

# Gore District Council Decisions



## NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

*Resource Management Act 1991*

<b>Application reference</b>	SC 24024
<b>Applicant</b>	McKinnon Property LP
<b>Proposal</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) to subdivide two lots, into three.
<b>Location</b>	10 McKinnon Road, McNab
<b>Legal Description</b>	Lot 2 Deposited Plan 5980 held in record of title SL233/79 and Pt Sec 17 Blk 1 Waikaka SD and Lot 1 DP 1293 held in Title Reference SL5B/362
<b>Activity Status</b>	Restricted Discretionary
<b>Decision Date</b>	<b>3 December 2024</b>

### 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 3 December 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 220 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray, on 3 December 2024 under delegated authority pursuant to Section 34A of the RMA.

## 1. THE PROPOSAL

The Applicant proposes to subdivide two lots into three as follows:

Lot 1	2.0 hectares. Proposed Lot 1 comprises a collection of rural accessory buildings and is otherwise vacant. An existing access to McKinnon Road will be utilised.
Lot 2	2.0 hectares. Proposed Lot 2 comprises vacant land. It will be provided with an access to McKinnon Road shared with Proposed Lot 3, via an easement ROW over proposed Lot 3 and Proposed Lot 1.
Lot 3	95.16 hectares. Proposed Lot 3 has an existing dwelling and is otherwise vacant. It will be provided with an access to McKinnon Road shared with Proposed Lot 2, via an easement ROW over proposed Lot 1.

The Applicant does not propose to establish a new dwelling on proposed Lots 1 or 2 at this stage, though it is noted that one residential unit is permitted per each rurally zoned site. Any future development will be assessed on its merits.

In terms of the services, potable water is proposed to be supplied to proposed Lots 1 to 3 via either onsite rainwater collection or alternatively through an approved water scheme. Wastewater disposal for proposed Lots 1 to 3 will be via on-site septic tanks and drainage fields. Stormwater runoff for proposed Lots 1 to 3 will be disposed of to the ground and is expected to be fully contained within the proposed boundaries. The detailed design of these services will be assessed at the time a building consent is submitted to the Council for future development on the individual lots.

In terms of telecommunication services, the proposed lots will use wireless rural broadband services. The Applicant has provided confirmation that connections are able to provide the lots with wireless rural broadband.

In terms of an electricity supply, proposed lot 1 has an existing electricity connection currently serving implement sheds, proposed lot 3 has an existing connection servicing the existing residential dwelling. Proposed Lot 2 does not currently have an electricity connection; however the applicant has advised that connection and service easements are able to be installed.

There are no relevant interests registered on the record of title, SL233/79.

Proposed easements are detailed within the scheme plan and can be included as part of the s223 certification.

## 2. SITE DESCRIPTION

The site is located in the Rural zone. The 99.16-hectare site has frontage to McKinnon Road to the south, as shown in Figure 1. The site is pastoral farmland used for the grazing of livestock with some associated winter cropping. It has a gently sloping topography.

The site contains an existing dwelling, accessory buildings associated with the existing pastoral use of the property. There is an existing vehicle access onto McKinnon Road.

