

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC24049 and SC24050
Applicant	Tegen Henderson
Proposal	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a two lot subdivision.</p> <p>Land use consent to enable residential activity on proposed Lots 1 and 2, resulting in a breach of density, site coverage, aggregate length and daylight admission in the Residential A Zone.</p>
Location	34 Frank Street, Gore
Legal Description	Lot 13 DP 4922 held in Record of Title SL197/25
Activity Status	Restricted Discretionary
Decision Date	5 December 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 5 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 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

Subdivision consent is sought to undertake a two lot residential subdivision at 34 Frank Street, a vacant site as follows:

Lot Number	Site Area	Nett Site Area
Lot 1	423m ²	371m ²
Lot 2	428m ²	362m ²

Lot 1 and Lot 2 comply with the minimum lot size for the residential zone, being over 400m² in area. The applicant has proposed to establish residential dwellings on each of the allotments and has proposed access to each lot. If the dwellings are built prior to implementation of the subdivision, land use consent is required pursuant to density Rule 4.16.1. Density Rule 4.16.1 requires 400m² for each residential unit which cannot include land to provide access. The two units will have a nett area of 371m² and 362m².

Land use consent is further sought as the two single storey residential dwellings with attached garages, will breach site coverage, aggregate length of buildings, yard setback and the recession plane of the southern elevation. Details of the extent of each breach are contained in Section 3 of this report.

Lot 1 and 2 will be serviced by a leg-in accessway constructed along the northern boundary. A new drop crossing is proposed at the north of the site, it will be 3.5m wide and will service both proposed allotments. Parking for vehicles will be available on both allotments.

Lot 1 will retain existing services in respect to wastewater and water. A new stormwater connection is to be installed.

Lot 2 will have new services installed. New sewer and stormwater pipes, and water pipes will be installed within the accessway to service Lot 2. These will be located within the proposed easement as shown by area A and area B on the scheme plan, shown by Figure 1.

Further Information Request

A request for further information was sent to the Applicant on the 6 November 2024 requesting:

- confirmation and additional assessment of the additional land use breaches identified
- an assessment on the proposed stormwater management for the increased permeable area created by the proposal in accordance with the Subdivision and Land Development Bylaw.
- clarification on the location of the proposed access way and drop crossing in proximity to the existing power pole and telecommunication services.

The Applicant provided this further information on the 18 November 2024 confirming the additional land use breaches with additional assessment. The proposed drop crossing will be located 0.5m clear of the existing power pole and telecommunication services. The Applicant has proposed that if construction should have any impact on the infrastructure, then PowerNet and Chorus will be notified.

The Applicant also advised they will construct a drain and sump at the end of the driveway to manage stormwater and a 3,000L tank will be installed on each property. The 3 Water's Department in response to this, identified that the site is in close proximity to a known surface flooding area and kerb connection was not an appropriate solution. Instead, they require stormwater from the site to be

connected to the stormwater main located in Frank Street. The Applicant confirmed this approach on the 22 November 2024.

This now forms part of the application proposal.

