

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC24005 and LU24006
Applicant	Five Oaks Limited
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a two lot residential development. Land use consent for a breach of density, site coverage and yard setback.
Location	3 Maitland Street, Gore
Legal Description	Lot 4 DP 546975
Activity Status	Discretionary
Decision Date	11 April 2024

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 April 2024 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104B of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 and 220 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was

considered by Werner Murray, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to undertake a two lot residential subdivision at 3 Maitland Street as follows:

- Lot 1 to be 306m² (265m² net). The site is currently vacant, but it is proposed to build a residential dwelling with an adjoining carport. The lot will have legal frontage to Maitland Street and access via a reciprocal right of way. This is shown as area A and B on the scheme plan.
- Lot 2 to be 350m² (343m² net). The site is currently vacant but is proposed to have a residential dwelling with an adjoining carport. The lot will have access via a reciprocal right of way. This is shown as area A and B on the scheme plan.



Figure 1: Scheme Plan

The Applicant has lodged a building consent with the Gore District Council for two residential dwellings to be built. This building consent was issued on the 08.02.2024 (reference: BC 2023-211029). The plans provided in this application are in accordance with those approved plans.

Services

Both lots are proposed to connect to the existing council services in Maitland Street through separate connections. Potable water and stormwater services will be located in the right of way for Lots 1 and 2. Easement A and B is shown on the scheme plan to legally protect these service connections.

Due to the slope gradient of the proposed lots, Lots 1 and 2 will each have a stormwater gravity fed system to respective 3000L water tanks on the allotments. Stormwater will be collected onsite from sumps in the lots and a channel drain running down the right of way. The individual tanks will be pumped to the kerb and channel outlets in Maitland Street by a pump system.

It is proposed that both lots will connect to the existing Council sewer main located in Lot 3 DP 546975 via two separate 100mm connections. This sewer main is legally protected by an existing easement in gross in favour of the Gore District Council. Lot 1 individual connection to this main will be legally protected by easement C over Lot 2 as shown on the scheme plan.

Separate telecommunication and power connections will be installed to Lot 1 and Lot 2 when residential development occurs. PowerNet and telecommunication supply has been confirmed by the Applicant (reference email from Fraser Neil, dated 27.02.2024).

Land Use

The subdivision creates two residential lots with an area less than 400m². Therefore, land use consent is sought for the density non-compliance for the future residential activity. The District Plan permits residential activity on a site more than 400m². Both proposed dwellings on Lot 1 and 2 will breach density as the resultant lots will be less than 400m². Lot 1 being 306m² and Lot 2 being 359m² respectively.

In addition, buildings and structures must not exceed 40% of the site area and meet bulk and location standards of the Operative District Plan.

Lot 1 requires land use consent for the breach of site coverage, the proposed dwelling and carport is to be 144m² in area, breaching the 40% site coverage of the 265m² net area of the lot. In addition, the carport is to be located 0.5m from the front yard with an aggregate length of 7m. Any garages or carports over 6m must be set back 4.5m from the boundary and 1m from other boundaries. The Applicant has confirmed the building on Lot 1 will be set back 1m from the internal boundary of the right of way.

Land use consent is sought for the density, bulk, and location non-compliances.

The Building Consent Authority has issued a building consent for two residential dwellings to be built on the site (consented under BC211029). This consent has a section 37 certificate under the Building Act 2004 attached to it, stating that no building work may proceed until a resource consent has been obtained for the District Plan land use breaches mentioned above. The building consent has assessed the application against the requirements of the Building Act.

2. SITE DESCRIPTION

The subject site is located at 3 Maitland Street, legally described as Lot 4 DP 546975, being 655m² in area. It is located in the Residential A Zone, towards the outer residential envelope of East Gore. There is no formed access from Maitland Street.

The site is vacant land with a gradual decline from Maitland Street to the north of the section. The surrounding area is mainly residential in character and nature with residential lots of a similar size and a few larger vacant lots utilised for light stock grazing.

The Council's mapping system does not identify the site as being prone to a natural hazard. The liquefaction risk across the site is 'negligible'. This site is not identified as being on the Selected Land Use Register as an actual or potentially contaminated site.



Figure 2: Subject site highlighted in blue.

3. ACTIVITY STATUS

3.1 Gore District Plan

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

Subdivision

- A **discretionary** activity pursuant to Rule 8.10(5) to undertake a two-lot subdivision of the site, where Lot 1 and Lot 2 does not comply with the provisos of 4(c), which requires each lot to have a minimum lot size exceeding 400m² in area. Lot 1 will be 359m² and Lot 2 will be 306m² in area.

The matters over which the Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.

Land Use

- A **restricted discretionary** activity pursuant to Rule 4.9.1(2) as the proposal breaches standard 4.9.1(1)(b) in regard to having two proposed residential dwellings on each proposed lot will breach 40% site coverage.
- A **discretionary** activity pursuant to Rule 4.2.4 as the proposal results in a residential activity on a lot less than 400m², in the Residential A zone.

- A **restricted discretionary** activity pursuant to Rule 4.7A.1(4) as the proposal breaches standard 4.7A.1(3)(a) in regard to a carport proposed to be located within 4.5m from the property boundary. It is proposed to establish a carport that is 7m in length that is setback 0.5m from the front yard.

The matters over which the Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.

