

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

| | |
|------------------------------|---|
| Application reference | SC 23039 |
| Applicant | Definition Surveying Limited |
| Proposal | Application under Section 88 of the Resource Management Act 1991 (RMA) for a two-lot residential subdivision. |
| Location | 92 Broughton Street, Gore |
| Legal Description | Lot 1 DP 8019 |
| Activity Status | Restricted Discretionary |
| Decision Date | 19 October 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 October 2023 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104C of the RMA, **SUBDIVISION** 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, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to subdivide the land into two residential lots.

| Lot Number | Lot Size | Description |
|------------|--------------------|---------------------------------|
| Lot 1 | 610 m ² | Existing residential dwelling |
| Lot 2 | 506 m ² | Vacant - future residential use |

All lots are proposed to meet the minimum lot size of 300m² required within the Residential B Zone.

The existing access is proposed to provide access to proposed lot 2.

A Right of Way (ROW) easement application has been received by Council to be processed in conjunction with this application. The ROW is proposed over the neighbouring property to the south, 90a Broughton Street, to secure legal and physical access to proposed Lot 1.

Proposed Lot 1 is to retain the existing dwelling and will in turn maintain the existing water, foul sewer, power, and telecommunications connections that run along an easement, partially within 90A Broughton Street, to the Broughton Street road reserve. However, this easement will be superseded by the updated ROW application for clarity.

It is proposed that Lot 2 will be provided with new service connections to the reticulated infrastructure located within the Broughton Street road reserve.