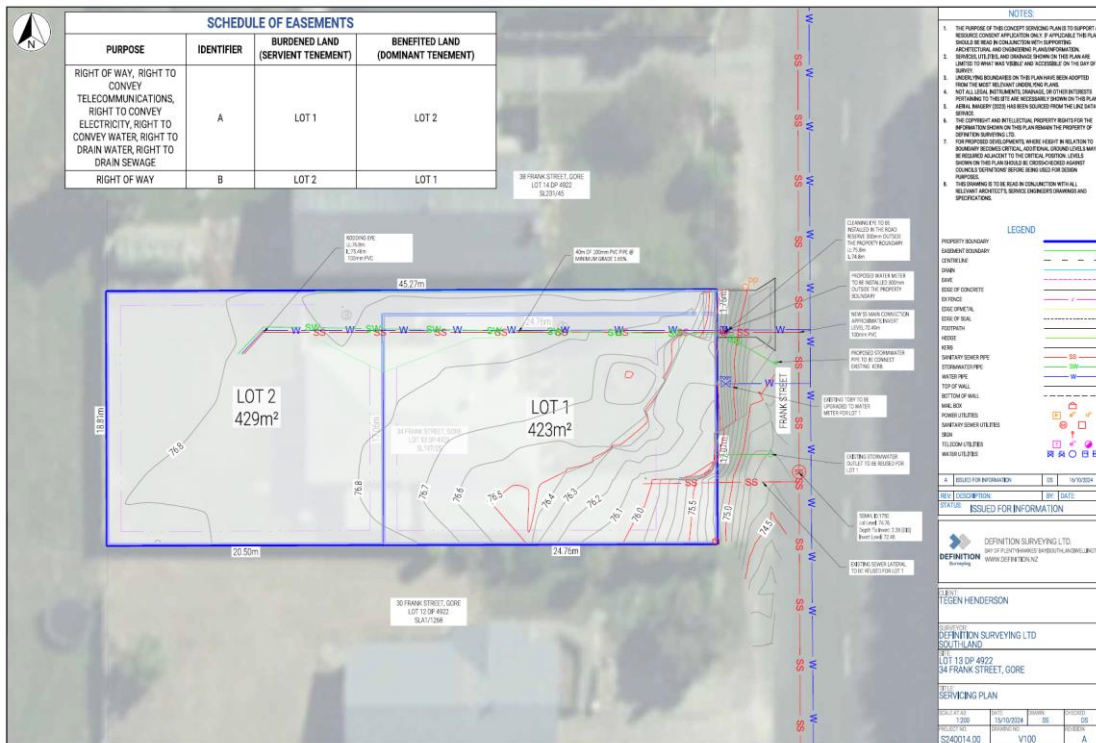


Figure 1: Proposed Scheme Plan

Both power and telecommunications are available to both sites.

2. SITE DESCRIPTION

The subject site is legally described as Lot 13 DP 4922, being 852m² in area and comprised in Record of Title SL197/25. It is commonly known as 34 Frank Street, located in the Residential A Zone.

The property subject to this application is on the west side of Frank Street south of the Elizabeth Street intersection. The section of Frank Street adjacent to the proposed subdivision is a chip sealed urban local access road. Frank Street has existing kerb and channel on both sides with adjoining concrete footpath bounding the west side of the carriageway. The carriageway inclines towards the north and is straight. A 50kph speed restriction applies to this section of Frank Street.

The site is accessed via an existing vehicle crossing located along the southern boundary. The property slopes upward to the west from the roadside, then levels out with relatively flat topography. The site is currently vacant. The existing dwelling on the site has been removed. Remaining vegetation includes a lawn at the rear and specimen hedging along the road-facing boundary, which is also lined by a brick retaining wall.

The site is surrounded by residential properties of different typologies along Frank Street. The wider environment consists of vacant land utilised as a park and livestock grazing. See Figure 2 for the current receiving environment.



Figure 2: Receiving Environment

The Council's mapping system, which sources information from Environment Southland, identifies the site's liquefaction risk as negligible and not subject to inundation. This site is not identified as being on the Selected Land Use Register as an actual or potentially contaminated site. There are no relevant easements or interests on the title.

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:

- A **restricted discretionary** activity pursuant to Rule 8.10(4)(d) to undertake a two lot subdivision of the site, where each allotment will have a minimum lot size exceeding 400m² in area.
- A **restricted discretionary** activity pursuant to Rule 4.16.1(3) in relation to density as the proposal breaches the required nett site area of 400m² for each residential unit where multiple units are proposed on a site.
- A **restricted discretionary** activity pursuant to Rule 4.9(2) in relation to site coverage as the proposed residential development, on each proposed allotment nett site area, breaches the required 40% site coverage in the Residential Zone.

