender of the pedestrian right of way created by Easement Instrument 8435496.8 as appurtenant to Lot 8, 9, 10 and 12 DP 424179 - 25.3.2014 at 2:18 pm

9678113.2 Surrender of the pedestrian right of way created by Easement Instrument 8435496.8 as appurtenant to Lot 11 DP 424179 - 25.3.2014 at 2:18 pm

APPENDIX 4

Lot 2
DP 7299
OT6A/71
M N E Newton
G P Newton
R A Ryan
27380-31000
Pt Lot 2
DP 11975
OT6A/71
M N E Newton
G P Newton
R A Ryan
27380-31000

123

Area D
DP 463105
Area E
DP 463105
Area C
DP 463105
Area F
DP 463105
Area A
DP 463105
Area H
DP 463105
Lot 1
DP 463105
0.0503
612482
C.G.C. Allison
R J Brookings
Anderson Lloyd Trustee Comp...
27380-30802
Area G
DP 463105
Marked O
DP 424179

119
Lot 2
DP 463105
0.2997
612483
A J Moore
B C Galland
ALC Trustees No 1 Limited
27380-30801

119A

Marked B
DP 404937
Lot 7
DP 424179
0.2744
507024
G G Page
L A Foster Page
A J Moore
27380-30411
Marked D
DP 424179

113

Lot 3
DP 4874
0.2790
OT289/34
J M Fogarty
27380-30600

Area CC
DP 462608

Pt Lot 1
DP 6110
0.0806
OT17A/1195
A H Stewart
J M Stewart
T M Black
27380-30101

Area BB
DP 462608

Area AA
DP 462608

Marked C
DP 424179

Area GG
DP 462608

105

Lot 1
DP 25182
0.0970
OT17A/1194
L M McKenzie
N J McKenzie
27380-30302

Pt Lot 10
DP 12696

Lot 8
DP 424179
0715
7025
Foster
Foster

APPENDIX 5



Prepared For:
John Fogarty

NOTE:
This plan is for Resource Consent purposes Only. All boundary dimensions and allotment areas are subject to final survey.

Schedule of Existing Easement			
	Purpose	Servient Tenement	Created by
B	Right of Way & Drainage Rights	Lot 2 Hereon	T 122041

Memorandum of Easements			
	Purpose	Servient Tenement	Dominant Tenement
A	Right of Way & Services	Lot 2 hereon	Lot 1 hereon
B		Lot 2 hereon	
C, D, E & G		Lot 6 DP 462608	
E	Right to Convey Telecommunications & Electricity	Lot 6 DP 462608	Lots 1 & 2 hereon
F		Lot 1 hereon	Lot 2 hereon
H	Right to Convey Services	Lot 1 hereon	Lot 2 hereon

Drawing Title:
**Proposed Subdivision of
Lot 3 DP 4874 & Easements
over Lot 18 DP 424179**
Address 113 Cliffs Road

Total Area 2790m²
Comprised in CT OT289/34 & CT 610647
(Easement only)



Survey Services
TL Survey Services

Surveying Consultants

4th Floor, Customs Building, 103 Prince St
P.O. Box 901, DUNEDIN 9054
Phone (03) 477 1117 Fax (03) 477 1122

LAND DISTRICT OTAGO
ZONING : Residential 1
2GDP: General Residential 1

PLANNING APPLICATION DIAGRAM

TERRITORIAL AUTHORITY DUNEDIN CITY
Prepared by TL SURVEY SERVICES LTD
Scale 1 : 500@A3 Date August 2015

Drawing File Cliffs Road RC
TL Job Number 15159

APPENDIX 7



Legend

Water Supply	
	Water Main
	Water Service
	Water Meter
	Water Stop
	Water Treatment Plant
	Water Storage Tank
	Supply Main
	Trunk Main
	Divided Main
	Reticulation
	Riser
	Borehole
	Water Service Lateral
	Water Mains Lateral
	Water Critical Service Lateral
	Water Zone Boundary
	Water Reservoir
	Redundant Water Main

NOTE: Private water services have the same symbols as those shown, however they are coloured pink.