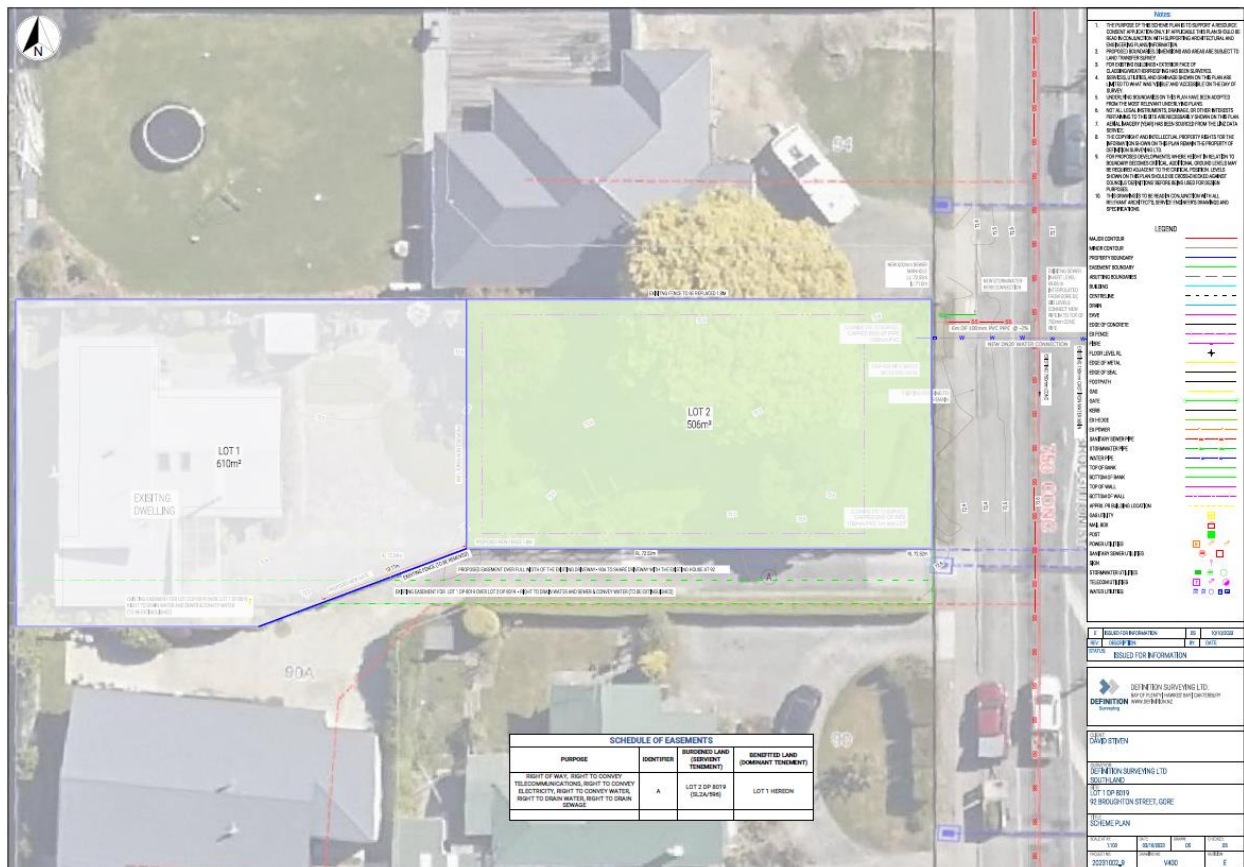


Figure 1: Proposed Scheme Plan

The application was updated during the processing to reduce the number of lots from three to two; and to update the access provision following the application for a right of way.

2. SITE DESCRIPTION

The site is located at 92 Broughton Street, Gore and is legally described as Lot 1 DP 8019. The site is approximately 1,115m² and contains an existing dwelling. The site and surrounding area are relatively flat with established housing and associated planting. The property is within the Residential B Zone of the Gore District Plan. The site and the area immediately surrounding the property is predominantly residential in character and use.

The Council's Senior Roding Officer, Murray Hasler notes the proposed subdivision has a boundary with the east side of Broughton Street, an urban collector road with a chip sealed carriageway. It has kerb and channel on both sides at the edge of the carriageway with footpaths adjacent to the back of the kerb. The section of Broughton Street is flat and straight. A 50kph speed restriction applies to this section of road.

Council mapping system, which sources information from Environment Southland, identifies the site's liquefaction risk as negligible. The site is not located within an identified flood prone area. The site is not identified as being on the Selected Land Use Register as an actual or potentially contaminated site.

There is an easement registered on the title that enables the conveyance of water and the drainage of sewage and water over the neighbouring property to council reticulation within the Broughton Street Reserve. Other than this there are no interests registered on the current Record of Title that would affect this proposal.



Figure 2 Aerial Photograph from GDC Planning Maps showing site 92 Broughton Street highlighted in red with view of the surrounding area.

3. ACTIVITY STATUS

3.1 Gore District Plan

The site is zoned Residential B in the Gore District Plan and the proposed activity requires resource consent under the District Plan for the following reason:

Subdivision:

- A **restricted discretionary** activity pursuant to Rule 8.10(4)(D) in regard to the subdivision being within the Residential B Zone, provided that any new lot created has a minimum of 300 square metres.
Council's discretion is restricted to the follow matters:
 - (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 or providing building platforms; and
 - (viii) 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.

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 affected persons have been identified in accordance with section 95E, where the adverse effects of an activity on a person is likely to be minor and more than minor. No written approvals have been provided.

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

The following assessment is guided by Council's matters of discretion in relation to the application:

Suitability of the allotments for activities permitted within the zone in which they are located

The subdivision will create two lots, sized approximately 610m² and 506m², respectively. Both proposed lots will meet the minimum lot size requirement in the Residential B Zone. As residential activities are permitted on a site that is equal to or exceeding 300m² it is considered the allotments are suitable for the intended residential use and anticipated by the District Plan. The lot sizes are not out of character for the surrounding area that is already predominately residential. The existing dwelling on proposed Lot 1 is to be retained and there is adequate area on proposed Lot 2 for future dwellings. Overall, the proposed lots are suitable for residential activities which are permitted within the zone. Adverse effects on the wider environment are considered to be less than minor.

Suitability of the land for subdivision, including the presence of any natural or other hazards, including contaminated land

The Gore District Council's mapping system identifies the liquefaction risk as negligible. The site is not identified in the SLUS or as a HAIL site. The site is not identified as being at risk of inundation.