- House 1 (Lot 1) will exceed the permitted site coverage by 4.5%
- House 2 (lot 2) will exceed the permitted site coverage by 5.5%
- A **restricted discretionary** activity pursuant to Rule 4.7(2) as the proposal breaches recession plane standard 4.7.1(1) as detailed:
 - The eave along the southern elevation of Lot 2's dwelling will protrude into east recession plane
- A **restricted discretionary** activity pursuant to Rule 4.7A.1(4) as the proposal breaches rule 4.7A.1 in regard to yards as detailed:
 - The aggregate length of the two proposed residential dwellings is 17.63m in relation to the southern boundary, exceeding the permitted aggregate length of 16m in the Residential Zone.
 - The eaves along the eastern elevation of House 2 (Lot 2) projects 753mm into the 1m setback, exceeding the 500mm exemption permitted for eaves, gutters and associated downpipes by 253mm.

Council's discretion is restricted to the adverse environmental effects of the matters with which there is non-compliance.

3.2 Proposed Gore District Plan

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

3.3 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.

3.4 Activity Status Summary

Overall, the application is being considered and processed as a **restricted discretionary** activity under the Operative 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 provided with the application.

The following effects may be disregarded:

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

Permitted Baseline

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

In relation to the land use component, a site area of no less than 400m² for each residential unit is a permitted activity within the residential zone. Multiple units may be constructed on a site, where each unit has a nett site area of 400m². Further residential dwellings that comply with the bulk and location standards being site coverage no more than 40%, height and recession plane standards, side and rear yards of 1m in the Residential A Zone are permitted.

This forms the relevant permitted baseline and only the effects over and above the permitted baseline are discussed below.

Land use Density Breach

The proposed lots are unable to meet the required 400m² nett site density prescribed for the residential zone with House 1 (Lot 1) having a nett site area of 371m² and House 2 (Lot 2) a nett site area of 362m². House 1 falls short of the required area by 29m² and House 2 by 38m². It is noted however that the site overall is 852m². Therefore, on average the development will result in one residential unit per 400m². The non-compliance is largely a result of the necessity for a leg in access. A leg in access to a rear lot is a typical infill development outcome in the residential area given the historic subdivision pattern in Gore. It is considered therefore that the proposal is in keeping with the residential character of the area. Overall, although the proposal will result in a minor density breach, it is considered this will not result in more than minor effects in relation to the residential character and amenity of the area.

Both lots are to be used for residential living and the application details plans to develop single storey homes with attached garages on each of the respective sites. Both dwellings contain three bedrooms, two bathrooms, a lounge and kitchen area. The outdoor living area for the rear dwelling will face north, while the front dwelling will have an eastward-facing outdoor space.

The single storey buildings will reduce the perception of building dominance when viewed from the street given Lot 2 will be located to the rear, behind Lot 1. Visibility of the sites from the road will be limited also due to the elevated section in comparison to the road. Therefore, visual only the residential unit on Lot 1 and the accessway to Lot 2 will be visible. As such, the development, although slightly denser than that enabled by the plan will not have an adverse effect on the character and amenity of the surrounding neighbourhood.

Site coverage

Site coverage for Lot 1 will be 44.4% and Lot 2 will be 45.5%. The dwellings on Lots 1 and 2 exceed the coverage standards by 4.4% and 5.5% respectively.

The dwellings are located relatively centrally on the sites achieving the 1m internal yard setback measured from the external walls. The required 4.5m setback is further exceeded in relation to House 1. This ensures that, despite the minor breach in coverage, the dwellings are well setback from the streetscape, maintaining a compatible scale and visual harmony with the surrounding area. The building site plan demonstrates access, parking, manoeuvrability and outside living space can be achieved on site such that the development is fit for purpose for future residents, despite the exceeded building coverage.

Although there will be increased development on each proposed allotment, the Applicant has demonstrated that onsite stormwater will be managed through individual connections to Council main located in Frank Street. They have also proposed to install a 3,000 litre tank on each lot to capture

stormwater and mitigate runoff to predevelopment flows. These will be detention tanks that will attenuate the flow from the roofs of each proposed house and therefore mitigate the downstream flooding risk.

