

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC 23036 & LU 23037
Applicant	D Dunlop & D Walsh-Dunlop
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a three-lot subdivision and subsequent amalgamation; and Land use consent for an agricultural building housing animals located within 50m of a property boundary.
Location	182 Bowmar Road, Waimumu
Legal Description	Lot 11 Deposited Plan 83 and Part Lot 12 Deposited Plan 82
Activity Status	Restricted Discretionary
Decision Date	17 July 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 17 July 2023 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104A, B, C and D of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 and 220 of 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, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to subdivide Lot 11 Deposited Plan 83 and Part Lot 12 Deposited Plan 82 into three allotments as follows:

<p>Lot 1</p>	<p>135.52 ha in area. Generally bare rural land, with an existing woolshed located in proximity to the eastern boundary. Lot 1 will retain the use of 2 existing farm accesses via Bowmar Road. This allotment will retain the existing agricultural land use. No additional servicing is proposed.</p>
<p>Lot 2</p>	<p>13.63 ha in area. Contains an existing dwelling and accessory buildings with existing services. Lot 2 will retain existing frontage and vehicle access onto Bowmar Road. This lot will retain the existing rural-residential land use. Services onsite for the dwelling are existing.</p>
<p>Lot 3</p>	<p>1.20 ha in area. Lot 3 is proposed to be amalgamated with the adjoining Lot 1 DP 3631 (1.35 ha comprised in RT SL156/12) for a combined title area of 2.55 ha. Lot 3 will retain existing legal frontage to Bowmar Road, however will gain physical access via the amalgamated Lot 1 DP 3631. Servicing is not proposed on site as part of this application, but it is expected once a dwelling is constructed in the future.</p>

The following amalgamation condition is proposed:

‘That Lot 3 hereon be transferred to the owners of Lot 1 DP 3631 (RT SL156/12) and that one record of title be issued to include both of those parcels.’

