

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC23062
Applicant	Brent Ross
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a three-lot subdivision creating two additional vacant rural allotments.
Location	331 Glendhu Road, Waimumu
Legal Description	Part Lot 66 DP 134 held in RT SLB1/1167
Activity Status	Restricted Discretionary
Decision Date	11 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 11 October 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 11 October 2023 under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

The applicant proposes to subdivide Part Lot 66 DP 134 creating proposed Lots 1, 2, and 3 (Figure 1).

- Lot 1 being 5.36 hectares. Proposed Lot 1 comprises vacant land and will be used for rural lifestyle purposes. It is provided with an existing vehicle crossing to Paterson Road.
- Lot 2 being 5.39 hectares. Proposed Lot 2 comprises vacant land and will be used for rural lifestyle purposes. It is proposed to construct a new vehicle crossing to Glendhu Road. Access is proposed to be constructed at the time of building consent.
- Lot 3 being 50.68 hectares. Proposed Lot 3 is the balance rural lot that will be used for rural purposes. There are existing farm service buildings located within the north-east portion of the site, which are utilised for the existing production farming land use. Lot 3 will use an existing vehicle access onto Glendhu Road.

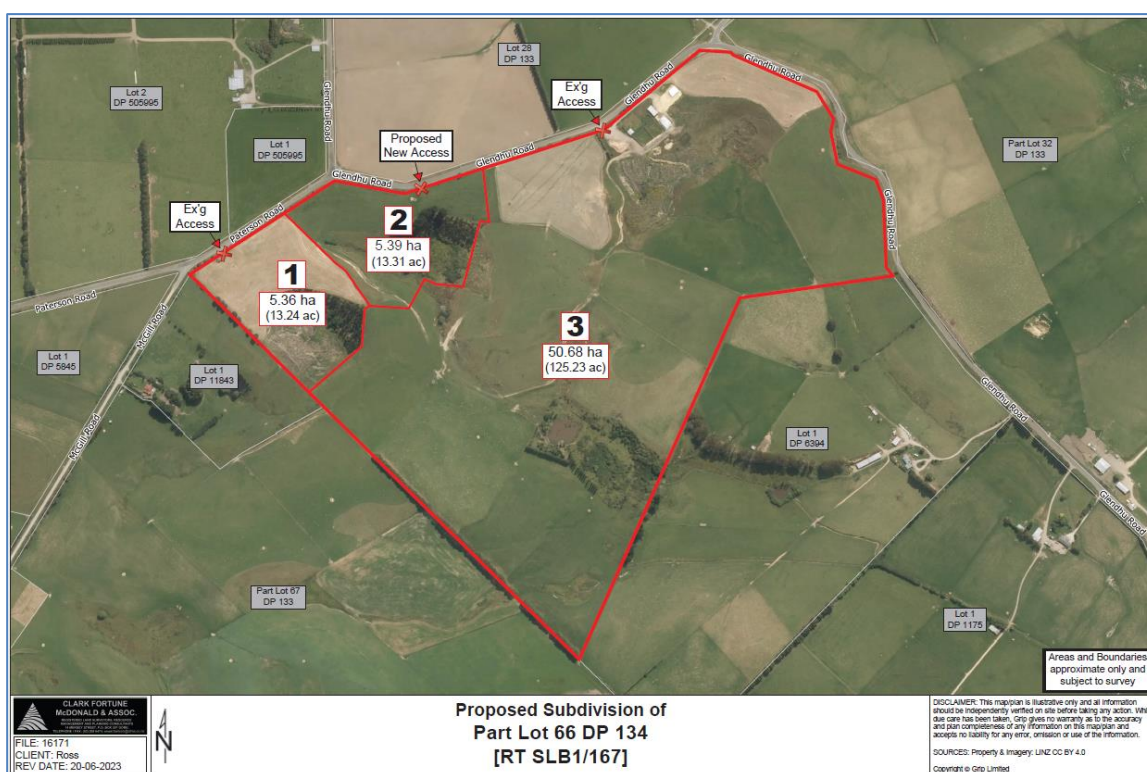


Figure 1: Proposed Scheme Plan

The applicant proposes to undertake the subdivision in two stages, in any practical order.