It is considered the extent of coverage breach is indiscernible and will not result in more than minor effects on the environment.

Recession Planes and Yards

Adverse effects in relation to the recession planes and yard setbacks non-compliances have been discussed in the subsequent s95 – Effects on persons assessment, as these are considered to be boundary activities.

Suitability of the allotments and future land use

The proposed allotments meet the minimum 400m² gross area specified in the Gore District Plan.

The application includes a land use consent for proposed residential development on the sites and various bulk and location non-compliances. The lots will be used for residential purposes within the residential zone, and the increased density is not considered out of character with the surrounding environment, adverse effects of the future land use on the wider environment will be no more than minor.

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 and not subject to inundation.

Any adverse effects, with respect to natural hazards and other hazards on the wider environment will be no more than minor.

Ability to provide services

Council's 3 Waters Engineer, Aaron Green has reviewed the application and confirmed that the lots can be feasibly serviced, connecting to Council's reticulated networks.

Lot 1 will retain the existing water and wastewater connections in place.

Lot 2 will have new individual services installed in respect to water and wastewater. These services are to be installed down the proposed leg in access to the nett site boundary.

Both lots are proposed to have new services installed for stormwater. These will connect to the existing stormwater pipe located in Frank Street and not be discharged to the kerb due to the existing known nature of stormwater flooding occurring at the bottom of Frank Street.

In addition to this A 3000-litre tank will be installed on each property to capture stormwater to mitigate runoff to pre-development flows. Based on an additional impervious area of approximately 200m² for the additional house and 30 litres storage for every additional 1 m² impervious area, 1 tank for each property is appropriate. Detention tanks will attenuate the flow from the roofs of each house to

mitigate the downstream flooding risk. These services will then connect into stormwater services for each lot to the existing service located in Frank Street.

Power and telecommunications have been confirmed as available for both Lot 1 and Lot 2.

Following consultation, the applicant has agreed to the servicing conditions recommended by the 3 Waters Department. The adverse effects on the environment from the proposed servicing of the subdivision will be no more 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. 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 and land development on the site will not have noticeable effects on the water quality in the surrounding area as at building time, services are proposed to connect to the reticulated network and stormwater system in Frank Street to reduce the discharge to the kerb and known surface flooding effects at the bottom of Frank Street.

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

Effects on traffic

The Council's Senior Rooding Operations Officer, Mr 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.

The property subject to this application is on the west side of Frank Street south of the Elizabeth Street intersection. The section of Frank Street adjacent to the proposed subdivision is a chip sealed urban local access road. Frank Street has existing kerb and channel on both sides with adjoining concrete footpath bounding the west side of the carriageway. The carriageway inclines towards the north and is straight. A 50kph speed restriction applies to this section of Frank Street.

The Applicant has proposed to remove the existing vehicle crossing located in the southeast corner of the site and construct a new vehicle crossing in the northeast corner. This will require removing the existing dropped vehicle crossing and reinstating a full height kerb and channel and concrete footpath.

The proposed new drop crossing will be constructed in accordance with diagram R03 'Standard Drop Crossing' contained in the Bylaw.

The drop crossing transition will be in line with the power pole and no further north. The power pole is 1.6m back from the edge of kerb. The driveway will be clear of the pole by 0.5m. The pole is beside an existing rock wall and the new driveway will not require the infrastructure to be relocated.

Due to the closeness of the proposed vehicle access, the Applicant is responsible for painting the power pole white from the ground level to 2m above the ground level to ensure that users of the access will visually see the power pole when using the access. The Applicant has accepted this recommendation.

Mr Hasler has confirmed the sight distances available at the proposed vehicle access meet the requirements listed in Table 3.3B of the Bylaw.

The gradient slope of the proposed access will be designed in accordance with Clause 3.3.16.1(a) and Clause 3.3.17.1 of the Bylaw to ensure appropriate breakover angles.