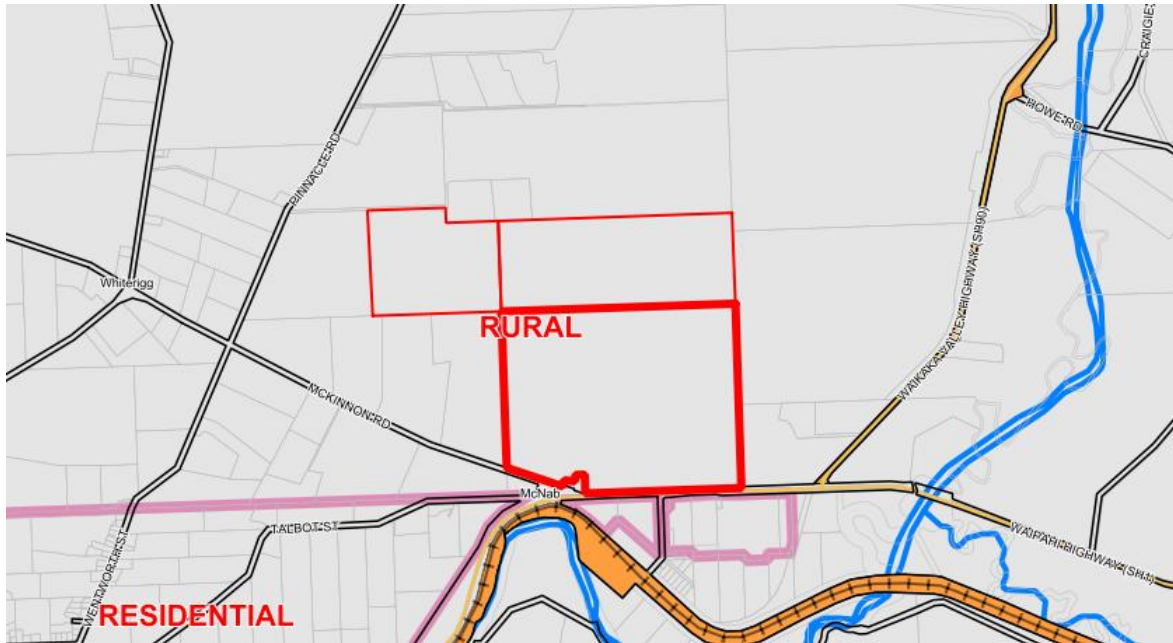


Figure 1: Subject site in red (source: Intramaps)

The Council’s Senior Roding Operations Officer, Murray Hasler, notes that McKinnon Road is a local rural access road and is chip sealed. Waipahi Highway (State Highway 1) runs along a portion of the southern boundary of the subject site, though it is noted no direct access on to the highway is proposed through the application. A 100kph speed restriction applies to both sections of road. However, a right-angle bend on McKinnon Road provides a significant reduction in the operating speed.

The Gore District Council’s mapping system does not identify the site as being subject to any risk of inundation. It identifies the liquefaction risk across the site as ‘negligible’. The entire site comprises Class 3 soils.

There are no known historic heritage features on the site. The site is not identified in Environment Southland’s Selected Land Use Sites Register (‘SLUS’) as an actual or potentially contaminated site.

The site is subject to both a “*Medium Liquefaction*” risk overlay and the “*Waikaka Stream Floodway: Subject to Frequent flooding*”. In addition, the site is subject to Transpower has high voltage powerlines that traverse proposed Lot 3, specifically Transline: GOR-HWB-A. These layers can be seen within Figure 2 below:

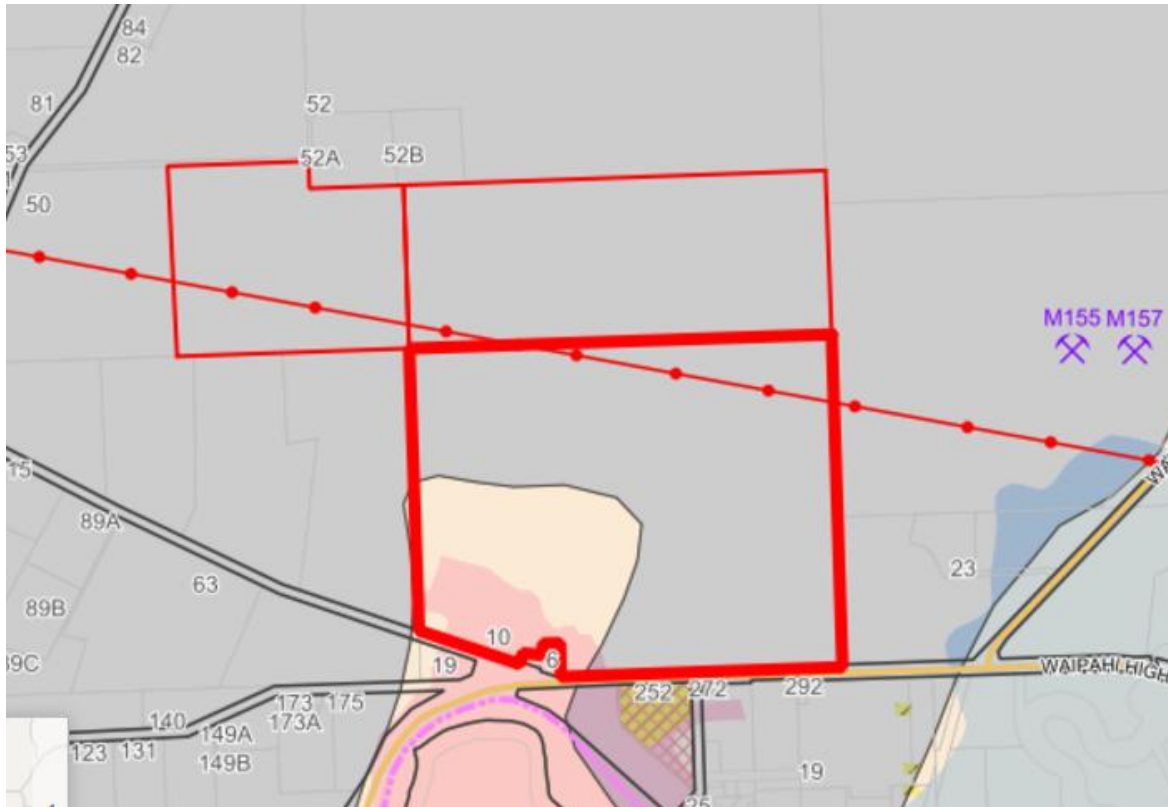


Figure 2: Subject site in red, with Hazard overlays (source: Intramaps)

The site is located approximately 3.2km to the north-east of the centre of the Gore Township. The immediate surrounding area is rural and rural industry in character and use and includes a combination of medium and large sized farming lots and a limited number of rural lifestyle lots.

### 3. ACTIVITY STATUS

#### 3.1 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 subdivision of the site, where each lot will exceed 2 hectares in area.

The Council's discretion is restricted to the following:

- suitability of the allotments for activities permitted within the zone in which they are located.*
- suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;*
- ability to provide services (water, sewage, storm water, power and telecommunications);*
- impacts on the council and other infrastructure services;*
- 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 National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 (“NES-CS”)

Based on the Applicant’s review of local and regional Council records, the piece of land to which this application relates is not identified as an actual or potentially contaminated site.

## 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*

Written approval subject to conditions of consent has been provided by NZTA dated 1 November 2024. The applicant has volunteered these conditions as forming part of their applicant and as such this written approval can be accepted.

Written approval from Hokonui Rūnanga has been provided dated 6 June 2024

#### *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. All proposed Lots meet the 2-hectare minimum area specified in the Gore District Plan. Proposed Lots 1 and 2 are each 2.0 hectares and proposed Lot 3 is 95.16 hectares.

An existing Transpower transmission line (and its support structures) traverses the site, located within the boundaries of proposed Lot 3. There is no boundary change within 20m of these lines and as such no additional district plan rules are triggered. The size of this proposed lot is sufficient so that any future development is able to avoid conflict with these lines and will be able to avoid any issues with New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001), specifically safe (12m) setback distances from these lines will be able to be adhered to.

Proposed Lot 3 has an existing dwelling. Lots 1 and 2 will have the opportunity for a new dwelling, or other permitted land uses to be developed. Due to the size of the lots meeting the 2-hectare minimum area, any future development is expected to comply with the Performance Standards in the District Plan for the Rural zone including the yards, daylight admission and height standards. There are no other resource consents that are needed to be considered with this subdivision.

