

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC24029
Applicant	Andrew Thomas and Lynette Elizabeth Johnstone
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a two lot subdivision
Location	369 Pioneer Highway, Brydone, Mataura
Legal Description	Section 10E Edendale Settlement held in Record of Title SL115/224
Activity Status	Restricted Discretionary
Decision Date	13 August 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 Penny Weng, on 13 August 2024 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 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 Penny Weng, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to undertake a two lot subdivision in the Rural Zone.

Lot 1	5.9 ha. Proposed Lot 1 has frontage with Pioneer Highway and comprises an existing dwelling, accessory farm buildings and farm infrastructure.
Lot 2	116 ha. Proposed Lot 2 has frontage to Pioneer Highway and the Mataura River adjoins the rear boundary. There is an existing hay barn on site.

There is no new development proposed for Lot 1 or Lot 2 at this stage. Lot 1 will be used for rural lifestyle purposes. Lot 2 is proposed to be amalgamated with the existing farm to the south (Section 1S Brydone Settlement) and will continue to be used for productive purposes.

Proposed Lot 1 has an existing vehicle crossing onto Pioneer Highway, which crosses the Main South Railway Line. Proposed Lot 2 does not have a vehicle crossing. The applicant proposes that access to this allotment will be via the amalgamated lot, Section 1S Brydone Settlement, which has an existing vehicle crossing off Gibson Road.

2. SITE DESCRIPTION

The site at 369 Pioneer Highway, Brydone is legally described as Section 10E Edendale Settlement and held in Record of Title SL115/224. The site is approximately 122 hectares in area. The site is zoned as Rural and is located approximately 21km from the Gore Township.

The site has frontage with Pioneer Highway (State Highway 1) to the west. The site is currently used for agricultural purposes and contains a residential dwelling and multiple accessory farm buildings on the site, as shown in Figure 1. The site comprises Land Use Capability Class 2 soils.

The site is subject to the Mataura River Catchment Flood Hazard Overlay, being an area subject to actual or potential flooding.

There are no relevant interests on the Record of Title.



Figure 1: Subject site, outlined in red (Source: Grip Maps)

3. ACTIVITY STATUS

3.1 Operative Gore District Plan

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

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

The Council's discretion is restricted to the following:

- (i) *suitability of the allotments for activities permitted within the zone in which they are located.*
- (ii) *suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;*
- (iii) *ability to provide services (water, sewage, storm water, power and telecommunications);*
- (iv) *impacts on the council and other infrastructure services;*
- (v) *future use of the land and the need to consider any associated resource consents;*
- (vi) *within residential and rural areas lot size, dimensions and potential for future subdivision of the land;*
- (vii) *within residential and rural areas the desirability of providing building platforms; and provision of easements*
- (ix) *impacts on any heritage or archaeological values*
- (x) *impacts on natural features and landscapes, ecological or cultural values*
- (xi) *impacts water quality, including groundwater*
- (xii) *provision of all transport modes, including the movement of pedestrians and cyclists*

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

3.2 Proposed Gore District Plan

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

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

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES-CS does not apply.

3.3 Activity Status Summary

Overall, the application is being considered and processed as a **restricted discretionary** activity under the District Plan.

4. NOTIFICATION ASSESSMENT

Sections 95A – 95F (inclusive) of the Resource Management Act 1991 ('RMA') set out the steps the Council is required to take in determining whether or not to publicly notify an application or notify on a limited basis.

4.1 Public notification – Section 95A

In accordance with section 95A, the following steps have been followed to determine whether to publicly notify the resource consent application:

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

- The applicant has not requested public notification.
- Public notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA.
- The application does not involve exchange to recreational reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are no rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
 - a controlled activity; or
 - a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Step 3 – Public notification is required in certain circumstances

- There are no rules in a plan or National Environmental Standard that require notification.
- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land.
- Trade competition and the effects of trade competition.
- Any persons that have provided their written approval and as such adverse effects on these parties have been disregarded.