Foul Sewerage	
	Pump Station
	Treatment Plant
	Vent
	Foul Sewer Main
	Foul Drain in Common (public)
	Sewer
	Trunk Sewer
	Vent Line
	Rising Main
	Redundant Foul Sewer Pipe

NOTE: Private foul drains have the same symbols as those shown, however they are coloured orange.

Stormwater	
	Roadside Drainage
	Stormwater Main
	Stormwater Trunk Main
	DCC Open Channel
	Pipe WC
	Open WC
	Culvert
	Stormwater Mains Pipe
	Redundant Stormwater Main
	SW Sump
	SW Pump Station

NOTE: Private stormwater drains have the same symbols as those shown, however they are coloured light green.

General	
	Parcel
	Road/Rail
	Hydro
	State
	Boundary
	Railway Corridor

Full legend can be viewed at <http://www.dunedin.govt.nz/council-environment/infrastructure>

2013 Urban and Rural Photography, January / February 2013, Dunedin City Council
CC BY 3.0 NZ
2009/09 Urban Photography March 2007, Dunedin City Council
2006, copyright Terralink International Ltd.

Information shown is the best available at the time of publishing. The accuracy and completeness of this information is variable. Private assets are typically not mapped. Recent changes may not be reflected. Verify on site before commencing work. For all enquiries phone 03 477 4000.

Council Water & Drainage Services

Scale at A4:
1:1,240



3/72

5

15/11/11

ION of TIFDILL

Tile Ref

EXISTING
WALL

Weatherboard

Building Paper

Boron Treated

Framing Ceiling Joists

± Rafter 100 x 50

Beam 100 x 75

Beam to Kitchen Wall 150 x 100

HD Chip Board Floor

Hard Board Walls

Floor 150 MM

X 600 MM

D.P.C.

2 Vents

2" Ø Rods

Wash House

WC

Bedroom

B/89

Bath

Bath

Kitchen

Coal

Range

Existing Wall Removed

Existing Porch

New Windows

Existing Window

Hall

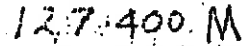
Bedroom

Lounge

Proposed Alteration For

A.M. Hayes

5720



LEGISLATIVE

Existing Drains:

19

New Stormwater Design

1942

concurrent to the provisions of the District Scheme there shall be no objection to the placing and erecting of any

no change shall be made to the above growth rate and contained in the regulations of the local government.

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1. The first step in the process of the development of a new product is the identification of a market need. This is often done through market research, which can be conducted in a variety of ways, including surveys, focus groups, and interviews. The goal of market research is to identify the needs and wants of potential customers, and to determine the size and growth potential of the market.

1. The first step in the process of identifying a problem is to recognize that a problem exists. This is often done by comparing current performance with a desired state or goal. If there is a significant difference, a problem is identified.

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes. Once the causes have been identified, the next step is to develop a plan to address the problem. This involves identifying the actions that need to be taken to address the problem and determining the resources that will be needed to implement the plan. Finally, the last step in the process is to implement the plan and monitor the results. This involves putting the plan into action and tracking the progress of the plan to ensure that the problem is being addressed effectively.

100-443887-100

100

[illegible]

[Handwritten signature]

City Planning Officer

100-443886-100

100

Figure 1. Aerial photograph of the study area. The area is divided into four quadrants by the main road and the river. The area is divided into four quadrants by the main road and the river. The area is divided into four quadrants by the main road and the river.