The application and scheme plan does not show a fixed building platform location on proposed Lots 1

or 2, noting Lot 3 has an established dwelling. However, the further information provided by Environment Southland specifying a finished floor level, and finished ground level requirements, is considered suitable mitigation from a flood inundation perspective. Additionally, parts of proposed Lots 1 and 3 face a medium liquefaction risk. The majority of proposed Lot 3 and portions of proposed Lot 1 are outside of the liquefaction hazard area. Considering this and the requirements through the building act for good ground to be established at the time of building consent, mean no further planning management is needed.

An advice note is recommended which advises the Applicant 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 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. Any future land uses above and beyond those permitted under the existing or proposed zoning will be assessed on their merits.

Given the above and the given the size of the lots, it is considered unnecessary to require a fixed area for a building platform in order to reduce effects from a natural hazard perspective. 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 proposed Lots 1 to 3, potable water is proposed to be supplied via onsite rainwater collection or otherwise provided through a water scheme. Wastewater disposal will be via an on-site septic tank and a drainage field. 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 lots. The details of the above requirements will be included as consent notice conditions, which have been accepted by the Applicant.

Proposed Lot 3 is currently serviced for domestic purposes in terms of on-site water supply and on-site wastewater and stormwater disposal.

In terms of telecommunication services, proposed Lots 1 to 3 are able to connect to wireless rural broadband services. This is acceptable given that wireless services are becoming the norm and a preferential option for rural sites.

Proposed Lot 1 has an existing electricity connection currently serving implement sheds, proposed Lot 3 has an existing connection servicing the existing residential dwelling. Proposed Lot 2 does not currently have an electricity connection; however the applicant has advised that connection and service easements are able to be installed.

Overall, proposed Lots 1 to 3 can be feasibly serviced. 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. The subdivision may alter the landscape of the site with the introduction of rural residential development in the future on proposed Lots 1 and 2. However, given that the District Plan enables rural living on sites greater than 2 hectares, the effects are anticipated by the Plan.

The subject site is in fairly close proximity to the Waikaka Stream, albeit separated by the state highway. As stormwater and wastewater disposal will be assessed at the time of building consent, it is considered any impacts on water quality, including groundwater would be less than minor.

### *Effects on traffic*

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

Sight distances available at all proposed accesses meet the requirements of the Bylaw. The proposed access for proposed Lots 2 and 3 and mailbox configuration is required to be constructed in accordance with Invercargill City/Southland District Rural Accessway Layout figure R29, revision 10, dated 03/23.

The existing access currently servicing proposed Lot 1 will need to be upgraded in accordance with R10 "Primary Commercial Access" of the Gore Subdivision and Land Development Bylaw 2019. Both accesses shall be sealed to the property boundaries.

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.

NZTA have provided their written approval for the proposal, noting the proximity of the State Highway. Subject to their recommended conditions, which have been adopted by the applicant, it is considered that effects on the State Highway can be disregarded.

### *Conclusion: Effects On The Environment*

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed subdivision 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 section 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.

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. Proposed Lots 1 and 2 are of a size and shape that can accommodate

a future residential unit, while proposed Lot 3 contains an existing residential unit and will be used for productive rural activities. 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 proposed subdivision would maintain the safe and efficient function of the Council's roading network. A new access to McKinnon Road will be provided with an existing access upgraded. 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 for proposed Lots 1 and 2 can feasibly be accommodated on the site at the time of development, with rainwater catchment and on-site tanks for potable water. Stormwater and wastewater will be discharged to ground within the boundaries of the individual lots. An electricity connection is either provided or can be provided to all lots. The existing dwelling located on proposed Lot 3 is serviced for the purposes in terms of on-site water supply, on-site wastewater and stormwater disposal and an electricity connection. A wireless broadband connection can also be provided to proposed lots. The effects of servicing will therefore be less than minor for any adjacent person.

