

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	LU24004
Applicant	Camp Columba Charitable Trust
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a new administration building that will exceed site coverage.
Location	89A Kaiwera Road, Pukerau
Legal Description	Part Lot 1 DP 5117
Activity Status	Restricted Discretionary Activity
Decision Date	23 February 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 23 February 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 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to erect a new building for administration purposes at the site at 89A Kaiwera Road. The building will be placed on site following the removal of the existing Chapel.

The site is approximately 4.8 hectares and therefore the maximum site coverage is 1500m². Following the removal of the Chapel and prior to the erection of the administration building the site will have a site coverage of approximately 1,641m². The site will have a total site coverage area of 1706m² once the administration building is erected.

The new administration building will allow for improved workflow and functionality of the facility.

2. SITE DESCRIPTION

The site located at 89A Kaiwera Road is located in the rural zone. It is approximately 4.8 hectares. The site has approximately 12 buildings on site currently centrally located on the site. Surrounding the building are established forests and trees.

The site is approximately 16km east from the Gore township and the area surrounding the site is predominantly rural in nature, with most of the uses being agricultural. To the west of the site is Kaiwera Road.

The site is owned by Camp Columba Charitable Trust and was established in 1957. The site hosts and facilitates many camps hosting 40 to 45% of all Otago and Southland schools. The camp offers activities such as 3D archery, ziplining, low and high ropes and rock climbing. The camp operates all year and employs 7 to 8 staff.



Figure 1: Aerial view of subject site (source: GDC ArcGIS)

3. ACTIVITY STATUS

3.1 Gore District Plan

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

- A **restricted discretionary** activity pursuant to Rule 4.9.1 (2) as the proposal breaches standard 4.9.1 (a) (ii) in regard to the maximum site coverage for sites that exceed 2 hecatres. Council's discretion is restricted to this matter.

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3.2 Proposed Gore District Plan

The site is proposed to be zoned as Camp Columba Zone 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 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 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 persons have given written approval as part of this resource consent 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.

Visual Dominance

The surrounding environment is of rural character, with rural properties to both the north, east and west. The properties adjacent to the site are predominantly farmland with some farm buildings. The closest residential dwelling is approximately 350 metres away from the location of the proposed building. Along the western and northern boundary of the site there is an existing forest and along the eastern boundary there is a cluster of trees that will help to mitigate any visual effects. Additionally, the site immediately adjacent to the south is owned by Camp

Columba. Therefore, given the above reasons, the visual dominance effects will be no more than minor.

Character and Amenity

The proposed administration building will not detract inappropriately from the amenity values and character of the surrounding rural environment. Although, the proposed building will exceed the maximum site coverage for sites larger than 2 hectares in the rural zone. The building will come following the removal of the Chapel which is larger in area than what is proposed.

Overall, the proposed building being single storey in height will ensure that it does not detract from the surrounding rural environment. It will not result in adverse character and amenity effects as a result of the location and orientation of the building and is not considered to detract from the character of the local environment. Therefore, the construction of the proposed building that will exceed the maximum site coverage will not be out of character along Kaiwera Road. The 205m² breach has existing effects which are likely to be unnoticeable to users of the wider environment.

It is considered that any adverse effects on the environment with respect to the rural character and amenity 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 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.



Figure 2: The adjacent properties shown by yellow stars and applicant's property shown by blue stars.

The subject sites currently have a site coverage that is greater than what is proposed, following the removal of the chapel and the establishment of the administration office the total site coverage will be reduced by 11m². The forests surrounding the cluster of buildings in the center of the site will help to mitigate any visual effects from the building. Additionally, there will be significant distance between the proposed building and any buildings on adjacent properties, with the closet being located approximately 200 metres northeast of the site. Therefore, any effects on persons are considered to be less than minor.

Conclusions: Effects on Persons

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

Step 4 – Special Circumstances for Limited Notification

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

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

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

6. SECTION 104 ASSESSMENT

6.1 Matters for Consideration

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

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

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

6.2 Effects on the Environment

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

The establishment of an administration building will allow for improved workflow and functionality of Camp Columba of which the wider community will benefit from.

6.3 Relevant Provisions

District Plan

The relevant operative objectives and policies are contained within Chapters 3 of the District Plan.

Chapter 3 – Land Use Activities – A Framework

3.3 Objectives

- (1) Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area.
- (2) Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality.

3.4 Policies

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

- (2) Control the adverse effects of land use activities on the environment.
- (3) Require any adverse effects of land use activities upon infrastructure to be rectified.