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 **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 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 approvals have been provided:

Person (owner/occupier)	Address (location in respect of subject site)
Millie Cowan (owner and occupier)	64 - 66 Wentworth Street
Courtney Horrell (owner and occupier)	1 Maitland Street
Erin and Peter Howes (owner and occupier)	5 – 9 Maitland Street

The following effects may be disregarded:

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

Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case all subdivisions require resource consent, there is no permitted baseline.

In relation to land use, it is a permitted activity to establish two residential units and carports on one site provided they have a net site area of 400m² each. It is permitted to establish a single residential unit on a lot provided the lot is greater than 400m². Residential units must be setback 4.5m from the road boundary and 1m from any internal boundary; whilst carports may be located up to 500mm from the property boundary provided that the maximum length of the building adjacent to the boundary does not exceed 6m. Residential units can be built on the site provided

they do not exceed 40% of the site coverage. This permitted baseline in relation to setbacks and coverage is considered of relevance and applied to the land use assessment below.

Land Use

Density Breach

The proposed residential activity on Lot 1 and Lot 2 will result in non-compliance with the Operative District Plan standards with respect to density. Lot 2 area is 359m², which is 39m² smaller than the minimum 400m² net area required per residential unit under the District Plan. Whilst Lot 1 net area is 265m², 135m² smaller than the minimum 400m² net area. This is resulted due to the existing small parent site, being 665m² and the reciprocal right of way required for both Lot 1 and 2. This requires 3.5m in width of Lot 1 developable land recognised as area A and B on the scheme plan, resulting in an area of 56m² unavailable for developable land.

The applicant has provided development plans for the dwellings proposed on Lot 1 and Lot 2. As such, the future built form can be assessed. The dwelling on each respective lots contains 3 bedrooms and a combined kitchen/living area. Outdoor space is provided at the rear of the property with appropriate on-site parking spaces. It is considered adequate onsite amenity is provided for future occupants. The breach in density will not result in adverse effects from over-development of the site or negatively affect the streetscape and wider area.

Overall, the adverse effects on the environment are considered to be no more than minor.

Front yard breach

A land use breach will result for the proposed carport on Lot 1 due to the location of the building within the 4.5m yard requirement. A carport is permitted to be 0.5m from the boundary provided the length of the structure is no more than 6m. The carport is to be 7m in length, which is 1m more than what is permitted under the District Plan. Due to the open nature of the carport, having no sides reducing the visible observance from the naked eye, the extra 1m length will be mitigated by blending into the dwelling where the length of the building exceeds the carport. The additional space provided by the road verge to the neighbouring properties across Maitland Street helps mitigates the additional length of 1m.

The adverse effects of this breach on the environment are considered to be no more than minor.

Site coverage

The proposed dwelling on Lot 1 will result in non-compliance with the site coverage for a Residential A zoned lot. The building will exceed the site coverage by 14.34% as the net area of the lot is 265m² and the proposed building is to be 144m². The development plans have demonstrated that there is adequate outdoor space at the rear of the property despite breaching site coverage. If development was to occur before subdivision, the size of the parent lot is 655m² and the proposed two dwellings and carports are 247.2m² in area, resulting in 39.4% of the site being covered. This would not have breached the 40% site coverage permitted in the Residential A Zone. Overall, the site coverage will not result in adverse domestication of the site. The buildings are modest and relative to the lot sizes. The adverse effects of this breach on the environment are considered to be no more than minor.

Subdivision

Suitability of the allotments and future land use

The subdivision layout proposes two allotments in the Residential A Zone. Although both Lot 1 and Lot 2 are under the minimum 400m² gross area specified in the Gore District Plan, the scheme plan reflects a practical allotment layout for Lot 1 and Lot 2. Both lots have been shown to accommodate a three bedroom residential unit with a carport. The proposed layout will result in minor bulk and location breaches in respect to site coverage and yard setback for the proposed dwelling and carport on Lot 1, whilst the dwelling on Lot 2 meets the bulk and location standards of the District Plan.

The applicant has applied for a land use consent for various bulk and location non-compliances. As such, the application for subdivision and land use breaches can be assessed as a whole. The extent of the building standard non-compliances are generally small-scale. As assessed above the effects on the land use breaches will be no more than minor. The residential units when viewed as a complete project illustrate compact development of a site. The development plans show the size, shape, and configuration of the proposed allotments are appropriate for residential purposes. A rear dwelling utilising a right of way leg-in is consistent with the infill subdivision pattern in Gore.

Overall, it is considered the proposed subdivision will create sites suitable for future residential land use.

Suitability of land for subdivision – Natural Hazards and other Hazards

The subject site is not identified in the Selected Land Use Sites Register ('SLUS') as an actual or potentially contaminated site. The Council's mapping system, which sources information from Environment Southland, identifies the site's liquefaction risk as negligible. The site is not identified as subject to an inundation overlay.

Any adverse effects, with respect to natural hazards and other hazards on the wider environment will be less than minor.

Ability to provide services

Both lots will connect to reticulated services.

Council's 3 Waters Asset Manager, Mr Matthew Bayliss, has reviewed the application and has confirmed the lots can be feasibly serviced.

Both lots will connect to the existing potable water main located in Maitland Street. This connection will be protected by Easement A and B as shown on the scheme plan. An Acuflo CM2000 manifold is to be installed in a blue box outside the boundary for servicing.