A 10 year timeframe to give effect to this consent has been requested, which is double the RMA's standard five year timeframe for giving effect to consents. Due to the changing policy environment in the district, and as no strong reasons were provided as to why a longer timeframe is justified for this application, the request for a 10 year timeframe is not supported.

Services

The applicant does not propose to establish a dwelling and/or accessory buildings on any lot at this stage, though it is noted that one residential unit is permitted per rural zoned site.

Services for future residential dwellings are proposed to be provided on-site. The proposed scheme plan demonstrates there is sufficient space for future treated wastewater disposal fields for Lots 1, 2 and 3.

Access

Access to proposed Lot 1 and Lot 3 will be via existing vehicle crossings onto Paterson Road and Glendhu Road respectively. The application acknowledges that the access may be required to be upgraded to the relevant GDC Diagram R09-1 rural access standard and sealed to the property boundary.

Proposed Lot 2 will be provided with a new access and vehicle crossing on to Glendhu Road, constructed to R09-1 Standard in a position with good visibility as indicated on the scheme plan.

Easements

No easements are proposed at this stage. Any easements that are required can be included as part of the s223 certification.

2. SITE DESCRIPTION

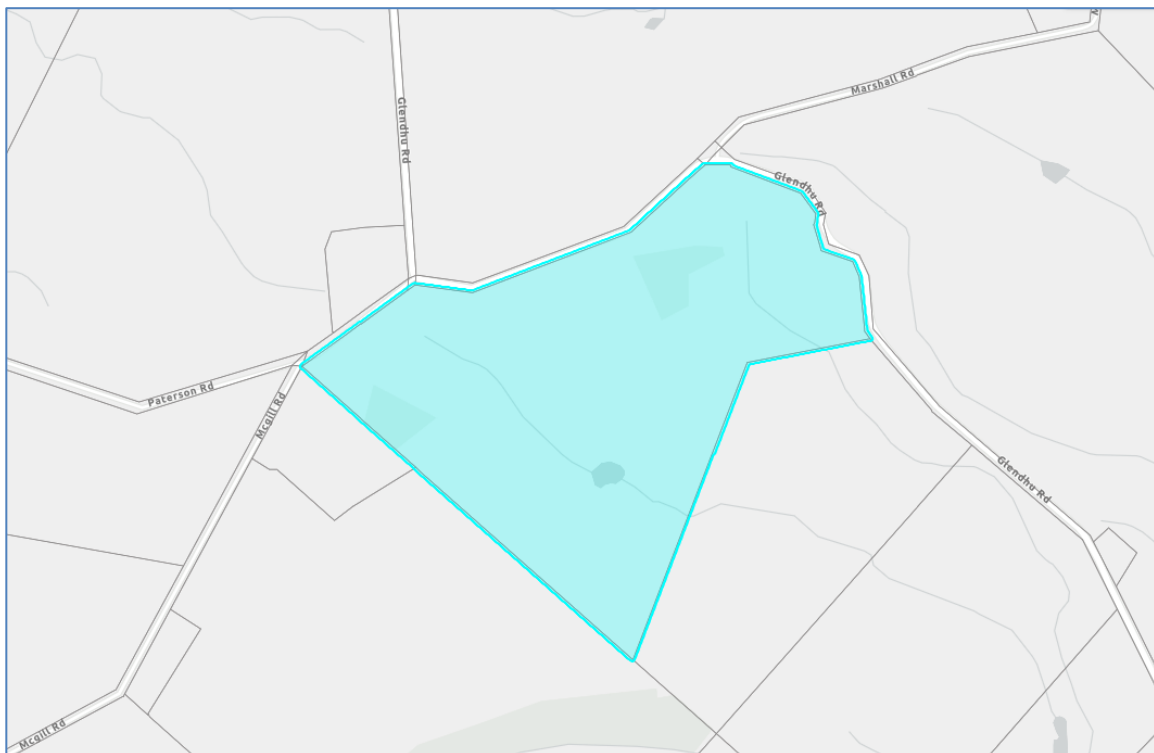


Figure 2: Aerial image of subject site in blue (source: GDC ArcGIS)

The subject site is legally described as Part Lot 66 DP 134 and is currently held in Record of Title SLB1/167, with an area of 61.51ha. There are no relevant interests registered on the record of title, SLB/167.