100

—

706 T-202 (Case)

卷之六

1

4-1976-207095 (J7202) Drainage Alteration 1/2

DUNEDIN DRAINAGE AND SEWERAGE BOARD

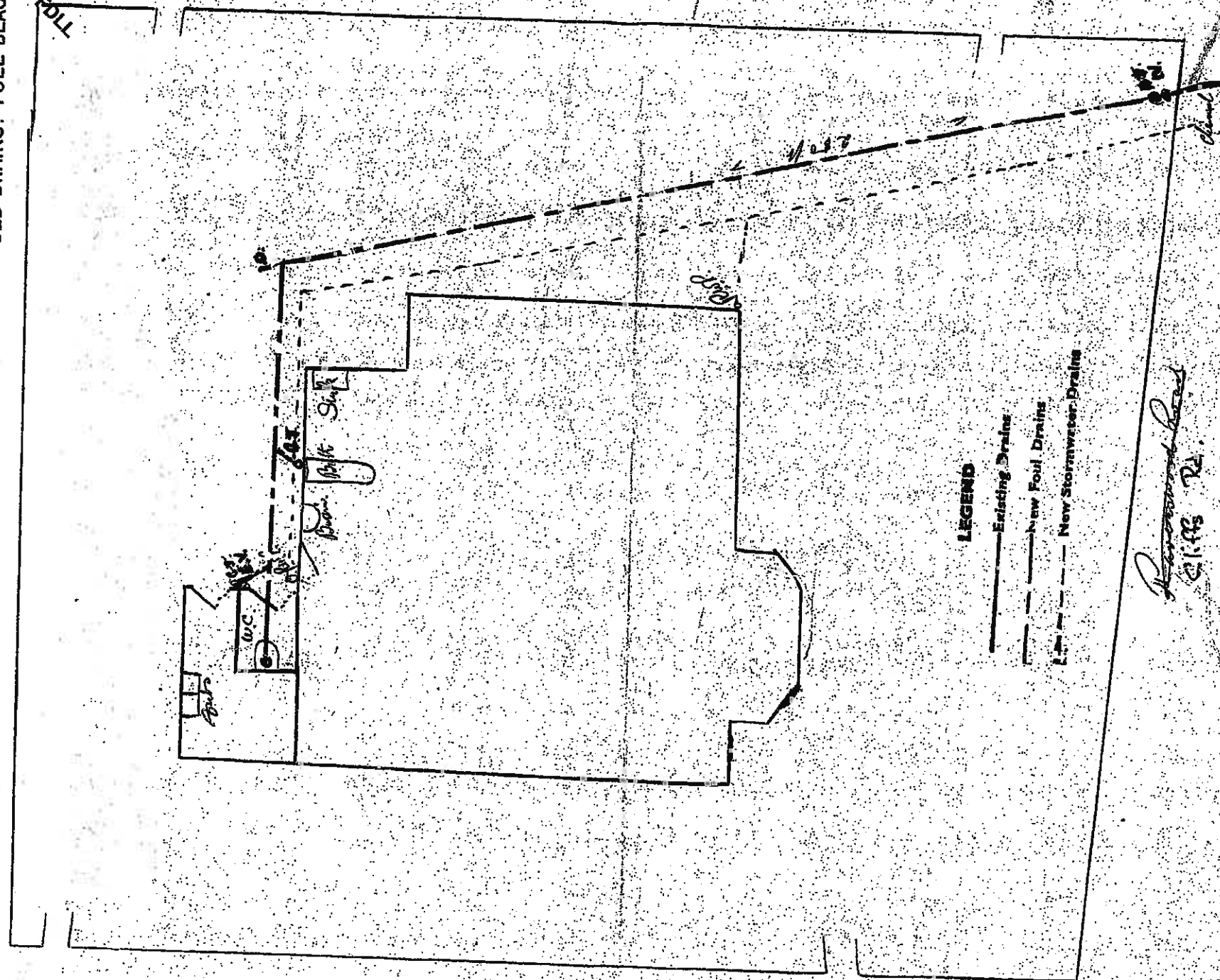
HOUSE CONNECTION PLAN.

APPLICATION No. 6889
DATE 11/2/21

SCALE: $\frac{1}{8}$ in. to a Foot.