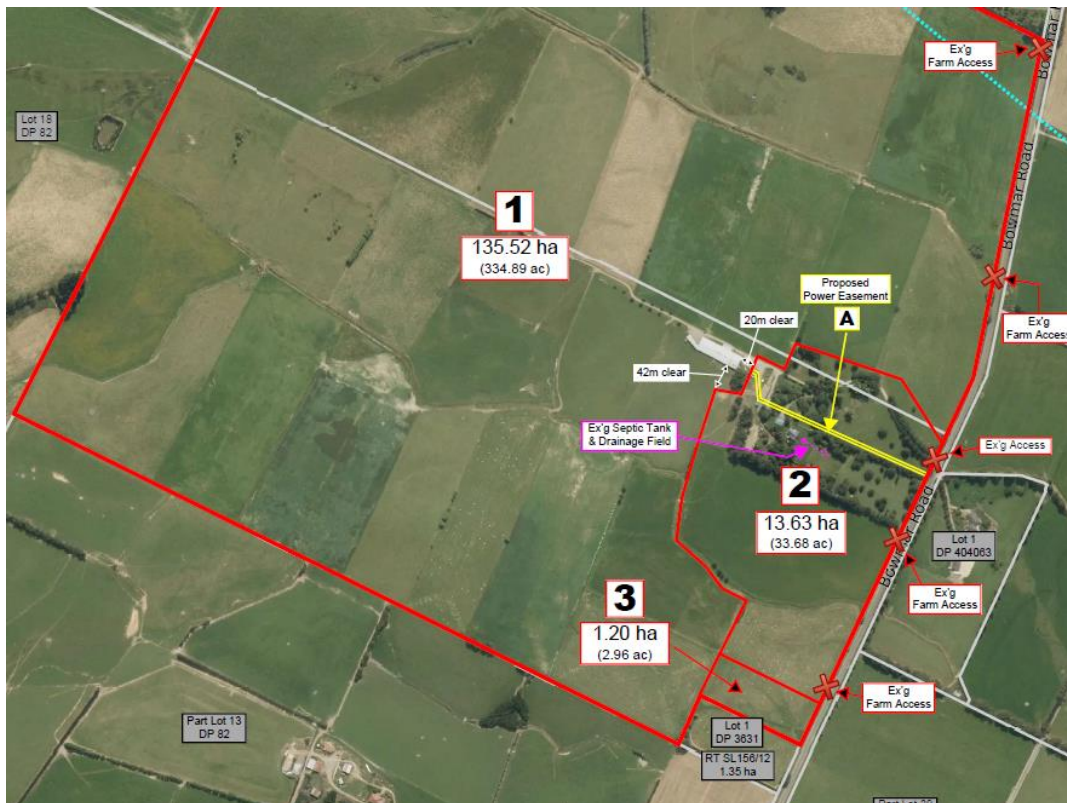


Figure 1: Proposed scheme plan

Land Use Consent is sought for an existing woolshed (situated on Lot 1) which will be located within 50m of the future boundary, shared by Lot 1 and Lot 2. The woolshed may contain animals, predominantly for seasonal shearing.

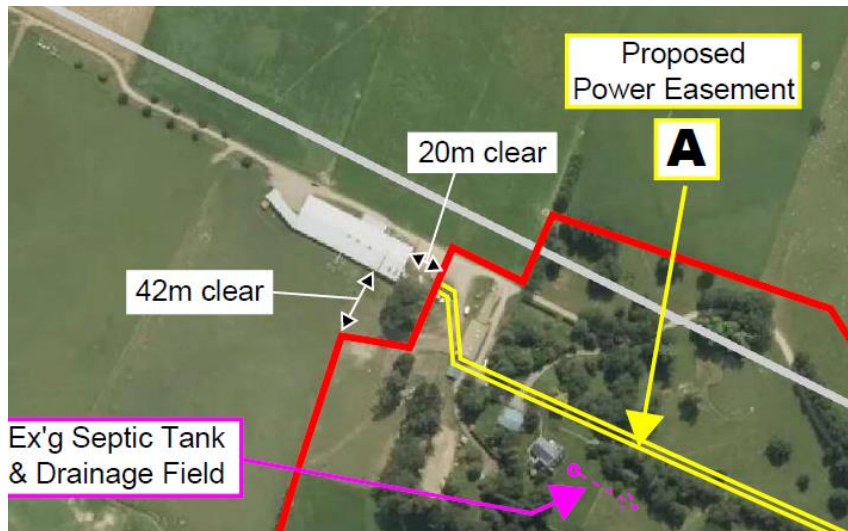


Figure 2: Existing woolshed in proximity to shared boundary of Lot 1 and Lot 2

2. SITE DESCRIPTION

The subject site is legally described as Lot 11 DP 83 and Part Lot 12 DP 82 comprised in Record of Title SL156/15. The total land area is approximately 150 hectares. The site has legal road frontage onto Bowmar Road and multiple vehicle access points. Bowmar Road is a chip sealed rural collector road. Charlton Park Cemetery is located north of the site.

The site contains undulating pastoral land and is fenced into paddocks. A woolshed is located relatively centrally on site. The woolshed has a power connection.

One residential dwelling is present on site with associated accessory buildings. The dwelling is accessed from Bowmar Road via a formal entry. Mature landscaping is also present surrounding the dwellings to screen and separate it from the larger farm holding.

The site is zoned rural under the Gore District Plan. The Gore District Council's mapping system identifies powerlines crossing the north-eastern corner of the site and a small portion of the site as subject to actual or potential inundation.

It identifies the liquefaction risk across the southern portion of the site as 'negligible', however the northern section of the site is 'medium'. The entire site comprises Class 2 and 3 soils.

The site is not contained on Environment Southland's Selected Land Use Sites Register (SLUS register) for contaminated land. The adjoining site to the south is identified as potentially contaminated land due to the cemetery.



Figure 3: GDC GIS Hazard Map; blue area demonstrating flood risk; thin red dotted line showing transmission lines.



Figure 4: GDC GIS Hazard Map: Liquefaction layer, grey illustrating negligible risk; beige illustrating medium risk

3. ACTIVITY STATUS

3.1 Gore District Plan

The site is zoned rural in the Gore District Plan and the proposed activity requires resource consent under the District Plan for the following reasons:

Subdivision

- A **restricted discretionary** activity resource consent pursuant to Rule 8.10[4](b) to undertake a two-lot subdivision, where each lot will exceed 2 hectares in area.

Note: the resultant size of Lot 3, when amalgamated, will exceed 2 hectares.