The site is located in the Rural Zone under the Operative District Plan. The subject site is located approximately 10km to the southwest of the centre of the Gore Township. The immediate surrounding area is predominately rural in character and use. It includes a mix of large and medium sized farming lots.

The existing land use is utilised for agricultural activities, with an undulating topography that declines towards the southern portion of the site. The subject site has frontage adjoining part of Paterson Road along the north-west corner, and Glendhu Road adjoining the remaining north and east boundary. Both roads are identified as 'Formed' within Gore District Councils Road Hierarchy.

The subject site contains farm buildings which are not serviced. The buildings on site are accessed via the existing entrance and formed vehicle crossing off Glendhu Road. There are no Council services identified within the road corridor. There are existing power and telecommunications lines that extend across Glendhu Road and Paterson Road, along the eastern end of proposed Lot 1.

The subject site is located southeast of Glendhu and Paterson Road and has legal frontage to both. The northwest corner of the property is at the intersection of Paterson Road and McGill Road. Glendhu Road rises steeply through a series of tight horizontal curves from the east but flattens west of the Marshall Road intersection. There are slight undulations and two further horizontal curves continuing to the intersection of Paterson and Glendhu Road. Glendhu Road is classified as a collector Road up to the Paterson Road intersection. Beyond, both roads are local access roads. All sections are chip sealed. A 100kph speed restriction applies to all these sections of road. The operating speed on these sections is estimated to be between 90 and 100kph.

The subject site has been identified as containing 0.44ha of LUC 2 High Class Soils and 61.07ha of LUC Class 4 Soils.

The Council mapping system which sources information from Environment Southland does not identify the site as subject to any risk of flooding and identifies the site's liquefaction risk as negligible. The site is not identified in the Selected Land Use Sites Register ('SLUS') as an actual or potentially contaminated site. There are no high voltage powerlines located in the immediate vicinity of the allotments.

The subject site contains areas of exotic forests, one being located on the western boundary of proposed Lot 1. The balance lot (proposed Lot 3) contains an area of exotic forest outside southwest of the existing buildings on site and a lake within the centre area of southern portion of the lot (Refer to Figure 3).

