

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	LU23045
Applicant	Melvin and Maree Gentle
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to construct and operate a commercial storage shed activity over three stages
Location	23 Wigan Street, Gore
Legal Description	Lot 4 Deposited Plan 32, held in record of title SL9B/473
Activity Status	Discretionary
Decision Date	19 December 2023

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**), the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Werner Murray on 19 December 2023 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104B of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray, on 19 December 2023, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

The Applicant seeks land use resource consent to construct and operate a commercial storage shed activity at 23 Wigan Street, Gore. The proposal will serve as an extension to the existing commercial storage shed operation at 12-14 Rata Street, Gore, which adjoins the site to the west.

It is proposed to construct a single building containing eight storage units at the western side (rear) of the site, as a first stage. Two more buildings of the same design are proposed at the centre and eastern side (front) of the site, as future second and third stages.

Each building will be 9.6m in length by 9.6m wide with a total area of 92.16m². This equates to a site coverage of 32.2%. Each building will have a pitched roof that is 4.4m high at the ridge and 2.6m high at the eaves. Each building will be constructed of colour steel, with an off-white colour for the walls and a grey colour for the roof.

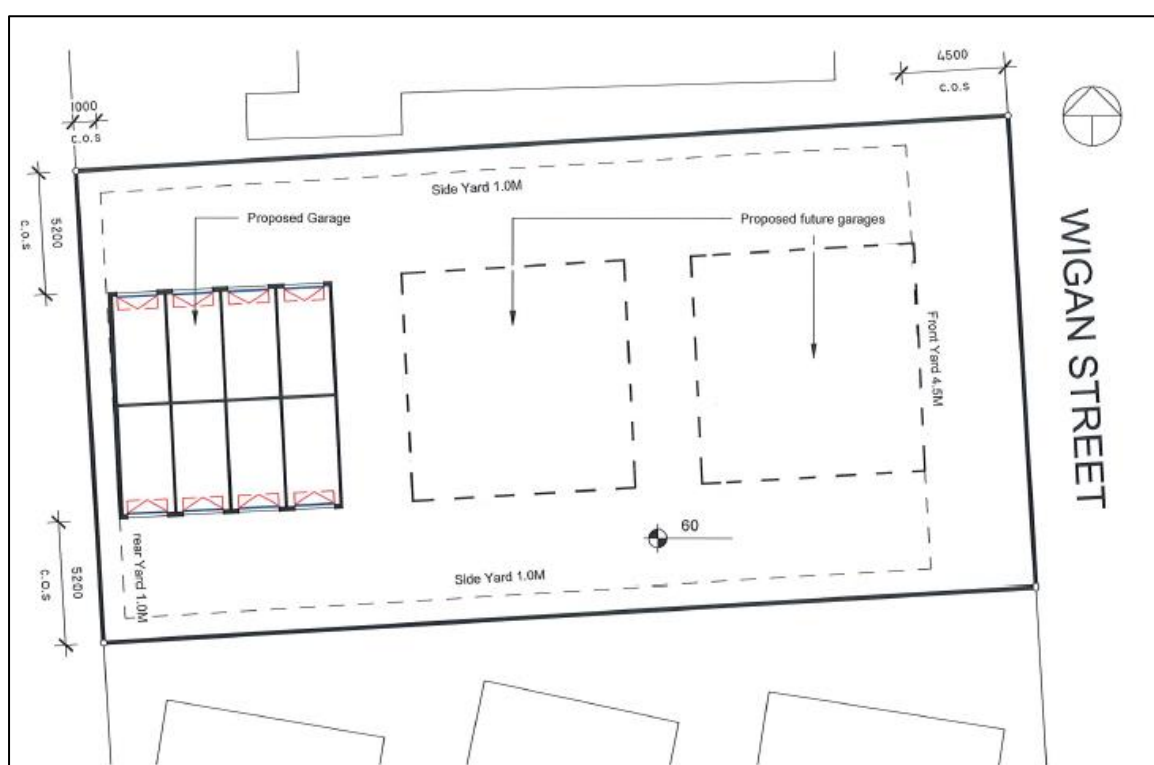


Figure 1: Extract of the proposed Site Plan
(source: Sheet number A1.0, dated 30/05/2023)

The buildings will be located approximately 5.2m from the northern boundary shared with 21 Wigan Street; 5.2m from the southern boundary shared with 25 Wigan Street; 4.5m from the eastern (front) boundary to Wigan Street and 1m from the western (rear) boundary shared with 12 Rata Street. The proposed building in the first stage complies with the daylight admission recession plane with respect to the northern and southern site boundaries. However, the building does not comply with the daylight admission recession plane with respect to the western site boundary.

The storage shed operation will not trade under a publicly advertised business name. No signage is proposed on the site. There will not be any office / reception facilities on the site. People will be able to rent an individual storage unit(s) and collect keys through private arrangements made by the Applicant.

It is expected that people will rent a unit for one to six months or longer. Once a storage unit is rented, people will be able to come and go from the site, as required to store or remove property. As no external lighting is proposed on the site and there will be no power supply or lighting inside the storage units, this will generally limit most use to daylight hours only. The Applicant does not propose to specify hours of operation more specifically than daylight hours, as daylight hours vary significantly from summer to winter in Southland. No flammable or dangerous goods are permitted to be stored inside the sheds.

The site has an existing wire fence with wooden posts and two gates along the front boundary and this will be removed. It will be replaced with a mesh security fence with two gates that is setback 1.0m from the road boundary. As the site will generally be unattended, the fence is intended to make it difficult for unauthorised people to enter the site. It is proposed to plant bushes / landscaping in front of the fence up to the road boundary to act as a landscape screen. When people rent a storage unit, they will be provided with a key to the gates and their unit. There will not be general public access to the site.

There are no staff members involved in managing the storage shed operation. However, a watchman lives in the dwelling at 12 Rata Street. He inspects the sites at 12 and 14 Rata Street and 32 Wigan Street for any damage and repairs or cleaning required, and notifies the owner who does the work as needed.

Access to the site and the proposed sheds will be provided via the two existing vehicle crossings to Wigan Street and the driveways adjacent to the northern and southern boundaries. Based on up to 31 units being accessed via 23 Wigan Street (24 units from all three stages of this proposal, plus the 7 existing units at 12 Rata Street) and based on each unit being accessed monthly; the Applicant estimates that there would be 31 vehicles entering and exiting the site per month, or a maximum of 62 vehicle movements per month. This equates to approximately one vehicle entering and exiting the site per day.

The Applicant confirms that the proposal is expected to comply with the noise standards for residential zones, as set out in Rule 4.5 of the District Plan.

Minor earthworks are proposed to prepare the site for the buildings and the upgrade of the driveways.

A consent period of 10 years is sought, in order to allow time to implement the second and third stages of the development. However, it is considered appropriate to allow only five years to implement the consent.

Further information was requested on 31 July and 29 August 2023. The Applicant's Further Information Response received on 28 August, 1 September, 15 November and 14 December 2023 forms part of this application.

2. SITE DESCRIPTION

The site

The 809m² rectangular-shaped site at 23 Wigan Street, Gore (Lot 4 Deposited Plan 32) is located on the western side of Wigan Street, as shown in red outline in Figure 2. The Applicant is the registered owner of the site.

The site is located in the Residential A Zone, as shown in Planning Map GOR 09 of the District Plan. The Gore District Council's mapping system identifies the site as being subject to the Mataura River floodplain: prone to flooding subsequent to a stopbank breach or stopbank overtopping. It identifies the liquefaction risk across the site as 'negligible'.

The site is not identified in the Selected Land Use Sites Register ('SLUS') by Environment Southland as a contaminated site.

The record of title for the site notes a certificate pursuant to Section 77 of the Building Act 2004, recording that the site is subject to a condition imposed under Section 75(2). Specifically, that condition requires that the site, Lot 4 DP 32 (RT SL9B/473) and the adjacent property, Lot 1 DP 396296 (RT 383903 – 12 and 14 Rata Street) may not be transferred or leased except in conjunction with each other.