The Council's discretion is restricted to the following:

- (i) *suitability of the allotments for activities permitted within the zone in which they are located.*
- (ii) *suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;*
- (iii) *ability to provide services (water, sewage, storm water, power and telecommunications);*
- (iv) *impacts on the council and other infrastructure services;*
- (v) *future use of the land and the need to consider any associated resource consents;*
- (vi) *within residential and rural areas lot size, dimensions and potential for future subdivision of the land;*
- (vii) *within residential and rural areas the desirability of providing building platforms; and provision of easements*
- (ix) *impacts on any heritage or archaeological values*
- (x) *impacts on natural features and landscapes, ecological or cultural values*
- (xi) *impacts water quality, including groundwater*
- (xii) *provision of all transport modes, including the movement of pedestrians and cyclists*

Land use

- A **restricted discretionary** activity resource consent pursuant to Rule 4.7A.1.4 for an existing woolshed (a building associated with agricultural use within which animals are present) on Lot 1 which is located within 50m of the boundary of Lot 2 (standard Rule 4.7A.1(2)(c)).

3.2 National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 (“NES-CS”)

Based on the applicants review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES-CS does not apply.

3.3 Activity Status Summary

Overall, the application is being considered and processed as a **restricted discretionary** activity under the District Plan.

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 not 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

No written approvals have been provided:

The following effects may be disregarded:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect – referred to as the “permitted baseline”. The relevance of a permitted baseline to this application is as follows:

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, all subdivision activities require consent under the District Plan. In relation to the land use activity, building housing animals are permitted where they are located at least 50m from the boundary.

As stated in section 3.1 of this report subdivision that complies with the minimum lot size is a restricted discretionary activity. It is considered appropriate to use the matters of discretion outlined in Rule 8.10 as the basis of assessment.

Subdivision

Suitability of the allotments and future land use

The proposal separates the existing dwelling (Lot 2) from the farm holding (Lot 1). The third allotment (Lot 3), when amalgamated with the site to the south, will create a lot exceeding 2 hectares. As all resultant lots will exceed 2 hectares, the development is in line with what the District Plan enables in the Rural zone.

Lot 1 given its ample size is likely to remain in productive use. Lot 2 contains an existing dwelling and is likely to retain its rural lifestyle activity. Lot 3, once amalgamated, will exceed 2 hectares and thus can accommodate a residential use.

There is sufficient space on proposed Lot 3 (when amalgamated) for a residential building to be established in the future. A building consent has been approved for development on this site confirming compliance with the Performance Standards in the District Plan for the Rural zone including the yards, daylight admission, coverage and height standards.

It is considered that size, shape and configuration of the proposed allotments are appropriate and suitable to enable future permitted land uses. Any adverse effects on the wider environment will be no more than minor.

Suitability of land for subdivision – Natural Hazards

The Gore District Council's mapping system identifies a small area of the site as being subject to inundation hazard. Parts of proposed Lot 2 and Lot 3 are at risk.

The applicant consulted with Environment Southland on 3 May 2023 and 30 May 2023 via email. Environment Southland's Team Leader of Policy and Planning commented the lots contain a sufficient area of flood free land to accommodate any foreseeable development. That being the case, Environment Southland has no concerns with the subdivision proposal.

The Gore District Council's mapping system identifies the north eastern area of Lot 1 as subject to a 'medium' liquefaction risk. This area of Lot 1 does not contain any existing buildings and no built form is proposed. The subdivision is not considered to exacerbate the risk given the land use on site will continue unchanged. Whilst it is plausible Lot 1 will accommodate additional built form in the future the ground condition will be assessed at this time as there is sufficient area of hazard free land to accommodate any foreseeable development.

The proposed boundaries will not adversely effect the transmission lines crossing the site.

Overall, any adverse effects, with respect to hazards on the wider environment will be no more than minor.

Ability to provide services

Lot 1 has an existing electricity connection which passes through Lot 2 to the woolshed. An easement is proposed to protect this supply. No further servicing requirement is deemed necessary for Lot 1.

Lot 2 contains existing onsite services for the dwelling on site. The approximate location of the existing septic tank and drainage field has been shown on the scheme plan and is within the Lot 2 boundaries.

No new dwelling is proposed on Lot 3 as part of this proposal. Lot 3 amalgamated with Lot 1 DP 3631 will provide sufficient area for on-site servicing with regards to water collection, effluent and stormwater disposal. Servicing requirements, appropriate to the size and design of new building would be assessed as part of the building consent.