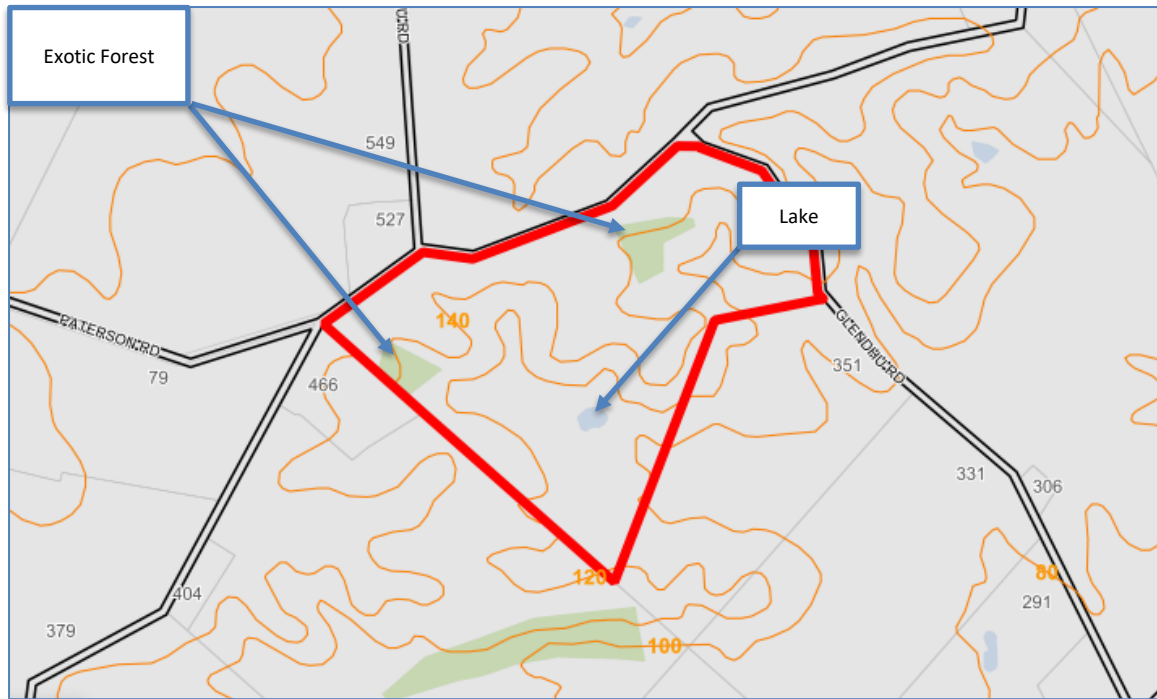


Figure 3: Aerial image showing topography, exotic forests, and lake on site (source: GDC IntraMaps)

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 reason:

- A **Restricted Discretionary** activity resource consent pursuant to Rule 8.10(4)(b) to undertake a four-lot subdivision, where each lot will exceed 2 hectares in area. 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*
 - 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*

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

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.

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 persons have given written approval as part of this resource consent application.

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

The adverse effects on the environment are considered to be no more than minor for the following reasons:

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 5.36ha, Lot 2 at 5.39ha and Lot 3 at 50.68ha, are all of a size and shape that meets the 2ha minimum specified area, which can accommodate a future residential unit, while proposed Lot 3 can continue to accommodate the farm service buildings. Any future development is expected to comply with the Performance Standards in the District Plan for the Rural Zone and associated effects on the surrounding environment are considered to 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 and the wider environment are acceptable.

The application and scheme plan does not include fixed building platform locations on proposed Lots 1 to 3, however, given the size of the lots and no indications of hazards, it is considered unnecessary to require a fixed area for a building platform in order to reduce effects.

An advice note is recommended which advises the consent holder that any future development on proposed Lots 1 to 3 will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 (Bylaw) and the Gore District Plan and will be assessed at the building consent stage.

The proposed lots are considered to be consistent with the anticipated type of subdivision within the Rural zone. It is considered that the size and configuration of the proposed allotments are appropriate to be used for rural lifestyle or rural 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 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 mapping system identifies the liquefaction risk on the site as 'negligible'. Therefore, it is considered that the subdivision will not exacerbate the risk of liquefaction 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.

The nearest high voltage powerlines are located approximately over 950m south-east of the subject site.

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

Ability to provide services

There are no Council reticulated services located in the Rural Zone.

Proposed Lot 3 does not contain or is intended to contain a habitable building and/or a residential unit. Lot 3 is anticipated to retain the existing farm service buildings and rural farming land use; however, a dwelling can be constructed in future as a permitted activity. The applicant has demonstrated that services can be provided for a future dwelling on Lot 3.

In terms of the services for Lots 1 to 3, potable water is proposed to be supplied via onsite rainwater collection tanks with appropriate treatment. The applicant has demonstrated there is sufficient space and appropriate areas for Wastewater disposal. 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 the individual lots.

In terms of electricity supply, the applicant has provided confirmation from PowerNet that its network can be extended to provide connections to proposed Lots 1 and 2 (reference emails from Fraser Neil – Operations (Distribution) Project Manager, dated 28 August 2023).

PowerNet confirmed the following: *“There is power supply availability for Lots 1 and 2 - 351 Glendhu Road. Network will need to be upgraded to get supply across the road to boundaries of Lots 1 and 2, and may require the installation of a new Transformer to provide low voltage supplies.”*

The applicant has provided confirmation that Spark and OneNZ are able to provide the lots with wireless rural broadband. This is acceptable given that wireless services are becoming the norm and a preferential option for rural sites.