Written Approval/s

No written approvals have been given.

Permitted Baseline

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

Suitability of the allotments and future land use

The subdivision layout is consistent with what the District Plan enables in the Rural zone. Both of the proposed allotments exceed the 2 hectare minimum area specified in the Gore District Plan.

The existing dwelling and farm buildings located on proposed Lot 1 and the haybarn building which is located on proposed Lot 2 meet the required standards in the Rural zone with respect to the new shared boundary. There are no land use consents that need to be considered with this proposal.

Lot 2 is proposed to be amalgamated with the adjacent site (Section 1S Brydone Settlement) and the land will continue to be used as part of the existing farming operation on that property. Section 1S Brydone Settlement contains existing dwellings and no additional development right is gained as part of this proposal.

An advice note is recommended which advises the consent holder that any future development on proposed Lots 1 and 2 will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 and the Gore District Plan and will be assessed at the building consent stage.

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

Suitability of land for subdivision – Natural Hazards

The Gore District Council's mapping system identifies the site as subject to actual or potential flooding from the Mataura River Catchment.

Environment Southland's Team Leader Policy and Planning, Mr Gavin Gilder, has reviewed the application, and notes that it appears that proposed Lots 1 and 2 were flood free during the October 1978 and February 2020 floods (from the available information). These floods are the largest on record for Gore. However, this does not mean that there are no flood risks for proposed Lots 1 and 2.

Mr Gilder has provided the following assessment of the flood risk for proposed Lots 1 and 2. Proposed Lot 2 is to be amalgamated with the adjoining title to the south. Taking into account the flood risk as described above, and the fact the subdivision is effectively a boundary adjustment subdivision, Environment Southland has no concerns with the proposal from a flood risk perspective. It is recommended that the owners/occupants develop a flood contingency plan and make themselves familiar with the Mataura Catchment flood warning system.

The recommendation of a flood contingency plan will be included as a consent notice on the title for both Lots. Therefore, the subdivision will not exacerbate the risk of inundation upon the wider environment.

The Gore District Council's mapping system identifies the liquefaction risk on the site as 'negligible' and a small part of the south-east corner of Lot 2 as 'medium' risk, noting that any future development is likely to be positioned outside of this area. Therefore, it is considered that the subdivision will not exacerbate the risk of liquefaction upon the wider environment.

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

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

Ability to provide services

The site is located in the Rural zone, and there are no reticulated services available within this area.

Proposed Lot 1 has existing services. Water supply is via an existing bore located to the south-west of the dwelling and wastewater and stormwater is disposed of via on-site management systems. These systems are fully contained within the boundaries of Lot 1. Lot 1 has a connection the overhead powerlines located in Pioneer Highway which will be retained, and a telecommunications service is provided through wireless coverage.

Proposed Lot 2 will continue to be used for productive purposes and no new servicing for domestic purposes is proposed. Stormwater is discharged to ground, and water supply for stock water will be obtained via the existing supply through the amalgamation. Additionally, Section 15 Brydone Settlement has a power connection from the overhead lines in Gibson Road. A telecommunications service is provided through wireless coverage. The applicant has provided confirmation that Spark, Yrless and Farmside are able to provide the lot with wireless rural broadband. This is acceptable given that wireless services are becoming the norm and a preferential option for rural sites.

Overall, the existing services provided to Lot 1 are sufficient and proposed Lot 2 is provided with utilities through the amalgamation. Therefore, any adverse effects on the wider environment with respect to servicing will be less than minor.

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

There are no known heritage or archaeological features, or values identified on the site. It can be considered that the impacts of the proposed subdivision will be nil with respect to these features and values.

The subject site is located outside of any mapped significant natural features and landscapes, or any areas shown as having identified ecological or cultural values. While the subdivision will create practical boundaries that separate the dwelling from the productive land, this will not change the landscape of the site.