In relation to wastewater, it is proposed both lots will connect to the existing main located in Lot 3 DP 546975. This sewer main although located on private property is Council infrastructure and has an existing easement in gross in favour of the Gore District Council legally protected by Easement E and F DP 546975I. This is reflected by the Easement Instrument document which grants easement or *profit á prendre*. The Gore District Council is granted, being the grantee the

rights and power to drain sewage. This connection enables the applicant to connect to this. The individual connections over Lot 2 will be protected by Easement C as shown on the scheme plan.

In relation to stormwater, Lot 1 and Lot 2 will have stormwater gravity fed to respective 3000L water tanks on each lot via the channel drain and sumps located in each lot. Each tank will have a pumped connection to the kerb and channel outlets in Maitland Street.

All wastewater and stormwater connections will require a cleaning eye brought to the surface approximately 300mm outside of the property boundary. This will need to be a red lid for wastewater and green lid for stormwater.

The application demonstrates that PowerNet have confirmed electricity is available for the proposed lots, and additionally telecommunications are available.

Mr Bayliss has recommended a consent notice to be included on both Lot 1 and Lot 2 to highlight the potential need for a pumped stormwater system to connect to the Council reticulated stormwater network. The Applicant has accepted this recommendation and this has already been addressed within the building consent issued.

Following consultation, the Applicant has agreed to the servicing solutions recommended by Mr Bayliss. Based on the above, the adverse effects on the environment from the proposed servicing of the subdivision will be less than minor.

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

There are no known heritage or archaeological features, or values identified on the site. It can be considered that the impacts of the proposed subdivision will be nil with respect to these features and values. The subject site is located outside of any mapped significant natural features and landscapes, or areas shown as having identified ecological or cultural values.

The proposed subdivision will not have noticeable effects on the water quality in the surrounding area as all services will be connected to the reticulated network. The proviso of having pumps to pump stormwater from the onsite water tanks to the kerb due to the natural gradient of the land will ensure that this development does not have more than adverse effects on the existing environment. The scale of the proposed activities to occur have adequate provisions in place to manage the services required for each proposed lot.

Overall, the adverse effects on the environment are considered to be less than minor.

Effects on traffic

The Council's Senior Roading Operations Officer, Mr 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 (the Bylaw) apply to this situation.

It is proposed to construct a new vehicle access to provide access to both Lots 1 and 2. Mr Hasler has recommended the access is constructed in accordance with Diagram R03 'Standard Drop Crossing Details' contained in the Bylaw. This will include a reinforced concrete driveway to be

constructed to the boundary. The right of way access shall further be surfaced and have a structural edge.

As the stormwater kerb outlet is proposed close to the new vehicle crossing this must be separated a minimum of 1m from this crossing and 1m from the neighbouring crossing (5 Maitland Street) at the kerb.

On this basis, Mr Hasler recommended that the application be approved from the transportation perspective.

Provisions of easements

A leg-in driveway is proposed to allow vehicle access to both Lot 1 and Lot 2. This is reflected as area A and B on the scheme plan.

An easement reflected as area C on the scheme plan is proposed to provide service for wastewater connection to Lot 1.

At the time of survey, all necessary easements will be confirmed and registered onto the relevant record of titles. Adverse effects on the wider environment are considered to 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.

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.

Neighbouring Properties

The adjacent persons assessed below are all the owners/occupiers of the properties that are located across Maitland street from the subject site.

The neighbouring properties at 1 Maitland Street, 5-9 Maitland Street and 64-66 Wentworth Street have provided written approvals for the subdivision and land use application. As these have been provided the effects of the proposal on these neighbouring properties have been disregarded.



Figure 3: Subject site shaded in blue. Affected party approvals provided in blue and neighbours assessed in red.

Subdivision

It is considered that the proposed subdivision will maintain the character of the residential area. Although both Lot 1 and Lot 2 are smaller than the anticipated lot size for the Residential A Zone, both lots are of a shape and size that can accommodate a future residential unit as reflected by the 'Site Plan, 3 Maitland Street, Southernwide Building, dated 30.06.2023'. The rear dwelling will be screened visually from the neighbours directly across the street by the front dwelling, due to the natural downward gradient of the site. This will reduce the visibility of this proposed infill development on the site. Overall, the visual effects of the subdivision on the neighbouring properties south of Maitland Street will be less than minor. Effects relating to the increased scale of residential activity on the site will be internal to the site and effects less than minor on the neighbouring properties south of Maitland Street.

The subdivision would maintain the safe and efficient function of the Council's roading network, any effects relating to traffic generation are considered to be less than minor for any adjacent owners and occupiers.

The lots can be feasibility serviced such that adverse effects on the identified neighbouring persons will be less than minor.

Land Use

Future residential development can be accommodated on both the lots due to the regular shape and boundary dimensions proposed. The plans demonstrate modest buildings, relative to the lot sizes

proposed. The breach in density will not result in adverse effects from over-development of the site or negatively affect the streetscape, given Lot 2 is a rear site and set back from the street. As a result, effects relating to the increased scale of residential activity on the site will be internal to the site. As the neighbours immediately adjoining the boundaries of the site have provided approval, potential effects on these persons have been disregarded. The neighbouring properties south of Maitland Street are considered to be sufficiently separated from the site such that potential nuisance effects from the increased density will be less than minor.

The bulk and location breaches in respect to building coverage and yard setback will be mitigated by the wide road verge either side of Maitland Street, separating the site from those neighbouring properties across the street.

The open design of the carport on Lot 1, will assist in blending the structure with the residential unit such that it will not be a dominant presence when viewed from the street. The residential amenity and character of Maitland Street will be maintained.

