

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC23049
Applicant	Ian Mckenzie
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a Four-Lot Subdivision creating Three Vacant Rural Allotments
Location	263 Waimea Highway, Croydon
Legal Description	Lot 5 DP 573409
Activity Status	Restricted Discretionary
Decision Date	9 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 4 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, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

The applicant proposes to subdivide Lot 5 DP 573409 creating proposed Lots 1, 2, 3, and 4 (Figure 1). An easement is proposed for legal and physical vehicular access to Lots 1, 2, and 3 via a proposed vehicle crossing and right of way (ROW) from Kingdon Road. Proposed Lot 4 will retain its existing access and ROW from Waimea Highway. There is a Transmission PowerNet HV Line rated at 33kV (Refer to Figure 3), that runs through the eastern section of the site. The proposed subdivision will remain unaffected by the existing electrical transmission line under Subdivision Rule 8.10(2). It is noted that Waka Kotahi NZTA has provided written approval regarding the proposal (Reference: Letter from-NZTA dated 27 September 2023).

The proposal will create three vacant rural residential lifestyle allotments that can accommodate future building platforms, where dwellings can be constructed, subject to compliance with bulk and location, earthworks, and infrastructural servicing requirements. The proposed scheme plan demonstrates there is sufficient space for future treated wastewater disposal fields for Lots 1, 2 and 3. Proposed Lots 1, 2, and 3 are anticipated to have a rural-lifestyle land use in the future. The applicant does not propose to establish a new dwelling on these lots at this stage, though it is noted that one residential unit is permitted per rural zoned site.

The proposal is outlined on Southern Horizons proposed Scheme Plan Ref Project Number 23036, Plan number 01, as submitted to Council.