The subject site adjoins the Mataura River. However, there is no change in land use proposed on Lot 2. If any future development were to occur on Lot 2, stormwater and wastewater disposal will be assessed at the time of building consent. It considered any impacts on water quality, including

groundwater would be less than minor.

Effects on traffic

Lot 1 has an existing vehicle crossing onto Pioneer Highway, which has been identified on the scheme plan. Lot 2 will be provided with access through Section 1S Brydone Settlement, which has an existing vehicle crossing onto Gibson Road.

The Council's Roading Asset Manager, Mr Murray Hasler, has reviewed the application and notes that State Highway 1 (Pioneer Highway) is a Regional Arterial Road, and the section of road that adjoins the site is a limited access road. Pioneer Highway is straight and flat, and a speed restriction of 100kp/h applies. Additionally, the existing access for Lot 1 crosses the Main South Railway Line.

Mr Hasler has provided the following assessment of the existing accesses. The access standards contained in the Gore District Council Subdivision and Land Development Bylaw 2019 (Bylaw) apply to the proposal. The existing accesses meets the Bylaw requirements, including sight distance, and as the land use will not change due to the subdivision, an upgrade is not required for either access. Mr Murray notes that Applicant will need to advise both New Zealand Transport Agency (NZTA) and KiwiRail of the proposal. The effects on the requiring authorities are assessed in section 4.2 below.

In relation to the effects on the wider environment, the access point to Lot 1 will remain unchanged. The use of the access will further be restricted to a single Lot and therefore, any effects are akin to the existing situation. Lot 2 will have legal access by virtue of the amalgamation with the neighbouring lot.

Overall, it is considered both lots can be accessed, and any adverse effects relating to transport will be no more than minor.

Conclusion: Effects On the Environment

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed 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 adjacent to the Maitai River which is a statutory acknowledgement area.

Hokonui Runanga Inc. have been notified of the application and comment that as there are no physical works proposed as a part of the application, they do not have any significant concerns

associated with this subdivision application. Hokonui Rūnanga Inc. holds a neutral position to the application, and do not wish to provide any further comments or feedback.

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.

NZTA and KiwiRail

The subject site is adjacent to the State Highway and the Rail Corridor. NZTA and KiwiRail are the requiring authorities that manage the two assets.

The existing access points have been assessed by Council’s Roading Manager and found to be compliant with the Bylaw and are sufficient for their purpose. No upgrades or physical works are required. The proposed subdivision will not alter the existing land uses on site, nor will it increase the

number of properties utilising the access. Furthermore, no additional build rights for residential units will be created by the subdivision and therefore, the potential for reverse sensitivity effects will not be created.

Taking the above into account, it is considered the parties, NZTA and KiwiRail, are not adversely affected by the proposal to a minor degree.

Neighbouring Properties

The adjacent persons who are assessed below are all of the owners of the properties that share a common boundary with the subject site and those that are located opposite the site, as shown in Figure 2.



Figure 2: Adjacent properties shown by yellow stars

The adjacent properties include:

- the property to the north, 301 Pioneer Highway (Part Lot 3 DP 175), which contains a manufacturing plant;
- the property to the north-west, 67 Craig Road (Section 176E Edendale SETT), which is used for productive purposes and is separated by Pioneer Highway;
- the property to the north-east (Lot 1 DP 690), which is used for productive purposes and is separated by the Matura River.
- the properties to the east, which are separated by the Matura River. This includes Part Section 47 Block III Tukurau SD, which is Crown land and Part Lot 1 DP 2851, which is part of a larger productive farm;
- the property to the south, 507 Pioneer Highway (Section 1S Brydone SETT), which is used for productive purposes and which Lot 2 will be amalgamated with; and

- the properties to the west, 26 Terrace Road (Section 178E Edendale SETT) and 384 Pioneer Highway (Section 9E Edendale SETT), which are used for production purposes.