Overall the adverse effects on persons in respect to density, bulk and location of the buildings on Lot 1 and Lot 2 will be less than minor.

Conclusions: Effects on Persons

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Step 4 – Special Circumstances for Limited Notification

- There are no special circumstances that warrant limited notification of the application.

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

For the reasons set out above, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

6. SECTION 104 ASSESSMENT

6.1 Matters for consideration

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*

- (i) *A national environmental standard;*
- (ii) *other regulations;*
- (iii) *a national policy statement;*
- (iv) *a New Zealand coastal policy statement;*
- (v) *a regional policy statement or proposed regional policy statement;*
- (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

6.2 Effects on the Environment

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

6.3 Relevant Provisions

District Plan

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 shape of the allotments are suitable to accommodate future development for the residential zone, as indicated by the land use plans provided with this application. Although both the proposed lots are smaller than anticipated by the District Plan, each has been shown to accommodate a residential lot and outdoor

space. This will help provide additional residential lots in the Gore residential area. Overall, it is considered that the subdivision is considered to have no adverse effects on the amenity and character of the residential area.

Chapter 3 – Land Use Activities – A Framework

Objectives

(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.

(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.

Policies

(1) Establish zones that reflect the characteristics and amenity values of the area.

(2) Control the adverse effects of land use activities on the environment.

The land use is appropriate and will not lead to adverse effects on the amenity and character of the surrounding area. The two proposed buildings respectively on Lot 1 and Lot 2 on a smaller net area than anticipated by the District Plan, still maintains the character and amenity value of the Residential Zone. A residential unit is able to be built on each of the allotments as indicated by the residential plans provided by the Applicant.

The front yard breach on Lot 1 is of small scale and occurs along the front road boundary. An open carport will blend into the proposed residential dwelling on site. This allows the amenity and characteristics of the residential character of Maitland Street to be maintained.

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

Southland Regional Policy Statement 2017

The proposed subdivision is in accordance with the Southland Regional Policy Statement 2017 (RPS). The application, although not compliant with the minimum lot sizes of the District Plan for residential zones, is still able to maintain sustainable urban development anticipated by the RPS. The additional lots provide positive environmental, social, economic, and cultural outcomes in the Gore District, accommodating for a range of individuals in the district. The overall subdivision is not sporadic and reads in the residential zone as being appropriate for urban growth and development.

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.

In this case each allotment has a legal and physical access. The reciprocal right of way is required to be upgraded in accordance with the Standard R03 'Standard Drop Crossing Details' outlined in the Gore Subdivision and Land Development Bylaw. The subject site is not located in an inundation area, the proposed subdivision of the land is therefore unlikely to accelerate material damage from natural hazards onsite or off. 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 proposed lots will enable additional residential lots and dwellings to be constructed in the future. These additional lots will enable people and communities to provide for their social, economic and cultural wellbeing, benefiting the community. As assessed above, the adverse effects of the proposal can be avoided, remedied, or mitigated.

Section 6 – Matters of national importance

Attention has been given to matters of national importance. This site does not contain any outstanding natural features or landscapes, nor an area of significant indigenous vegetation. It is considered the land use is appropriate within this residential landscape.

Section 7 – Other matters

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

Section 8 – Treaty of Waitangi

This site is not within any known heritage sites or statutory acknowledgement areas. The proposal is not considered to be inconsistent with the principles of the Treaty of Waitangi.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

9. DECISION ON RESOURCE CONSENT

Pursuant to Section 104B of the RMA, consent is **granted** to subdivide 3 Maitland Street into two allotments, subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

Decision A – Subdivision

1. The subdivision shall be undertaken generally in accordance with the application made to the Council on the 28.02.2024 and the following plan:
 - Proposed Subdivision of Lot 4 DP 546975 [RT 932193], drawn by Clark Fortune McDonald, dated 17.10.2023.
2. Prior to 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. The consent holder shall meet the costs for the preparation, review, and registration of any easement instrument(s) on the relevant Record of Title.
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 Council Chief Executive Officer of the Gore District Council, or delegated officer, complete the following, in accordance with the details provided in the resource consent and the Council's standards.
 - a. The residential units on each allotment are to be completed to a stage where they are fully measurable (i.e. the walls, floors and roof shall be constructed).
 - b. The provision of separate water supply connections to the property boundary of lot 1 and lot 2. Note the Lot 2 connection shall extend the length of the right of way into the net site area of lot 2. The connections require an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
 - c. The provision of separate wastewater connections to the property boundary of Lot 1 and Lot 2. The wastewater connections are to have cleaning eyes. These shall be approximately 300mm outside the property boundary brought to the surface with a Council approved cover with a red lid for servicing. This will need to be a cast iron lid if it is in a trafficable area.
 - 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. Construct a vehicle crossing, in accordance with the standards contained in Diagram R03 'Standard Drop Crossing Details' in the Gore District Council Subdivision and Land Development Bylaw 2019. This includes reinforcing the driveway with concrete to the property boundary.
 - f. The right of way area A and B shall be formed to comply with 3.3.16.2 of the bylaw. The right of way must be surfaced and shall have a structural edging along both sides of the right of way.
 - g. The proposed stormwater kerb outlet must be separated a minimum of 1m from the proposed vehicle crossing and 1m from the neighbouring vehicle crossing of 5 Maitland at the kerb, in accordance with Diagram D16 'Standard House Connection Details' of the Bylaw.
6. Prior to the certification of the subdivision pursuant to section 224 of the Resource Management Act 1991; a consent notice, in accordance with Section 221 of the Resource Management Act 1991, shall be issued for Lot 1 and Lot 2 to record that:

- a. A pumped stormwater system connecting to the kerb will be required to be installed to dispose stormwater.