PowerNet confirmation of existing electrical supply has been provided with the application. Connection is not considered necessary at this time. Wireless coverage on both Spark and Vodafone networks is further available in the area.

Overall, the servicing provision is suitable for the proposed land use and any adverse effects on the wider environment will be no more than minor.

Impacts on heritage, archaeological values, natural features, landscapes and water quality

There are no known heritage or archaeological features, or values identified on the site. It can be considered that the impacts of the proposed subdivision will be nil with respect to these features and values.

The subject site is located outside of any mapped significant natural features and landscapes and any areas shown as having identified ecological or cultural values. The subdivision will alter the landscape of the site with the introduction of residential development in the future. However, given that the District Plan enables rural living on sites greater than 2 hectares, the effects are anticipated by the Plan.

The subject site is not in close proximity to any natural water bodies and the land use on site will not change, it is considered any impacts on water quality, including groundwater would be less than minor.

Effects on traffic

The Council's Roading Asset Manager, Mr Murray Hasler has reviewed the application and a summary of his assessment is provided via bullet point below:

- Proposed Lot 1 is served by two access points. These are both relatively low use paddock accesses which have sight distances compliant with the Bylaw. Currently the accesses have not been constructed in accordance with the Bylaw. It is therefore recommended that if a building consent application is made for additional built form, the existing access or any new access shall be upgraded or constructed in accordance with the Bylaw.
- Proposed Lot 2 is served by three access points. All sight distances are acceptable. None of the accesses have been constructed in compliance with the Bylaw. It is recommended that access leading to the dwelling is upgraded in accordance with Diagram R09-1 contained in the Bylaw. It is further recommended that if a building consent application is made for this lot, for additional buildings which will rely on either of the other access points, they shall be upgraded in accordance with the Bylaw.
- Proposed Lot 3 is served by an existing farm access. This access has acceptable sight distances. Access 6 must be upgraded in accordance with Diagram R09-1 contained in the Bylaw prior to certification of the subdivision.

The Applicant acknowledges the access to the dwelling on Lot 2 will require upgrading. A consent notice condition has been volunteered to upgrade the access to Lot 1 at such a time a dwelling is constructed on the lot, or when an existing farm access becomes the primary vehicle access to the woolshed. As Lot 3 is to be amalgamated the Applicant has advised access will be obtained from the neighbouring amalgamated lot.

Recommendations in relation to Lot 1 are concurred with, and inclusive of the consent notice volunteered by the Applicant, adverse effects will be less than minor. A condition of consent has

been accepted by the Applicant in relation to upgrading the vehicle access on Lot 2. Although recommended by Mr Hasler, upgrading the access to Lot 3 is not considered necessary given access will be provided from the neighbouring lot.

Provision of easements

Any easements required to secure any rights of way, services or utilities can be included at the time of section 223 certification.

Amalgamation condition

Land Information New Zealand have confirmed the amalgamation condition is practicable. The amalgamation will result in the creation of a larger lot.

Land use

The existing woolshed on Lot 1 is located 20m from the boundary of Lot 2 at its closest point.

Both the woolshed and the dwelling on Lot 2 are established. The creation of the boundary between them results in the setback infringement. Buildings housing animals can generate nuisance effects in relation to noise and noxious smells. The housing of animals is likely to be intermittent throughout the year dependent on the agricultural calendar.

The existing dwelling on Lot 2 is approximately 123m from the existing woolshed. Lot contains existing accessory buildings and mature vegetation which provide adequate visual mitigation. The distance from the structure will further reduce potential effects from noise and smells.

The subdivision is separating the main dwelling from the far, however the lot containing the dwelling remains a 13.6 hectare productive lot. The maintenance of such an area of land may require hobby farming or stock grazing. The presence of animals and agriculture activities is an anticipated occurrence in the rural zone and thus a lesser amenity afforded to residential living. Further, the woolshed, as its existing, will be discoverable through due diligence of future owner. Overall, nuisance and reverse sensitivity effects are considered to be no more than minor.

Conclusion: Effects On The Environment

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed activity will not have adverse effects on the environment that are more than minor.

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 (other than for a subdivision of land) 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 properties that surround the site include mainly working farms with some rural residential development.

The subdivision, with the inclusion of the amalgamation, meets the standard for minimum lot size for the Rural zone. The District Plan has therefore anticipated the adverse effects associated with future development of this density and deemed it appropriate. Future development will be required to adhere to the District Plan bulk and location standards, specifically boundary rules which ensure effects on neighbouring properties are acceptable and less than minor.

It is considered that the proposed lots will maintain the character of the area and the existing amenity values will be unaltered. Any adverse effects upon the rural character and the amenity experienced by persons residing on or working on the adjacent properties will be less than minor.

The subdivision would maintain the safe and efficient function of the Council's roading network, subject to the volunteered and accepted conditions.

Services can feasibly be accommodated on-site for the vacant lots, with rainwater catchment and on-site tanks for potable water. Stormwater and wastewater will be discharged to ground within the boundaries of the individual lots. Proposed Lot 2 has existing on-site services that remain unchanged. The effects of the subdivision with respect to servicing will therefore be less than minor for any adjacent person.

Natural hazards will not be exacerbated by the proposal given the size of the lots and hazard free land available for development.

Overall, it is considered the subdivision will not create lots or uses that are out of character for the area or detract from the existing amenity values. Therefore, the adverse effects are considered to be less than minor and no persons would be adversely affected by the proposal.

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.

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

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.

6.3 Relevant Provisions

District Plan

District Plan

The relevant operative objectives and policies are contained within Chapter 4a – Natural Hazards and Chapter 8 - Subdivision of Land of the District Plan. The relevant objective and policies seek that the size and shape of allotments are appropriate for the location and future land use, and that access and servicing can meet Council’s standards, along with considerations that relate to natural hazards.

Chapter 4 - Hazards

Objectives

- (1) *Ensure the public is aware of the likelihood and consequences of natural and man-made hazards within the District.*
- (2) *Minimise the risk to people and property from inundation*
- (3) *Control activities and subdivision where this is necessary to avoid the adverse effects of natural and man-made hazards (refer to section 8 Subdivision of Land).*

The site is identified as being susceptible to inundation – Environment Southland have been consulted and raised no issues with the proposed subdivision layout. Areas are available on all lots which are free from inundation and liquefaction risk.

Chapter 8- Subdivision of Land

Objectives

- (1) *To facilitate the orderly subdivision and development of land.*
- (2) *To ensure that the size and shape of new allotments created, and the design standards for access and infrastructure, is suitable and appropriate for the location and future use of the land.*

- (3) *To ensure that developers pay all reasonable costs associated with the subdivision and subsequent development of land.*
- (4) *To ensure land development and servicing is undertaken to Council's standards.*
- (5) *To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.*
- (6) *Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.*

The proposed subdivision is consistent with the objectives and policies in Chapters 4 and 8. The size and layout of the allotments are practical and appropriate for the Rural zone. Overall, it is considered that the subdivision is appropriate and will not lead to adverse effects on the amenity and character of the surrounding area. All proposed lots can also be serviced appropriately with either existing or new on-site services and provided with suitable access either via existing, upgraded, or new vehicle crossings and accessways.

Overall, the subdivision is considered to be consistent with the objectives and policies of the Operative District Plan.

Southland Regional Policy Statement 2017

The proposal is consistent with the relevant objectives and policies in the Southland Regional Policy Statement, specifically the provisions contained in Chapter 5 (Rural land/soils). Objective RURAL.1 seeks to achieve sustainable use of Southland's rural land resource, in respect of a number of matters including (b) subdivision, use and development activities; (d) the use of soil resources; and (f) on-site wastewater systems. Policy RURAL.2 seeks to manage subdivision and land development activities in rural areas of Southland in a way that maintains or enhances rural amenity values and character.

The RPS generally recognises that subdivision and land development activities in rural areas need to be managed in a manner that takes into account the potential for reverse sensitivity issues that could lead to constraints on the ability to access significant rural land resource and undertake reasonable productive uses of land.

The proposed subdivision will create three rural allotments. Lot 1 and Lot 2 are sufficiently sized to continue rural production. Lot 3 is proposed to be amalgamated with the neighbouring lot resulting in the creation of a larger lot than currently exists. This is considered a positive outcome. The soils for the lots are considered high quality (Class 2 and 3) and will remain available for farming activities and are considered appropriate in size given the compliance of the lots with the district plan minimum lot sizes. On-site wastewater systems will be design at the time of building consent for the proposed vacant lots. It is considered that the proposal is aligned with the relevant objectives and policies in the RPS.