Natural hazards will not be exacerbated by the proposal and can be sufficiently managed through the proposed conditions. Effects on persons in this regard will be less than minor.

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

The 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.*

*Chapter 4a – Natural Hazards:*

*Objectives:*

- (1) *Ensure the public is aware of the likelihood and consequences of natural and man-made hazards within the District.*
- (2) *Minimise the risk to people and property from inundation.*

*Policies:*

- (1) *Promote public awareness of natural and man-made hazards.*
- (2) *On sites subject to actual or potential flooding, promote:*
  - (a) *identification and use of elevated ground for those activities that could be adversely affected by flooding; and*
  - (b) *elevated floor levels within any buildings.*
- (3) *Control activities and subdivision where this is necessary to avoid the adverse effects of natural and man-made hazards (refer to section 8 Subdivision of Land).*
- (4) *Within areas shown as "Subject to Actual or Potential Inundation" on the District Plan Maps the Gore District Council will:*
  - (a) *with the exception of the urban area of Gore shown as lime green on the District Plan maps, refer all resource, subdivision and building consents to Environment Southland for comment prior to determining whether to approve or issue those consents.*
  - (b) *in respect of any development in the urban area of Gore shown as lime green on the District Plan maps, encourage:*
    - (i) *the adoption of flood proofing techniques or other measures to avoid the adverse effects of flooding on the activity,*
    - (ii) *measures to avoid the adverse effects of the activity on other property during a flood.*
  - (d) *in respect of areas of the District subject to actual or potential inundation as shown on the District Plan maps, other than those described in (b) and (c) above, require any buildings accommodating people to be built with their floor levels at least 600 mm above the level of past flooding or for sites for which there is no record of past flooding, 600 mm above ground level.*

The proposed subdivision is consistent with the objectives and policies in Chapter 8. The size and layout of the allotments are practical and appropriate for the Rural zone. Proposed Lots 1 and 2 can accommodate a future rural residential activity, while proposed Lot 3 will be used for rural productive

activities. Proposed Lots 1 and 2 can also be serviced appropriately at the time of development and provided with suitable access either via a new vehicle crossing to McKinnon Road (Lots 2 and 3), or the existing access (Lot 1). 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.

The proposed subdivision is consistent with the objectives and policies within Chapter 4A. While a significant portion of proposed Lot 1 and a smaller portion of proposed Lot 3 is subject to the "Gore: Waikaka Stream floodway: subject to frequent flooding" overlay, the subdivision is considered suitable given the comprehensive measures outlined to mitigate flood risks. Specifically, the applicant has volunteered a consent notice condition, through an assessment received from Environment Southland, requiring a finished ground level of 81.00 metres New Zealand Vertical Datum 2016 and a minimum floor level of no less than 81.60 metres New Zealand Vertical Datum 2016. These mitigation measures will promote awareness of the flood risk, (Objective 1) and minimise risk to people and property from inundation (Objective 2).

The proposal directly gives effect to the relevant policies, specifically the inclusion of consent notices ensures increased awareness of the inundation risk (Policy 1), the specific requirements within this consent notice provides for specific consideration of suitable ground and finished floor levels (Policy 2), whilst providing an appropriate level of control to avoid adverse natural hazard effects (Policy 3). The assessment and subsequent consent notice condition provided from Environment Southland in turn gives effect to Policy 4.

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

### **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 three additional lots to be created, which will enable the opportunity for those lots to be developed with a residential unit. The site comprises Class 3 soils. These soils can continue to provide for a small-scale rural activity following the subdivision. Proposed Lots 1 to 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, 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).

In this case, the site is subject to inundation and liquefaction natural hazard risk, however this risk is managed through a consent notice requiring finished ground and floor levels (inundation), with any future building consent being subject to “good ground” requirements of the building act. Proposed Lots 1 to 3 will be served by new legal and physical accesses to McKinnon Road at the time of development.