Subject to the above, Mr Hasler recommends that the application be approved from a transportation perspective. Given the Applicant's adoption of the recommended conditions, it is considered that a safe access will be provided to serve each lot in the subdivision and any effects on traffic and the adjoining roading network will be less than minor.

Provision of easements

The Applicant has proposed an easement over Lot 1 in favour of Lot 2 as shown as Area A to provide right of way, right to convey telecommunications, right to convey electricity, right to convey water, right to drain water and right to drain sewage.

The Applicant has proposed an easement over Lot 2 in favour of Lot 1 as shown as Area B to provide a right of way.

At the time of survey, all necessary easements will be confirmed and registered onto the relevant records of title. 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

Neighbouring properties include the owners and occupiers of the properties that share a common boundary with the subject site and those that are located opposite the site as shown in Figure 3 below:



Figure 3: Neighbouring properties identified by orange dots

Subdivision

The subdivision creating one additional lot, will meet the standard for minimum lot size for the Residential A Zone. The District Plan has therefore anticipated the effects associated with future development of this density on such lots and deemed it appropriate. The proposed lots are of a size and shape that can each accommodate future residential units.

Therefore, the addition of one suitable for residential activity, as anticipated under the District Plan, will not be out of character with the surrounding residential environment.

The Applicant has also demonstrated adequate servicing and accesses to both lots. The lots can be feasibility serviced such that adverse effects on neighbouring persons will be less than minor.

Land use Density

The land use proposal will establish two residential dwellings on the site with proposed nett site areas of 371m² and 362m² which does not meet the minimum 400m² nett area specified in the Residential A Zone of the Gore District Plan. The application demonstrates that both lots are able to adequately accommodate future residential uses. When the site viewed it will be perceived as a whole, with no distinction between nett and gross areas. Further, on average, the density amounts to one unit per 400m². As such, associated effects such as traffic and noise generation will be residential in nature and in line with the effects anticipated for the sites. Overall, effects in relation to density on persons, is considered to be less than minor. The lots can be feasibility serviced such that adverse effects on neighbouring persons will be less than minor.

The land use component of the application requires assessment of yards, site coverage and recession plane breaches for the proposal. Any effect of these breaches on neighbouring properties will be discussed below.

Site Coverage

Both proposed residential dwellings on Lot 1 and Lot 2 will exceed the permitted site coverage by 4.5% and 5.5% respectively. Although both of the lots exceed the permitted site coverage, this will not be

noticeable to neighbouring properties given the small extent of the breach. The Applicant has demonstrated stormwater can be adequately managed. As such it is considered no persons are considered affected by this breach.

Aggregate length

The applicant has provided the following assessment:

Under 4.7A.1(3)(c), the standard is exceeded by 1.63m per dwelling, resulting in a total of 3.26m. However, the impact on the southern neighbours at 30 Frank Street is considered minimal. The shared boundary is 45.26m long, meaning 10m of the boundary is not directly abutted by the proposed dwellings. Furthermore, the 2m internal separation between each dwelling ensures the site does not feel overly dense, while the glazing along this elevation helps to break up any perceived dominance from the exceedance.

This assessment is adopted in full.

Proposed House 2 (Lot 2)

The eave of House 2 will protrude into the eastern yard by 753mm, 253mm beyond the permitted 500mm for eaves and spouting. This also results in a recession plane breach measured from the proposed internal boundary between Lot 1 and Lot 2 as shown in Figure 4 below. Written approval is implied by the application as Lot 1 and Lot 2 are currently held within the same ownership. The dwelling being single level also ensures that this infringement will not cast any unreasonable shade across adjacent persons when compared with the permitted baseline. The shadow would fall on the proposed adjacent dwelling (House 1 on Lot 1) and not for outdoor living space or other such activity that would be sensitive to a setback breach, effects are less than minor. No persons are considered affected by this breach.



Figure 4: Elevation Plan of House 2

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

Operative District Plan

The relevant operative objectives and policies are contained within Chapter 3 Land Use Activities- A Framework and Chapter 8 Subdivision of Land of the District Plan.

