

# Gore District Council Decisions



## NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

*Resource Management Act 1991*

<b>Application reference</b>	SC 23079
<b>Applicant</b>	SW and GC O'Neill
<b>Proposal</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a two-lot rural subdivision of the site.
<b>Location</b>	876 Reaby Road, Upper Charlton
<b>Legal Description</b>	Lot 2 Deposited Plan 546704 held in record of title 934092.
<b>Activity Status</b>	Restricted Discretionary
<b>Decision Date</b>	16 November 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 16 November 2023 under delegated authority pursuant to Section 34A of the RMA.
- 2 Pursuant to Section 104 and Section 104C of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 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, on 16 November 2023 under delegated authority pursuant to Section 34A of the RMA.

## 1. THE PROPOSAL

The Applicant proposes to undertake a two-lot subdivision of the site as follows:

Lot 1	2.1375 hectares. Proposed Lot 1 has a frontage with Reaby Road and comprises an existing dwelling with a septic tank and an effluent disposal field and accessory buildings.
Lot 2	2 hectares. Proposed Lot 2 has a frontage to Reaby Road and will be vacant.

The Applicant does not propose to establish a new residential unit on proposed Lot 2 at this stage, though it is noted that one residential unit is permitted per rural zoned site.

Lots 1 and 2 will share an existing formed vehicle crossing to Reaby Road. This vehicle crossing will need to be upgraded. Right of way easement 'A' is proposed over the driveway on Lot 1 in favour of Lot 2 to enable access to Lot 2.

Proposed Lot 1 will retain the existing services on site.

Proposed Lot 2 will be provided with services at the time of development and therefore there will be a consent notice on the title that requires the future owner/s to supply their own services.

The applicant has confirmed that the area of Lot 2 is appropriate for on-site disposal of wastewater and stormwater. Additionally, given that the Council's reticulated water supply is not available in this area, tanks will be required for potable water and firefighting supply. PowerNet has confirmed that there is capacity in the network for proposed Lot 2 to connect. In terms of telecommunications, there are no services available in the Reaby Road corridor, however, the site is within an area of good 4G wireless coverage for both Spark and One NZ.

Any additional easements that are required can be included as part of the s223 certification.

The proposed scheme plan supplied with the application is included as Appendix A.

The further information provided on the 6<sup>th</sup> of November 2023 forms part of this application.

## 2. SITE DESCRIPTION

The site is located in the Rural zone, as shown on Planning Map DST 16 of the District Plan.

The 4.1375 hectare site has frontage to Reaby Road to the south, as shown in Figure 1. The western area of the site is characterised as being generally flat, with a creek which separates the flat area from the gently rising hill on the northern boundary. This western area of the site is currently used for grazing and there is existing agricultural fencing surrounding the site and through the approximate middle of the site.

The eastern portion of the site contains an existing dwelling, some accessory buildings and an effluent disposal field located in approximately the centre of the eastern area of the site. This portion of the site is currently used for rural lifestyle purposes.



**Figure 1: Subject site in red outline (source: GRIP)**

The existing dwelling on the site is currently serviced for domestic purposes in terms of on-site water supply, on-site wastewater and stormwater disposal and a telecommunications connection. The existing overhead lines along the southern side of Reaby Road provide an electricity connection to the dwelling on the site via overhead lines that cross the site and a transformer.

The Council's Roading Asset Manager, Murray Hasler, notes that Reaby Road is a chip sealed, rural collector road. The section of Reaby Road immediately adjacent to the site falls gently towards the west. The road slopes more steeply both east and west of the property. This section of Reaby Road is straight. A 100kph speed restriction applies to both sections of road.

The Gore District Council's mapping system does not identify the site as being subject to any risk of inundation. It identifies the liquefaction risk across the site as 'negligible'. The site comprises Class 3 soils.

There are no known natural features and landscapes, or historic heritage features on the site.

The site is not identified in Environment Southland's Selected Land Use Sites Register ('SLUS') as an actual or potentially contaminated site.

The site is located approximately 11km to the north-west of the centre of the Gore Township. The immediate surrounding area is rural in character and use and includes farming lots in a variety of sizes.

### **3. ACTIVITY STATUS**

#### **3.1 Operative Gore District Plan**

The site is zoned Rural in the Gore District Plan, and the proposed subdivision requires resource consent under the District Plan for the following reason:

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

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*

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

### 3.2 Proposed Gore District Plan

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

### 3.3 Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 ("NES-CS")

Based on the Applicant's 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.

## 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*

No written approvals have been given.

#### *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, as subdivision requires a resource consent, there is no permitted baseline.

#### *Suitability of the allotments and future land use*

The subdivision layout is consistent with what the District Plan enables in the Rural zone. Proposed Lot 1 at 2.1375 ha and proposed Lot 2 at 2ha, both meet the 2 hectare minimum area specified in the Gore District Plan.

Proposed Lot 2 will have the opportunity for a new dwelling to be developed. Due to the size of the lot

meeting the 2 hectare minimum area, any future development is expected to comply with the Performance Standards in the District Plan for the Rural zone including the yards, daylight admission and height standards. There are no other resource consents that are needed to be considered with this subdivision.

The application and scheme plan does not show a fixed building platform location on proposed Lot 2. However, given the size of the lot and that there are no identified hazards, it is considered unnecessary to require a fixed area for a building platform in order to reduce effects.

Proposed Lot 1 is sufficient in size to continue to be used for rural lifestyle purposes.

An advice note is recommended which advises the consent holder that any future development on proposed Lots 1 and 2 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.

Overall, the proposed lots are considered to be consistent with the anticipated type of subdivision within the Rural zone. It is considered that the size, shape and configuration of the proposed allotments are appropriate to be used for rural lifestyle purposes and that any adverse effects on the wider environment will be less than minor.

#### ***Suitability of land for subdivision – Natural Hazards***

The Gore District Council's mapping system identifies the site as free of any flood hazards. Therefore, the subdivision will not exacerbate the risk of inundation upon the wider environment.

The Gore District Council's mapping system does not identify the site at risk from natural hazards. Therefore, it is considered that the subdivision will not exacerbate the risk of any natural hazards upon the wider environment.

The subject site is not identified as a HAIL site and therefore any risk of the spread of contamination to the wider environment is less than minor.

Overall, any adverse effects with respect to natural hazards, on the wider environment will be less than minor.

#### ***Ability to provide services***

Proposed Lot 1 is currently serviced for residential purposes in terms of on-site water supply, on-site wastewater and stormwater disposal, an electricity connection and telecommunications through wireless coverage.

For proposed Lot 2, potable water is proposed to be supplied via onsite rainwater collection. Wastewater disposal will be via an on-site septic tank and an effluent field. Stormwater runoff will be disposed of to the ground and is expected to be fully contained within the proposed boundaries. The detailed design of these services will be assessed at the time a building consent is submitted to the Council for future development on Lot 2. The details of the above requirements will be included as consent notice conditions, which have been accepted by the Applicant.

In terms of telecommunications services, proposed Lot 2 will be provided with a wireless connection. The applicant has provided confirmation that Spark and Vodafone (One NZ) are able to provide the lot

with wireless rural broadband. This is acceptable given that wireless services are becoming the norm and a preferential option for rural sites.

In terms of an electricity supply, the applicant has provided confirmation from PowerNet that there is an available power supply to proposed Lot 2. The connection will require the upgrade of the network line, with a road crossing and potentially the installation of a new transformer site.

Overall, proposed Lot 2 can be feasibly serviced, and the existing services provided to Lot 1 are sufficient. Therefore, any adverse effects on the wider environment with respect to servicing will be less 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, or 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 on proposed Lot 2. 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 water bodies. As stormwater and wastewater disposal will be assessed at the time of building consent, 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. The access standards contained in the Gore District Council Subdivision and Land Development Bylaw 2019 (Bylaw) apply to this situation.

The Applicant proposes to use the existing vehicle crossing to provide access for proposed Lots 1 and 2, via a right of way easement. Mr Hasler recommends that the vehicle crossing be upgraded (including sealing), in accordance with diagram R09-1 contained in the Bylaw. The sight distances available at the proposed vehicle crossing do not meet the requirements listed in Table 3.3B of the Bylaw. It is therefore recommended that the vegetation along the fence line (for a length of at least 65 metres to the east and west of the access) is removed, in order to achieve the sight visibility standards. The recommendations of Mr Hasler will be included as conditions of consent, which have been accepted by the Applicant as forming part of the proposal.

Overall, it is considered both lots can be accessed, and any adverse effects relating to transport will 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 subdivision 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.

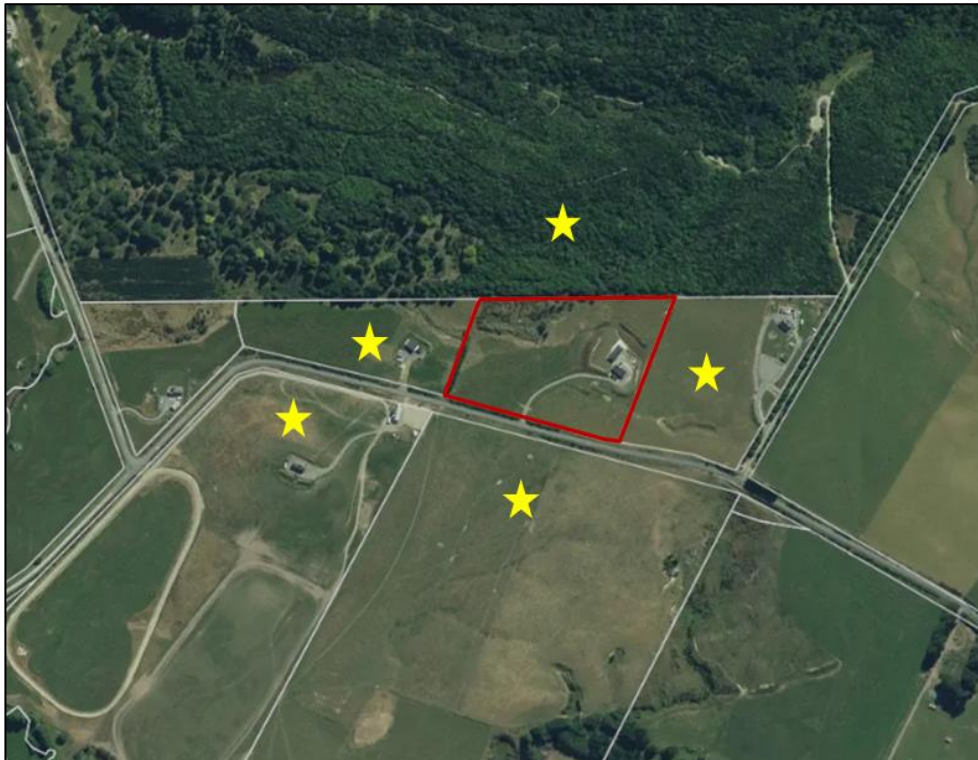


### *Assessment: Effects on Persons*

Taking into account the exclusions in section 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.

### *Neighbouring Properties*

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 that are located opposite the site.



**Figure 2:** The adjacent properties shown by yellow stars (source: GRIP)

The adjacent properties include the site to the west (888 Reaby Road - Lot 3 DP 546704) and the site to the east (7 Domain Road - Lot 1 DP 546704), which are used for rural lifestyle activities and include a single dwelling. It also includes the site to the south-west (887 Reaby Road - Lot 2 DP 525300), which contains a single dwelling, and the site to the south (Lot 1 DP 525300), which is vacant. Both properties are used for rural purposes. Lastly, it includes the site to the north (70 Dolamore Park Road - Section 1386 Hokonui SD), which is a scenic reserve.

The subdivision 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 on such lots and deemed it appropriate. Proposed Lot 2 is of a size and shape that can accommodate a future residential unit, while proposed Lot 1 contains an existing residential unit. It is considered that the effects associated with such future development on any adjacent persons will be less than minor. Future developments are required to adhere to the District Plan bulk and location standards, specifically boundary rules which ensure effects on neighbouring properties are acceptable.

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 adjoining and adjacent properties will be less than minor.

The proposed subdivision would maintain the safe and efficient function of the Council's roading network. The existing vehicle access from Reaby Road will be upgraded. Given the rural nature of the surrounding area, any effects related to traffic generation are considered to be less than minor on any person.

Services for proposed Lot 2 can feasibly be accommodated on the site at the time of development, with rainwater catchment and on-site tanks for potable water. Stormwater and wastewater will be discharged to ground within the boundaries of Lot 2. An electricity connection can be provided, along with a wireless telecommunications connection. Proposed Lot 1 is currently serviced for residential purposes in terms of on-site water supply, on-site wastewater and stormwater disposal, an electricity connection and a telecommunications connection. The effects of servicing will therefore be less than minor for any adjacent person.

Natural hazards will not be exacerbated by the proposal and there will be no discernible effects in this regard upon any adjacent person.

Overall, it is considered that the proposed subdivision will not create lots or future uses that will be 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 there are no persons that would be adversely affected by the proposed subdivision.

#### *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

The actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s220 of the RMA as required to avoid, remedy or mitigate adverse effects.

## 6.3 Relevant Provisions

### District Plan

The relevant operative objectives and policies are contained within Chapter 8 - Subdivision of Land of the District Plan.

#### *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.*
- (5) *To ensure land development and servicing is undertaken to Council's standards.*
- (7) *To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.*
- (8) *Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.*

##### *Policies*

- (1) *Control the subdivision of all land.*
- (2) *Avoid the adverse effects of subdivision on the functioning of existing services, infrastructure and roading.*
- (3) *Require the works associated with subdivision to be carried out in conformity with Council's standards.*
- (5) *Avoid any off-site effects of development of subdivided land.*
- (9) *Require land development to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011.*

- (10) *Have regard to the potential for the land subject to any subdivision consent, and other land in the locality to be further subdivided in the future.*
- (13) *Have regard to the potential impacts arising from the subdivision and future use of land on water quality, including groundwater.*

The proposed subdivision is consistent with the objectives and policies in Chapter 8. The size and layout of the allotments are practical and appropriate for the Rural zone. Proposed Lot 2 can accommodate a future rural residential activity and can be serviced appropriately at the time of development. Proposed Lot 1 contains an existing residential unit with existing services. Both lots can be provided with a suitable access via the upgraded vehicle crossing to Reaby Road. It is considered that the subdivision is appropriate and will not lead to adverse effects on the amenity and character of the surrounding area.

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

### **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 allow one additional lot to be created, which will enable the opportunity for this lot to be developed with a residential unit. The site comprises Class 3 soils. These soils can continue to provide for a small-scale rural activity following the subdivision. Proposed Lot 2 can be provided with an on-site wastewater system at the time of development. Overall, it is considered that the proposal is aligned with the relevant objectives and policies in the RPS.

### **National Policy Statement for Highly Productive Land (NPS-HPL)**

The NPS-HPL came into force on 17 October 2022. The objective of the NPS-HPL is that highly productive land is protected for use in land-based primary production, both now and for future generations. As the proposal is for a restricted discretionary activity subdivision, the matters of discretion do not provide scope for the consideration of highly productive land. No further assessment of the NPS-HPL is required.

## 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. For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of –

- (a) the likelihood of natural hazards occurring (whether individually or in combination); and
- (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
- (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

In this case, the site is not subject to any known natural hazard risk. Proposed Lots 1 and 2 will be served by a legal and physical access to Reaby Road.

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 assessed above, the adverse effects of the proposal can be avoided, remedied 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 future land use is appropriate within this rural landscape.

### *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

Pursuant to Section 104C of the RMA, **subdivision** consent is **granted** to undertake a two-lot subdivision of the site at 876 Reaby Road, Upper Charlton, subject to the following conditions imposed pursuant to Section 220 of the RMA:

### Consent Conditions

#### General

1. The subdivision must be undertaken generally in accordance with the application made to the Council on 17 October 2023 and the further information response received on the 06 November 2023 and the following plan:
  - 'Proposed Subdivision of Lot 2 DP 546704 [RT 934092], prepared by Clark Fortune McDonald & Associates, file: 16337, dated 03-11-2023.

This plan is attached as Appendix A.

#### Easements

2. The consent holder must meet the costs for the preparation, review and registration of any easement instrument(s) on the relevant Records of Title, including right of way.

#### Vehicle Access

3. Prior to certification of the subdivision 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, upgrade the vehicle access on Reaby Road to serve Lots 1 and 2 in accordance with the Diagram R09-1 access standard in the Gore District Council Subdivision and Land Development Bylaw 2019.
4. Prior to certification of the subdivision 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, remove the existing vegetation along the fence line (for a length of at least 65 metres to the east and west of the access) to achieve the sight visibility standards in Table 3.3B of the Subdivision and Land Development Bylaw 2019.

#### Electricity

5. Prior to certification of the subdivision pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall provide written confirmation from the electricity network supplier responsible for the area, that provision of an electricity supply has been made available to the boundaries of Lot 2, and that all the network supplier's requirements for making such means of supply available have been met.

#### Consent Notices

6. Prior to the certification of the subdivision 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 for Lot 2 to record that:

- a) At the time of lodging a building consent for a dwelling, a rainwater collection system must be verified as being potable; this shall include provision for UV filters or UV treatment or alternative treatment provision and shall be submitted with the building consent application(s).
- b) At the time of lodging a building consent for a dwelling, the lot is to have a specifically researched, designed and verified system for wastewater and stormwater disposal.
- c) At the time of lodging a building consent for a dwelling, each application is to include an approved firefighting water supply and site services design by Fire and Emergency New Zealand (FENZ) to comply with SNZ PAS 4509 and the Subdivision and Land Development Bylaw 2019.
- d) At the time of this subdivision, a fixed-line telecommunication connection was not provided to the lot, and either a fixed-line telecommunication connection or an alternative service (wireless broadband) needs to be installed at a cost to the owner at the time that the connection is applied for.

The consent notice shall be registered against the Record of Title for Lot 2.

### Advice Notes

1. Any future development on Lots 1 and 2 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. The existing vegetation adjacent to the vehicle access shall comply with the Gore District Council Roading Bylaw, Appendix 7 Roadside Planting.

### 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](mailto:planning@goredc.govt.nz).

Prepared by



Penny Weng  
**Consultant Planner**

Decision made by



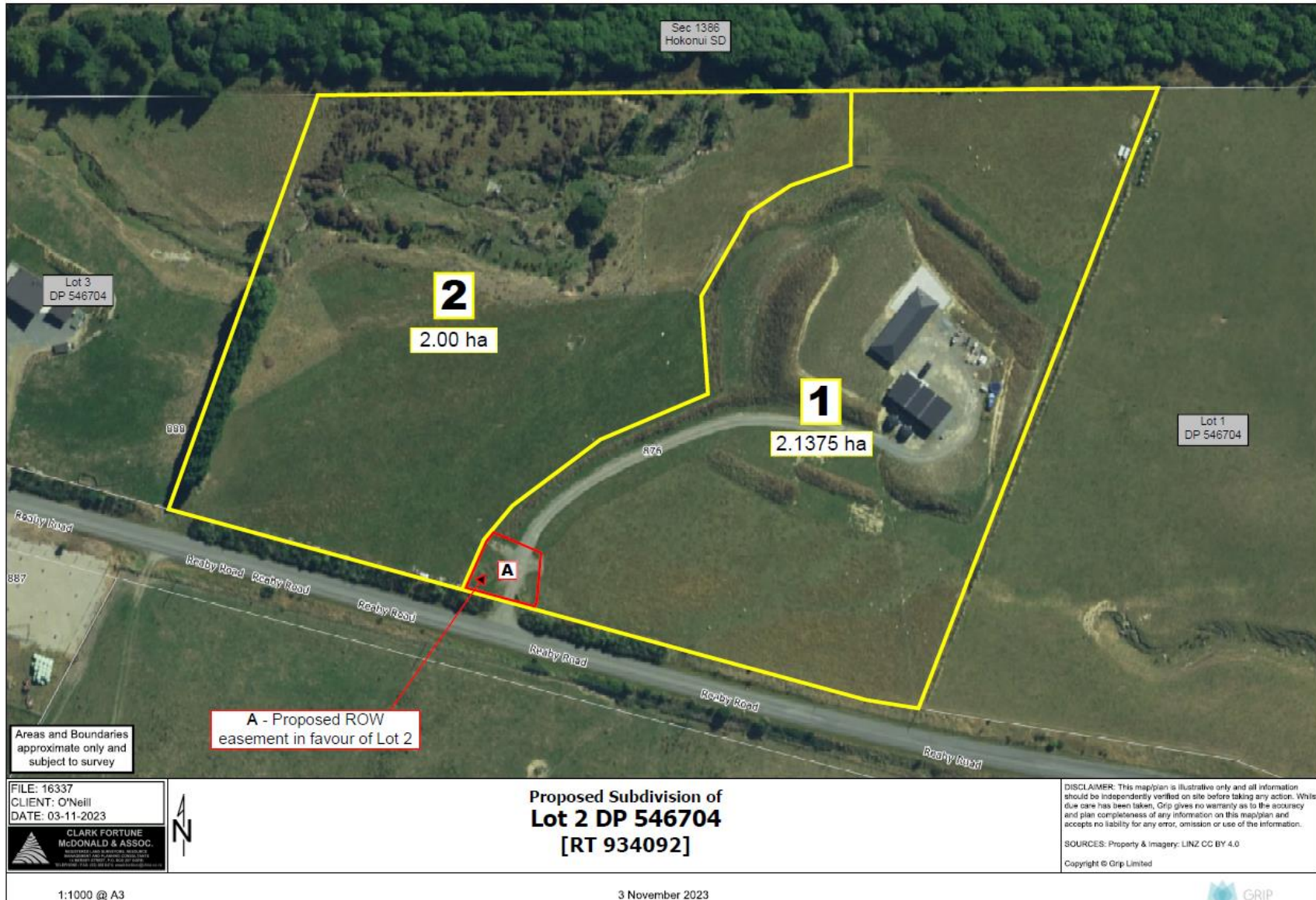
Werner Murray  
**Delegate**

## Appendix

Appendix A - Approved Plan  
Schedule/Memorandum of Easements



# APPENDIX A – APPROVED PLAN



## Schedule / Memorandum of Easements

Reference: Proposed Subdivision of Lot 2 DP 546704 - SW and GC O'Neill

<b>Schedule of Proposed Easements</b>			
<b>Purpose</b>	<b>Shown</b>	<b>Servient Tenement (Burdened Land)</b>	<b>Dominant Tenement (Benefited Land)</b>
Right of Way	<b>A</b>	Lot 1 Hereon	Lot 2 Hereon