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

Parts of the site is subject to inundation and liquefaction, however the subdivision is not considered to accelerate material damage from natural hazards.

There is existing and proposed legal and physical accesses to all lots.

Overall, the proposal meets the requirements of s106 of the RMA.

8. PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

Section 5 - Purpose

The proposed subdivision takes into account Section 5 of the RMA, as the proposed lots will ensure the natural and physical resources of the rural land is protected for future generations. As has been assessed above, the adverse effects of the proposal can be avoided or mitigated.

Section 6 - Matters of national importance

Attention has been given to matters of national importance. This site does not contain any outstanding natural features or landscapes, nor an area of significant indigenous vegetation. It is considered the anticipated land uses on the new lots are appropriate within this rural landscape, as there are a number of rural residential blocks and larger rural lots in the surrounding area.

Section 7 - Other matters

Particular regard has been given to the maintenance and enhancement of amenity values (section 7(c)) and maintenance and enhancement of the quality of the environment (section 7(f)). The amenity of the land and surrounding area will be maintained, and the subdivision will not have adverse effects on the quality of the environment.

Section 8 - Treaty of Waitangi

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.

9. DECISION ON RESOURCE CONSENT

Decision A

Pursuant to Section 104C of the RMA, **land use** consent is **granted** for yard infringements of the existing woolshed on proposed Lot 1.

Decision B

Pursuant to Section 104C of the RMA, consent is **granted** to subdivide Lot 11 DP83 and Part Lot 12 DP82 to create three allotments, subject to the following conditions imposed pursuant to Section 220 of the RMA:

Consent Conditions

1. The subdivision must be undertaken generally in accordance with the application submitted to Council, file reference SC23036 and the following plan:
 - o 'Proposed subdivision of Part Lot 12 DP 82 & Lot 11 DP 83 [SL 156/15]' prepared by Clark Fortune & McDonald and Assoc, CFMA File 15600, dated 08-05-2023

This plan is attached as Appendix A.

2. Prior to Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, any necessary easements shall be duly granted or reserved as necessary.
3. Lot 3 shall be amalgamated with Lot 1 DP 3631 [RT SL156/12] in accordance with the following amalgamation condition:

"That Lot 3 hereon be transferred to the owners of Lot 1 DP 3631 (RT SL156/12) and that one record of title be issued to hold both parcels." (CSN Request 1859002)

Minor wording amendments may occur following approval of amalgamation condition wording by Land Information NZ.

4. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder, shall, to the satisfaction of the Chief Executive of the Gore District Council, complete the following:
 - a) The vehicle access to Lot 2, leading to the existing residential unit, shall be upgraded in accordance with Diagram R09-1 contained in the Gore Subdivision and Development Bylaw 2019.
5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, a consent notice, in accordance with Section 221 of the Resource Management Act, shall be issued against the Record of Title for Lot 1, and registered in due course, to record that:
 - a) At such a time a residential unit is constructed (and building consent lodged), the consent holder, shall, to the satisfaction of the Chief Executive of the Gore District Council, construct a vehicle access or upgrade an existing vehicle crossing on Bowmar Road to serve Lot 1, in accordance with Diagram R09-1 in the Gore District Council Subdivision and Land Development Bylaw 2019.
 - b) At such a time an existing farm access to Lot 1, becomes the primary vehicle access to the woolshed, the access must be upgraded in accordance with relevant access standard contained in the Gore Subdivision and Development Bylaw 2019.

Advice Notes

1. Any future development will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 and the Gore District Plan and will be assessed at the building consent stage.
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. At the time of this subdivision, a fixed-line telecommunication connection was not provided to Lots 1 and 3 and should a telecommunication service be required in the future, an alternative service (wireless broadband) needs to be installed at a cost to the owner.

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.

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.

