### Susan McLean

From:

enquiry@timdc.govt.nz

Sent:

Wednesday, 22 June 2022 2:56 pm

To:

LIM Orders

Subject:

LIM Ordered [Order #641346]

# **New LIM Order**

Order number: 641346

# **Property Details**

Assessment	491	
Address	28 Flemington Street, Timaru	
Legal Desc	Lot 8 DP 17406	
Area	0.0893	
Туре	Residential	

# Applicant Details Value 24930 232.00

Firm / Applicant	Alanna Fettes	
Email	alannafettes@hotmail.co.nz	
Phone	0273592900	
Fax		
Client		
Address	19 White Street, Waimataitai, Waimataitai, Waimataitai	

### **Additional Information**

## **Other Details**

Delivery	Email
Transaction ID	000000149be57f0
Amount Paid	\$



### LAND INFORMATION MEMORANDUM

LIM Number:

26844

Property Address: 28 Flemington Street

Washdyke, Timaru

Requested by:

Alanna Fettes

19 White Street

Waimataitai Timaru 7910

Prepared on:

30 June 2022

### **DISCLAIMER**

This Land Information Memorandum has been prepared for the purposes of Section 44A of the Local Government Official Information and Meetings Act 1987 and contains all the information known to the Timaru District Council relevant to the land described. It is based on a search of Council records only and there may be other information relating to the land which is not known to Council. The Council has not undertaken any inspection of the land or buildings on it for the purpose of preparing this Land Information Memorandum. Accordingly, the Council is unable to verify that the consents in our file match the buildings on the property. It is recommended that the physical attributes of the property, in particular onsite buildings, are checked against the information provided.

Environment Canterbury may hold information on natural and physical resources that may be relevant to this property. For more information please visit the link below www.ecan.govt.nz/do-it-online/property-information/land-information-requests/

# TIMARU DISTRICT COUNCIL LAND INFORMATION MEMORANDUM

Issued in accordance with the Local Government Official Information and Meetings Act 1987

The information provided on this form is based on existing Timaru District Council records and may not be complete. Every care has been taken to ensure that the information is correct at the time of issue.

The following information is supplied from Council records that are held in respect of the property situated at:

### 28 Flemington Street, Washdyke, Timaru

Area: 893 square metres

### **Legal Description**

Lot 8 DP 17406

### **Occupancy Details**

Owner/Ratepayer Mavis Georgina Samson
Owner/Ratepayer John Francis Samson

### RATING INFORMATION

Valuation Reference: 24930/232.00 Property ID: 491

**Land Value:** \$147,000 **Capital Value:** \$550,000

Date of Valuation: 1 September 2020.

### Timaru District Council Rates (1 July 2021 - 30 June 2022)

1/7	General Residential General	LV	147000.0000	\$396.90
2/1	Community W&S Timaru	LV	147000.0000	\$169.05
3/1	100% Uniform Annual General Charge	Specific	1.0000	\$870.00
55/1	100% Water Supply Urban	Specific	1.0000	\$442.00
58/1	Sewer Charge	Specific	1.0000	\$339.00
86/1	Large Urban Waste Management Charge	Specific	1.0000	\$210.00
Total Timaru District Council Rates (GST inclusive): \$2,42				

### Environment Canterbury Rates (1 July 2021 - 30 June 2022)

500/1	General Region Timaru	CV	550000.0000	\$216.89
505/1	Region UAGC Timaru	Specific	1.0000	\$36.71
515/1	Region W&S Timaru	CV	550000.0000	\$13.10
521/1	Civil Defence Timaru	Specific	1.0000	\$14.42
535/1	Urban Transport Timaru	CV	550000.0000	\$127.57
542/1	Tim Air Quality Heating Assistance	Specific	550000.0000	\$4.47
545/1	Tim/Glde Air Quality Rate	Specific	550000.0000	\$6.41
Total Environment Canterbury Rates (GST inclusive):			\$419.57	

TOTAL RATES (GST inclusive): \$2,846.52

### **Rates Financial Details**

Annual rates (GST inclusive) for the year ending 30 June 2022 \$2,846.52.

There are no Timaru District Council rates owing.

There are no Environment Canterbury rates owing.

If it is proposed to pay the rates on this property you are advised to contact the Customer Services Unit to verify the correct balance.

In certain circumstances some rating units are rated land value and capital value charges only as they fall under the criteria of Section 20 of the Local Government (Rating) Act 2002. If the rating unit is sold and no longer fits the criteria, the rating unit will attract full rate charges from the next rating year beginning 1 July.

Service charges for water, sewer and waste management are subject to change, services may be supplied after the date of the LIM.

Any services connected or supplied after 30 June, with the exception of the 3 Bin service are charged to the property from 1 July following.

### Waste Minimisation Kerbside Collection Service

Properties in the urban areas of Timaru, Temuka, Geraldine and in the townships of Pleasant Point, Cave, Winchester and Pareora are rated for 4 bins (red, green, yellow and blue). The service is optional for rural properties.

Charges for the service are invoiced from the date of application for that rating year. Thereafter, the charges will be a targeted rate within the annual rates set. Changes to the service should be completed by 1 June in order for changes to the targeted rate to be effective for the following rating year.

If purchasing any property, a check should be made to ensure that the bins being rated for are located at the property. No refund can be made for this rate, therefore details of the property's bin service should be correctly identified prior to possession.

Bins are allocated to the property and should not be removed. All properties receiving the service require a minimum of a standard set or a stacker crate system.

All conditions and requirements of the service should be verified with Council's Customer Services Unit.

### **PLANNING**

### Zoning

The site is zoned in the Timaru District Plan as Residential 1.

### Information on Activities Requiring Planning Approval

Land Use Consent No. 5786 granted on 05/10/2005

Activity: Telecom New Zealand Ltd for the purposes of installation, operate and maintain telecommunication lines and facilities in all zones of the Timaru District.

Land Use Consent No. 2012.1083 granted on 16/01/2013 Activity: Erect dwelling to be used as a show home.

### **Designations**

### **Richard Pearse Airport**

Part or all of the airspace above this property is designated as a Flight Protection Area for the Richard Pearse Airport. The Timaru District Plan contains

the relevant information on the Richard Pearse Airport flight paths.

For site specific details on the Richard Pearse Airport flight paths please contact the Land Transport Unit on 03 687 7200.

### Heritage Protection Items and Significant Trees

There are no heritage buildings, structures, sites or significant trees.

### Hazards

The report titled 'Liquefaction Hazard in Timaru District' (Environment Canterbury Report) No. R13/29 assesses the liquefaction hazard potential of the district. The report zones areas of the district according to their potential for liquefaction. The liquefaction zoning of the subject site is identified in the attached map titled 'Zones of Potentially Liquefiable Soils'. However, despite this zoning, please note that as soil properties can vary greatly over short distances, the actual liquefaction potential of the subject site can only be determined through a site specific investigation. Please refer to the above mentioned report for more information about the liquefaction potential of the site. The report is available at www.ecan.govt.nz/liquefaction.

Please contact Environment Canterbury on 0800 324 636 for any questions about this report.

### Other Planning Information

There are no other planning matters.

### **Additional Information**

The attached map and legend should be viewed in conjunction with the above information.

The aerial photograph is not to scale and is included for information only. No measurements should be taken from it. The aerial photograph is the most recent available.

### **ENVIRONMENTAL HEALTH**

The property is not subject to a licence under the Sale and Supply of Alcohol Act 2012.

The property is not subject to any food or health licences.

There are no environmental health requisitions on the property.

### BUILDING

### Information on Building Permits/Consents: -

Building Consent No. 41147 issued on 12/07/2004 Activity: Install Yunca Freestanding Solid Fuel Heater

Note: This building consent was withdrawn as building demolished. Refer to

Building Consent 2013.137

Building Consent No. 70508 issued on 21/06/2011 Activity: Dwelling Alterations (Install Wet Floor Shower)

Note: This building consent was withdrawn as building demolished. Refer to

Building Consent 2013.137

Building Consent No. 137 issued on 15/05/2013

Activity: Demolish Dwelling / Outbuildings & Erect Dwelling

Code Compliance Certificate issued on 15/01/2014.