NEW SEWAGE DRAINS: RED
STORMWATER: DOTTED BLACK
OLD DRAINS: FULL BLACK

VERSION of TIFDOLL



Owner W. W. Fiddes Block 92 Walker Ave
Street Parliament Road Section 12
Locality McLean Allotment
Signature of Drainer Indygo

51011

Binding Margin to be left blank

H-1921-136832(889) Drainage & Plumbing

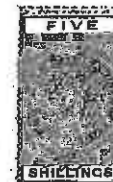
APPENDIX 8

Approved as to Survey.
[Signature]
 Chief Surveyor.
 28 / 8 / 1920

Plan of Part of Section 32 OCEAN BEACH DISTRICT

Comprised in _____
 Surveyed by L. O. Neal, Licensed Surveyor, July, 1920
 (Field-work by _____, Authorized Assistant.)

DEPOSITED this 30th day
of August, 1920



District Land Registrar

104/35

Approved,

Edgerton

Applicant (or Registered Owner)

DECLARATION.

SCALE: two chains to an inch.

I, Editha Parker, of Dumfries, Licensed Surveyor, do solemnly and sincerely declare that this plan has been made from surveys executed by me (or under my own personal supervision, inspection, and field sketch), and that both plan and survey are correct, and have been made in accordance with the regulations of the Surveyors' Board, dated the 8th day of August, 1907.

And I make this solemn declaration conscientiously believing the same to be true, and in witness of the provisions of the Statute in that behalf made, bearing date the 21st day of August, 1908.

And I make this solemn declaration conscientiously believing the same to be true, and I swear.

2969

2969

LAND TRANSFER OFFICE

RECEIVED: 1/1 FROM: No.
TITLE REF.

REFERRED TO DRAUGHTSMAN:

L.T. DRAUGHTSMAN

EXAMINED: 1/1
TRAV. RECD: VOL. 77, FOL. 48-50
FIELD-BOOK: No. 1314, PAGE 67
COMPL. Bk: No. 37, REPORT No.
REF. PLANS: 1/1, 2/1, 3/1, 4/1, 5/1, 6/1, 7/1, 8/1, 9/1, 10/1, 11/1, 12/1, 13/1, 14/1, 15/1, 16/1, 17/1, 18/1, 19/1, 20/1, 21/1, 22/1, 23/1, 24/1, 25/1, 26/1, 27/1, 28/1, 29/1, 30/1, 31/1, 32/1, 33/1, 34/1, 35/1, 36/1, 37/1, 38/1, 39/1, 40/1, 41/1, 42/1, 43/1, 44/1, 45/1, 46/1, 47/1, 48/1, 49/1, 50/1, 51/1, 52/1, 53/1, 54/1, 55/1, 56/1, 57/1, 58/1, 59/1, 60/1, 61/1, 62/1, 63/1, 64/1, 65/1, 66/1, 67/1, 68/1, 69/1, 70/1, 71/1, 72/1, 73/1, 74/1, 75/1, 76/1, 77/1, 78/1, 79/1, 80/1, 81/1, 82/1, 83/1, 84/1, 85/1, 86/1, 87/1, 88/1, 89/1, 90/1, 91/1, 92/1, 93/1, 94/1, 95/1, 96/1, 97/1, 98/1, 99/1, 100/1

FILE:

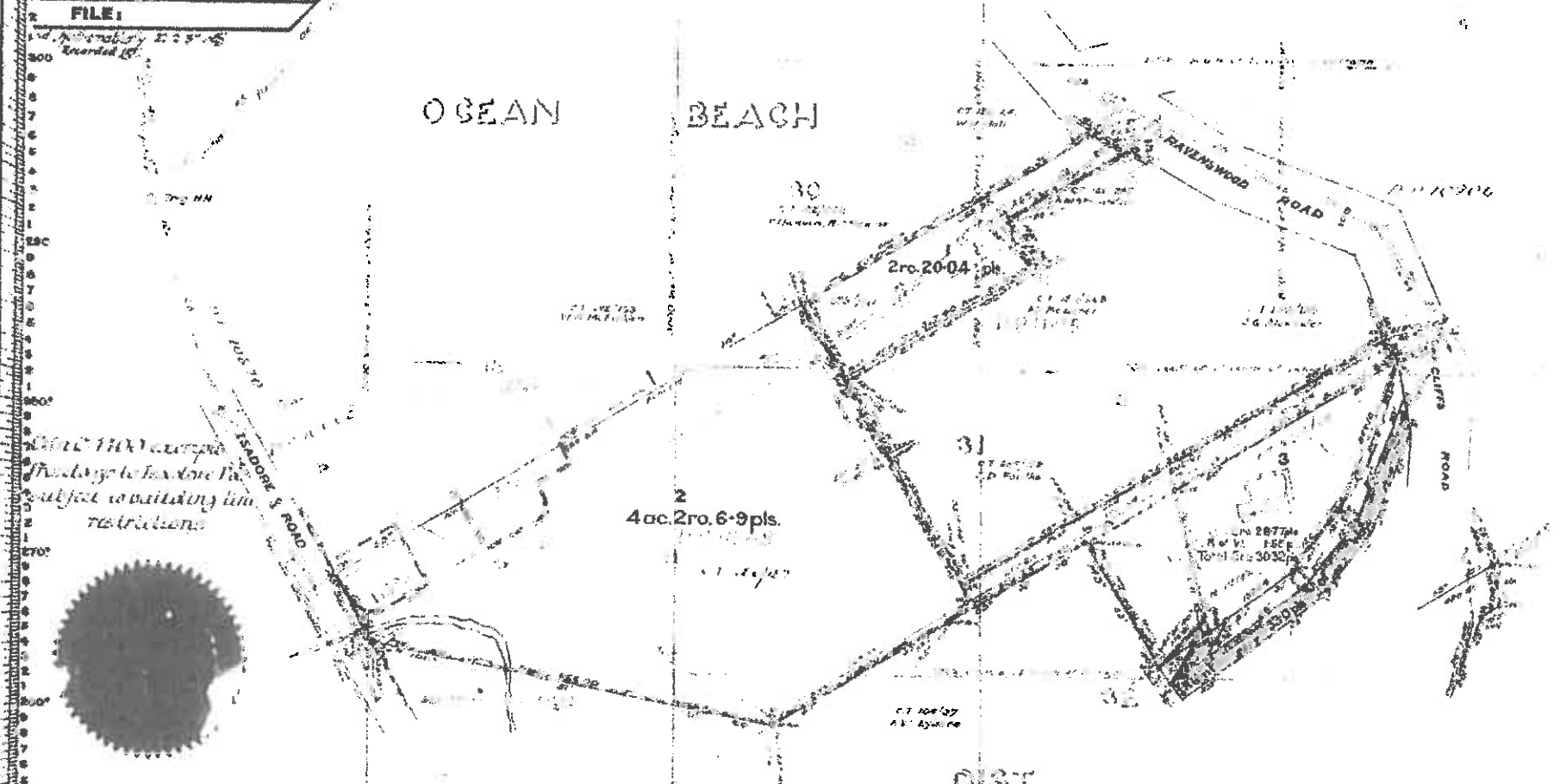
FOR SURVEYS UNDER THE LAND TRANSFER ACT ONLY.
CITY OF DUNEDIN

4874

DEPOSITED this 23rd day
of February, 1937
District Land Registrar

Place
Deposit
Stamp
here

OCEAN BEACH



DIST.

— TOTAL AREA — 5A. 3R. 17.26P. —

The Dunedin City Council has received the plan of subdivision of Lot II & part Lots 9 & 10, Township of St. Clair Park, & part Section 32 Ocean Beach District, and has approved the same for registration.

Approved as to Survey.

Chief Surveyor.

Plan of
Subdivision of Lot II & part Lots 9 & 10, Township of St.
Clair Park, & part Section 32 Ocean Beach District.

Comprised in C's.T. 190/67 & 192/42
Surveyed by H.L. Paterson, Registered Surveyor, August, 1936.

Approved,

Applicant (or Registered Owner).

DECLARATION

I, the said H.L. Paterson, do hereby declare that the plan has been made from surveys executed by me, and that such plans and surveys are correct, and have been made in accordance with the rules of the Survey Board.