Decision B – Land Use

Pursuant to Section 104C of the RMA, consent is granted to enable two residential units that will breach density, site coverage, and yard setback, subject to the following conditions imposed pursuant to Section 108 of the RMA:

1. The proposal must be undertaken generally in accordance with the application as submitted to the Council and the following plans:

- Site Plan, 3 Maitland Street, Southernwide Building, dated 30.06.2023.
- Floor Plan, 3 Maitland Street, Southernwide Building, dated 30.06.2023.
- North and East Elevations, 3 Maitland Street, Southernwide Building, dated 30.06.2023.
- South and West Elevations, 3 Maitland Street, Southernwide Building, dated 30.06.2023.

These are attached as Appendix A.

2. The consent holder shall, to the satisfaction of the Council Chief Executive Officer of the Gore District Council, or delegated officer, complete the following, in accordance with the details provided in the resource consent and the Council's standards:

- a. The provision of separate water supply connections to the property boundary of lot 1 and lot 2. Note the Lot 2 connection shall extend the length of the right of way into the net site area of lot 2. The connections require an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
- b. The provision of separate wastewater connections to the property boundary of Lot 1 and Lot 2. The wastewater connections are to have cleaning eye's. These shall be approximately 300mm outside the property boundary brought to the surface with a Council approved cover with a red lid for servicing. This will need to be a cast iron lid if it is in a trafficable area.
- c. A pumped stormwater system from Lot 2 and Lot 1 onsite stormwater tanks connecting to the kerb will be required to be to dispose stormwater.
- 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. Construct a vehicle crossing, in accordance with the standards contained in Diagram R03 'Standard Drop Crossing Details' in the Gore District Council Subdivision and Land Development Bylaw 2019. This includes reinforcing the driveway with concrete to the property boundary.

- f. The right of way area A and B shall be formed to comply with 3.3.16.2 of the bylaw. The right of way must also be surfaced and shall have a structural edging along both sides of the right of way.
- g. The proposed stormwater kerb outlet must be separated a minimum of 1m from the proposed vehicle crossing and 1m from the neighbouring vehicle crossing of 5 Maitland at the kerb, in accordance with Diagram D16 'Standard House Connection Details' of the Bylaw.

Advice Notes

1. This resource consent does not constitute a Building Consent under the Building Act 2004. You should consult with the Building Control Manager of the Gore District Council to obtain information on any Building Consents required to undertake development.
2. A building consent is required for all stormwater, water and wastewater services and pipelines to be installed in the ROW and into each proposed lot, prior to ROW being completed and certification.
3. All engineering works (including vehicle access, servicing, and earthworks) shall be carried out in accordance with the standards in the Gore District Council's Subdivision, Land Use and Development Bylaw 2019.
4. Any work carried out on the legal roadway require the prior approval of the Council and consent holder must consult with the 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.
5. All 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>
6. The consent holder is advised of their obligations under Section 114 Building Act 2004 which requires the owner to give written notice to Council's Building Department of any subdivision of land which may affect buildings on the site. It is the consent holder's responsibility to ensure that the subdivision does not result in any non-compliances with the building regulations.