Building Consent No. 41147

Activity: Install Yunca Freestanding Solid Fuel Heater Code Compliance Certificate issued on 12/07/2004.

Building Consent No. 70508 issued on 12/05/2011 Activity: Dwelling Alterations (Install Wet Floor Shower) Code Compliance Certificate issued on 21/06/2011.

### ON-SITE DRAINAGE

There are private drains on the site.

There are no shared drains.

There are drainage plans attached.

### Please note:

Information provided on drainage plans is based on Council records. Although every care is taken to ensure that the information is correct, Council cannot guarantee the information is complete. A search of the property title is recommended if any additions or new buildings are proposed in the future.

### PUBLIC SEWER/STORMWATER DRAINS & LAND DRAINAGE

There are no public sanitary drains on the site.

There are no public stormwater drains on the site.

There is no land drainage system.

There are no outstanding requisitions for direct/indirect entry of stormwater into the sewer system.

There are existing sewer connections available on the site.

### WATER SUPPLY

The property is connected to the Timaru Water Supply.

The Timaru Water Supply is subject to water restrictions in times of high demand. The Timaru District Council is responsible up to and including the toby at the street boundary. Information sheet attached.

### LAND TRANSPORT

### **State Highways**

This property is beside a State Highway, and as such the road is owned and controlled by the New Zealand Transport Agency (NZTA). For further information contact the New Zealand Transport Agency Phone 0800 4 HIGHWAYS.

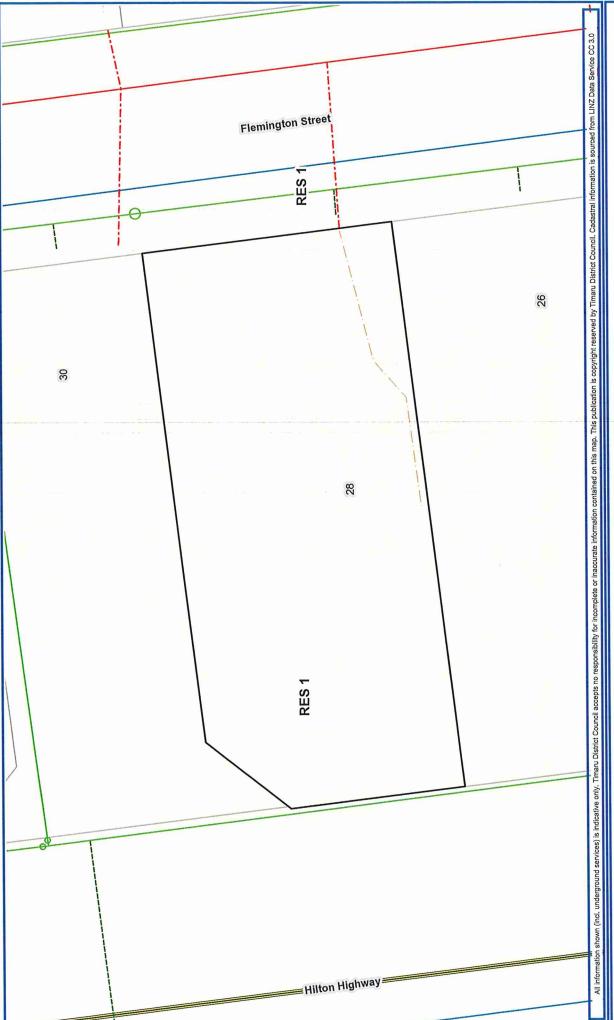
B Carran
CHIEF EXECUTIVE

Date: 30.6.27

For enquiries concerning this LIM please contact Customer Services phone 687-7200.







Address: 28 Flemington Street, Washdyke, Timaru



District Outline

**Designated Area Designated Site** 

Archaeological Site

Heritage Buildings and Structures

Heritage New Zealand Sites

Significant Tree

Aerodrome Flight Path Designation

Indicative Road

Coastal Marine Area Boundary

\*\*\*100 Year Coastal Erosion Line

Coastal Inundation Line

ECan Managed Drains

Stopbanks

Esplanade Strips

Powerlines

Noise Contour

Significant Natural Areas

Statutory Acknowledgements

Outstanding Landscape Areas

Amenity Landscape Areas

Prop. District Plan Amendments Proposed Subdivisions

Proposed Subdivisions at 224C Stage

Washdyke Industrial Expansion Area High Hazard Stopbank Setback Area

Coastal High Hazard (Erosion) Area

Coastal High Hazard (Inundation) Area

COM 1A COM 1

Regional Arterial Roads

National Routes

District Arterial Roads

Collector Roads Principal Roads

> Water Laterals

Water Mains

Private Water

COM 1B COM 1C

COM 2

COM 2A

COM 3

INDL

🗽 Abandoned Water

Sewer Laterals

Sewer Mains

Private Sewer

**R** 4A

R 4B

R 5

REC 1

REC 2 REC 3

Private Open Storm Channel Private Stormwater Mains

Open Storm Channel

🚞 Abandoned Sewer Stormwater Mains · · Stormwater Laterals

Abandoned Stormwater Redundant Gas Pipes

RES 1

RES<sub>2</sub>

RES 3

RES 4

Future Urban Development Zones

Gleniti FUD Reserves

Gleniti FUD Streams

6

RES 6

RES 5

Rural Residential Sub Zone

Nural Production Sub Zone Rural Lifestyle Sub Zone

Information shown is the currently assumed knowledge as at date printed. If information is vital, confirm with the authorative owner, E. & O. E.