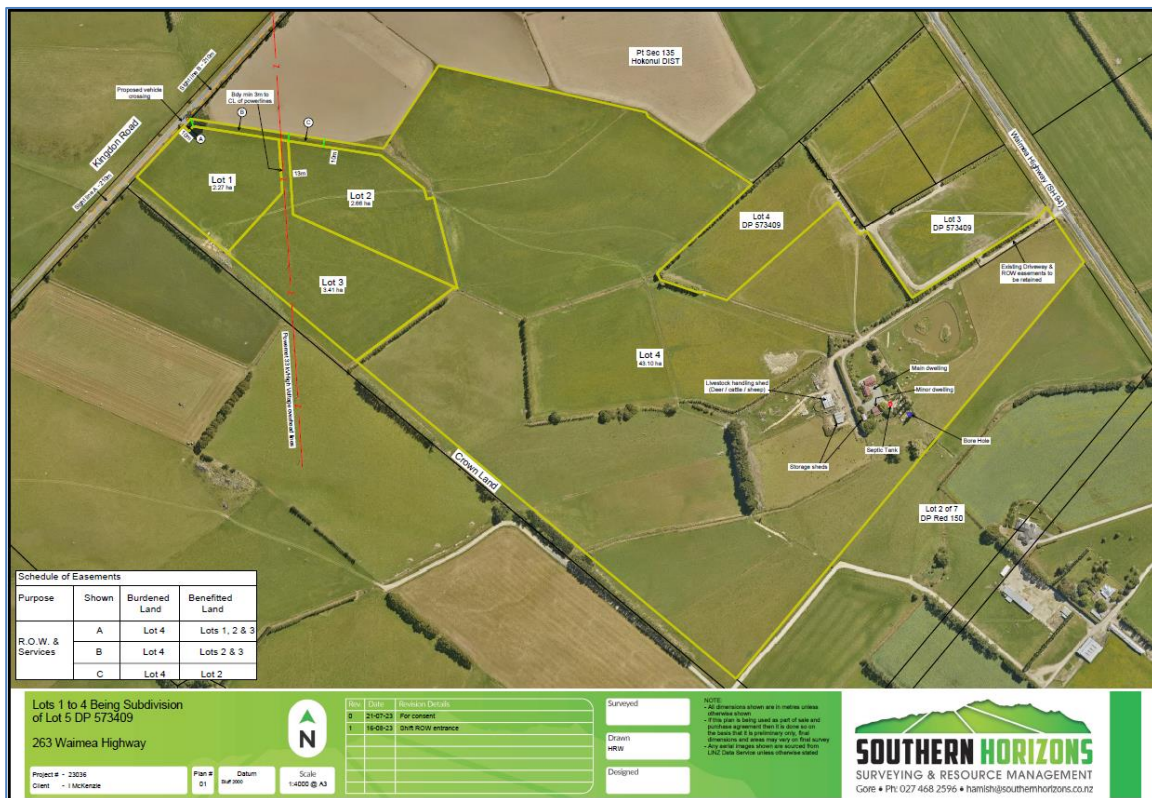


Figure 1: Proposed Subdivision

1.2 Access

Lots 1, 2, and 3 will be provided with a proposed new shared vehicle crossing on to Kingdon Road, which will be constructed to meet the requirements of Diagram R09-2 'Primary Commercial Access' in the Bylaw. The proposed access location serving Lots 1 to 3, and providing secondary access to Lot

4, meets the minimum sight line requirement of 210m (refer to Figure 1, indicated as Sight line A and Sight line B) contained in Access Standards for Posted Speed Limits and Required Sight Distances (Table 3.3B). Gore District Councils Senior Roding Asset Manager Murray Hasler noted the proposed location of the access provides adequate sight distance in both directions. A shared ROW is proposed shown as 'A', 'B', and 'C' which extends from the vehicle crossing until partially along the frontage of Lot 2.

Access to proposed Lot 4 is via an existing vehicle crossing onto Waimea Highway (State Highway 94) and existing ROW easement serving the existing dwellings and buildings that include a detached minor dwelling, livestock yard and storage sheds. Lot 4 proposes to establish a secondary access to Kingdon Road via the north-east land strip under the proposed Right of Way easement 'A, B, and C'. Consequently, the proposed subdivision will enable four users of the proposed ROW.

The proposal and the existing ROW meet the requirements of the District Plan for the Rural Zone (under Subdivision and Land Development Bylaw 2019).

1.3 Servicing

In terms of the services for Lots 1, 2, and 3, potable water is proposed to be supplied via onsite roof and rainwater collection. Wastewater disposal will be via on-site septic tanks and disposal/drainage fields. 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.

The existing dwellings on proposed Lot 4 is currently serviced for potable water supply via rainwater roof/collection tanks; on-site septic tank, sewage and stormwater disposal systems that are contained within the new lot boundaries. Existing wired telecommunication services and a power supply from networks extend from State Highway 94. The applicant has provided confirmation from PowerNet that its network can be extended to provide additional connections to proposed Lots 1 to 3 (reference emails from Fraser Neil – Operations (Distribution) Project Manager, dated 21 July 2023).

1.4 Easements

The Subdivision Scheme Plan includes a Schedule of Easements, as follows:

Proposed Easements

- Area 'A' over proposed Lot 4 providing Rights of Way and Services for proposed Lots 1, 2, and 3, and the Benefitted Lots 1, 2, and 3;
- Area 'B' over proposed Lot 4 providing Rights of Way and Services for proposed Lots 1, 2, and 3, and the Benefitted Lots 2 and 3;
- Area 'C' over proposed Lot 4 providing Rights of Way and Services for proposed Lot 2, and the Benefitted Lot 2.

1.5 Consent Notice

There is a Consent Notice that applies to the site - 12410570.5 where the following condition listed under SC2021/72/2 are to be complied with on an ongoing basis. According to the Consent Notice Instrument, registered against the Certificate of Title for the subject site, there is one matter listed

in the Consent Notice that is applicable to this application. The condition has been assessed in the table below.