The Applicant has provided an assessment of the relevant objectives and policies at page 21 and 22 of the application. This is adopted for the purposes of this assessment with the following additional comments.

In summary, the proposed activity will not detract from amenity or character values of the residential zone. The proposed future residential dwellings, although breaching some bulk and location standards for the residential zone, will not adversely affect neighbouring properties given the small extent of each infringement. The developer will pay all the reasonable costs for the development through installing the required services to the lots and will upgrade the existing accesses from Frank Street, in accordance with the Bylaw.

Overall, the proposal is considered to be generally consistent with the Objectives and Policies of the District Plan.

Southland Regional Policy Statement 2017

The RPS is broad in its influence, however for the purposes of this application Chapter 15: Infrastructure / Transport and Chapter 17: Urban are most relevant.

The proposed subdivision and construction of residential dwellings promotes growth of an existing urban area that has existing infrastructure capacity. Services, including sewage, stormwater and potable water are able to be provided. The subdivision will see the creation of two, adequately sized parcels which will be utilised for future residential activities. The site is within proximity to existing services (infrastructure, schools, roading, open space, retail services, employment opportunities). Building orientation has been designed to support solar energy gain. The overall subdivision is consistent and respectful of the RPS's direction and the local context in which the subdivision will sit.

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 of the allotments has a legal and physical access. The vehicle crossing will be constructed in accordance with the Bylaw. The site is not identified to be within an inundation zone or other natural hazard risk.

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 and land use 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 and dwellings 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 and land use 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

Decision A – Land Use

Pursuant to Section 104C of the RMA, consent is **granted** to construct two residential units with various bulk and location breach standards, subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

1. The activity shall be undertaken in accordance with the application and further information as submitted along with the following scheme plans and architect plans:
 - ‘Servicing Plan’ Rev A, Drawing Number V100, prepared by Definition Surveying Ltd, dated 15/10/2024
 - ‘Site Plan’, prepared by Southern Wide Building, dated 11/11/2024
 - ‘Site Plan’, prepared by Southern Wide Building, dated 08/11/2024
 - ‘North and South Elevations’, Drawing Number 8, prepared by Southern Wide Building, dated 08/11/2024

Access

2. The consent holder shall, to the satisfaction of the Chief Executive Officer of the Gore District Council or delegated officer, construct one vehicle crossing to service the two units, in accordance with the Gore District Council Subdivision and Land Development Bylaw. As part of this:
 - a. The existing dropped vehicle crossing shall be reinstated to full height kerb and channel and concrete footpath.

- b. The works should be constructed in accordance with diagram R03 Standard Drop Crossing contained in Gore District Council's Subdivision, Land Use and Development Bylaw 2019.
- c. The vehicle accessway gradient shall be constructed in accordance with Clause 3.3.16.1 (a) and Clause 3.3.17.1 of the Bylaw.
- d. The vehicle accessway must be designed and constructed so that no more than 40m² of stormwater catchment from the property shall drain over the footpath. This may entail interception of stormwater at or near the property boundary.
- e. The adjacent power pole north of the proposed accessway shall be painted white from ground level to a 2m height.

Servicing

3. The consent holder shall, to the satisfaction of the Chief Executive Officer of the Gore District Council, or delegated officer, complete the following, in accordance with the details provided in the resource consent application and the Council's standards:
 - a. The provision of new separate water supply connections to the property boundary of Lot 2. The connection requires an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
 - b. Provision of wastewater and stormwater connections with a cleaning eye approximately 300 mm outside the property boundary of Lot 2. Cleaning eye covers are to have a red lid for wastewater and green lid for stormwater. These will need to be cast iron lids if it is in a trafficable area.