Date of Photography - Urban areas - Jan. 2020 - Rural areas - March 2017

MARU DISTRICT COUNCI

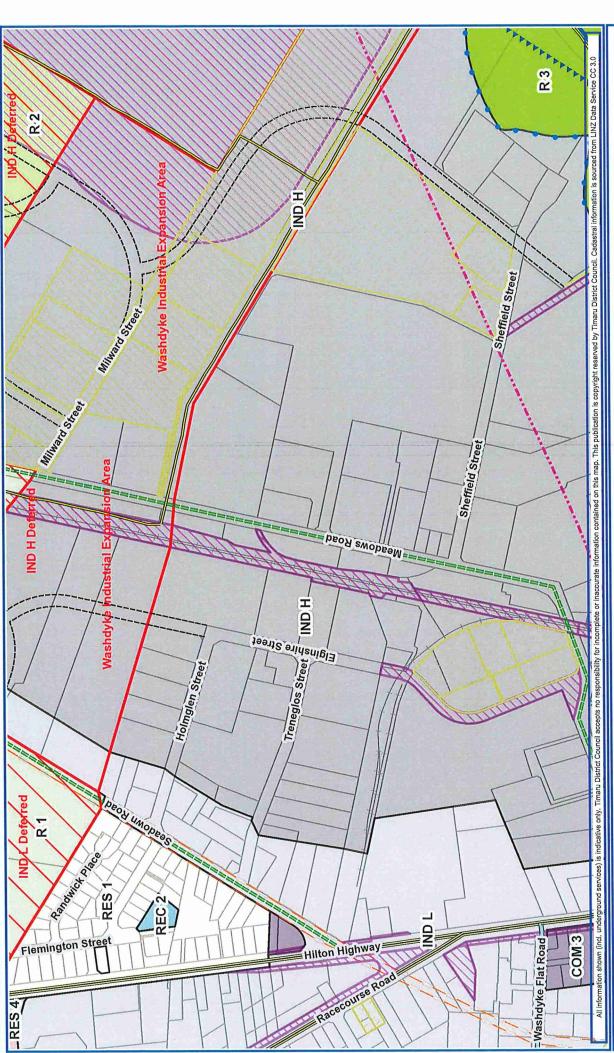
and Information Memorandum Map Legend



# Property Location Map

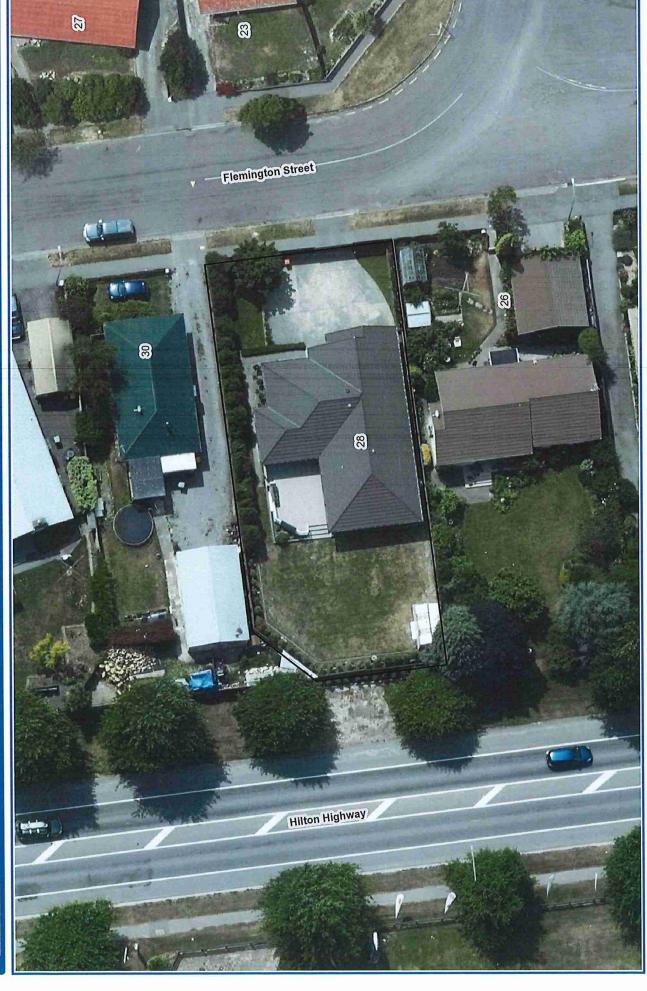
Refer to appended sheet for Legend





Address: 28 Flemington Street, Washdyke, Timaru



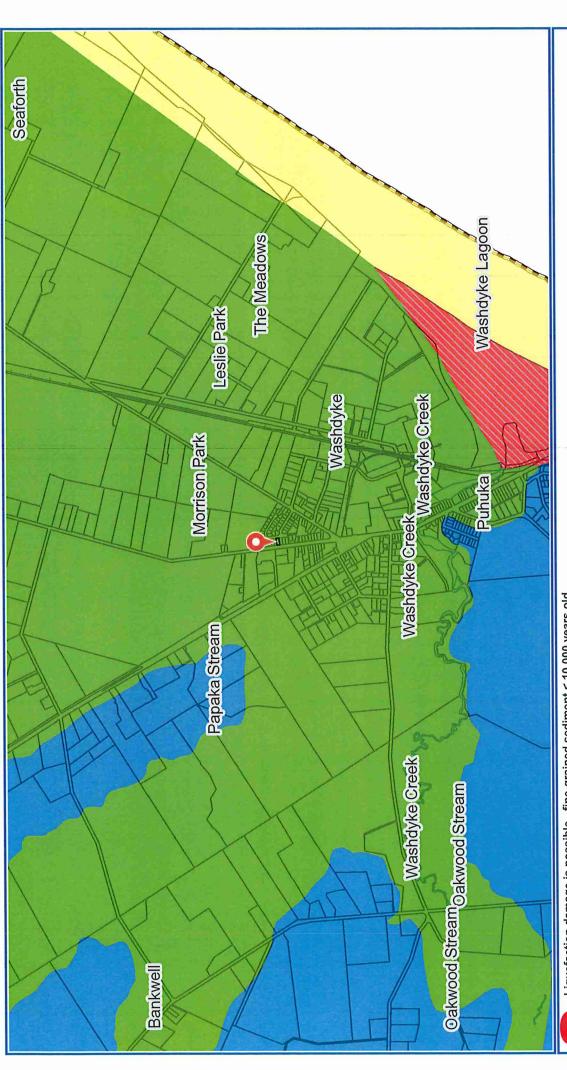






# **Liquefaction Vulnerability Categories**





Liquefaction damage is possible - fine-grained sediment < 10,000 years old Liquefaction damage is possible - river or stream sediment < 10,000 years old

Liquefaction damage is unlikely - river, stream or beach sediment > 10,000 years old

Liquefaction damage is unlikely - rock or hill soils







### **Adjoining Properties Planning Approval Report**

Relevant activities requiring Planning approval in close proximity to the subject property are listed below.

This area is defined in blue on the enclosed map.

Activities requiring Planning approval for rail land, road reserves and riverbeds are not shown.

LIM No: 26844

Land Use Consent No. 4719 Granted Date: 12/07/2002 Situation: 280 Hilton Highway

Activity: Building addition & expansion of existing activity.

Land Use Consent No. 4861 Granted Date: 24/10/2002 Situation: 280 Hilton Highway

Activity: Erect building for storage & workshop.

Land Use Consent No. 5051 Granted Date: 30/06/2003 Situation: 280 Hilton Highway Activity: Addition to workshop.

Land Use Consent No. 3381 Granted Date: 04/12/1997 Situation: 280 Hilton Highway

Activity: Erect replacement building for storage of horticulture items.

Land Use Consent No. 4162 Granted Date: 05/10/2000 Situation: 280 Hilton Highway

Activity: Warehouse for storage & dispatch of packaging/marketing materials.

Land Use Consent No. 5747 Granted Date: 22/08/2005 Situation: 280 Hilton Highway

Activity: Erect additional storage building.

Land Use Consent No. 7249 Granted Date: 04/06/2010 Situation: 280 Hilton Highway

Activity: Change of use from warehouse to factory.

Land Use Consent No. 7427 Granted Date: 10/08/2011 Situation: 280 Hilton Highway

Activity: Display, sell & repair tractors & farm machinery.

Land Use Consent No. 2020.57 Granted Date: 19/03/2021 Situation: 278 Hilton Highway

Activity: Construct and Operate a Self Service Fuel Station.

### **Adjoining Properties Planning Approval Report**

Relevant activities requiring Planning approval in close proximity to the subject property are listed below.

This area is defined in blue on the enclosed map.

Activities requiring Planning approval for rail land, road reserves and riverbeds are not shown.

LIM No: 26844

Land Use Consent No. 2020.57 Granted Date: 28/01/2022 Situation: 278 Hilton Highway

Activity: Change to Forecourt Layout and Change Conditions 1, 4 & 14.

Land Use Consent No. 2012.1083

Granted Date: 16/01/2013 Situation: 28 Flemington Street

Activity: Erect dwelling to be used as a show home.

Land Use Consent No. 1249 Granted Date: 08/12/1992 Situation: 20B Flemington Street

Activity: Erect garage within building setback.



16 January 2013

Matt McKeown Milestone Homes South Canterbury Limited 97 Church Street Timaru 7910

Dear Matt

### RESOURCE CONSENT – LAND USE NO. 102.2012.1083 28 FLEMINGTON STREET, TIMARU

I advise that your resource consent Land Use application no. 102.2012.1083 was granted consent subject to conditions under delegated authority by Timaru District Council on 16 January 2013. Please find attached the decision on the application and the approved plans.

If you have any queries on this matter, please do not hesitate to contact me at the details listed below.