The application has been assessed by Russell Paterson – Building Control Manager, and he has raised no issues or concerns regarding the proposed lots (Reference emails from Russell Paterson – GDC Building Control Manager, dated 19 September 2023).

Overall proposed Lots 1 to 2 can be feasibly serviced at the time of development, and Lot 3 can continue to utilize the existing services. Any potential adverse effects on the wider environment in relation 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 impact 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 proposed subdivision will alter the landscape of the site with the introduction of rural lifestyle residential development in the future on proposed Lots 1 to 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 contains a lake/water body (refer to Figure 3) and will be retained within the parent lot (Proposed Lot 3). Proposed Lot 3 is intended to maintain its production farming land use and the identified lake will remain unaffected.

As stormwater and wastewater disposal will be assessed at the building consent stage, it is considered any impacts on water quality, including groundwater will be less than minor.

Effects on traffic

Council's Senior Roading Asset Manager, Murray Hasler, has reviewed the application. A summary of his assessment is provided below. The access standards contained in the Gore District Council Subdivision and Land Development Bylaw apply to this situation.

The applicant proposes to use existing access from Paterson Road and Glendhu Road to provide access to proposed Lots 1 and 3.

Visibility at each of the existing and proposed accesses is acceptable. As proposed by the applicant the existing access onto proposed Lot 3 and the new access onto proposed Lot 2 will need to be upgraded or constructed in accordance with Diagram R09-1 Private Rural Access contained in the Bylaw. The existing access onto Lot 1 shall be upgraded in accordance with same standard upon an application for a building consent on this lot.

The assessment of Mr Hasler has been adopted. It is considered that safe accesses will be provided to serve each lot in the subdivision and any effects on traffic will be less 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.

No persons have given written approval as part of this resource consent application.

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.



Figure 4: The adjacent properties shown by blue circles (source: GDC IntraMaps)

549 Glendhu Road (Lot 2 DP 505995), 527 Glendhu Road (Lot 1 DP 505995) and Lot 28 DP 133

- 549 and 527 Glendhu Road are located on the north side of the subject site, approximately 100m from the closest neighbouring dwelling. Lot 28 DP 133 is also located north of the overall subject site and is a 101.19ha rural farm occupied by rural pastures and vegetation.
- There are no proposed non-compliances pertaining to the boundary shared with the aforementioned sites. As such the proposed subdivision are not expected to generate adverse visual amenity and character effects towards the south. The proposal is not expected to have any adverse impacts on the persons residing on or working on the aforementioned properties.

Part Lot 32 DP 133

- Part Lot 32 DP 133 is located 25m across the Glendhu carriageway on the east side of the overall subject site, approximately 700m from the neighbouring dwelling. The distance is considered adequate buffer distance to mitigate any privacy or overlooking effects.
- The proposed subdivision will not result in any changes to the existing lawfully established situation experienced by the occupants and farming activity on Part Lot 32 DP 133. There are no non-compliances created as a result of the proposed internal boundaries. Any potential effects are considered to be less than minor as the proposed subdivision does not breach any permitted activity standards in relation to the shared boundary with Lot 2 of 7 DP Red 150, 217 and 219 Waimea Highway.

351 Glendhu Road (Lot 1 DP 6394)

- The applicant owns the adjoining site (Lot 1 DP 6394) located to the south side of the overall subject site, where the common boundary shared between the subject site and Lot 1 DP 6394 is occupied by groups of mature vegetation and rural pastures.
- There are no proposed non-compliances pertaining to the boundary shared with Lot 1 DP 6394. As such the proposed subdivision are not expected to generate adverse visual amenity and character effects towards the south.