Decision B – Subdivision

Pursuant to Section 104C of the RMA, consent is **granted** for a two lot subdivision with subsequent residential development subject to the following conditions imposed pursuant to Section 220 of the RMA:

Consent Conditions

1. The activity shall be undertaken in accordance with the application and further information as submitted along with the following scheme plan and architect plans:
 - 'Scheme Plan', Rev F, Drawing Number V100, prepared by Definition Surveying Ltd, dated 11/11/2024.
 - 'Servicing Plan' Rev A, Drawing Number V100, prepared by Definition Surveying Ltd, dated 15/10/2024
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 Chief Executive Officer of the Gore District Council, or delegated officer, complete the following, in accordance with the details provided in the resource consent application and the Council's standards:
 - a. The provision of new separate water supply connections to the property boundary of Lot 2. The connection requires an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
 - b. Provision of wastewater and stormwater connections with a cleaning eye approximately 300 mm outside the property boundary of Lot 2. Cleaning eye covers are to have a red lid for wastewater and green lid for stormwater and will need to cast iron lid if it is in a trafficable area.
 - c. 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
 - d. The vehicle crossing shall be constructed in accordance with diagram R03 "Standard Drop Crossing" contained in the Bylaw.
 - e. The vehicle accessway gradient shall be constructed in accordance with Clause 3.3.16.1 (a) and Clause 3.3.17.1 of the Bylaw.
 - f. The vehicle accessway must be designed and constructed so that no more than 40m² of stormwater catchment from the property shall drain over the footpath. This may entail interception of stormwater at or near the property boundary.
 - g. The existing dropped vehicle crossing shall be reinstated to full height kerb and channel and concrete footpath. The adjacent power pole north of the proposed accessway shall be painted white from ground level to a 2m height.

Advice Notes

1. All engineering works shall be carried out in accordance with the standards in the Gore District Council's Subdivision, Land Use and Development Bylaw 2019.
2. Any work carried out on the legal roadway requires 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.
3. 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/approvedcontractors>

4. Refer to the following link for details of the process to be followed for installing new connections to the Council's 3 Waters networks - <https://www.goredc.govt.nz/services/3-waters/service-connections>

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
Planner

Decision made by



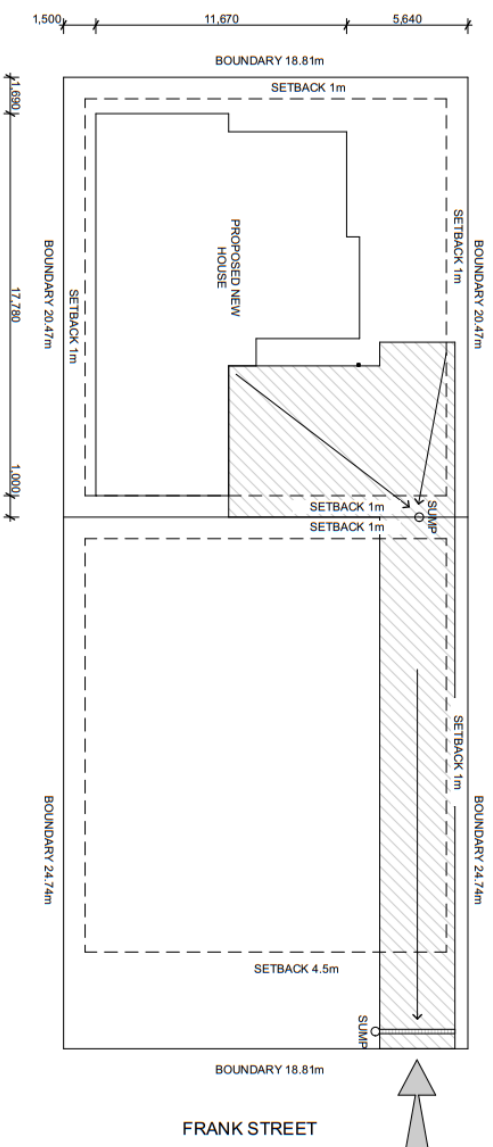
Werner Murray
Delegate

Appendix A: Approved Plans

Region	Ground roughness	Topographic class and site exposure							
		T1	T2	T3	T4	T1	T2	T3	T4
A	Urban	Sheltered	Exposed	Sheltered	Exposed	Sheltered	Exposed	Sheltered	Exposed
	Open	L	M	M	H	H	H	H	VH
W	Urban	M	M	H	H	VH	VH	VH	EH
	Open	M	M	H	H	VH	VH	EH	SED