Yours faithfully

Gemma Conlon Senior Planner



# DECISION OF TIMARU DISTRICT COUNCIL RESOURCE CONSENT – LAND USE NO. 102.2012.1083

Acting under the delegated authority from Timaru District Council, I have considered the subject application for Land Use consent and have decided, pursuant to sections 104, 104B and 108 of the Resource Management Act 1991, that consent be GRANTED subject to the following conditions:

### General -

1. The development shall be carried out in accordance with the plans (attached and stamped as approved) and the application as submitted under reference no. 102.2012.1083, with the exception of the amendments required by the following conditions of consent.

Reason: To ensure that the development is carried out in accordance with the application.

### Residential Amenity

- 2. The property shall operate as a show home for a duration of no more than four years from the date of commencement of the activity, after such time the building shall be used for residential purposes.
- 3. There shall be a maximum of four employees operating from the site at any one time.
- 4. The parking and access off Flemington Street shall be used by staff only and is not to be used by visitors to the site.
- 5. The hours of operation shall be 8.00am 5.00pm, Monday to Friday only. There shall be no commercial trading outside these hours, at weekends or public holidays.

Reason: In the interest of retaining the residential character and amenity of the area.

### Landscaping

- 6. A Landscape Plan shall be submitted to Council which indicates the following:
  - The retention of the six (approx.) mature trees along the northern boundary of the site;
  - The retention of the trees along the eastern and western boundaries of the site;
  - A dense evergreen native species hedge along the northern boundary of the site, excluding the car parking area and gaps for the existing trees.
     This shall be 1m high when planted and shall be capable of reaching a height of 2m.

- o The fence along the northern boundary shall be retained or replaced with a fence of the same height and be non-transparent.
- 7. The Landscape Plan shall be implemented within the first planting season of approval, and shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced with a plant or tree of similar species and stature.

Reason: To ensure the amenity of the area is maintained to an acceptable level.

### **Lighting**

8. All exterior lighting shall be directed away from neighbouring sites and roads. No light spill from a permanently fixed artificial light source shall exceed 10 lux, measured in the vertical plane, at the boundary of any other residential zoned sites between the hours of 10.00pm and 7.00am and 20 lux at all other times.

Reason: In the interest of maintaining residential amenity.

### <u>Signage</u>

9. Only one sign shall be permitted on this site. It shall be located in the position indicated on the approved site layout plan and shall have dimensions of 2.4m long by 0.9m high.

Reason: In the interest of maintaining residential amenity.

### **Land Transport**

- 10. The site shall be provided with a 6.0m wide vehicle crossing onto Hilton Highway (SH1), located, designed and built to meet the requirements of the New Zealand Transport Agency.
- 11. The site shall be provided with a 3.0m wide vehicle crossing onto Flemington Street, located, designed and built to meet the requirements of the Timaru District Council.

Reason: To ensure that each lot is serviced for vehicle access located, designed and built to an appropriate standard.

- 12. Prior to the construction of the car parking spaces and manoeuvring aisles, an Engineering Design shall be submitted to the Timaru District Council's Development Planning Officer. The Engineering Design shall:
  - a) Include a completed "Application for Engineering Design Acceptance" form.
    - Note: The "Application for Engineering Design Acceptance" form is available from Timaru District Council and there is no application fee for Engineering Design acceptance.

2

b) Include full plans, specifications and calculations, developed and drawn by a suitably qualified person.

- c) Show how the car parking spaces and manoeuvring aisles and are to be formed sealed and drained as per the Timaru District Plan, Part D, 6.7 and 6.8.
- d) Show the pavement marking that is to be installed throughout the car parking spaces and manoeuvring aisles.
- 13. The consent holder shall construct the car parking spaces and manoeuvring aisles in accordance with the *Engineering Design* developed in the previous Condition. Upon the completion of the car parking spaces and manoeuvring aisles, the consent holder shall submit the following completed certificates, to the Timaru District Council:
  - a) Contractors Completion Certificate, to certify that the driveway, manoeuvring aisles and parking spaces were constructed as per the requirements of the Engineering Design, NZS.4404:2010 and the Timaru District Council.
  - b) Engineers Completion Certificate, to certify that the construction of the driveway, manoeuvring aisles and parking spaces was supervised by a suitably qualified person.

Note: The "Contractors Completion Certificate" and the "Engineers Completion Certificate" are available from Timaru District Council and included in the "Application for Engineering Design Acceptance" form.

Reason: To ensure that the required driveway, manoeuvring aisles and parking spaces are designed and constructed to an appropriate standard.

14. Four years from the commencement of the activity; the 6.0m wide vehicle crossing onto Hilton Highway (SH1) shall be removed and the fence and berm reinstated to the requirements of the New Zealand Transport Agency.

### **Network Utilities**

15. Any new power and/or telecommunication services that are to serve the development and/or the site shall be located underground.

Reason: In accordance with Section 2.6.1.5.8 of the Timaru District Plan, this condition is required to ensure that all new cables are located underground.

Chris English

Regulatory Services Manager

Date: 16 January 2013

### **ADVICE NOTES**

### Commencement

This resource consent commences on the date the decision was notified, or on such later date as stated in the consent, unless an appeal or an objection has been lodged, at which time the consent commences when this has been decided or withdrawn, or in the case of an appeal to the Environment Court on such later date as the Court may state in its decision.

### Right of Objection

If you do not agree with the decision, you may have a right to object to the whole or any part of the decision under section 357A of the Resource Management Act, so long as:

- the application was processed on a non-notified basis; or
- the application was processed on a notified basis and no submissions were received in relation to the application, or all submissions were withdrawn; and
- the application was not refused consent under section 104B of the Act (determination of applications for discretionary or non-complying activities) or 104C of the Act (determination of applications for restricted discretionary activities);
- an officer of a consent authority acting under delegated authority did not refuse consent to the application under section 104B or 104C of the Act.

Notice of any objection must be in writing, set out the reasons for the objection, and be lodged with the Timaru District Council within 15 working days of receipt of this decision.

### Subsequent Right of Appeal to the Environment Court

Any person who has made an objection under section 357A of the Act may appeal to the Environment Court against the decision on the objection pursuant to section 358 of the Act.

Notice of such an appeal must be in the prescribed form, state the reasons for the appeal and be lodged with the Environment Court (85 Armagh Street, PO Box 2069, Christchurch) within 15 working days after the decision on the objection being notified to that person, or within such further time as the Environment Court may allow.

### Appeal Direct to the Environment Court

If you do not agree with the decision, an alternative to a section 357A objection, or if section 357A does not apply, is to appeal the decision under section 120 of the Act to the Environment Court.

The notice of appeal shall be in the prescribed form; state the reason for the appeal and the relief sought; state any matters required by the regulations; and be lodged with the Environment Court (85 Armagh Street, PO Box 2069, Christchurch) within 15 working days notice of the decision being received. Notice of the appeal must also be served on Timaru District Council within 15 working days within the same period. Notice of the appeal must also be served on any person who made a submission in

relation to the application within 5 working days of the notice being lodged with the Environment Court. If you are in any doubt about the correct procedures, you should seek legal advice.

### Minor Correction of Resource Consents

Section 133A of the Act provides the consent authority may at its discretion issue an amended consent that corrects minor mistakes or defects in the consent within 15 working days of the grant. If you consider that the consent contains a minor mistake or defect you may advise the Timaru District Council of the same.

### Lapsing of Consents

A resource consent lapses on the date specified in the consent or, if no date is specified, 5 years after the date of commencement of the consent unless, before the consent lapses: the consent is given effect to; or, an application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension.

### Change or Cancellation of Conditions

An application to change or cancel a condition of this consent can be made under section 127 of the Act.

### **Review of Consent**

A consent authority may, in accordance with section 129 of the Act, serve notice on a consent holder of its intention to review the conditions of a resource consent.

### Monitoring of Consent

Pursuant to section 35 of the Act, the local authority shall monitor the exercise of this resource consent. Additional charges may be payable for this monitoring.

### Charges

Charges, set in accordance with section 36 of the Act, shall be paid to the Timaru District Council for the carrying out of its functions in relation to the administration and monitoring of resource consents and for carrying out its functions under section 35 of the Act.