Consent Notice	
<p>Lot 5 DP 573409 RT 1044613</p> <ul style="list-style-type: none">Any new residential dwelling, that is built within 100 metres of the edge of the sealed carriageway of State Highway 94, must be designed, constructed, and maintained to achieve a design noise level of 40 dB LAeq (24 hr) inside all habitable spaces.	<p>The existing buildings and accompanying development were legally established.</p> <p>This resource consent and proposed subdivision will not undertake further building of dwellings within 100m of the edge of the sealed carriageway of State Highway 94.</p>

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

2. SITE DESCRIPTION

The application site is legally described as Lot 5 DP 573409, and is currently held in Record of Title 1044613, with an area of 51.46ha. The site is located in the Rural Zone under the Operative District Plan. The existing land use is generally pastoral farming, with a slight rise in topography towards the northwest portion of the site. The purpose of this subdivision is to create rural residential allotments from one rural lot. The subject site affords dual road frontage adjoining the southwest side of the Waimea Highway (SH 94) and the southeast side of Kingdon Road.



Figure 2: Subject site in blue (source: GDC ArcGIS)

There are no Council services identified within the road corridor. There are existing power and telecommunications lines that extend from the Waimea Highway (SH 94) road corridor which currently services proposed Lot 4.

Council's Senior Roading Operations Officer Murray Hasler notes that SH 94 is a chip sealed rural arterial road. This section of State Highway 94 is a limited access road. The adjacent section of SH 94 has a slightly undulating vertical alignment and has a single gentle horizontal curve along its frontage. Kingdon Road is a local access road with a chip sealed carriageway. This section of Kingdon Road is straight and rises towards the southeast. A 100kph speed restriction applies to both sections of road.

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. The site contains a High Voltage PowerNet Line rated at 33kV, which traverses through the eastern portion of the site (Refer to Figure 3).

The subject site has been identified as containing 44ha of LUC 2 High Class Soils and 9ha of LUC Class 3 Soils.

The site is located approximately 2km to the north-west 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 and smaller residential allotments along Waimea Highway and Reaby Road.