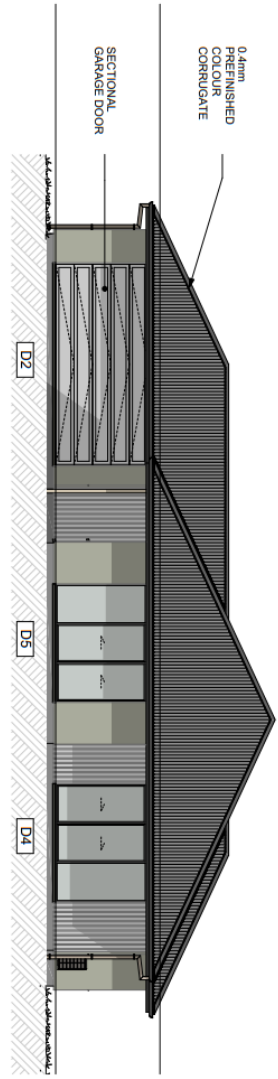
LOT 13
 DP 4922
 34 FRANK ST
 GORE
 SECTION AREA = 853 m²
 HOUSE AREA = 167 m²
 WIND ZONE - HIGH
 EARTHQUAKE ZONE - 1
 EXPOSURE ZONE - B
 SNOW ZONE - NS
 CLIMATE ZONE - 6



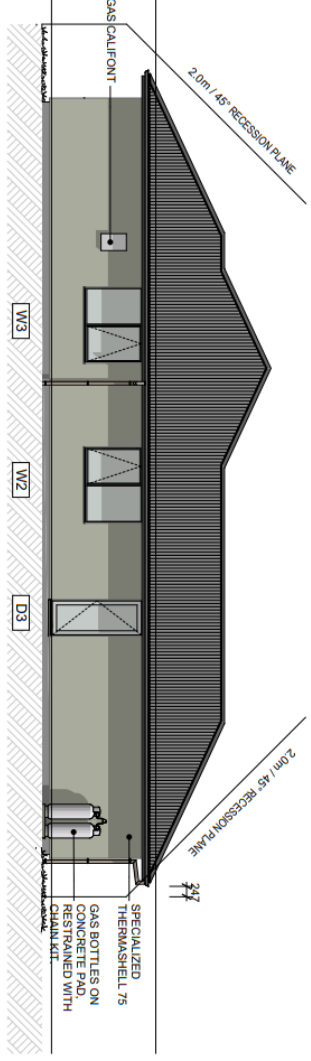
DO NOT SCALE

REV	DATE	SCALE	ARCHITECTURE UNLIMITED SOUTHERN WIDE BUILDINGS	
			PROJECT	HENDERSON - SOPER 34 FRANK ST GORE
			DRAWING TITLE	SITE PLAN
			CONSENT	
			DATE	8/1/2024
			SCALE	1:200
			SET OF	22

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 3904:2011, Building regulations and all other applicable standards.



E-01 NORTH ELEVATION 1:100



E-03 SOUTH ELEVATION 1:100

DO NOT SCALE

REV	DATE	SCALE



ARCHITECTURE UNLIMITED
 IN 100% WHOLLY OWNED COMPANY


PROJECT: **HENDERSON - SOPER**
 34 FRANK ST
 GORE

DRAWING TITLE: **NORTH & SOUTH ELEVATIONS**
 CONSENT

DESIGNER: **SMB** DATE: **8/17/2024** DRAWING NO: **8**
 CHECKED: **WPS** SCALE: **1:100** SHEET OF: **22**
 CODE: 241064

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.