### Other Consents May Be Required

This resource consent authorises the Land Use or Subdivision applied for only. The consent does not give the consent holder the right to:

- Use, subdivide or develop land that contravenes a rule in the District Plan other than that which has been consented to by way of the subject application, or that which has already been legally established.
- Conduct any activity that requires resource consent from Environment Canterbury (Ecan). You are advised to contact Ecan to ascertain if consent is required for the proposed development.

• Authorise building or utility services construction work that requires separate consent/approval.

### **District Services Advice Notes**

Service Connection Application Form -

An application form to connect to Council services (water, sewer, stormwater, vehicle access) is attached. This form (and its accompanying Information Sheet) is periodically reviewed and updated. Please refer to the Council's website <a href="www.timaru.govt.nz">www.timaru.govt.nz</a> or contact Customer Services for current versions of the above documents including application fees.

Road Opening Notice -

All work undertaken within the road corridor (i.e. carriageway, berm or footpath) will also require a Road Opening Notice (RON) from the Road Controlling Authority (RCA).



### REPORT ON A LANDUSE CONSENT APPLICATION

**CONSENT NO:** 

102.2012.1083

APPLICANT:

Milestone Homes South Canterbury Limited

**ACTIVITY:** 

Erect a dwelling to be used as a show home

LOCATION:

28 Flemington Street, Timaru 7910

**ZONING:** 

Residential 1

**LEGAL DESCRIPTION:** 

Lot 8 DP 17406

**Activity STATUS:** 

Non-Complying

RECEIVED DATE:

4 December 2012

**DUE DATE:** 

23 January 2013

RMA CRITERIA:

Section 104, 104B, 104D, 108

### 1.0 INTRODUCTION

This report has been prepared under section 42A of the Resource Management Act (the Act) to document the assessment of the subject 102 consent application. This report also constitutes the decision and reasons for the decision as required under section 113 of the Act.

### 2.0 PROPOSAL, SITE & HISTORY DESCRIPTION

### 2.1 PROPOSAL DESCRIPTION

Consent is sought to establish and operate a show home at 28 Flemington Street, Timaru. It is proposed to build a new residential style building to be used as a show home for up to four years, at which time the building will convert to residential use.

Access to the property will be achieved off both Flemington Street and State Highway 1 (SH1). It is proposed that employees will access and park from Flemington Street, while visitors to the site will access from SH1. Six parking spaces are being provided for visitor parking.

It is proposed to operate five days per week, Monday to Friday from 8.00am to 5.00pm. there will be a maximum of four employees on-site at any one time.

Signage is proposed along the western boundary, parallel to SH1. The sign will have dimensions of 2.4m wide by 0.9m high. The sign will be fixed to a steel frame, secured

to a concrete base. It is proposed to illuminate the sign during the mornings and evenings.

### 2.2 SITE DESCRIPTION

The subject site is located at 28 Flemington Street, Timaru (287 Hilton Highway). The site is located in the northern area of Washdyke, with direct access to both State Highway 1 to the west and Flemington Street to the east.

The site contains a single storey weatherboard dwelling. The dwelling is located on the south/central portion of the site. There is a car parking area available to the west. A double garage is located on the eastern portion of the site, fronting Flemington Street.

The site has a number of mature trees along the northern, western and eastern boundaries. Otherwise, the remainder of the site is mainly grassed.

The location of the site is illustrated in Figure 1, while the site's adjoining development is illustrated in Figure 2.

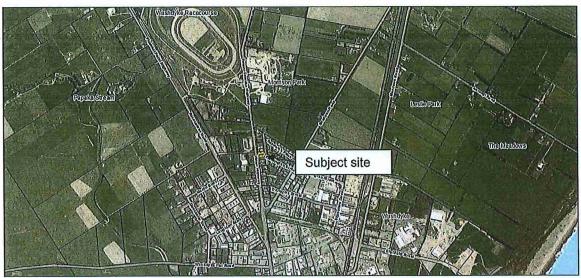


Figure 1 - Site location map. The subject land is indicated by a yellow line.



Figure 2 –Site and Adjoining development. The subject land is indicated by a yellow line.

A site visit was undertaken on 15 January 2013. Neither the applicant nor the applicant's agent was present during this site visit. Photographs taken during this site visit are held in the file.

### 2.3 DESCRIPTION OF THE SURROUNDING ENVIRONMENT

The surrounding area has a mixed character. From the State Highway 1 perspective there are residential properties along the eastern frontage, with commercial and retail activities located along the western side.

The properties directly to the north, east and south are residential. The area is characterised by residential activities when viewed from Flemington Street, which is within a residential neighbourhood.

### 2.4 SITE HISTORY

There is no resource or building consent history relevant to the subject site.

### 3.0 ACTIVITY STATUS

The subject site is zoned Residential 1 by the Timaru District Plan. The activity status of the proposed development is commented on below.

 Part D2, Section 2.6.1 Residential 1 Zone, Rule 4.1 of the District Plan states, 'Any other activities in this zone are non-complying unless they are provided for as a General Rule'. The operation of a show home is a commercial activity that is not anticipated in this zone and therefore is assessed as a non-complying activity.

Additionally, it should be noted that the proposal does not comply with the following Rules and Performance Standards:

- Part D2, Section 2.6.1, Performance Standard 5.6, which requires nonresidential buildings to be setback 5 metres from boundaries with residential activities. The building is located 1m off the southern boundary and 4m from the northern boundary.
- Part D6, Section 6.7 Vehicle Access and Loading, Performance Standard 6.7.3
   (13), which requires all vehicle access to the site to be provided from the Secondary Road. Access to the site is proposed via both SH1 and Flemington Street.
- Part D6, Section 6.15 Signs, Performance Standard 6.15.2.8 (2), which specifies the maximum area of signs in residential zones is 0.5sq.m. A sign with an area of 2.5sq.m is proposed.
- Part D6, Section 6.19 Landscaping specifies various landscaping elements that are required to be provided. The site plan submitted with the application does not demonstrate compliance with this section of the Plan.

Overall, the application is assessed as a Non-Complying Activity.

### 4.0 STATUTORY CONSIDERATION

This section of the report details the provision of the Act that are relevant to the consideration and determination of the application. The remainder of this report has been set out to address these provisions.

### 4.1 DETERMINATION OF APPLICATION

After considering an application for a resource consent for a discretionary activity or non-complying activity, section 104B of the Act states that a consent authority —

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

Section 104D of the Act provides particular restrictions for non-complying activities, stating that:

- (1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
  - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
  - (b) the application is for an activity that will not be contrary to the objectives and policies of—
    - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
    - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
    - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

### 4.2 CONSIDERATION OF APPLICATIONS

When considering a resource consent application and any submissions, section 104 of the Act provides that the consent authority, must, subject to Part 2, have regard to the following:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of:
  - a national environmental standard:
  - other regulations:
  - a national policy statement:
  - a New Zealand coastal policy statement:
  - a regional policy statement or proposed regional policy statement:
  - a plan or proposed plan;

• any other matter it considers relevant and reasonably necessary to determine the application.

When forming an opinion for the purposes of actual and potential effects on the environment of allowing the activity, subsection 104(2) of the Act states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

Subsection 104(3) of the Act states that a consent authority must not when considering an application have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

Subsection 104(3) of the Act also provides that a consent authority must not grant a resource consent:

- To do something that will or is likely to, have a significant adverse effect on a recognised customary activity, unless written approval is given to conduct the activity from the holder of the customer rights order.
- If the application should have been notified and was not.

Subsection 104(6) of the Act states that a consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.

### 4.3 CONDITIONS

Section 108 of the Act provides the consent authority with the ability to impose conditions on resource consent applications.

### 5.0 ASSESSMENT OF APPLICATION

### 5.1 ADEQUACY OF INFORMATION

It is considered that the information provided by the application is adequate to determine the application in terms of section 104(6) of the Act.