The site contained a residential dwelling and a garage in the past, as shown on the aerial photo in Figure 2. However, the Applicant advises that site is vacant (as of as of September 2023). The site is flat in topography, with two existing vehicle crossings at the northern and southern ends of the road frontage, as shown in Figures 2, 3 and 4.



Figure 2: The subject site in red outline and 12-14 Rata Street in yellow outline
(source: Gore District Council GIS)



Figures 3 and 4: The subject site, as viewed from Wigan Street (photos – taken in July 2023). The Applicant advises that the garage has been removed as of September 2023.

It is noted that the existing vehicle crossings to Wigan Street have not been constructed in accordance with conditions 2 and 3 of resource consent LU 2017/298 at the time the application was lodged.

Resource consent LU 2017/298 authorised the use of the driveway adjacent to the northern boundary of the site to provide vehicular access to the shed containing seven storage units located at the rear of 12 Rata Street. The decision for resource consent LU 2017/298 states that the shed at 12 Rata Street would be used by the owner of the site for the storage of private cars and personal property. The shed would not be rented out for storage to members of the public. The Applicant confirms however, that the units in the shed are currently available for rent.

12-14 Rata Street

Lot 1 DP 396296 (12-14 Rata Street) is shown in yellow outline in Figure 2 and adjoins the site to the rear/west, with frontage to Rata Street. The Applicant is also the registered owner of 12-14 Rata Street. Currently, the Applicant runs a commercial storage units operation on 12-14 Rata Street, where the storage units are available for rent. The current storage shed operation does not trade under a publicly advertised business name and there is no signage on these sites.

12-14 Rata Street is located in the Industrial Zone, as shown in Planning Map GOR 09 of the District Plan. It is noted that the storage shed operation being an 'industrial activity' is a permitted activity in the Industrial Zone.

12 Rata Street contains an existing dwelling at the front and two sheds at the rear, as shown in Figures 2 and 5. The dwelling and the larger shed containing eight storage units (building consent 204819) are accessed off Rata Street, while the smaller shed containing seven storage units is accessed via 23 Wigan Street (resource consent LU 2017/298).



Figure 5: 12 Rata Street, as viewed from Rata Street (photo – taken in July 2023)

14 Rata Street contains two rows of sheds each containing eight storage units (building consent 203779).

The sheds at 14 Rata Street are accessed off Rata Street, via a vehicle crossing and a driveway located between the two rows of sheds, as shown in Figure 6.



Figure 6: 14 Rata Street, as viewed from Rata Street (photo – taken in July 2023)

Surrounding area

The Council's Roading Asset Manager, Murray Hasler, notes that Wigan Street is a chip-sealed, local urban access road. The sealed carriageway is bounded by kerb and channel on both sides with a concrete footpath on the east side and an asphalt footpath on the west side. Wigan Street is flat and straight. A 50kph speed restriction applies to this road.

The Residential A Zone adjoins the site on the land to the north and south and across the road to the east. The immediate surrounding properties along Wigan Street comprises residential use, although there are industrial activities on Residential A zoned properties at 15 and 18 Wigan Street.

The Industrial Zone adjoins the site on the land to the west. The immediate surrounding properties along Rata Street comprises industrial uses.

3. ACTIVITY STATUS

3.1 Gore District Plan

The subject site is located within the Residential A Zone and is subject to the Mataura River floodplain: prone to flooding subsequent to a stopbank breach or stopbank overtopping.

Commercial storage units are not specifically defined in the Gore District Plan. However, it is considered to fit within the definition of an 'industrial activity'.

***Industrial activity** means land and/or buildings used for the manufacturing, repairing, engineering, fabricating, processing, packing or storing of products or materials. This includes any ancillary retail sales, any public display or tour operations within the land or premises, and associated offices, staff facilities and caretaker's accommodation. Industrial activity includes, but is not limited to, contractor's yard or depot, the bulk storage of fertiliser, power generation station, substation not provided for as infrastructure, the transfer, storage, treatment or disposal of waste not otherwise defined.*

The proposed activity requires resource consent under the District Plan for the following reasons:

- A **discretionary** activity pursuant to Rule 4.2.4(2), as the proposed commercial storage units (an industrial activity) in the Residential A zone is an activity which is not provided for as a permitted, controlled, discretionary, non-complying or prohibited activity in the District Plan.
- A **restricted discretionary** activity pursuant to Rule 4.7.1(2), as the proposed building in the first stage does not comply with Rule 4.7.1(1)(b) – daylight admission recession plane, with respect to the western boundary shared with 12 Rata Street. The roof of the building (for the first stage) has a maximum 0.7m height breach to a depth of 0.7m across a length of 9.6m.

The Council's discretion is restricted to the adverse environmental effects of the non-compliance.

Overall, the proposal requires consent as a **discretionary** activity.

3.2 Proposed Gore District Plan

The site is proposed to be zoned as General Residential within the Proposed District Plan. There are no rules with immediate legal effect that impact this application.

3.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Based on a review of local and regional Council records, the piece of land to which this application relates is not identified as an actual or potentially contaminated site. Therefore, the NES-CS does not apply.

4. NOTIFICATION ASSESSMENT

Sections 95A – 95F (inclusive) of the Resource Management Act 1991 ('RMA') set out the steps the Council is required to take in determining whether or not to publicly notify an application or notify on a limited basis.

4.1 Public notification – Section 95A

In accordance with section 95A, the following steps have been followed to determine whether to publicly notify the resource consent application:

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

- The applicant has not requested public notification.
- Public notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA .
- The application does not involve exchange to recreational reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are no rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
 - a controlled activity; or
 - a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Step 3 – Public notification is required in certain circumstances

- There are no rules in a plan or National Environmental Standard that require notification.
- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land.
- Trade competition and the effects of trade competition.
- Any persons that have provided their written approval and as such adverse effects on these parties have been disregarded.

Written Approval/s

The following persons have provided a written approval to the application and are identified in Figure 8 on page 14.

- M. Issacs and J. T King, the owners of 21 Wigan Street (Lot 3 DP 32), the adjoining property to the north.
- N. Beal and L Parks, the occupiers of 25/A Wigan Street (Lot 5 DP 32), one of three units on the adjoining property to the south.
- G. H. Ashbrook, the occupier of 25/B Wigan Street (Lot 5 DP 32), one of three units on the adjoining property to the south.

The adverse effects on these parties have been disregarded.

The Applicant owns the adjoining site at 12-14 Rata Street and the proposal is intended to be an extension of the existing use at these properties. Therefore, written approval is inherent within this application and the effects of the proposal including the activity itself and the breach of the daylight admission recession plane rule, in relation to this industrial zoned site can be disregarded.

Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In this case, the following uses are permitted activities in the Residential A Zone: residential activity, home occupation, health care activity, hospital activity, residential care activity up to 6 persons, and land development. As the proposed activity is not a permitted activity, the permitted baseline is not considered to be relevant in this instance.

The receiving environment is, however, relevant and is taken into account in the assessment below.

Streetscape character, external appearance, location and visual dominance

Industrial activities are not anticipated within the Residential A Zone. The presence of storage sheds would therefore be out of character for the zoning but would not be entirely out of character in this location, as the established land uses in the immediate surrounding area comprises a mixture of residential and industrial activities. This mixture of land uses does not necessarily correlate with the zoning in the area, as some industrial land uses are already occurring within the Residential A zone, as can be seen in yellow outline in Figure 7. Specifically, the properties located at 15 Wigan Street and 18-20 Wigan Street are industrial in character but are located in the Residential A zone.



Figure 7: Aerial photo of locality, the Zone boundary shown in red

In terms of streetscape appearance, the properties along Wigan Street display a variety of characteristics. It is noted that most residential activities along Wigan Street comprise a dwelling that is single-storey in height with a pitched roof form (gable, hipped or pyramid) and all dwellings have a complying setback from the road. The dwellings range in age and exterior materials (such as weatherboard, cement plaster and brick) and most display a residential appearance with a front door, a porch or habitable room windows visible from the street. The dwelling at 6 Wigan Street is the only dwelling that is two-storeys in height.