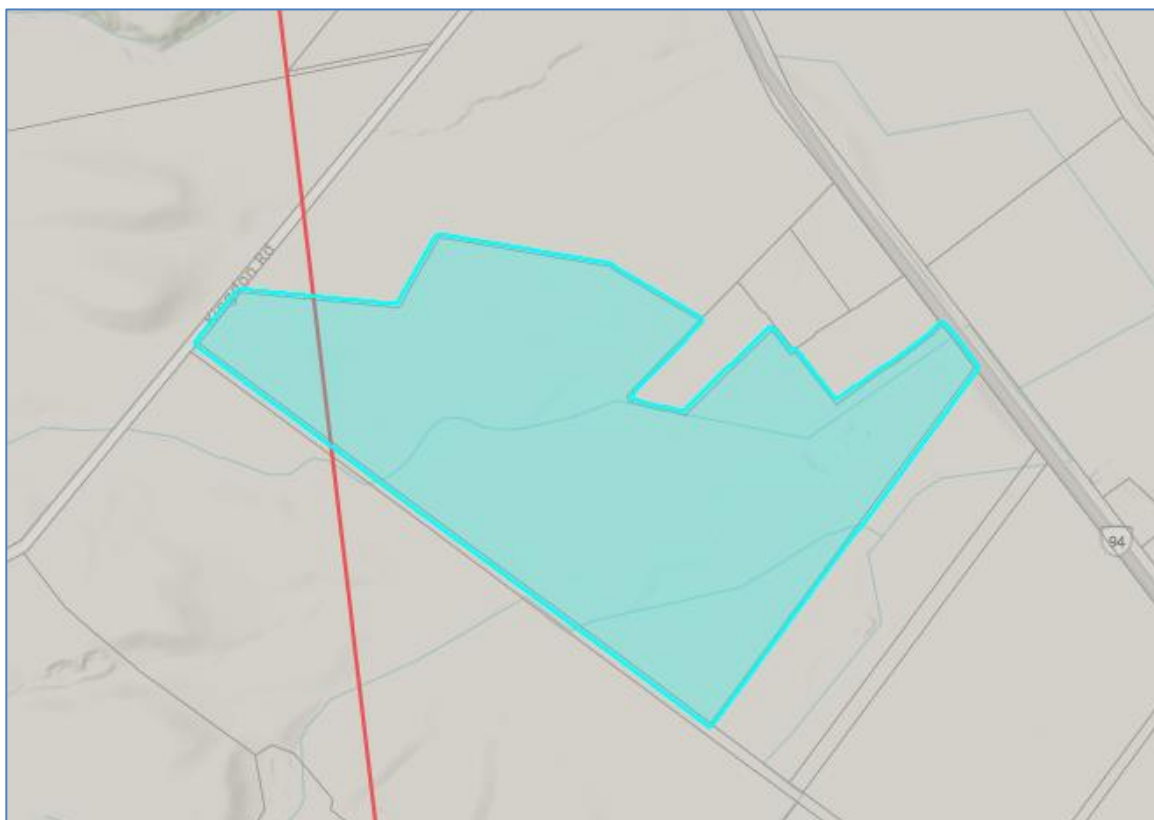


Figure 3: GIS Map showing Transmission PowerNet HV Line in red (source: GDC ArcGIS)

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

The following written approval was provided:

Owner(s)	Site	Date
Waka Kotahi New Zealand Transport Agency	Waimea Highway (SH 94)	27 September 2023

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.
- A number of surrounding properties in the area are of a similar density, such that the proposed 2ha to 14ha Lots are common in the surrounding rural environment. The proposed subdivision will not be out of character with the surrounding area.
- Proposed Lots 1 to 3 are of a size and shape that can accommodate a future residential unit, while proposed Lot 4 can continue to accommodate the existing dwellings, and accessory buildings. It is considered that 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 are acceptable.
- Given the size of the lots and no indications of hazards, it is considered unnecessary to require a fixed area for a building platform.
- 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, shape 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

- There is a high voltage line that traverses across the eastern portion of the site (proposed Lot 1 and majority of Lot 3). The High Voltage PowerNet Line rated at 33kV does not form part of the national grid and is rated below 110kV, therefore the NES-Electricity Transmission Activities does not apply. Additionally, the operation of the lines does not pose any risks to the wider environment.
- 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 liquification 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

- In terms of the services for Lots 1 to 3, potable water is proposed to be supplied via onsite roof/rainwater collection. Wastewater disposal will be via on-site septic tanks and disposal/drainage fields. Stormwater runoff will be disposed of to the ground and is expected to be fully contained within the proposed boundaries. The detailed design and requirements of these services will be assessed at the time a building consent is submitted to the Council for future development on the individual lots.
- The existing dwelling on proposed Lot 4 is currently serviced for potable water supply via an existing bore hole, rainwater roof/collection tanks; on-site septic tank, retaining the wastewater provisions and stormwater disposal systems.
- In terms of electricity supply, the applicant has provided confirmation from PowerNet that its network can be extended to provide additional connections to proposed Lots 1 to 3 (reference emails from Fraser Neil – Operations (Distribution) Project Manager, dated 21 July 2023). Lot 4 will retain the site's existing electrical connection extending from State Highway 94.
- Overall proposed Lots 1 to 3 can be feasibly serviced at the time of development, and Lot 4 can continue to utilize the existing services.

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 4. However, given that the District Plan enables rural living on sites greater than 2ha, 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 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 and advised "*I am satisfied that the location (proposed vehicle crossing and access to Kingdon Road) will provide adequate sight distance in both directions. A traffic speed survey will not be needed*". 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 proposed vehicle crossing onto Kingdon Road shall be constructed at the applicants cost by an approved roading contractor to meet the requirements of Diagram R09-2 'Primary Commercial Access' contained in the Bylaw. The proposed location of the vehicle crossing has demonstrated compliance with sight distance requirements of the Bylaw.
- 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.