Overall, the site is considered to be suitable for subdivision. Adverse effects on the wider environment are considered to be less than minor.

Ability to provide services (water, sewage, storm water, power and telecommunications) and impacts on the Council and other infrastructure services

The existing dwelling on proposed Lot 1 will retain the existing services and connections, with the exception of the proposed ROW, which will provide for access via an easement over 90a Broughton, in favour of 92 Broughton (future Lot 1).

Any future dwellings on proposed Lots 2, will be serviced with reticulated infrastructure. The Council 3 waters engineer has reviewed the application and determined there will need to be individual standard household connections installed for water, sewer and stormwater to the boundary with an inspection point supplied in an approved service box. These requirements have been accepted by the applicant and included as conditions of consent. The connections will be required to be completed prior to 224c certification.

It is considered that all lots can be adequately serviced via existing council infrastructure and that adverse effects will be less than minor. Any further development in relation to the construction of a dwelling would need to comply with the Gore District Council Subdivision and Land Development Bylaw 2019 and the Gore District Plan.

Adverse effects on the wider environment in relation to services are considered to be less than minor.

Future use of the land and the need to consider any associated resource consents

The proposed subdivision will not hinder the current or future use of the land which is residential. The proposed lots meet the minimum lot size required for residential activities and therefore the proposed subdivision aligns with the Gore District Plan. It is feasible that a future dwelling can be constructed on proposed lot 2 without the need for further resource consents. Adverse effects on the wider environment are considered to be less than minor.

Within residential and rural areas lot size, dimensions, and potential for future subdivision of the land and the desirability of providing building platforms

There is adequate area on the proposed lots for future residential development. Given the site is within a residential area, determining the location of a future building with a platform is not considered necessary. Any future development on proposed lots will be assessed at the time a building consent but can be designed to meet the parameters of the District Plan. Adverse effects on the wider environment are considered to be less than minor.

Provision of easements

A right of way is proposed over neighbouring property 90a Broughton in favour of future Lot 1 to allow for access and to consolidate the existing easement for reticulated services. At the time of survey, any necessary easements will be confirmed and registered onto the relevant Records of Title. Adverse effects on the wider environment are considered to be less than minor.

Impacts on any heritage or archaeological values, impacts on natural features and landscapes, ecological or cultural values and impacts on water quality including groundwater

There are no heritage or archaeological features, or values identified on the site. It can be considered the impacts of the proposed subdivision will be nil. The subject site sits outside of any mapped natural features and outstanding natural/significant landscapes, or any areas shown as having identified ecological or cultural values. The site is not located above a groundwater protection zone, or any bores and it is not considered to be any impacts on water quality arising from the subdivision. Overall, the subdivision is considered to have less than minor effects on the surrounding area.

Provision of all transport modes, including the movement of pedestrians and cyclists

The lots will be accessed via existing vehicle accesses onto Broughton Street, which is an urban collector road. Council's Senior Roading Engineer, Murray Hasler has reviewed the application and outlined that existing accesses meet the requirements of the Bylaw.

Overall, it is considered the subdivision will have less than minor effects on the surrounding area or the existing transport modes.

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.

Infill development has occurred in the surrounding area in recent years. The proposal is consistent with the District Plan and as such is considered an anticipated subdivision which would not create adverse effects on neighbouring properties. The properties can be feasibly serviced and access to the site is existing. Rear lots accessed via leg ins are commonplace for new developments given the existing subdivision grid pattern. The additional lot created will not change the existing character and amenity of the area. The consequent increase in density, and associated effects such as noise and traffic generation will be less than minor given the scale of the 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 specific 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.

Positive effects of the proposed subdivision are that it creates the opportunity for an additional dwelling to be constructed. This helps with the need for quality housing in the Gore District.

6.3 Relevant Provisions

District Plan

The relevant operative objectives and policies are contained within Chapter 3 and Chapter 8 of the District Plan.