SCALE: 1" = 40 chains to an inch

4874

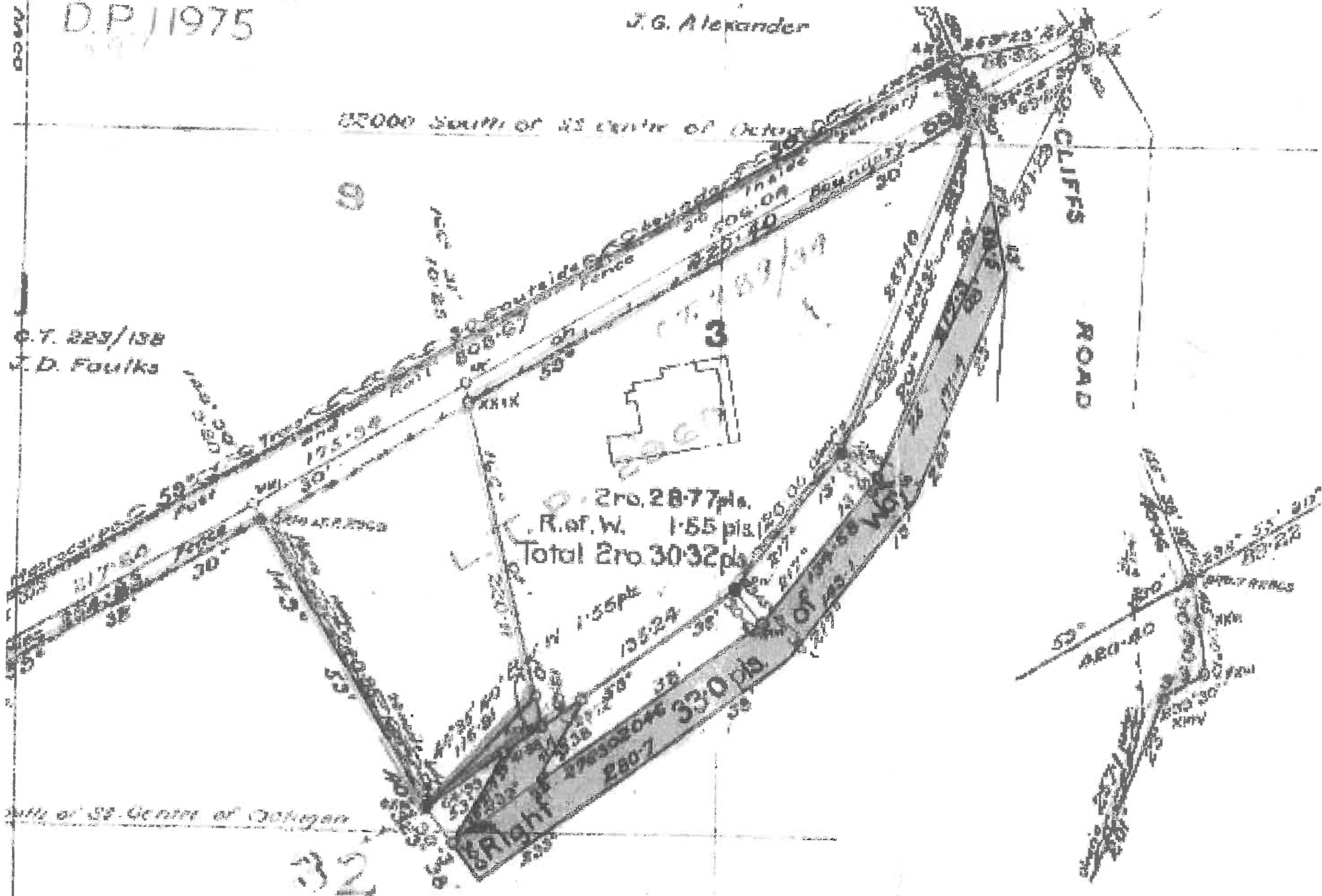
4874

D.P. 1975

J. G. Alexander

25000 South of 25 Center of (K...)

C.T. 223/138
J. D. Faulks



32