Some residential activities comprise grass front lawns with low level fences (constructed of either timber or stone) along the road boundary, and hedges and/or vegetation behind the length of the fence. The properties that display these characteristics include no. 4, 10, 16 and 35 Wigan Street.

Some residential activities comprise grass front lawns with low level fences only (constructed of either timber, stone, brick or sheet metal) along the road boundary. The properties that display these characteristics include no. 6, 8, 12, 19, 21, 25, 28, 31 and 32 Wigan Street.

The dwellings at 2 and 36 Wigan Street are screened entirely from the street by a low level fence along the road boundary and a tall hedge behind. The dwelling at 14 Wigan Street comprises a hedge only along the road boundary.

The dwelling at 27 Wigan Street has only a single pair of high-level windows facing the street and therefore limited articulation on the street facing elevation. A separate double garage is directly accessed off the street and a tall fence is present along the road boundary.

The dwellings at no. 17, 22, 24, 26, 29, 30, 33, 34 Wigan Street have no fencing or hedges and/or vegetation along the length of the road boundary and accordingly, these dwellings and the grass front yards are fully visible from Wigan Street.

The industrial activity 18-20 Wigan Street (Aluminium Joinery Services and Warren Kennedy Builders yard) comprises a part single-storey and a part two-storey building that is constructed right up to the road boundary. The building has a sheet metal exterior and roller door adjacent to the footpath, as well as a tall sheet metal fence along the road boundary. The industrial activity at 15 Wigan Street (Eastern Canvas Manufacturing) comprise buildings located at the rear of the property, a large gravel yard and wooden posts with wire fencing along the road boundary.

The development on the site is an extension of the existing industrial activity at 12-14 Rata Street, where multiple buildings containing storage units exist. The roofs of these existing buildings are visible from Wigan Street.

The proposed buildings will be established on the site over three stages with the first stage to be positioned on the western side of the site. A mesh security fence with two gates that is setback 1.0m from the road boundary is proposed with bushes / landscaping planted in front of the fence up to the road boundary. As each stage is established, the east elevation of the buildings will be visible from Wigan Street, as drivers and pedestrians approach and past the site. The proposed buildings will also be clearly visible to the owners and occupiers of the adjacent properties who currently have an outlook towards the site. The proposed landscaping will help to make the site appear in general keeping with the residential character of the Wigan Street.

It is considered that the buildings will not appear overly dominant in terms of design and massing from the streetscape, as the buildings are single storey in height and will comprise a low pitch roof form. While the buildings being storage units do not comprise much articulation on the street facing elevation, this is acceptable, as not all buildings along Wigan Street display this. The proposed buildings comply with the applicable rules for the Residential A Zone including yard setbacks, site coverage and daylight admission along the north, south and east boundaries.

The roller doors are on the north and south elevations and face away from the road frontage. The buildings will resemble large sheds or garages. The proposed buildings and the use of these as storage units will not be noticeable, or significantly noticeable from beyond the adjacent properties, due to the screening and buffering provided by the existing buildings on those adjacent properties.

The number of people / vehicles expected to visit the site is low. Any movements to and from the site would only be observed by the adjacent persons, rather than the wider environment. The existing industrial activities along Wigan Street already have the potential to alter the nature of the traffic that

use Wigan Street and the residential environment. It is considered that the proposal would not generate any greater traffic or pedestrian volumes than the existing residential or industrial uses along Wigan Street. The proposal will therefore have no more than minor effects on the amenity experienced by the wider residential properties along Wigan Street.

The proposed breach to the daylight admission recession plane relates to the rear (western) boundary and will have indiscernible visual and amenity effects upon the wider environment.

The proposal will include some bushes / landscaping to a depth of 1.0m between the mesh fencing and the road boundary to help mitigate the character and amenity effects from the development, as viewed by the general public from the street.

Overall, it is considered that any adverse visual and amenity effects would be no more than minor on the wider environment.

Flooding Effects

The District Plan map shows that the site is subject to the Mataura River floodplain: prone to flooding subsequent to a stopbank breach or stopbank overtopping.

The proposed buildings are not expected to exacerbate the risk of flooding upon the wider environment. The proposed buildings are not a sensitive activity and a limited number of people are expected to visit the site at any given time. In the event of flooding, which would occur during a sustained period of rain when river flows rise gradually, there will be plenty of warning for people to leave the site and remove their property from the sheds, if necessary. It is also less likely for people to visit the site during wet weather conditions.

Overall, it is considered that the proposal would not result in flooding effects that are more than minor on the wider environment.

Reverse Sensitivity

It is not anticipated that the proposed buildings will result in significant reverse sensitivity effects within the wider environment. Visitors to the site will likely observe and be mindful of the residential location upon approaching and entering the site. The proposal will not adversely affect the use of the residential properties and the operation of the industrial activities in the wider environment.

Access Effects

The Council's Senior Roding Asset Manager, Murray Hasler has reviewed the application. A summary of his initial assessment is provided below.

Access standards contained in the Gore District Council Subdivision and Land Development Bylaw (the Bylaw) apply to this proposal.

The property will be used for commercial purposes and therefore requires commercial vehicle crossings. The existing vehicle crossing at the south end of the property is not a commercial crossing. At the north end, the driveway on the property currently uses boards in the existing full height kerb and channel to illegally access the street.

Both crossings will need to be re-constructed in accordance with Diagram R03 “Standard Drop Crossing Details” contained in the Bylaw. As the crossings are commercial, these will need to comply with the ‘Heavy Duty Drop Crossing’ requirements. Both crossings will require a reinforced concrete driveway to be constructed between the existing drop kerb and the property boundary. This was a requirement of a previous consent for this property, LU2017/298 which has not been complied with. As this work has been outstanding for several years, it is recommended that this be completed before the issue of the Building Permit Code of Compliance.

The Applicant subsequently upgraded the two vehicle crossings in December 2023, prior to the issue of this decision. Mr Hasler confirmed on 19 December 2023 that the requirements above have been met and no conditions of consent relating to the vehicle crossings are required.

Based on the assessment of Mr Hasler, it is considered that safe accesses will be provided to the site and the proposed buildings. Overall, it is considered that any adverse effects relating to access would be less than minor on the wider environment.

Summary

Taking into account the above and the permitted baseline for the Residential A Zone, it is considered that the proposed buildings and the use of these as storage units will result in no more than minor adverse effects on the environment.

Step 4 – Public Notification in Special circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

In accordance with section 95B, the following steps have been followed to determine whether to give limited notification of the application:

Step 1 – Certain affected groups or persons must be notified

- There are no protected customary rights groups or customary marine title groups affected by the proposed.
- The proposal is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgment.

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.
- The application is not for a controlled activity under a district plan.

Step 3 – Certain other affected persons must be notified

- Under Step 3, if the proposal is a boundary activity, only the owner/occupier of the infringed boundary can be considered. The activity is not a boundary activity.

- For any other activity, a consent authority must notify an application on any person, if notification is not precluded by Step 2, and the consent authority decides, in accordance with s95E, that the proposed activity will have or is likely to have adverse effects on that person that are minor or more than minor.

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.
- d) The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

Taking into account the exclusions in sections 95E, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

The adjacent persons who are assessed below are all of the owners of the properties that share a common boundary with the subject site and those opposite the site, who have not provided a written approval. The adjacent persons are shown in Figure 8.

The proposed breach to the daylight admission recession plane relates to the rear (western) boundary shared with 12A Rata Street, which is a property owned by the Applicant (yellow outline in Figure 8), Therefore, any effects upon the Applicant has been disregarded.