Part Lot 67 DP 134 and 466 McGill Road (Part Lot 67 DP 134)

- Part Lot 67 DP 134 and 466 McGill Road is located along the western boundary. Part Lot 67 DP 134 is an 82.30ha site used for rural activities and 466 McGill Road is a rural lifestyle property. The common boundary between the subject site and the aforementioned properties are occupied by mature vegetation and rural pastures.
- Due to the open rural landscaped views and the separation distances involved, the subdivision creates no adverse visual dominance and character effects.
- The proposed subdivision will not result in any changes to the existing lawfully established situation experienced by the above-mentioned properties.
- There are no proposed non-compliances pertaining to the common boundary shared with the properties. Furthermore, there are no non-compliances created as a result of the proposed internal boundaries. Any adverse effects on the rural character and amenity experienced by persons residing on or working on the adjacent properties will be less than minor.

Overall, it is considered that the proposed subdivision will not create lots or future 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 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

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 Lots 1 and 2 can accommodate future residential activity, while proposed Lot 3 can continue to be used for rural activities (utilizing existing services and access). 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.

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

The Gore Proposed District Plan (PDP) was notified on 31 August 2023, and at the time of this report the PDP is open for submissions. While objectives and policies of the PDP have relevance, in this instance the PDP objectives and policies are not considered to have weight and are not considered any further.

Southland Regional Policy Statement 2017

Chapter 5 of the RPS (Regional Policy Statement) relating to Rural Land/ Soils is particularly relevant to this proposal.

Objectives

Rural 1: Sustainable use of rural land resource

Rural 2: Life-supporting capacity of soils

Policies

Rural 1: Social, economic, and cultural wellbeing

Rural 2: Land use change and land development activities

Rural 4: Loss of high value soils from productive use

Rural 5: Effects of rural land development

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 Southlands rural land resources, 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 three additional lots to be created, which will enable the opportunity for those lots to be developed with a residential unit. The site comprises Class 3 (north-west corner of subject site) and Class 4 soils (majority of site). These soils can continue to provide for a rural activity following the subdivision. Proposed Lots 1, 2, and 3 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 and matters of discretion do not provide scope for the consideration of highly productive land. No further assessment of the NPS-HPL is required.

6.4 Other Matters

Section 104(1)(c) provides that when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine that application.

There are no other matters that are relevant to this application that need to be considered.

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 Lot 2 will be served by a new legal and physical access to Glendhu Road at the time of development, while proposed Lots 1 and 3 will be served by an existing legal and physical access to Paterson Road and Glendhu Road respectively.

8. PART 2 OF THE RMA

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

Part 2 (sections 5, 6, 7 and 8) of the RMA sets out the purpose and principles of the legislation, which as stated in section 5, is “Avoiding, remedying, or mitigating any adverse effects of activities on the environment”, section 7(c) “The maintenance and enhancement of amenity values” and section 7(f) “The maintenance and enhancement of the quality of the environment”.

In addition, Part 2 of the RMA requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, it is considered that the proposal meets the relevant sections of Part 2 of the RMA.

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 three-lot subdivision subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

Consent Conditions

1. The subdivision must be undertaken in general accordance with the application made to the Council, reference SC23062 and the following plan:
 - *Clark Fortune McDonald & Assoc., Proposed Subdivision of Part Lot 66 DP 134 (RT SLB1/167), File: 16171, Rev Date: 20-06-2023*

This plan is attached as Appendix A.
2. Prior to the Council signing the Survey Plan for each stage of the subdivision 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 as necessary.

Consent Notices

3. Prior to the certification of each stage 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 and registered against the relevant Record of Title for Lots 1 to 3 to record that:
 - a) At the time of lodging a building consent for a residential unit, 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 residential unit, 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 residential unit, 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.
 - e) At the time of lodging a building consent for a residential unit, a new vehicle crossing, or existing vehicle crossing to Glendhu Road must be located and constructed in accordance with the relevant access standard (Diagram R09-1) in the Gore District Council Subdivision and Land Development Bylaw 2019 to the approval of the Council's Chief Executive.

Advice Notes

1. Any future development on Lots 1 to 3 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.

Administrative Matters

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

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

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

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

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

Prepared by



Jo Skuse
Consultant Planner

Decision made by



Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS