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



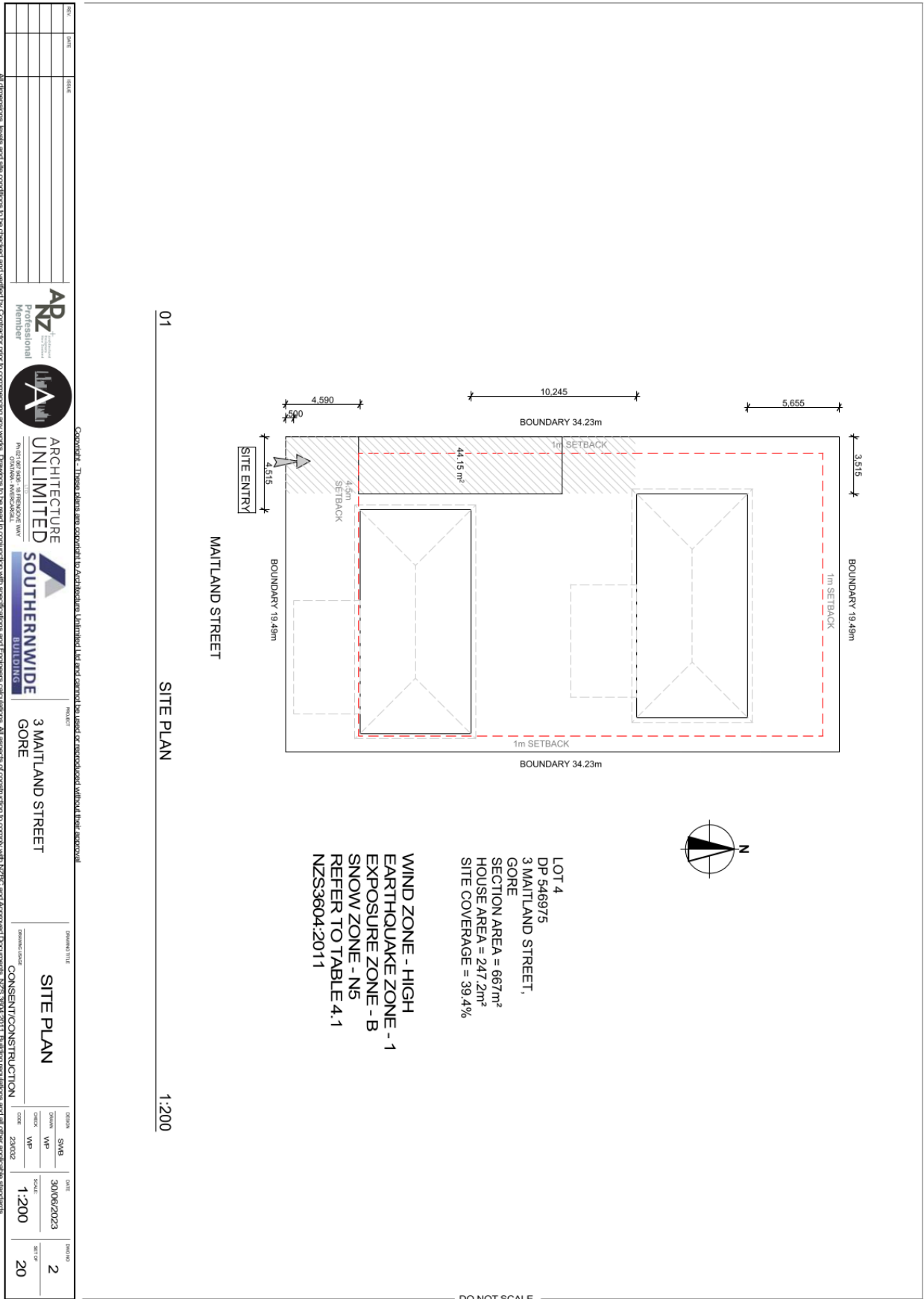
Bridget Sim
Graduate Planner

Decision made by



Werner Murray
Delegate

Appendix A: Approved Plans



01 SITE PLAN 1:200

LOT 4
 DP 5446975
 3 MAITLAND STREET,
 GORE
 SECTION AREA = 667m²
 HOUSE AREA = 247.2m²
 SITE COVERAGE = 39.4%

WIND ZONE - HIGH
 EARTHQUAKE ZONE - 1
 EXPOSURE ZONE - B
 SNOW ZONE - N5
 REFER TO TABLE 4.1
 NZS3604:2011

DO NOT SCALE

NO.	DATE	ISSUE

ARCHITECTURE UNLIMITED
 PROFESSIONAL MEMBER
 ARCHITECTS
 3 MAITLAND STREET
 GORE

SOUTHERNWIDE BUILDING
 BUILDING CONSULTANTS
 3 MAITLAND STREET
 GORE

SITE PLAN
 CONSENT/CONSTRUCTION

DESIGNER	DATE	ISSUED
SMB	30/06/2023	2
VP	SCALE	SET OFF
VP	1:200	20
VP		

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 All dimensions, levels and site conditions to be checked and verified by Contractor prior to commencing any work. Drawings to be read in conjunction with specifications and Engineers calculations. All aspects of construction to comply with NZBC and Approved Documents, NZS 3604:2011, Building regulations and all other applicable standards.