The subdivision meets the standard for minimum lot size for the Rural zone. The District Plan has therefore anticipated the adverse effects associated with existing / future development of this density on such lots and deemed it appropriate. Lot 1 has an existing dwelling and no additional development right is gained on Lot 2 as part of this proposal. Future developments on either lot are required to adhere to the District Plan bulk and location standards, specifically boundary rules which ensure effects on neighbouring properties are acceptable.

It is considered that the proposed lots will maintain the character of the area and the existing amenity values will be unaltered. Any adverse effects upon the rural character and the amenity experienced by persons residing on or working on the adjoining and adjacent properties will be less than minor.

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

Proposed Lot 1 is currently serviced for residential purposes in terms of a bore for water supply, on-site wastewater and stormwater disposal, an electricity connection and a wireless telecommunications connection. Domestic services for proposed Lot 2 are not required as the allotment will be used for productive purposes. An electricity connection, a wireless telecommunications connection and stock water supply are provided to Lot 2 through the amalgamation. The effects of servicing will therefore be less than minor for any adjacent person.

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

Conclusions: Effects on Persons

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

Step 4 – Special Circumstances for Limited Notification

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

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

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

6. SECTION 104 ASSESSMENT

6.1 Matters for consideration

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

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

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

6.2 Effects on the Environment

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 and s220 of the RMA as required to avoid, remedy or mitigate adverse effects.

6.3 Relevant Provisions

Operative District Plan

The relevant operative objectives and policies are contained within Chapter 8 - Subdivision of Land and 4A – Natural Hazards of the District Plan.

Chapter 8 - Subdivision of Land

Objectives

- (1) *To facilitate the orderly subdivision and development of land.*
- (2) *To ensure that the size and shape of new allotments created, and the design standards for access and infrastructure, is suitable and appropriate for the location and future use of the land.*
- (3) *To ensure that developers pay all reasonable costs associated with the subdivision and subsequent development of land.*
- (5) *To ensure land development and servicing is undertaken to Council's standards.*
- (7) *To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.*

- (8) *Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.*

Policies

- (1) *Control the subdivision of all land.*
- (2) *Avoid the adverse effects of subdivision on the functioning of existing services, infrastructure and roading.*
- (3) *Require the works associated with subdivision to be carried out in conformity with Council's standards.*
- (5) *Avoid any off-site effects of development of subdivided land.*
- (9) *Require land development to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011.*
- (10) *Have regard to the potential for the land subject to any subdivision consent, and other land in the locality to be further subdivided in the future.*
- (13) *Have regard to the potential impacts arising from the subdivision and future use of land on water quality, including groundwater.*

The proposed subdivision is consistent with the objectives and policies in Chapter 8. The size and layout of the allotments are practical and appropriate for the Rural zone. Proposed Lot 1 contains an existing residential unit with existing services. Proposed Lot 2 will continue to be used for agricultural purposes. Both lots can be provided with a suitable access via the existing vehicle crossings off Pioneer Highway and Gibson Road. It is considered that the subdivision is appropriate and will not lead to adverse effects on the amenity and character of the surrounding area.

Policy 4(b) of the Natural Hazards chapter is the most relevant policy in relation to natural hazards for this site. Policy 4(b) requires encouragement of techniques/measures to avoid the hazard to address this policy. Environment Southland recommends that the owners/occupants of the proposed lots develop a flood contingency plan and make themselves familiar with the Mataura Catchment flood warning system. This has been included as a consent notice condition. This condition will bring awareness of the inundation hazard to the owners and occupiers of the lots, that any future development of the lots will need to ensure that this is mitigated. This has shown that the applicant / owner of the property has undertaken mitigation methods in line with Policy 4A.4(4)(b).

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

Proposed District Plan

The Proposed District Plan was notified for public submissions on 31 August 2023. The submission period closed on 26 October 2023. The further submission period closed on 12 April 2024. As the rules that have immediate legal effect are not relevant to this proposal, it is unnecessary to apply any weighting to the Proposed District Plan at present time.