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, **subdivision** consent is **granted** to undertake a three-lot subdivision of the site subject to the following conditions imposed pursuant to 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 12 June 2024, the further information received 13 November 2024 and 26 November 2024 and the following plan:
  - ‘Lots 1,2 & 3 Being Subdivision of Lot 2 DP 5980, Pt Sec 17 BLK I Waikaka SD & Lot 1 DP 1293, 10 McKinnon Road, Gore’, Project 23051, Plan #02 Revision 3, prepared by Southern Horizons Survey and Resource Management, dated 26 November 2024.

This plan is attached as Appendix A.

2. Prior to the Council signing the Survey Plan for 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.
3. The consent holder must meet the costs for the preparation, review and registration of any easement instrument(s) on the relevant Records of Title.

#### Access

4. Prior to certification of the subdivision pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall provide confirmation that the existing access onto McKinnon Road, servicing proposed Lot 1 has been upgraded in accordance with diagram R10 “Primary Commercial Access, of the Gore Subdivision and Land Development Bylaw.

#### Electricity

5. Prior to certification of 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.

#### NZTA Condition

6. Prior to certification of the subdivision pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall provide to Council confirmation that the New Zealand Transport Agency has been advised of relevant documentation (such as proposed title references, draft LT (Land Transfer) plan, ML plan (for Maori Land) or SO (Survey Office) plan) to facilitate the registration of any new Crossing Place (CP) Notices against those new titles, under Section 91 of the Government Roading Powers Act 1989

### **Consent Notices**

7. 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 and registered against the relevant Record of Title for Lot 3 to record that:
  - a) Any new dwelling or other noise sensitive location on Proposed Lot 3 in or partly within 100m of the edge of State Highway 1 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq (24hr) inside all habitable spaces.
8. 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 and registered against the relevant Record of Title for Lots 1 to 3 to record that:
  - a) Any new dwelling on Lot 1 shall be located on land not less than 81.00 metres New Zealand Vertical Datum 2016 and is to have a minimum floor level no less than 81.60 metres New Zealand Vertical Datum 2016.
  - b) 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). Alternatively, the applicant may demonstrate sufficient potable water supply through an approved water scheme.
  - c) At the time of lodging a building consent for a dwelling, each application is to include a specifically researched, designed and verified system for wastewater and stormwater disposal.
  - d) 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.
  - e) 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.



- f) At the time of lodging a building consent for a dwelling, a new vehicle crossing to McKinnon Road must be located and constructed in accordance with the relevant access standard -Invercargill City/Southland District “Rural Accessway Layout with Letter Box” figure R29, revision 10, dated 03/23 to the approval of the Council’s Roding Manager.

### Advice Note

1. Any future development on Lots 1 to 3 will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 and the Gore District Plan and will be assessed at the building consent stage.

### Administrative Matters

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

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

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

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

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

Prepared by



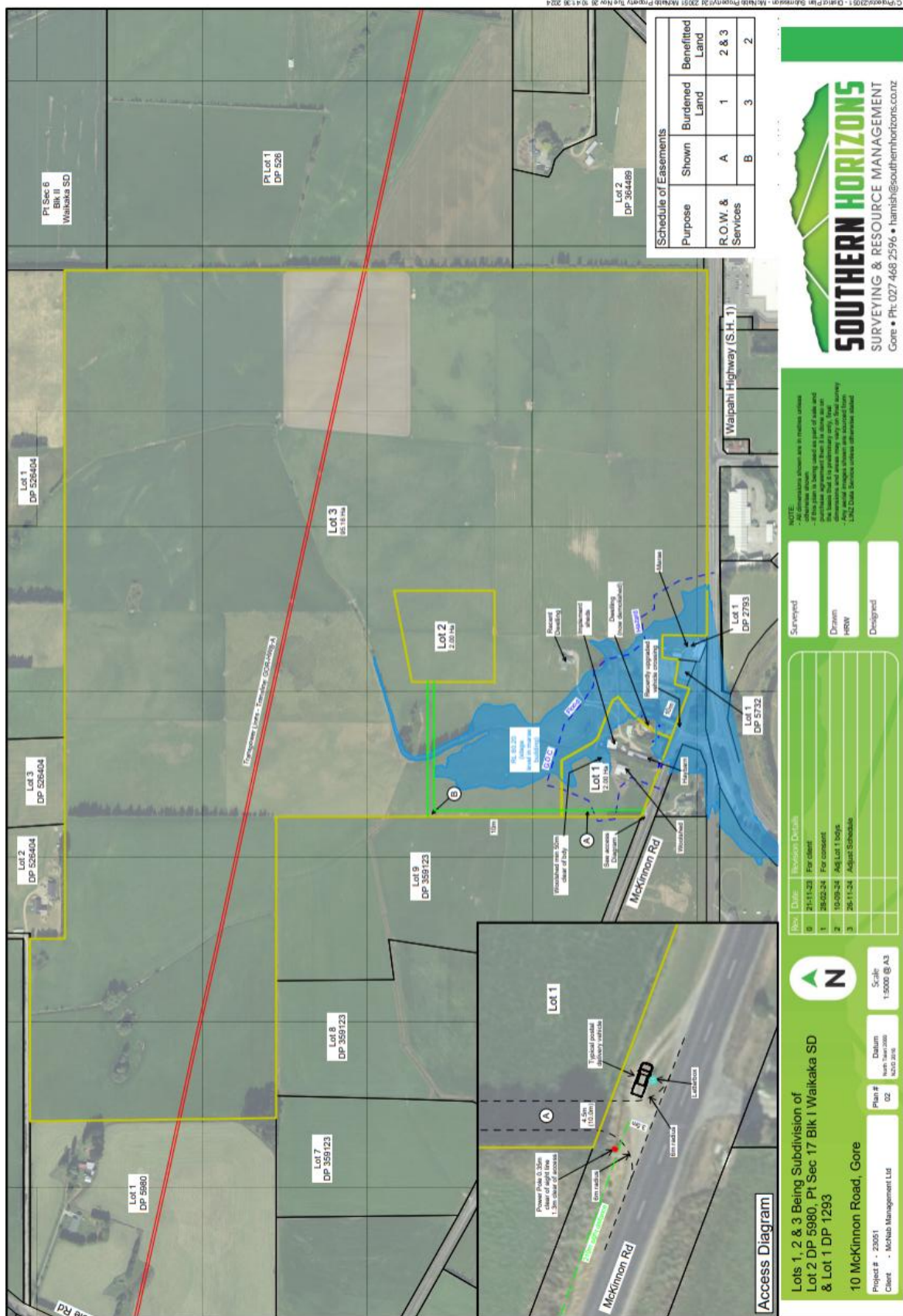
Mishka Banhidi  
**Consultant Planner**

Decision made by



Werner Murray  
**Delegate**

# APPENDIX A – APPROVED PLAN



**SOUTHERN HORIZONS**  
SURVEYING & RESOURCE MANAGEMENT  
Gore • Ph: 027 466 2596 • hamish@southernhorizons.co.nz

**NOTE:**  
- Easements shown are in red unless otherwise shown.  
- The location of easements is based on the purchase agreement from 11/11/2016 and the book of 13 preliminary only. The survey is based on the current survey.  
- Any actual easements are marked from LNZ Data Service unless otherwise stated.

Rev	Date	Revision Details
0	21/11/23	For client
1	25/02/24	For consent
2	10/05/24	Add Lot 1 1502
3	25/11/24	Adjust Schedule

Surveyed

Drawn  
HBM

Designed

**N**

Scale  
1:500 @ A3

Drawn  
Nick Harrison  
10/02/24

Plan #  
02

Lots 1, 2 & 3 Being Subdivision of Lot 2 DP 526404, Pt Sec 17 Bk 11 Walkaka SD & Lot 1 DP 1293

10 McKinnon Road, Gore

Project # - 23051  
Client - Michab Management Ltd