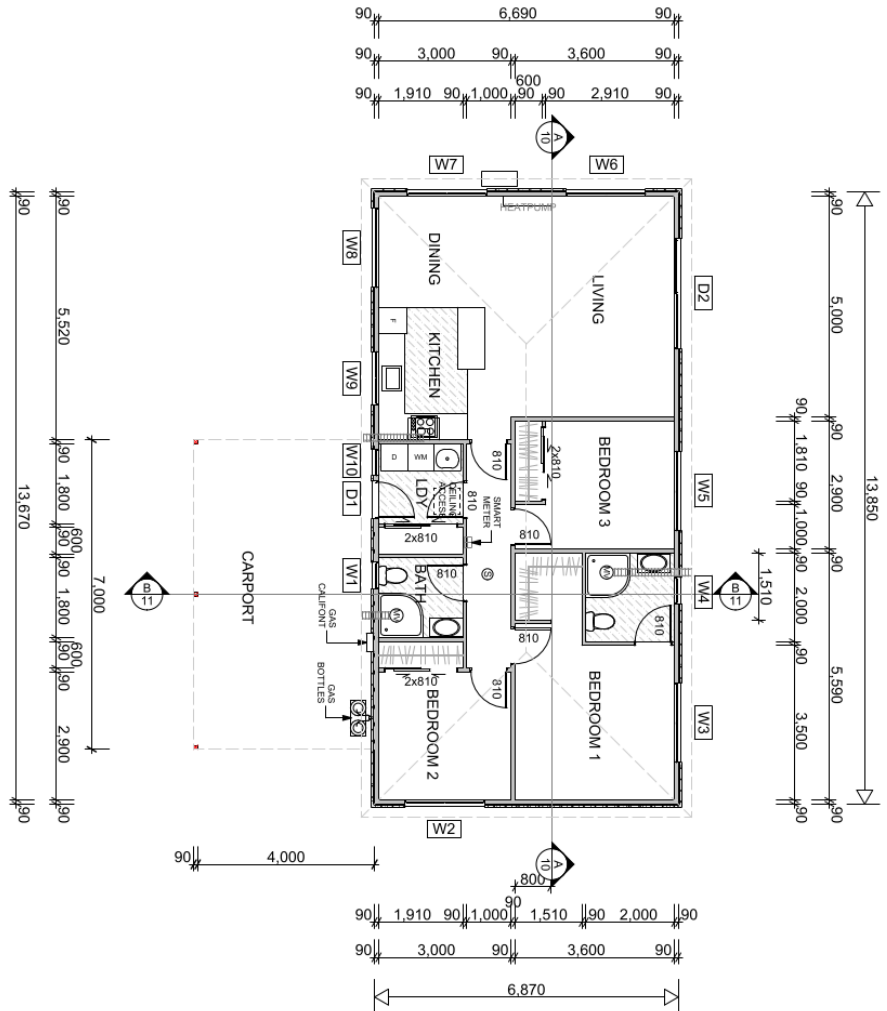
NO.	DATE	ISSUE

ARCHITECTURE UNLIMITED PROFESSIONAL ARCHITECTS 100/100 WILSON AVENUE AUCKLAND		SOUTHERN WIDE BUILDING BUILDING CONSULTANTS 100/100 WILSON AVENUE AUCKLAND	
PROJECT: 3 MAITLAND STREET GORE		DRAWING TITLE: FLOOR PLAN	
DRAWING CODE: CONSENT/CONSTRUCTION		DESIGN CODE: SWB3	
DATE: 30/06/2023		DRAWING SCALE: 1:100	
DATE: 5		SHEET NO: 20	

All dimensions, weights and site conditions to be checked and verified by Contractor prior to commencing any works. Changes to be noted in comparison with specifications and Engineer's calculations. All aspects of construction to comply with NZBC and Approved Documents, NZS 3604:2011, Building Regulations and all other applicable standards.

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04 FLOOR PLAN B 1:100



NOTES:

1. REFER TO NZS 3604 (2011) FOR ALL ASSEMBLY AND CONSTRUCTION DETAILS NOT INDICATED ON THESE DRAWINGS.
2. REFER ALSO TO SPECIFICATION FOR FINISHES, MATERIALS & MATERIALS REQUIRED. LOOSE SHEETS FOR ADDITIONAL INFORMATION.
3. VERIFY ALL DIMENSIONS AND LEVELS ON SITE.

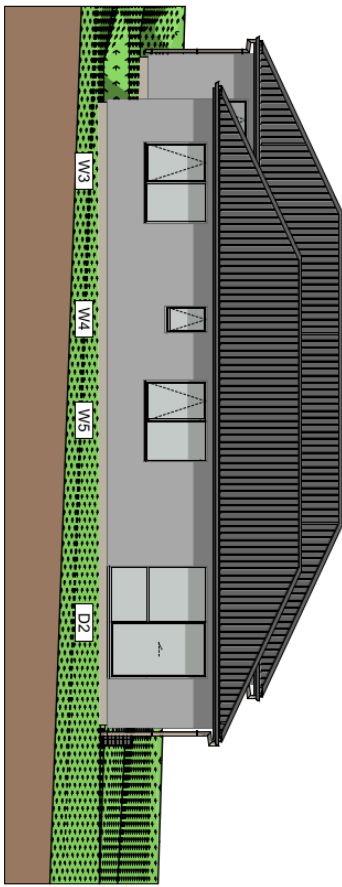
ALL DIMENSIONS TO FRAMING LINES UNLESS OTHERWISE NOTED. REFER TO FINISH LINE SHEET 01 FOR DIMENSIONS TO OVERALL SET OUT. ALUMINIUM JOINERY - DOUBLE GLAZED GENERALLY - SEE DOOR & WINDOW SCHEDULE. 25mm H8.1 TIMBER REVEALS TO TAKE ARCHITRAVES.

NOTE: ALL WINDOWS SHALL BE CONSTRUCTED IN ACCORDANCE WITH NZS 4211 TO SUIT LOCATION. ALL GLAZING SHALL BE TO NZS 4223 p1.3 2016 REFER TO DOOR & WINDOW SCHEDULE FOR DIMENSIONS.