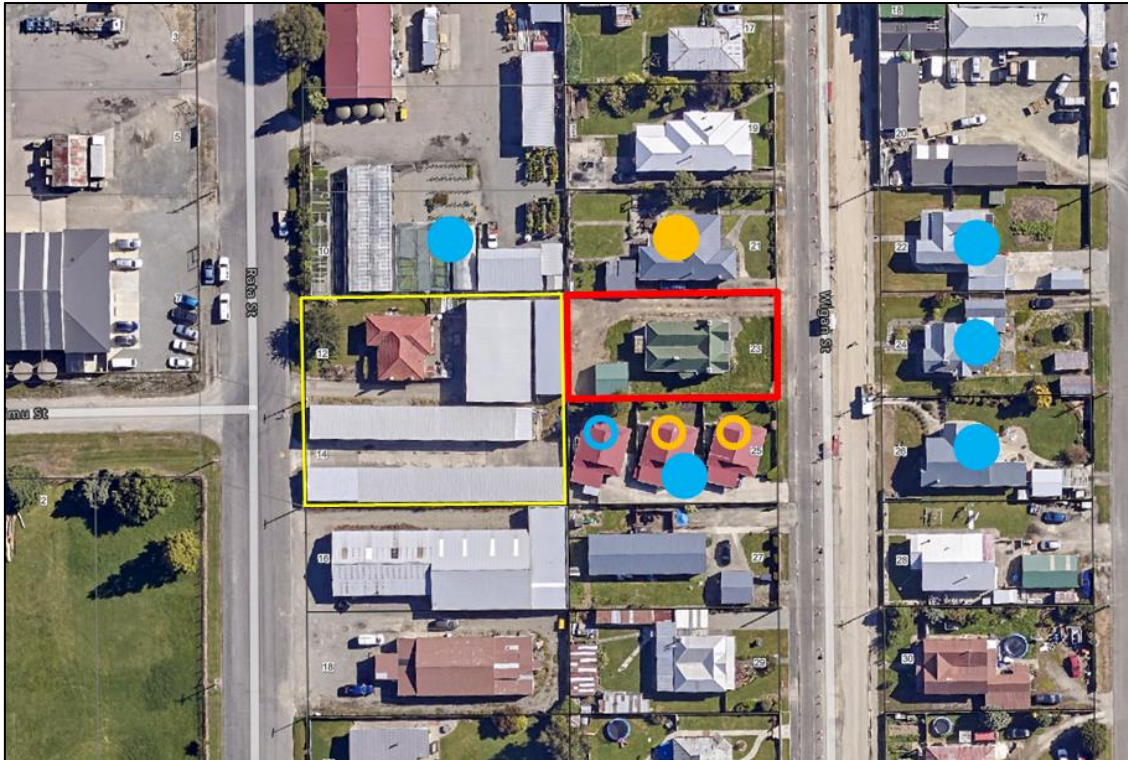


Figure 8: The adjacent owners in an orange circle have provided a written approval; the adjacent occupiers in an orange circle outline have provided a written approval; and the adjacent owners in blue circles / blue circle outline have not provided a written approval.

10 Rata Street

This property is located to the north-east and contains an industrial on Industrial zoned land. The existing buildings on this property are not orientated towards the subject site. Any adverse effects upon the owners and occupiers of 10 Rata Street are considered to be less than minor.

22, 24 and 26 Wigan Street

These properties are located opposite the site to the east across Wigan Street and each contains a residential dwelling on Residential A zoned land. The properties have a dual road frontage and obtain vehicle access via Redmond Street and obtain pedestrian access via Wigan Street.

These persons currently have a general outlook towards the site and a partial view of the storage units at 12-14 Rata Street in the distance. These persons will have a direct or indirect view of the proposed buildings and the visitors to the site, when using the west-facing habitable rooms of their dwellings, or when using the front lawns that face Wigan Street.

The 20m width of Wigan Street provides some separation and buffer from the proposed activities on the application site. The proposed buildings comply with the applicable rules for the Residential A Zone including height, yard setbacks, site coverage and daylight admission along the north, south and east boundaries. The proposed buildings would have less than visual minor effects, in terms of bulk and massing, as it relates to these three adjacent properties.

The proposed buildings are considered to resemble large sheds or garages. The proposal will include some bushes / landscaping in front of the mesh fencing up to the road boundary to help enhance the streetscape character and mitigate the visual and amenity effects from the development, as viewed by these persons.

The number of vehicles / people that are expected to visit the site are approximately one vehicle entering and exiting the site per day, which is low. The proposal would not generate any greater traffic or pedestrian volumes (and associated noise effects) compared to other permitted activities on the same site, or the existing residential and industrial activities along Wigan Street. Any movements to and from the site may be observed by these adjacent persons but this would not adversely affect their current levels of residential amenity, or their continued enjoyment of their properties.

Any adverse effects upon the owners and occupiers of 22, 24 and 26 Wigan Street are considered to be less than minor.

25 Wigan Street

This property adjoins the site to the south and contains three residential flats on Residential A zoned land. The occupiers at 25/A and 25/B Wigan Street have provided a written approval.

The owner has not provided a written approval and neither has the occupier at 25/C Wigan Street, being the unit at the rear of the property.

These persons currently have a direct outlook towards the site, and 25/C has an outdoor living space that is orientated north towards the application site. These persons also have an existing view of the storage units at 12-14 Rata Street to the west and north-west, and the commercial building at 16 Rata Street to the south-west (on Industrial zoned land) above their boundary fences. These persons will have a view of the southern side of the proposed buildings, and in particular, 25/C will have a view of the first stage of the proposed development, over the low level boundary fence.

The Applicant has advised that the owner of 25 Wigan Street has been consulted, although declined to give a written approval; the owner is neutral rather than opposed to the proposal and mentioned that his primary concern was whether the proposal might affect his future property value. It is noted that the effect of the proposal upon the future value of this adjacent property is not a consideration for this application. The Applicant has advised that he has discussed the option of establishing planting along the southern boundary with the occupiers of 25/A/B/C and they confirmed that do not wish to have any additional planting along this boundary.

The Applicant has advised that he has spoken with the occupier of 25/C Wigan Street. The only concern the occupier expressed was to ensure that the proposal would not obstruct light to the property. It is noted that the proposed buildings comply with the applicable rules for the Residential A Zone including height, yard setbacks, site coverage and daylight admission along the southern boundary, so would not appear overly dominant in terms of bulk and massing and shadowing effects. Furthermore, the removal of the previous garage (shown in Figures 3 and 4) has improved the daylight access to the occupier of 25/C, as the proposed building in the first stage will be setback 5.2m from the southern boundary, rather than 1m.

The establishment of three buildings across the site with a total of 12 roller doors on the south elevation facing this property creates a clear appearance that these are storage sheds (and an industrial use), as viewed by these adjacent persons. However, this is considered to have a similar visual appearance to the storage units at 12-14 Rata Street to the west and north-west, and the

commercial building at 16 Rata Street to the south-west. The owner and occupier will be aware that some of the properties along Wigan Street serve as a transition interface between the Industrial and Residential A zones. Overall, it is considered that there are less than minor visual effects on the owner of 25 Wigan Street and the occupier at 25/C Wigan Street.

These persons will have a view of the visitors to the site, particularly, the visitors using the southern driveway. The proposed buildings are considered to resemble large sheds or garages. The number of vehicles / people that are expected to visit the site are approximately one vehicle entering and exiting the site per day, which is low. Any movements to and from the site (and associated noise effects) may be observed by these adjacent persons. However, this would not adversely affect their current levels of residential amenity, or their continued enjoyment of their properties to a minor or more than minor degree, when compared to the scale, intensity and character of other permitted activities for the Residential A zone. Overall, it is considered that there are less than minor effects on the residential amenity of the owner of 25 Wigan Street and the occupier at 25/C Wigan Street.

Access Effects

The Council's Senior Roading Asset Manager, Murray Hasler has reviewed the application. A summary of his initial assessment is provided below.

Access standards contained in the Gore District Council Subdivision and Land Development Bylaw (the Bylaw) apply to this proposal.

Both crossings will need to be re-constructed in accordance with Diagram R03 "Standard Drop Crossing Details" contained in the Bylaw. As the crossings are commercial, these will need to comply with the 'Heavy Duty Drop Crossing' requirements. Both crossings will require a reinforced concrete driveway to be constructed between the existing drop kerb and the property boundary.

The Applicant subsequently upgraded the two vehicle crossings in December 2023, prior to the issue of this decision. Mr Hasler confirmed on 19 December 2023 that the requirements above have been met and no conditions of consent relating to the vehicle crossings are required.

Based on the assessment of Mr Hasler, it is considered that safe accesses will be provided to the site and the proposed buildings. Overall, it is considered that any adverse effects relating to access would be less than minor on the adjacent environment.

Conclusions: Effects on Persons

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected. This is subject to mitigation in the form of a mesh security fence that is setback 1.0m from the road boundary with bushes / landscaping planted between the fence and the road boundary. This has been included as conditions of consent, which have been accepted by the Applicant as forming part of the proposal.

Step 4 – Special Circumstances for Limited Notification

- There are no special circumstances that warrant limited notification of the application.

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

For the reasons set out above, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

6. SECTION 104 ASSESSMENT

6.1 Matters for consideration

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

6.2 Effects on the Environment

The actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

The proposal contributes to the economic wellbeing of the Applicant and is considered to be an efficient use of the vacant site.

6.3 Relevant Provisions

District Plan

The relevant objectives and policies are set out in Chapter 3 (Land Use activities – A Framework) and Chapter 4A (Natural Hazards).

Chapter 3 – Land Use Activities - A Framework

- Objective (1) Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area.*
- Objective (2) Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality.*
- Policy (1) Establish zones that reflect the characteristics and amenity values of the area.*
- Policy (2) Control the adverse effects of land use activities on the environment.*

Chapter 4A - Natural Hazards

- Objective (2) Minimise the risk to people and property from inundation*
- Policy (2) On sites subject to actual or potential flooding, promote:*
(a) identification and use of elevated ground for those activities that could be adversely affected by flooding; and
(b) elevated floor levels within any buildings
- Policy (3) Control activities and subdivision where there this is necessary to avoid the adverse effects of natural and man-made hazards*
- Policy (4) Within areas shown as “Subject to Actual or Potential Inundation” on the District Plan Maps the Gore District Council will:*
(a) with the exception of the urban area of Gore shown as lime green on the District Plan maps, refer all resource, subdivision and building consents to Environment Southland for comment prior to determining whether to approve or issue those consents.

While the site is located in the Residential A zone, it adjoins the Industrial zone and there are a number of existing industrial and commercial activities in the immediate surrounding area, including industrial activities along Wigan Street. The proposal complies with the relevant bulk and location rules for the Residential A Zone, and is considered to result in no greater effects compared to permitted activities on the site. The nature and low intensity of use of the proposed development is not expected to adversely affect the quality of the residential environment of Wigan Street. As the proposal includes bushes / landscaping planted between the fence and the road boundary, the site remains generally compatible with the existing characteristics and amenity values of the locality.

The subject site is within the Mataura River Floodplain and is prone to flooding if the stopbank fails or overflows. Policy 4(a) outlines the urban area of Gore is shown as lime green on the District Plan maps and do not need to be sent to Environment Southland for comment. The proposed buildings are not a sensitive activity in terms of flooding. The potential risk to people and property as a result of the proposal and flooding of the site is anticipated to be low.

Overall, the proposal is considered to be generally consistent with the relevant objectives and policies of the District Plan.

Proposed District Plan

The Proposed District Plan was notified for public submissions on 31 August 2023. The submission period closed on 26 October 2023. As the rules that have immediate legal effect are not relevant to this proposal, it is unnecessary to apply any weighting to the Proposed District Plan at present time.

7. PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sections 6, 7 and 8 of the Act identify the matters of national importance that must be recognised and provided for, and other matters that must be given regard to or considered.

The potential adverse effects of the industrial activity on the residential environment can be appropriately avoided, or mitigated. This site does not contain any outstanding natural features or landscapes, nor any area of significant indigenous vegetation. Consideration has been given to the flooding risk on the site and the proposed building for storage units is considered to not exacerbate this risk.

The amenity of the land and the surrounding area, which is residential in zoning but industrial in nature will be maintained, and the proposal will not have noticeable adverse effects on the quality of the environment.

This site is not within any known heritage sites or statutory acknowledgement areas and therefore, this recommendation is not inconsistent with the principles of the Treaty of Waitangi.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104B of the RMA, consent is **granted** to construct and operate a commercial storage shed activity at 23 Wigan Street, Gore subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

General

1. The land use activity must be undertaken generally in accordance with the application made to the Council on 17 July 2023, the further information received on 28 August, 1 September, 21 November and 14 December 2023, and the following plans for Melvin Gentle at 23 Wigan Street Gore, prepared by Skyline Buildings, dated 30 May 2023:
 - Site Plan, sheet number A1.0
 - Elevation West, sheet number A2.0
 - Elevation East, sheet number A2.1
 - Elevation South, sheet number A2.2
 - Elevation North, sheet number A2.3
 - Ground Floor, sheet number A3.0 and
 - The drawing titled '23 Wigan St - Frontage Concept Sketch', prepared by CFMA, dated 14 December 2023.

These plans are attached as Appendix A.

Period to implement consent

2. This consent, including the construction of each building over three stages, shall expire in five

years from the date it was granted.

Storage units

3. There shall be no power supply or lighting inside the storage units.
4. There shall be no external lighting or signage on the site.
5. There shall be no storage of any item or goods on the site, outside of the storage units.

Landscaping and Fencing

6. Prior to the operation of the first stage of the development; the existing fence shall be removed and replaced with a mesh security fence with two lockable gates that is setback 1.0m from the road boundary.
7. Prior to the issue of the building consent for the second stage of the development; the consent holder shall establish a landscape screen between the mesh security fence and the road boundary to help maintain the residential character and amenity of the street from the development. The plants shall be maintained in perpetuity.

Review condition

8. The Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent following the construction and operation of the first stage of the development. The purpose of this is to avoid, remedy and/or mitigate any unanticipated adverse effects on the environment, which may arise from the exercise of this consent.

Advice Notes

1. Council's planning department can be contacted via email at planning@goredc.govt.nz.
2. Any work carried out on the legal roadway requires the prior approval of the Council and the consent holder must consult with the Council's Roading Department to ensure the appropriate processes are being followed and the work is being carried out to the correct standard. The work itself must be undertaken by a Council approved contractor.
3. This resource consent does not constitute a Building Consent under the Building Act 2004. You should consult with the Building Control Manager of the Gore District Council to obtain information on any Building Consents required to undertake development.
4. The Gore District Plan and Gore District Council Subdivision and Development Bylaw 2019 sets out standards and requirements, which are required to be met in constructing any buildings. As the buildings will be for non-residential use, will need to meet clause 4.2.4(b) of the Bylaw.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. The Monitoring Officers time will be charged to the consent holder. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a building consent granted under the Building Act 2004. A building consent must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of section 125 of the RMA.

If you have any enquiries, please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



Penny Weng
Consultant Planner

Decision made by



Werner Murray
Delegate

APPENDIX A – Approved plans

APPENDIX A – Approved Plans

NOTES

C.O.S. – CHECK ON SITE
Site plan will have some inaccuracies. Please check & measure onsite for more accurate information. This is not a Survey drawing.

Site Information:
Address: 23 Wigan Street Gore
Lot

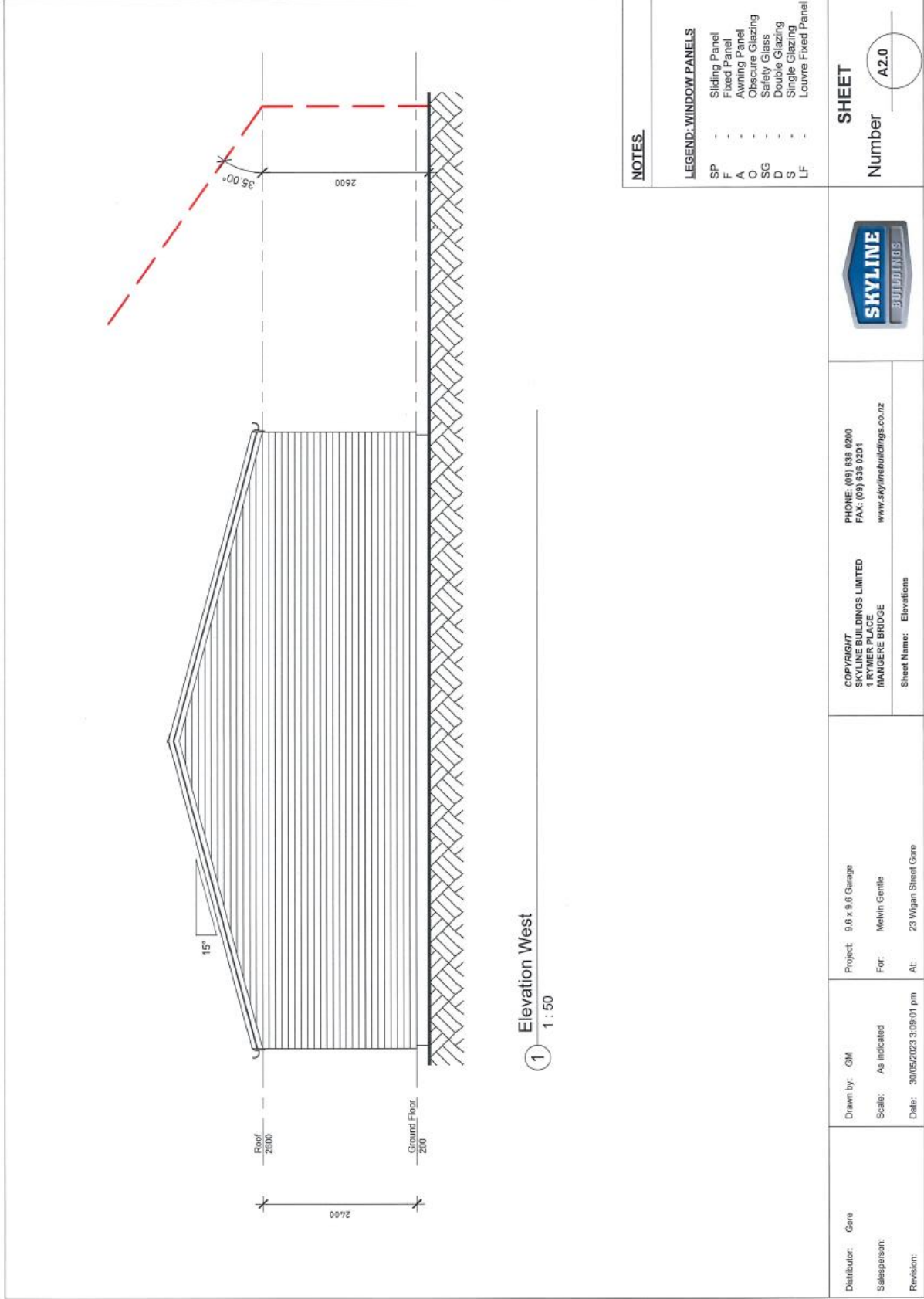
Site Area: 811m²
Building Area: 276.48m²
Proposed Garage: 276.48m²
Total: (Total Building Area 34%) 276.48m²
Impermeable Surfaces: 276.48m²
Roofs: 276.48m²
Total: (TOTAL IMPERMEABLE SURFACES 34%) 276.48m²

Wigan Street

1 : 200

2 : 1 : 1

Distributor: Gore Salesperson: Revision:	Drawn by: GM Scale: As indicated Date: 30/09/2023 1:23:51 pm	Project: 9.6 x 9.6 Garage For: Melvin Grenfle At: 23 Wigan Street Gore	COPYRIGHT SKYLINE BUILDINGS LIMITED 1 RYMER PLACE MANGERE BRIDGE Sheet Name: Site Plan	PHONE: (09) 636 0200 FAX: (09) 636 0201 www.skylinebuildings.co.nz		SHEET Number A1.0
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NOTES.

LEGEND: WINDOW PANELS

- SP - Sliding Panel
- F - Fixed Panel
- A - Awning Panel
- O - Obscure Glazing
- SG - Safety Glass
- D - Double Glazing
- S - Single Glazing
- LF - Louvre Fixed Panel

SHEET

Number A2.0



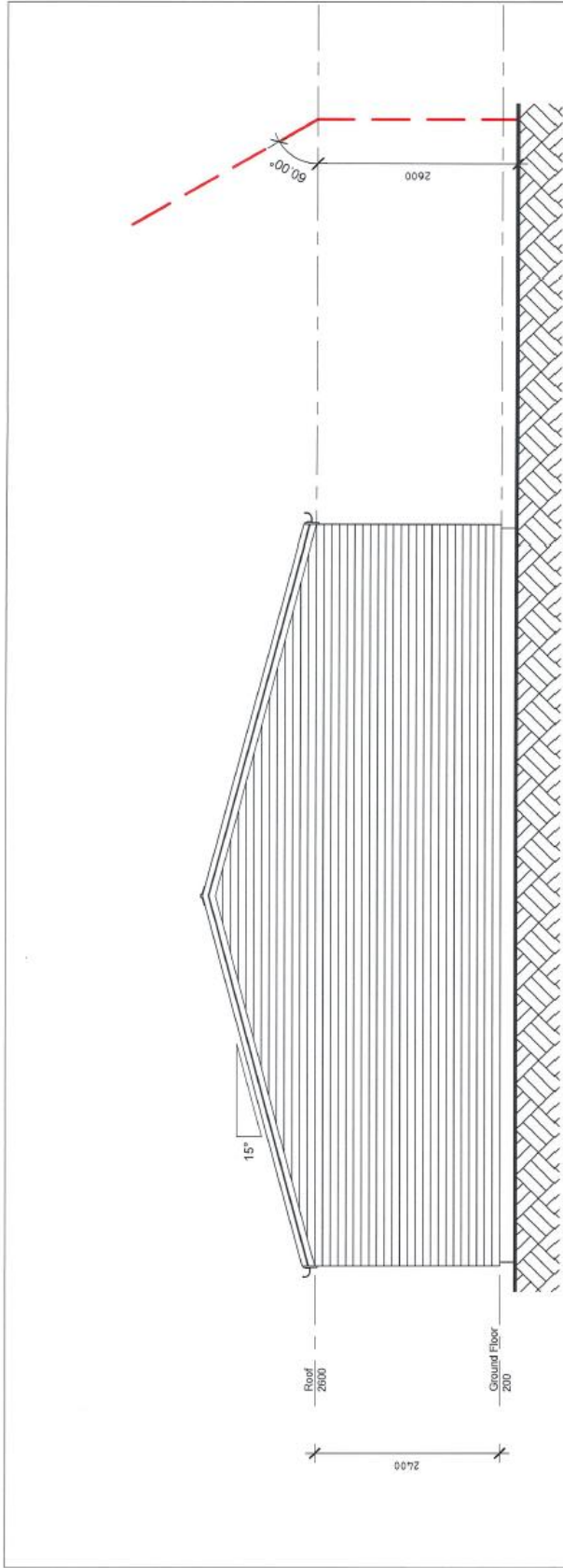
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 FAX: (09) 636 0201
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 SKYLINE BUILDINGS LIMITED
 17 WILMOT PLACE
 MANGERE BRIDGE
 Sheet Name: Elevations

Project: 9.6 x 9.6 Garage
 For: Melvin Gamble
 At: 23 Wigan Street Gore

Drawn by: GM
 Scale: As indicated
 Date: 30/05/2023 3:09:01 pm

Distributor: Gore
 Salesperson:
 Revision:



① Elevation East
1 : 50

NOTES.

LEGEND: WINDOW PANELS

- SP - Sliding Panel
- F - Fixed Panel
- A - Awning Panel
- O - Obscure Glazing
- SG - Safety Glass
- D - Double Glazing
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RYBBER PLACE
MANGERE BRIDGE

Sheet Name: Elevations

Project: 9.6 x 9.6 Garage

For: Melvin Guntle

At: 23 Wigan Street Gore

Drawn by: GM

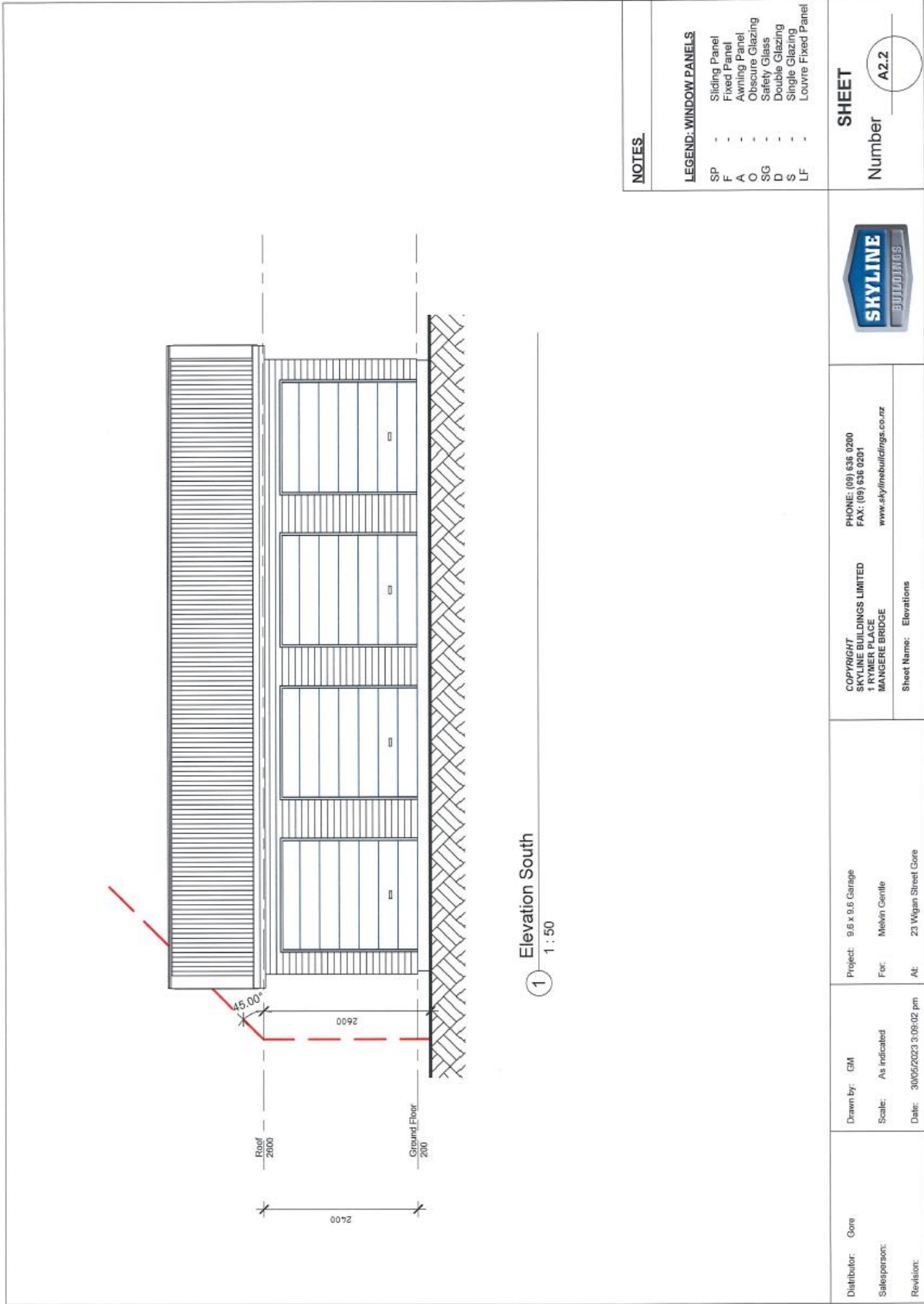
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Date: 30/05/2023 3:09:02 pm

Distributor: Gore

Salesperson:

Revision:



① Elevation South
1 : 50

NOTES

LEGEND: WINDOW PANELS

- SP - Sliding Panel
- F - Fixed Panel
- A - Awning Panel
- O - Obscure Glazing
- SG - Safety Glass
- D - Double Glazing
- S - Single Glazing
- LF - Louvre Fixed Panel

SHEET

Number A2.2



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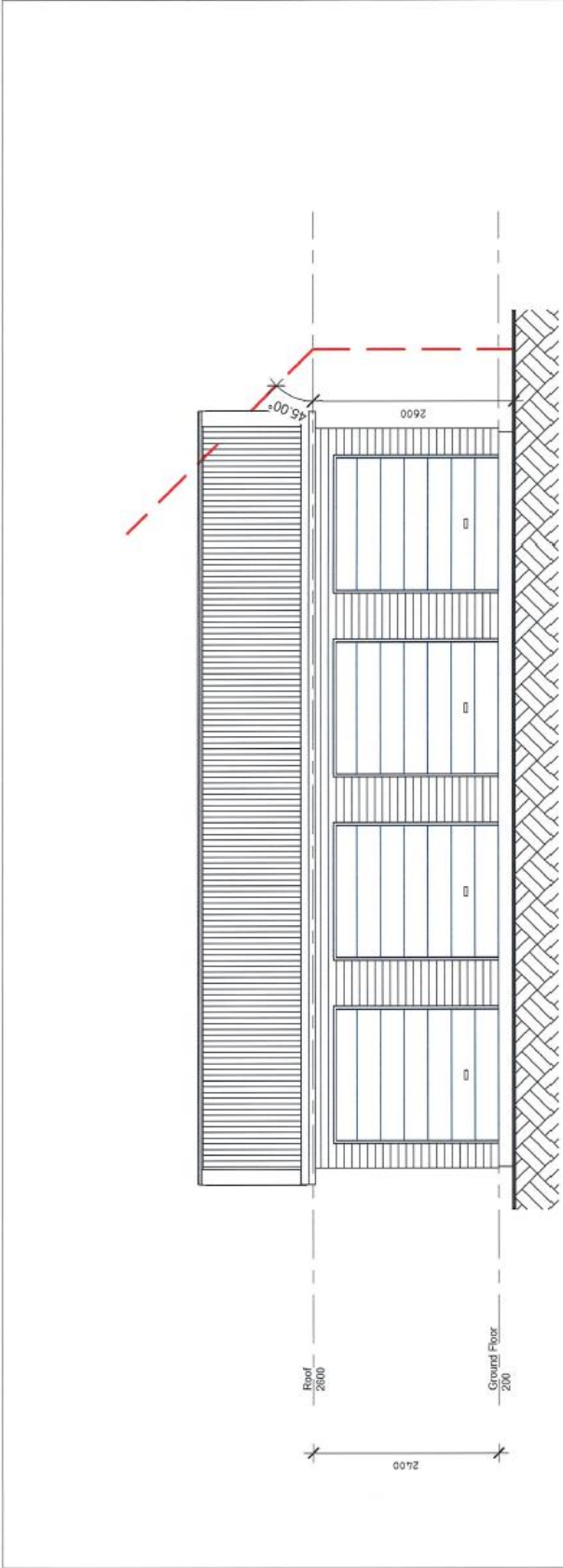
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SKYLINE BUILDINGS LIMITED
1 RYMER PLACE
MANGERE BRIDGE

Sheet Name: Elevations

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For: Melvin Gentle
At: 23 Wigan Street Gore

Drawn by: GM
Scale: As indicated
Date: 30/05/2023 3:09:02 pm

Distributor: Gore
Salesperson:
Revision:



① Elevation North
1:50

NOTES

LEGEND: WINDOW PANELS

- SP - Sliding Panel
- F - Fixed Panel
- A - Awning Panel
- O - Obscure Glazing
- SG - Safety Glass
- D - Double Glazing
- S - Single Glazing
- LF - Louvre Fixed Panel

SHEET

Number

A2.3



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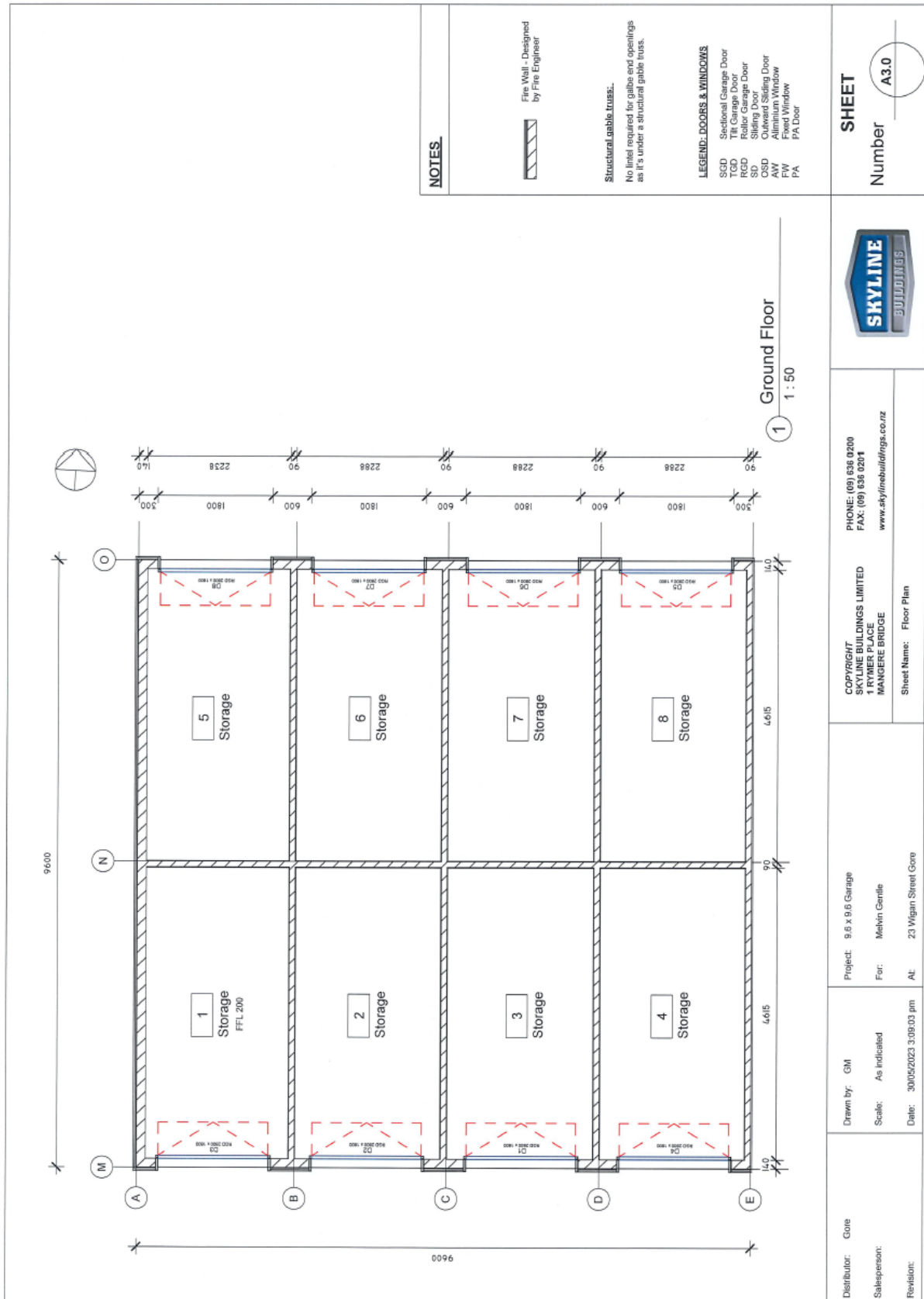
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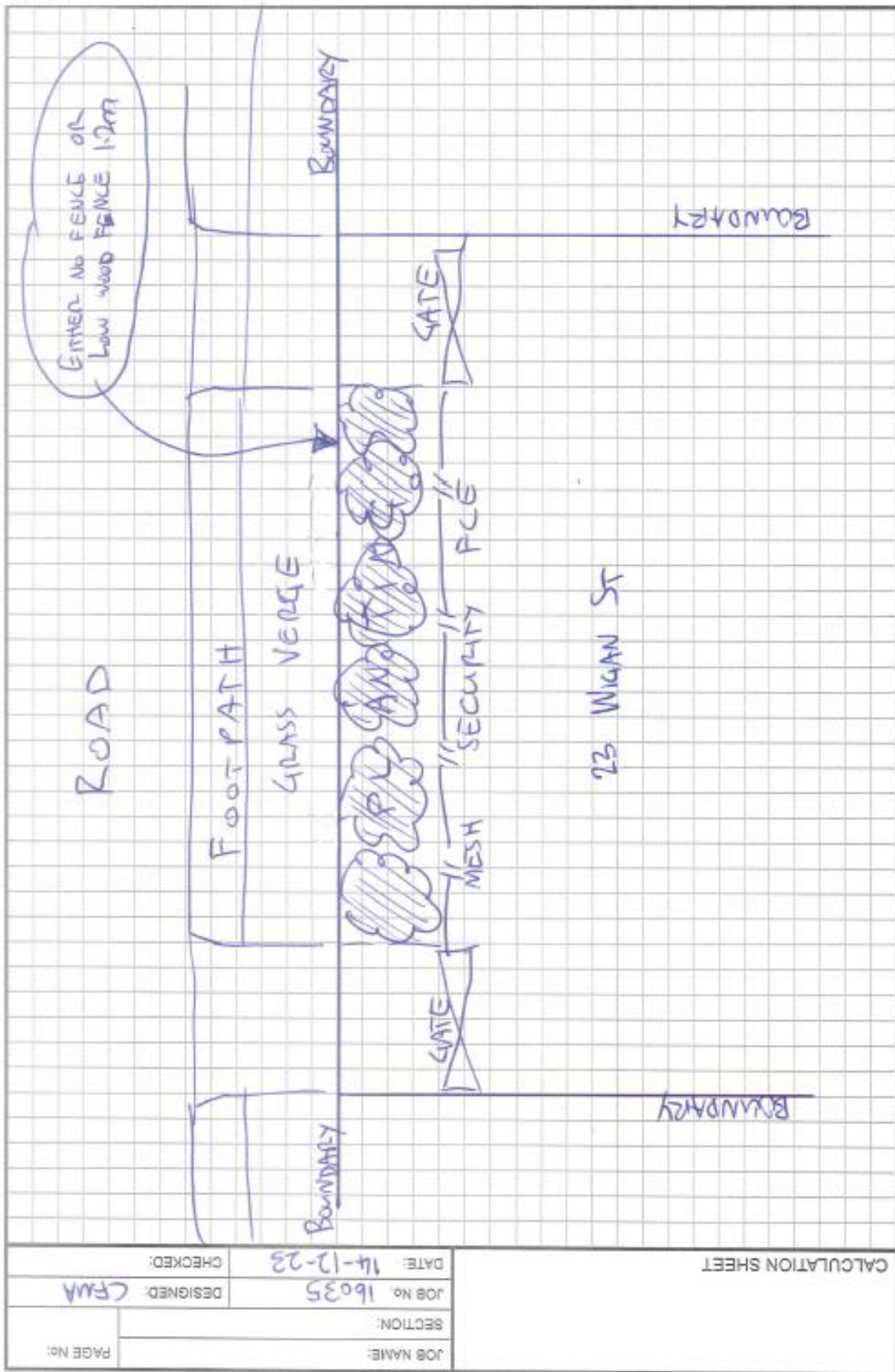
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For: Melvin Gentle
At: 23 Wigan Street Gore

Drawn by: GM
Scale: As indicated
Date: 30/06/2023 3:09:02 pm

Distributor: Gore
Subsuspension:
Revision:





JOB NAME:		SECTION:	JOB No. 16035	DATE: 14-12-23	CALCULATION SHEET
PAGE No.:		DESIGNED: CFM	CHECKED:		