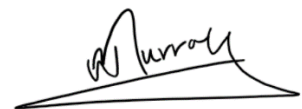
If you have any enquiries please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



Joanne Skuse
Consultant Planner

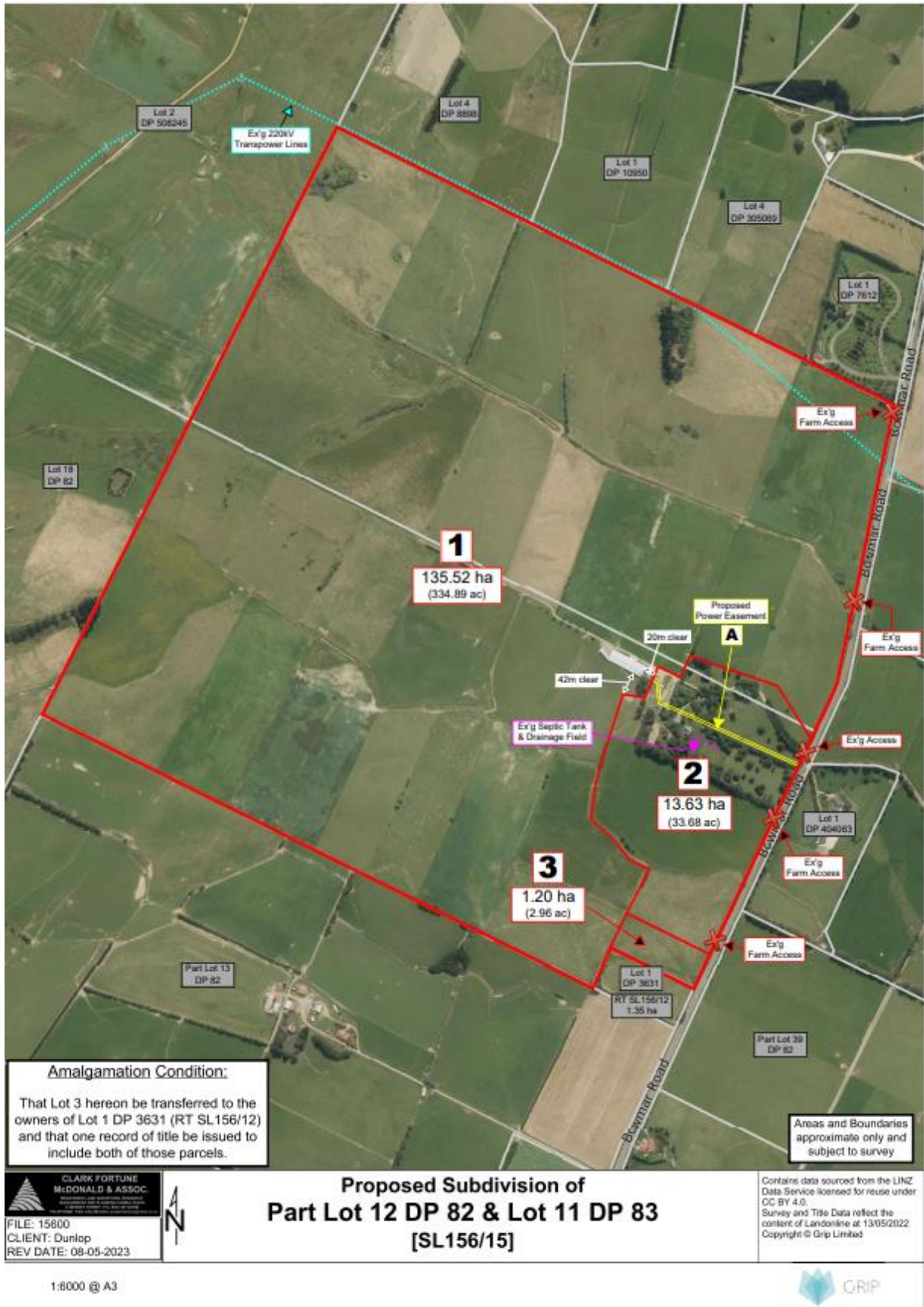
Decision made by



Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS



Amalgamation Condition:
 That Lot 3 hereon be transferred to the owners of Lot 1 DP 3631 (RT SL156/12) and that one record of title be issued to include both of those parcels.

CLARK FORTUNE
 McDONALD & ASSOC
 FILE: 15800
 CLIENT: Dunlop
 REV DATE: 08-05-2023



**Proposed Subdivision of
 Part Lot 12 DP 82 & Lot 11 DP 83
 [SL156/15]**

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1:8000 @ A3