Southland Regional Policy Statement 2017

The proposal is consistent with the relevant objectives and policies in the Southland Regional Policy Statement, specifically the provisions contained in Chapter 5 (Rural land/soils). Objective RURAL.1 seeks to achieve sustainable use of Southland's rural land resource, in respect of a number of matters including (b) subdivision, use and development activities; (d) the use of soil resources; and (f) on-site wastewater systems. Policy RURAL.2 seeks to manage subdivision and land development activities in rural areas of Southland in a way that maintains or enhances rural amenity values and character.

The RPS generally recognises that subdivision and land development activities in rural areas need to be managed in a manner that takes into account the potential for reverse sensitivity issues that could lead to constraints on the ability to access significant rural land resource and undertake reasonable productive uses of land.

The proposed subdivision will allow one additional lot to be created, which does not include an additional development right. The site comprises Class 2 soils and it is proposed that Lot 2 will continue to be used for productive purposes. These soils will continue to provide for a rural activity following the subdivision. Lot 1 has an existing on-site wastewater system that is contained within the boundaries of the lot. Overall, it is considered that the proposal is aligned with the relevant objectives and policies in the RPS.

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

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

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made. For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of –

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

The site is subject to actual or potential flooding from the Maitara River Catchment. The applicant has contacted Environment Southland who have recommended that the future owners of Lots 1 and 2 develop a flood contingency plan. This has been included as a consent notice condition on the lots. There is no change to the land use, nor any development proposed as part of the application. Environment Southland have concluded that they have no concerns with the proposal from a flood risk perspective.

The site is not subject to any other known natural hazard risk, except for medium risk liquefaction near the south-east corner of Lot 2. It is considered that the subdivision will not exacerbate the risk of liquefaction.

Proposed Lot 1 has an existing legal and physical access onto Pioneer Highway (State Highway 1). Proposed Lot 2 will not be provided with its own access. However, it will have a legal and physical access onto Gibson Road, following the amalgamation with Section 1S Brydone Settlement.

Overall, the proposal meets the requirements of s106 of the RMA.

8. PART 2 OF THE RMA

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

Section 5 – Purpose

The proposed subdivision takes into account Section 5 of the RMA as the proposed lots will ensure the natural and physical resources of the rural land is protected for future generations. As assessed above, the adverse effects of the proposal can be avoided, remedied or mitigated.

Section 6 – Matters of national importance

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

Section 7 – Other matters

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

Section 8 – Treaty of Waitangi

This site is not within any known heritage sites or statutory acknowledgement areas and therefore, this recommendation is not inconsistent with the principles of the Treaty of Waitangi.

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

9. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, consent is **granted** to undertake a 2-lot subdivision of the site at 369 Pioneer Highway, Brydone, Matakura subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

Consent Conditions

General

1. The subdivision must be undertaken generally in accordance with the application made to the Council on 27th July 2024 and the following plan:
 - Lots 1 & 2 Being Subdivision of Sec 10E Edendale Settlement, 369 Pioneer Highway, Brydone, prepared by Southern Horizons, project # 24021, Rev. 0, dated 07.06.2024.

This plan is attached as Appendix A.

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

Amalgamation

3. That Lot 2 be transferred to the owner of Section 1S Brydone Settlement (RT SL9C/352), and that one Record of Title be issued to include both parcels.

LINZ Reference: 1913022

Consent Notice

4. Prior to the certification of the subdivision pursuant to section 224(c) of the Resource Management Act 1991; a consent notice, in accordance with Section 221 of the Resource Management Act, shall be issued for Lot 2 to record that:
 - a. The site is subject to the Matura River Catchment Flood Hazard Overlay, being an area subject to actual or potential flooding. Environment Southland recommends that Lot Owners develop a flood contingency plan. Information to assist landowners is available on the Environment Southland website.

Advice Notes

1. Any future development 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.

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



Joanne Skuse
Consultant Planner

Decision made by



Penny Weng
Delegate

Appendix A: Approved Plan

APPENDIX A – APPROVED PLAN