### 5.2 ACTUAL & POTENTIAL EFFECTS ON THE ENVIRONMENT

The following assessment has been set out to address:

- the permitted baseline;
- written approvals;
- the actual and potential environmental effects of the proposal on:
  - land, flora and fauna;
  - infrastructure;
  - people and built form;
  - culture;
  - traffic generation and vehicle movements;
  - nuisance:
  - natural hazards.

### 5.2.1 Permitted Baseline

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As stated above, a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or plan permits an activity with that effect. This is termed the 'permitted baseline'. It is at the consent authority's discretion as to whether the permitted baseline is taken into account when considering an application.

The permitted baseline has been considered. In this case, the proposed building would be permitted, if it were being used for residential purposes, and access to the site were from Flemington Street only.

The adverse effects of these permitted activities have been disregarded in the following assessment.

### 5.2.2 Written Approvals

Section 104(3) of the Act provides that a consent authority may not have regard to any effect on a person who has given written approval to the application.

The application has received written approvals from the following:

Name	Address	
Anton Ayers	26 Flemington Street, Washdyke, Timaru	
C. Knaggs, State Highway Manager,	N/A	
New Zealand Transport Agency		

The properties of the above are identified by a red star in Figure 3 below:



The adverse effects of the proposed development on these people have been disregarded in the following assessment.

### 5.2.3 Effects on Land, Flora and Fauna

The site has an existing residential property established on it. The site has a typical area of open space for residential purposes. There is no protected vegetation on the site.

The proposed redevelopment of the site will therefore not alter the existing land, flora or fauna beyond what is currently existing on the site.

Adverse effects on the environment in terms of land, flora and fauna will be or are likely to be no more than minor.

### 5.2.4 Effects on Infrastructure

There will be no alteration to the existing infrastructural demands at this site as a result of the proposed development.

Adverse effects on the environment in terms of infrastructure will be or are likely to be no more than minor.

### 5.2.5 Effects on People and Built Form

### **Character:**

The proposed building will to all intents and purposes display the characteristics of a residential property. The building is being built as a 'show home' and is therefore intended to provide a model of the type and style of residential dwelling the company can provide. In this regard the character of the building will be in keeping with the existing environment.

The activity being undertaken on the site will however be different to that expected in the residential zone, and being undertaken in a residential style property. The activity will reflect a commercial use of the site, with up to four staff working out of the site at any one time. There will also be visitors and clients to the site during business hours.

Owing to the number of employees on-site, being generally two and up to four, I don't believe the effects of this number of persons will be more than minor. Additionally, there will be visitors to the site. The nature of the activity is not aligned with a regular retail premises. It is envisaged that foot traffic will be minimal, while customers to the site will be mainly car based. It is anticipated that the number of clients present on site at any one time will be restricted by the number of employees able to serve them. It is therefore considered that the change in character of the building will have a less than minor effect.

**Building Coverage / Density:** 

The building coverage and density of the site is in keeping with that anticipated in the residential zone. Owing to the building being used for commercial purposes, a minimum setback of 5m is required from the sites boundaries with residential activities. This applies to the sites north, east and south boundaries where a setback of 4m, 8.5m and 1m is achieved respectively.

The adjoining property owner to the south has provided their written approval for the proposal, therefore effects on this property will not be considered. However, the property to the north has not given their approval to the 1m intrusion. I have therefore considered the following in terms of the effect on this adjoining property and other properties to the east and west:

- Nature of the business The business will be operating during the general working hours of 8.00am – 5.00pm. A condition of consent can ensure there will be nobody on-site after these hours, at weekends or on public holidays.
- Building The building is a typical residential building and is in context with the
  existing environment. It does not cause overshadowing or loss of views.

Landscaping – A garden area occupies the 4m wide distance from the building
to the northern boundary. I believe that a condition of consent requiring
landscaping in the form of a hedge, along with the existing boundary fence (or
replacement fence of the same proportions) will mitigate any potential effects of
this setback encroachment. Additionally, the existing mature trees along this
boundary provide visual amenity and screening between the two properties. I
consider that these trees should also be retained.

I therefore consider that conditions of consent can ensure any adverse effects are mitigated and/or avoided.

### Amenity / Streetscape:

As discussed above, I consider that any perceived effects on the amenity of the adjoining landowner to the north can be mitigated by way of condition. The view of the building from Flemington Street will be consistent with that of a residential property. There will be a front garden, garage and front door facing this aspect and therefore the amenity of the area and the streetscape will not be affected by the activity being undertaken on-site. In fact, in my opinion the streetscape will be enhanced when viewed from Flemington Street, as the dwelling will now be oriented towards the street, with the removal of the double garage and enclosed fencing, which currently limits views into the site.

The site also has mature trees along the western and eastern boundaries. I consider that these trees should also be retained in order to maintain a level of amenity consistent with the adjoining residential area. I appreciate that the applicant will require some level of visual permeability into the site from State Highway 1 for passing trade, and suggest that the existing solid timber fence be replaced with a semi-transparent fence.

In order to maintain amenity values and improve safety, any new power and/or telecommunication services installed to and within the development will be required to be located underground.

### Views / Outlook:

The proposed building is consistent with that of a residential dwelling and owing to the setbacks achieved, will not have an adverse effect on the views or outlook of adjoining properties.

### Overshadowing / Loss of Sunlight:

The property is single storey, with a finished roof height of 4.8m above ground level. It has setbacks of 4m from the northern boundary, 8.5m from the eastern boundary, 1m from the southern and 15m from the western boundary. It is considered that there will be no overshadowing or loss of sunlight on adjoining properties as a result of the development.

### Light Spill / Glare:

There are no external lights indicated on the plans or forming part of the application. Exterior lighting is required to be directed away from neighbouring sites and roads. Additionally, no spill from an artificial light source is permitted to exceed 10 lux, measured in the vertical plane, at the boundary of any other residential zoned sites. The compliance with this performance standard can be enforced through a condition of consent.

The application does include an illuminated sign, which is to be located along the western boundary of the site facing State Highway 1. It is proposed that the sign be

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illuminated in the evening and early morning via a florescent tube located in the frame. It is considered that this level of lighting will not have an impact on the surrounding land uses and the effects will be less than minor in this regard.

Adverse effects on the environment in terms of people and built form will be or are likely to be no more than minor.

### 5.2.6 Effects on Culture

The site does not contain any listed heritage buildings, nor is it located within a heritage precinct. This site is not known to contain any archaeology or have any special significance to Takata Whenua.

Adverse effects on the environment in terms of culture will be or are likely to be no more than minor.

### 5.2.7 Effects on Traffic Generation & Vehicle Movements

### On-Site and On-Street Parking:

There are six parking spaces provided for clients on-site, which is in compliance with the District Plan's standards for retail activities of this size. Although, it is acknowledged that this is not a typical retail activity, and car parking demand should be significantly lower than other retail outlets.

Additional to the six client car parking spaces, there are two spaces available in the garage, and also room for another one to two vehicles in the driveway facing Flemington Street. The Flemington Street access and therefore parking area is to be utilised by staff only, and there will be a maximum of four staff present at the site at any one time. It is therefore considered that there will be little or no need to use on-street parking. With this being said, there is on-street parking available on Flemington Street.

### **Vehicle Crossing:**

Council's Development Planning Officer (DPO) has advised that the existing vehicle crossing from Flemington Street installed to gain access to the site complies with Council's specifications. However, through the construction of the show home the vehicle crossing will have to be relocated. The DPO also advises that the existing vehicle crossing from SH1 installed to gain access to the site does not comply with the New Zealand Transport Agency's (NZTA's) specifications and will need to be upgraded.

The DPO advises that, to control what has the potential to be an unsafe environment the Council requires all vehicle crossings on Council's roading network to be constructed in-line with the vehicle access and loading standards of the Plan. Conditions of consent are imposed to ensure this standard is met.

### Noise:

Visitors to the site will be accessing the property from SH1. There is already a certain level of noise generated from vehicle movement on SH1, and it is considered that visitors to the site will not generate noise or nuisance to adjoining land uses over and above what already exists. I believe that the effect of visitors to the site will be absorbed by the existing background environment.

With this being said, I do not believe the same could be said should visitors be utilising the access from Flemington Street. Therefore, a condition has been imposed ensuring no visitor access or parking be permitted from Flemington Street.

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### **Vehicle Access:**

The site has road frontage to SH1, which is classified as a Primary Road, and Flemington Street, which is classified as a Secondary Road. Any site with dual access is required to use the lesser classification road, in this case Flemington Street, for access.

Council's Development Planning Officer has advised that the reason for this rule is to reinforce the function of various roads in the district. Principal Roads are for the conveyance of through traffic over direct vehicle access. Secondary Roads are for direct vehicle access over the conveyance of through traffic.

In this instance the NZTA has considered that the impact of the development will be no more than minor and is prepared to allow direct vehicle access to SH1.

The applicant has stated that the show home will be run for no more than 4 years from the commencement of the activity where it will revert back to a standard residential dwelling. NZTA requires that the vehicle crossing onto Hilton Highway (SH1) be closed at that time. A condition of consent has been imposed to ensure this occurs.

### **Driver and Pedestrian Safety:**

Council's Development Planning Officer has advised that the Plan requires a minimum number of car parks to be provided based on the type of activity proposed. This is to ensure the safe and efficient operation of the road network and to avoid activity dedicated on-street car parking.

Under Section 6.7.2(4) of the Plan, the applicant is required to (before the commencement of the activity to which the parking and loading spaces relate, and thereafter for as long as that activity is continued) form, seal, drain, mark out and maintain the whole of the parking and loading space or spaces, access drives, maneuvering areas and aisles. A condition of consent has been imposed to ensure compliance with this performance standard.

Adverse effects on the environment in terms of traffic generation will be or are likely to be no more than minor.

### 5.2.8 Effects on Nuisance

It is considered that the proposed use of the property as a show home will not generate any noise effects above those anticipated in the residential zone.

The hours of operation will be 8.00am to 5.00pm, Monday to Friday, which is in keeping with normal working hours. To mitigate any potential effects on the surrounding neighbours, it is recommended that days of operation specifically exclude weekends and public holidays.

Adverse effects on the environment in terms of nuisance will be or are likely to be no more than minor.

### 5.2.9 Natural Hazards

The site is not known to be subject to any natural hazards. Therefore, adverse effects on the environment in terms of natural hazards will be or are likely to be no more than minor.

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### 5.2.10 Conclusion

Based on the above assessment, it is concluded that allowing the proposal will not have adverse effects on the environment that will be more than minor. Accordingly, it is considered that the proposal passes the first test provided by section 104D of the Act.

# 5.3 ASSESSMENT OF APPLICABLE STATUTORY DOCUMENTS & REGULATIONS

The Timaru District Plan is the only statutory planning document that is pertinent to the consideration of the subject application. Accordingly, and in the interests of conciseness, no other statutory planning documents are considered in this assessment.

### 5.3.1 Timaru District Plan

As the proposed development is considered as a non-complying activity and as section 104D of the Act requires non-complying activities to be specifically assessed against the objectives and policies of the Plan, the Objectives and Policies of the District Plan are considered below.

### (a) Objectives & Policies

- (i) Enabling signs while avoiding or mitigating the adverse environmental effects of signs on public safety and the visual quality of the District. (Part B11(c), Issue 2, Objective (1));
- (ii) To provide for signage but to ensure that signs do not adversely affect traffic safety by confusing, distracting, or obstructing the views of motorists or pedestrians. (Part B11(c), Issue 2, Policy (1));
- (iii) To provide for a range of land use activities in residential areas while avoiding or mitigating the adverse environmental effects of these activities... (Part D2, Issue 1, Policies 2.1.2.2)
- (iv) To only provide for those activities which are unlikely to add significantly to noise levels in residential areas. (Part D2, Issue 2, Policy 2.2.2.1)

The signage will be limited to one sign on the site, which will be facing State Highway 1. It will not be visible from within the residential area as viewed from Flemington Street. Conditions of consent have been applied to ensure that should there be any potential environmental effects on the surrounding residential area, these will be mitigated. Overall, as per the assessment in Section 5.2 of this report, it is considered that the proposed development will be in keeping with the above stated policies and objectives.

### (b) Conclusion

Based on the above assessment, it is concluded that the proposal will not be contrary to the Objectives and Policies of the District Plan. Accordingly, it is considered that the proposal passes the second test provided by section 104D of the Act.

### 5.4 ANY OTHER MATTER

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It is considered that there are no other matters that are relevant or reasonably necessary to determine the application.

### 5.5 PART II MATTERS

Part II of the Resource Management Act stipulates the purpose and principles of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The various principals provided under Part II support this purpose.

Section 7 of the Act is relevant to the proposal as it seeks to maintain and enhance amenity values and the quality of the environment. As the proposal will not materially change the existing character of the site, or give rise to any significant effects on the environment, it is considered that it will maintain the amenity values of the area.

Section 7 also seeks the efficient development of natural and physical resources. It is considered that the proposed use of this site for a commercial activity in the short-term (being four years) and residential use in the long-term, is an efficient use the site's existing physical resources.

As the proposal is not likely give rise to any environmental effects that will be more than minor, it is considered the development is also consistent with subsection 5 (2)(c) of the Act, which seeks to avoid, remedy or mitigate adverse effects on the environment.

Overall, it is considered that the proposal is consistent with Part II of the Act.

### (b) Conclusion

Based on the above assessment, it is concluded that the proposal will not be contrary to the Objectives and Policies of the District Plan. Accordingly, it is considered that the proposal passes the second test provided by section 104D of the Act.

### 5.6 ANY OTHER MATTER

It is considered that there are no other matters that are relevant or reasonably necessary to determine the application.

### 5.7 PART II MATTERS

Part II of the Resource Management Act stipulates the purpose and principles of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The various principals provided under Part II support this purpose. It is considered that the proposed activity generally accords with the purpose and principles of the Act.

### 6.0 CONCLUSION & REASON FOR THE DECISION

With the above matters in mind and subject to conditions being imposed on the consent, it is considered the proposed development is acceptable in terms of the matters listed under section 104 of the Act.

### 7.0 RECOMMENDATION & DECISION

Pursuant to sections 104, 104B, 104D and 108 of the Resource Management Act 1991, it is recommended that consent be GRANTED subject to the conditions that start on page 2 of this document.

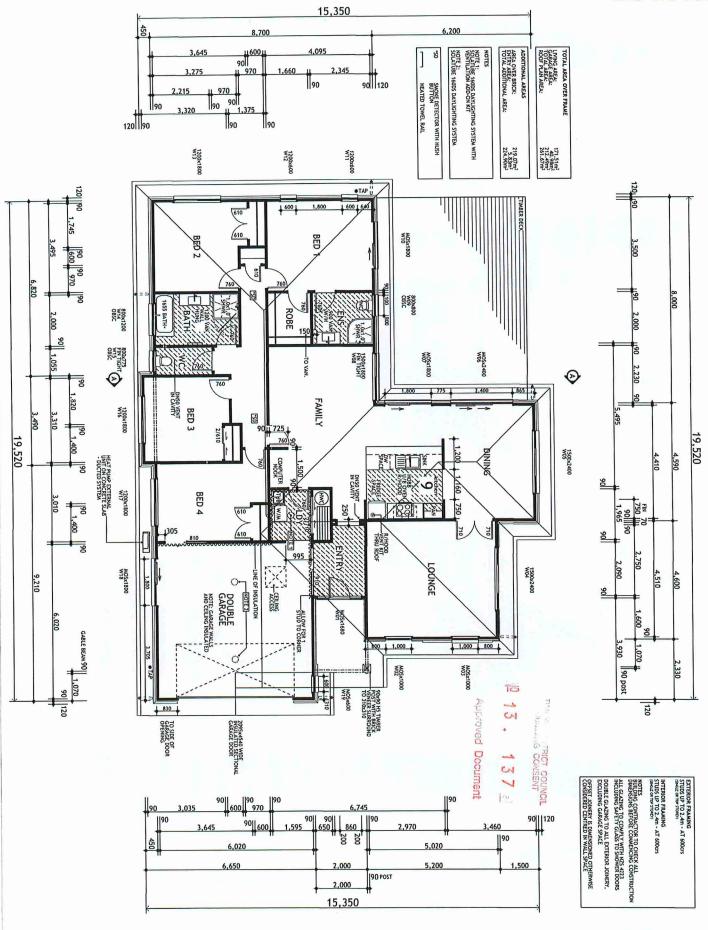
Reported on and Recommended by:

Gemma Conlon, Senior Planner

Date: 16 January 2012

Council's decision is contained on Page 1 of this document.