- ⊙ - SMOKE ALARM, TO COMPLY WITH NZBC F7
- ⊙ - GROUND FLOOR AREA = 95m² OVER FRAMES

- PROPRIETARY SHOWER 1x1m
- VINYL
- MECHANICAL VENT

DO NOT SCALE

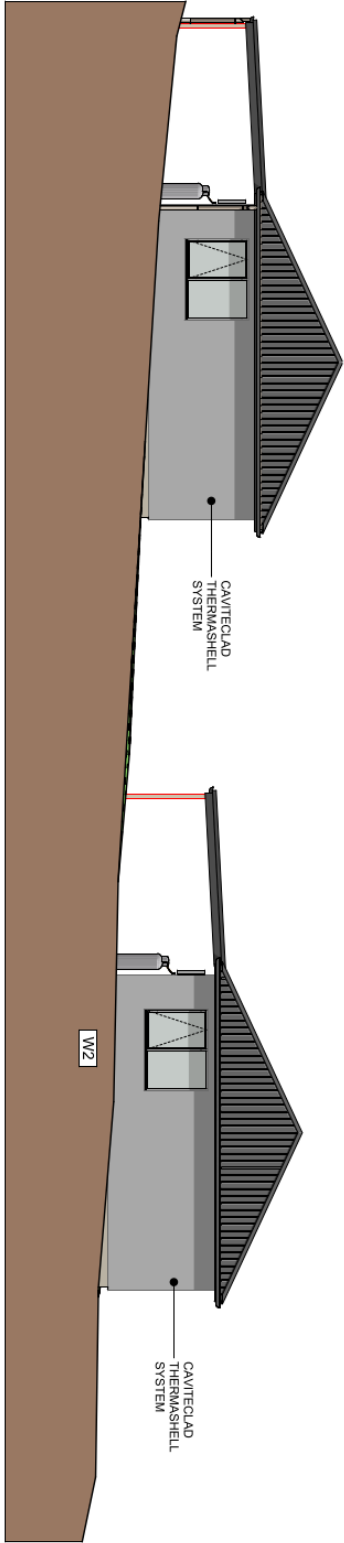


E-01

NORTH ELEVATION

1:100

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E-02

EAST ELEVATION

1:100

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NO.	DATE	REVISION



**ARCHITECTURE
UNLIMITED**
REGISTERED ARCHITECTS
GENERAL PRACTICE



**SOUTHERNWIDE
BUILDING**

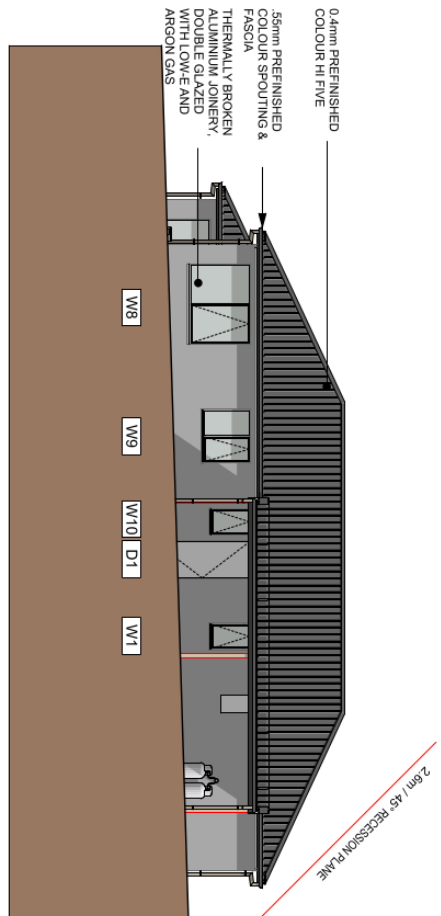
PROJECT: 3 MAITLAND STREET GORE

DRAWING TITLE: NORTH & EAST ELEVATIONS

DRAWING CODE: CONSENT/CONSTRUCTION

DESIGNER	DATE	REVISION
WJP	30/06/2023	8
CHECKER	SCALE	SHEET
WJP	1:100	20
CODE		
23002		

All dimensions, levels and data conditions to be checked and verified by Contractor prior to commencing any works. Drawings to be read in conjunction with specifications and Engineers calculations. All aspects of construction to comply with NZS8 and Approved Documents NZS 3604:2011 Building regulations and all other applicable standards.

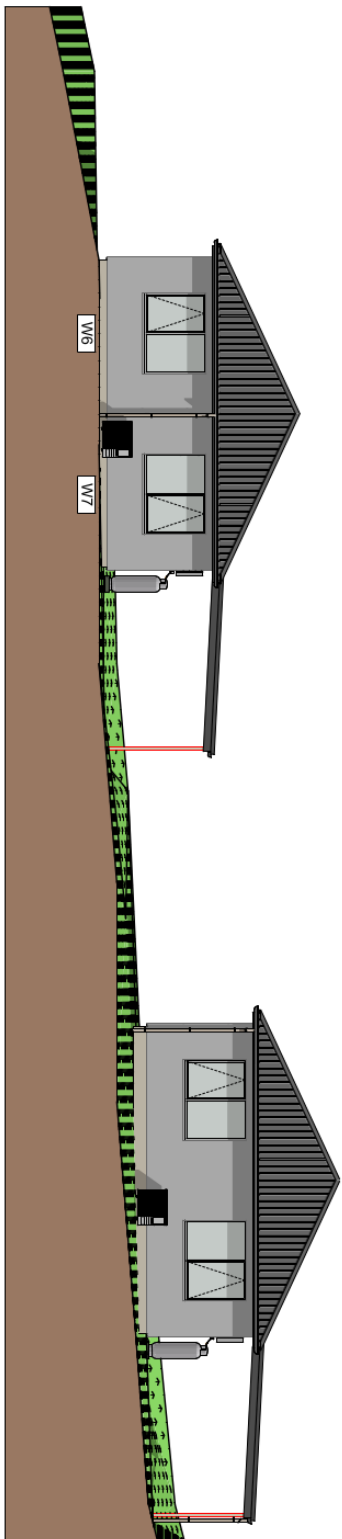


E-03

SOUTH ELEVATION

1:100

DO NOT SCALE



E-04

WEST ELEVATION

1:100

REV	DATE	DETAIL

 	 <small>PHOTOGRAPHY: J. B. PROSSER, WAY GIVAN, WATCHELL</small>	
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PROJECT 3 MAITLAND STREET GORE		
DRAWING TITLE SOUTH & WEST ELEVATIONS		
DESIGN DRAWN: SMB CHECK: WBP SCALE: 1:100 CODE: 23X02	DATE 30/06/2023	DRAWN 9 SET OF 20

All dimensions, levels and site conditions to be checked and verified by Contractor prior to commencing any works. Drawings to be read in conjunction with specifications and Engineers calculations. All aspects of construction to comply with NZBC and Approved Documents, NZS 3604:2011 Building Regulations and all other applicable standards.