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

The properties that surround the site are mainly used for rural activities, although there are some rural lifestyle lots in the immediate surrounding area. The proposed subdivision is consistent with this surrounding land use.

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. 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 adjacent properties will be less than minor.

The subdivision would maintain the safe and efficient function of the Council's roading network. 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 can feasibly be accommodated on site, with rainwater catchment and on-site tanks for potable water for proposed Lots 1, 2 and 3 and existing service proposed to remain for Lot 4. Stormwater and wastewater will be discharged to ground within the boundaries of the individual lots. Additional power and wireless telecommunications service can be provided to proposed Lots 1, 2 and 3 at the time of building consent. Overall, any effects relating to servicing are considered to be less than minor on any person.

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

Conclusions: Effects on Persons

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. In terms of section 95E of the RMA, and on the basis of the above assessment, the adverse effects are considered to be less than minor and there are no persons that would be adversely affected by the proposed subdivision.

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 to 3 can accommodate a future residential activity, while proposed Lot 4 can continue to be used for rural and residential activities (utilizing its existing servicing 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.

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 2 (east corner of subject site) and Class 3 soils (majority of site outside of proposed Lots 1 to 3). These soils can continue to provide for a small-scale 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.

I consider 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 Lots 1 to 3 will be served by a new legal and physical access to Kingdon Road at the time of development, while proposed Lot 4 will be served by an existing legal and physical access to Waimea Highway (State Highway 94).

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.

9. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, subdivision consent is **granted** to undertake a five-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 on 22 July 2023 and the further information received 28 September 2023 and the following plan:
 - *Southern Horizons, Lots 1 to 4 Being Subdivision of Lot 5 DP 573409, 263 Waimea Highway, Plan #1, Rev 1, Date: 16-08-23*
 - *Southern Horizons, Sight Lines A & B Longsection, 263 Waimea Highway, Plan #1, Rev 1, Date: 16-08-23*

This plan is attached as Appendix A.

2. This consent shall expire in 5 years from the date it was granted, being 9 October 2028.
3. 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.
4. The consent holder must meet the costs for the preparation, review and registration of any easement instrument(s) on the relevant Records of Title.

Electricity

5. Prior to certification 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 Lots 1 to 3, and that all the network supplier's requirements for making such means of supply available have been met. The electricity supply for Lots 1 to 3 shall be located underground.

Consent Notices

6. 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 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.
- e) At the time of lodging a building consent for a dwelling, a new vehicle crossing to Kingdon Road must be located and constructed in accordance with the relevant access standard (Diagram R09-2) in the Gore District Council Subdivision and Land Development Bylaw 2019 to the approval of the Council's Rooding Manager.

Advice Notes

- 1. Any future development on Lots 1 to 4 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.

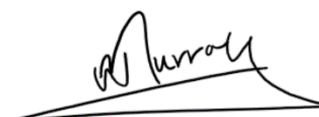
If you have any enquiries, please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



Mishka Banhidi
Consultant Planner

Decision made by



Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS



Schedule of Easements		
Purpose	Shown	Benefitted Land
R.O.W. & Services	A	Lot 4
	B	Lot 4
	C	Lot 4

Lots 1 to 4 Being Subdivision of Lot 5 DP 573409
263 Waimea Highway

Project # - 23026
 Client - J. McKenzie

Scale 1:400 @ A3
 Datum NZMS2000
 Plan # 01

Rev.	Date	Revision Details
0	21/05/23	For consent
1	16/08/23	South ROW entrance

NOTE: This plan shows the proposed subdivision of Lot 5 DP 573409 into 20 lots. The plan is based on the information provided in the title block and does not constitute a guarantee of any kind. The plan is subject to the provisions of the Resource Management Act 1991 and the Land Use Restriction Act 1992. The plan is not to be used for any other purpose without the written consent of Southern Horizons.

SOUTHERN HORIZONS
 SURVEYING & RESOURCE MANAGEMENT
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Survised
 Drawn
 HEW
 Designed