Sheet:

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OF WORKING DRAWINGS

ASC 13501

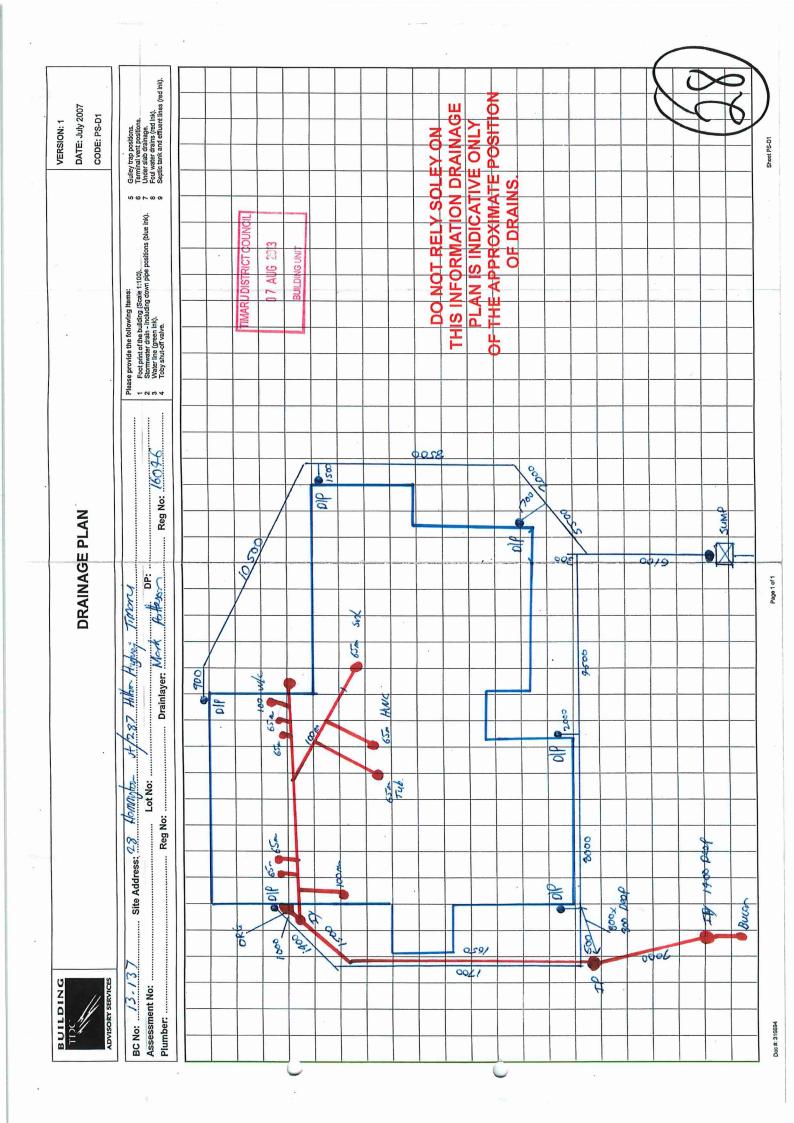
R.C.

d: R.C.

Drawing: FLOOR PLAN PARENT PLAN: JADESTONE 31- PLAN C SCALE 1:100 @ A3

Client: MILESTONE HOMES STH CANTERBURY LOT 8 DP17406 28 FLEMINGTON ST / 287 HILTON HWY TIMARU





### Timaru Water Supply

### Where does your water come from and is it safe?

Timaru's water comes from two sources: the Upper Gorge of the Pareora River and from the Opihi River near Pleasant Point. From there it is piped to the Claremont Reservoir where the water receives ozone treatment to kill bacteria and protozoa (Giardia and Cryptosporidium), it is then chlorinated to prevent the water getting re-contaminated on its way to your taps.

Council own and operate the water supply network from the intake to the point of supply at your property. For the Timaru scheme these assets consist of 2 intakes, 5 pump stations, 3 reservoirs, a treatment plant and a reticulation network of around 338 kilometres of pipelines.

### Maintenance of the water supply

Council utilizes contractors to carry out maintenance work. Occasionally a water main may need to be shutdown for maintenance, meaning you will not have water. We try to keep disruption to a minimum and where possible inform people in advance. Notification may be via a letter, newspaper or radio advert, loudspeaker, on our website or Facebook page or a combination of these. If you require a continuous supply of water please make your own storage arrangements

### Your Responsibilities

You are responsible for the pipework on the property from the boundary to your taps.

If you have a shared right of way, the water supply within that right of way is commonly a combined water service for all users. Users of this pipework are responsible for its operation and maintenance. As this supply line is beyond the road boundary it is not the Council's responsibility.

### Water conservation:

- Water is a limited and precious resource. Council is only allowed to take so much water from the
  ground and rivers, so we all need to be considerate with our water usage. We regularly check
  our pipelines for leakage and we request you fix any leaks you find on your property.
- Council will contact you if we become aware of water wastage on your property and will ask you
  to fix it. If it continues to be above acceptable levels, enforcement action may be taken.
- If you are a high-use consumer you may have a meter installed on your water supply connection.

### Water restrictions

Dry weather conditions can result in short supply due to low river levels and excessive consumer use. When this happens hosing restrictions are used to reduce the demand for water. Restrictions are advertised on large signage, in the newspaper, at www.timaru.govt.nz and Facebook page.

### **Backflow prevention**

Backflow occurs when water flows in reverse to the normal intended direction, i.e., it flows from your property back into the water supply system. Backflow is caused by changes in pressure. In residential properties, backflow contamination can come from sources such as private wells, hoses left in ponds or pools or incorrect air gaps on header tanks.

Backflow has the potential to be become a serious health risk, if contaminated water flows back into the mains. It is important you understand the risks of backflow to help protect our drinking water. Council can request an assessment of the backflow risk from any property and to require an

appropriate backflow prevention device or system be installed at the property owner's expense. You can find more information on backflow on our website.

### Report or repair faults

Please let us know if you see a fault in our water system such as burst pipes, leaky water mains etc. If the fault occurs within a property's boundary then it is up to the owner to fix it but you can contact the Council for technical advice. Council has a 24/7 call-out service on: (03) 687 7200.

### Need a water connection?

Pick up an application form from the Council's main office at 2 King George Place, Timaru or download the form from the *Services Consents* page on our website *www.timaru.govt.nz*Other information on water supply services provided by the Council is available at our website.

### **Enquiries**

For any enquiries relating to the District's water supplies please contact us at:

**Timaru District Council** 

2 King George Place, Timaru 7910

Phone: 03 687 7200

Email: enquiry@timdc.govt.nz

**Temuka Service Centre** 

King Street, Temuka 7920 Phone: 03 687 7591 **Geraldine Service Centre** 

Talbot Street, Geraldine 7930

Phone: 03 693 9336