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 8- Subdivision of Land

- Objective (1) To facilitate the orderly subdivision and development of land.*
- Objective (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.*
- Objective (3) To ensure that developers pay all reasonable costs associated with the subdivision and subsequent development of land.*
- Objective (5) To ensure land development and servicing is undertaken to Council standards.*
- Objective (6) To avoid adverse effects on the Council's reticulated infrastructure services.*
- Objective (7) To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.*
- Objective (8) Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.*
- Policy (1) Control the subdivision of all land.*
- Policy (2) Avoid adverse effects of subdivision on the functioning of existing services, infrastructure and roading.*
- Policy (3) Require works associated with subdivision to be carried out in conformity with Council standards.*
- Policy (4) Encourage, where practical, the undergrounding of all services associated with the development of subdivided land*

- Policy (5) Avoid any off-site effects of development of subdivided land.*
- Policy (9) Require land development to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011.*
- Policy (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.*
- Policy (11) Have regard to potential reverse sensitivity effects from the use of subdivided land and the means by which any such effects can be avoided, remedied or mitigated.*
- Policy (12) Encourage the adoption of practises that will minimise the extent off-site effects on the Council's infrastructure services.*
- Policy (13) Have regard to the potential impacts arising from the subdivision and future use of land on water quality, including groundwater.*

It is considered the subdivision is of a suitable size and shape to accommodate a future development on proposed Lot 2. Proposed lots meet the required 300m² lot size for the Residential B Zone. The service connections can be provided adequately, and it is considered that the subdivision can occur without resulting in adverse effects on Council's reticulated services.

All works will be required to be undertaken in accordance with the Gore District Council Subdivision and Land Development Bylaw 2019. It is considered the proposal aligns with Chapter 8 Subdivision of Land in the Gore District Plan.

Overall, it is considered that the proposal is consistent with the relevant provisions of the District Plan.

NES/NPS

There are no national environmental standards or policy statements that are specifically relevant to this proposal.

Southland Regional Policy Statement 2017

Chapter 17 of the RPS relating to urban environment is particularly relevant to this proposal. Objective URB.1 seeks to ensure that urban development occurs in an integrated, sustainable, and well-planned manner which provides for positive environment, social, economic, and cultural outcomes. Policies URB.1-6 seek to encourage opportunities for urban intensification within Gore's urban areas, while avoiding, remedying, and mitigating adverse effects. The proposed subdivision is within an area identified in the District Plan as suitable for residential development and represents a typical infill development. It has been assessed that adverse effects can be avoided, remedied, and mitigated.

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.

Legal and physical access is able to be provided to the proposed lots. Accesses are existing and a new right of way will be established along the northern boundary of the neighbouring site 90a Broughton Street, in favour of proposed Lot 1. It is appropriate for this subdivision to be granted and consent conditions will be reflected where necessary to ensure the access meets the Bylaw requirements.

Overall, the proposal is considered suitable under Section 106 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 two lots will enable and one additional dwelling to be constructed in the future. Additional lots/future dwellings will enable people and communities to provide for their social, economic, and cultural wellbeing and new housing will benefit people in the community.

Section 6- Matters of national importance

This recommendation has taken into account the matters of national importance listed in Section 6.

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 proposed subdivision will not have adverse effects on the quality of the environment.

Section 8- Treaty of Waitangi

This recommendation has taken into account the principles of Treaty of Waitangi noting that the site is not within any known heritage sites or statutory acknowledgement areas.

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, consent is **granted** for the proposed subdivision of Lot 1 DP 8019 subject to the following conditions imposed pursuant to Section 220 of the RMA:

Consent Conditions

1. The proposed subdivision and land use must be undertaken generally in accordance with following plans and information:
 - 'Scheme Plan – 92 Broughton Street', drawn by Definition Surveying Ltd, Drawing Number V400, dated 3/10/2023
 - ROW application OTHR 23706 Appendix 2
2. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, any necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
3. At least two weeks prior to starting the installation of the 3 Waters Services, the consent holder shall provide a construction program for the proposed works to the Councils 3 Waters Asset Manager and provide fortnightly updates of the program during the construction process.

4. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder must provide to Council a written statement from a Licensed Cadastral Surveyor, accompanied by any necessary evidence, to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted and reserved in the Land Transfer Plan where appropriate.
5. 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. Install a new water supply to the property boundary of lot 2. The connection requires an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
 - b. Install a new wastewater lateral to the existing main on Broughton Street with a cleaning eye approximately 300 mm outside the property boundary with a red lid for servicing – this will need to be a cast iron lid if it is in a trafficable area.
 - c. Install a new stormwater lateral from the property boundaries to the kerb for lot 2 – note this will need to be installed outside of any vehicle crossing.
 - d. Provide all quality assurance and as-built information required for the development in accordance with the Gore District Council's Subdivision, Land Use and Development Bylaw 2019.
 - e. The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out in relation to this consent.

Advice Note

Please note: 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.

Any 3 Waters Infrastructure to be vested into Council ownership will need to be completed by one of the Council's approved 3 Waters Contractors – refer to the following link for further details regarding this - <https://www.goredc.govt.nz/services/3-waters/approved-contractors>

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

A handwritten signature in black ink, appearing to be 'Mishka Banhidi', written in a cursive style.

Mishka Banhidi
Consultant Planner

Decision made by

A handwritten signature in black ink, appearing to be 'Werner Murray', written in a cursive style with a long horizontal stroke at the bottom.

Werner Murray
Delegated Authority

Gore District Council Decisions



APPLICATION UNDER SECTION 348

LOCAL GOVERNMENT ACT 1974

| | |
|------------------------------|---|
| Application reference | OTHR23706 |
| Applicant | Definition Surveying |
| Proposal | Application under s348 of the Local Government Act 1974 (LGA) to create a new right of way over Lot 2 DP 8019, in favour of Lot 1 DP 8019 |
| Location | 90a Broughton Street |
| Legal Description | Lot 1 DP 8019 and Lot 2 DP 8019 |
| Decision Date | 19 October 2023 |

SUMMARY OF DECISIONS

1. Consent is granted pursuant to Section 348 of the LGA, subject to the conditions outlined in Appendix 1 of this decision, imposed pursuant to Section 348 (2) of the LGA. The consent only applies if the conditions outlined are met.
2. The decision to grant consent was considered by Werner Murray, under delegated authority pursuant to Section 34A of the RMA.

10. The Proposal

Consent is sought to establish a Right of Way easement over 90A Broughton Street, in favour of 92 Broughton Street, to service the existing house located to the rear of 92 Broughton Street for vehicle access.

The schedule of easement will be as follows:

Schedule A

Continue in additional

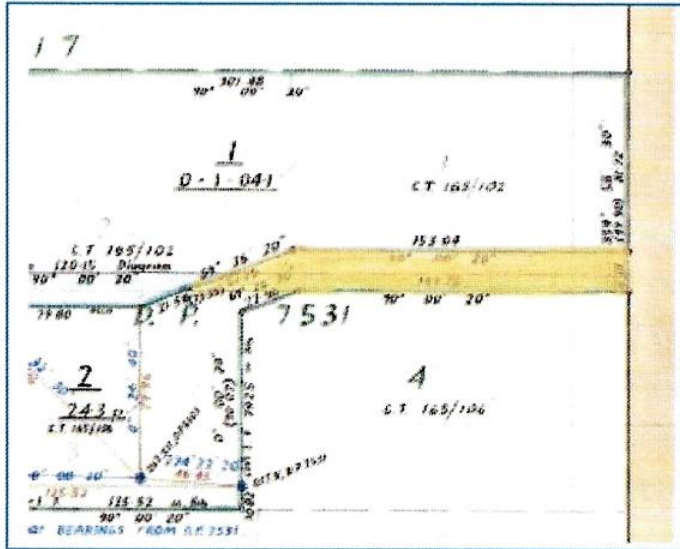
Annexure Schedule, if required

| Purpose of Easement, or <i>profit</i> | Shown (plan reference) | Burdened Land (Record of Title) | Benefited Land (Record of Title) or in gross |
|---------------------------------------|-------------------------------|--|--|
| Right of way | [TBC] on Deposited Plan [TBC] | Lot 2 Deposited Plan 8019 (RT: SL2A/596) | Lot [TBC] Deposited Plan [TBC])RT: [TBC] <i>(NB: proposed new lot containing existing dwelling at 92 Broughton Street)</i> |

Depicted on the scheme plan as follows:

SCHEDULE TWO PLAN OF EASEMENT AREA





Easement area
in yellow.

DS

11. Reasons For Decision

A s348 application is requested to include a right of way easement over easement area A. This right of way easement has been assessed in conjunction with subdivision application SC23039. The subdivision consent contained no conditions on the formation of the entire right of way

An existing easement over the same area currently provides the right to drain water, sewer and convey potable water. It is the intention to supersede this existing easement with the proposed ROW to provide for services and vehicle access.

12. Decision on application to create (a) new right of way(s) Pursuant to Section 348 of the LGA

Consent is **granted**, subject to conditions outlined below imposed pursuant to Section 348 (2) of the LGA, for the creation of the following ROW Easements;

Schedule A

Continue in additional

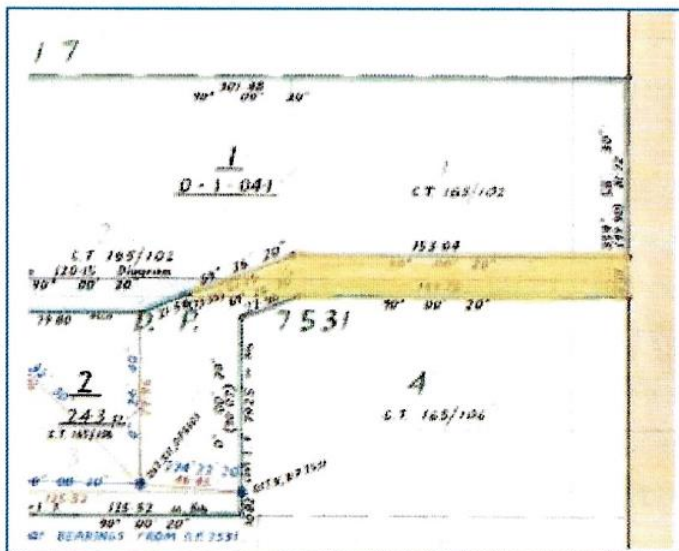
Annexure Schedule, if required

| Purpose of Easement, or <i>profit</i> | Shown (plan reference) | Burdened Land (Record of Title) | Benefited Land (Record of Title) or in gross |
|---------------------------------------|-------------------------------|--|--|
| Right of way | [TBC] on Deposited Plan [TBC] | Lot 2 Deposited Plan 8019 (RT: SL2A/596) | Lot [TBC] Deposited Plan [TBC])RT: [TBC] <i>(NB: proposed new lot containing existing dwelling at 92 Broughton Street)</i> |

Conditions:

The Gore District Council hereby consents to the granting or reserving of Right of Way Easements X on Lot 2 Deposited Plan 8019 in favour of Lot 1 Deposited Plan 8019 under section 348 of the Local Government Act 1974, subject to the following conditions:

- 1 That the right of way is in accordance with the application for the creation of the Right of Way easements as shown on the following plan:



Easement area
in yellow.

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13. Other Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further money is required.

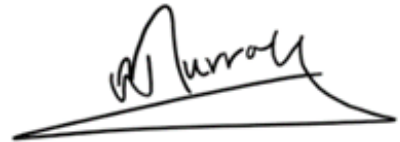
If you have any enquiries please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



Mishka Banhidi
Consultant Planner

Decision made by



Werner Murray
Delegated Authority