As assessed in 4.1 and 4.2 above, the proposal will not have any adverse visual effects and therefore will not detract from the character and amenity values associated with the rural area of Kaiwera Road. The additional building will not have adverse effects that are more than minor beyond the subject land and adjacent land. Furthermore, the site is capable of absorbing the additional activity without detracting from the character or amenity values of the area and the density is not increased to a point where over-domestication will occur.

Overall, it is considered that the proposal is consistent with the Objectives and Policies of the Operative District Plan.

National Policy Statement Highly Productive Land

The National Policy Statement for Highly Productive Land (NPS-HPL) was released in September 2022. The NPS-HPL defines Highly productive land (HPL) as land that has been identified as either Land Use Capability (LUC) 1, 2 or 3. In this instance, the subject site has been identified as containing LUC Class 3 soils and as such, the NPS-HPL applies to part of the site.

The relevant operative objectives and policies are contained within Part 2 of the National Policy Statement Highly Productive Land.

2.1 Objective: Highly productive land is protected for use in land-based primary production, both now and for future generations

2.2 Policies

- 1. Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.*
- 4. The use of highly productive land for land-based primary production is prioritised and supported.*
- 8. Highly productive land is protected from inappropriate use and development.*
- 9. Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.*

Section 3.9 of the NPS-HPL requires that highly productive land (HPL) is protected from inappropriate use and development. The use or development of HPL that is not land based primary production is considered inappropriate with the exception of a few prescribed examples. The following applies in this instance:

Section 3.9 (2) (a) "it provides for supporting activities on the land".

The proposed 65m² administration building will directly support the existing activities of the land. The administration building will support the existing camp activities on the site, by allowing for improved workflow and functionality of the facility whilst offering a improved work environment for the staff. Only a small portion of the site is used for administrative purposes, specifically 65m² of a total site coverage of 1641m² and of a net site area of 4.8 hectares. The site will continue to be used for activities associated with Camp Columba.

Section 3.9 (2) (g) "it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land".

The structure comprises approximately 65m² and is situated amongst 12 existing buildings on the site. These buildings serve accommodation and kitchen purposes, while the surrounding land is utilised for camp activities, therefore it is currently non-productive in terms of land based primary production. Consequently, the introduction of the use of the building is not expected to affect the productive capacity of the land.

As per Section 3.9 (3) Councils must ensure that the impact on highly productive land is minimised or mitigated, specifically:

3.9 (3) Territorial authorities must take measures to ensure that any use or development on highly productive land:

- (a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
- (b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.*

The subject site is not currently used for productive purposes. The site includes LUC3 soils, however has not been used for productive purposes, therefore there is no further loss in productive soil. It is and has been Camp Columba since the establishment of in 1957. The proposed building will be located within the cluster of existing buildings that are required for the operation of the Camp. The site includes LUC3 soils, however as the site has not been used for productive purposes, there is no loss in productive soil.

Overall, the proposed activity is generally consistent with the objectives and policies of the NPS-HPL.

7. PART 2 OF THE RMA

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

Part 2 (sections 5, 6 and 7) of the RMA sets out the purpose and principles of the legislation, which as stated in section 5, is "Avoiding, remedying, or mitigating any adverse effects of activities on the environment", section 7(c) "The maintenance and enhancement of amenity values" and section 7(f) "The maintenance and enhancement of the quality of the environment". The proposal has demonstrated sustainable management of natural and physical resources by utilising the subject site for an additional residential activity to be utilised for farm workers accommodation. This will provide for the provide for the social, economic, and cultural wellbeing for the owner and future occupiers, whilst promoting the sustainable management of the natural soil resource.

In addition, Part 2 of the RMA requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the reasons outlined in this report, it is considered that the proposal meets the relevant sections of Part 2 of the RMA.

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, consent is **granted** to erect a new admistratation building that will exceed site coverage subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

1. The activity must be undertaken in general accordance with the application as submitted to Council on 12 February 2024, and the plans "site plan" and "floor plan" by Architecture Unlimited drawing numbers 2 and 5, code 22/083, dated 16/10/2023.

Advice Notes

1. The Gore District Plan and Gore District Council Subdivision and Development Bylaw 2019 sets out standards and requirements which are required to be met in any subdivision or constructing of buildings.

Administrative Matters

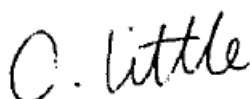
The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

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



Claire Little
Consultant Planner

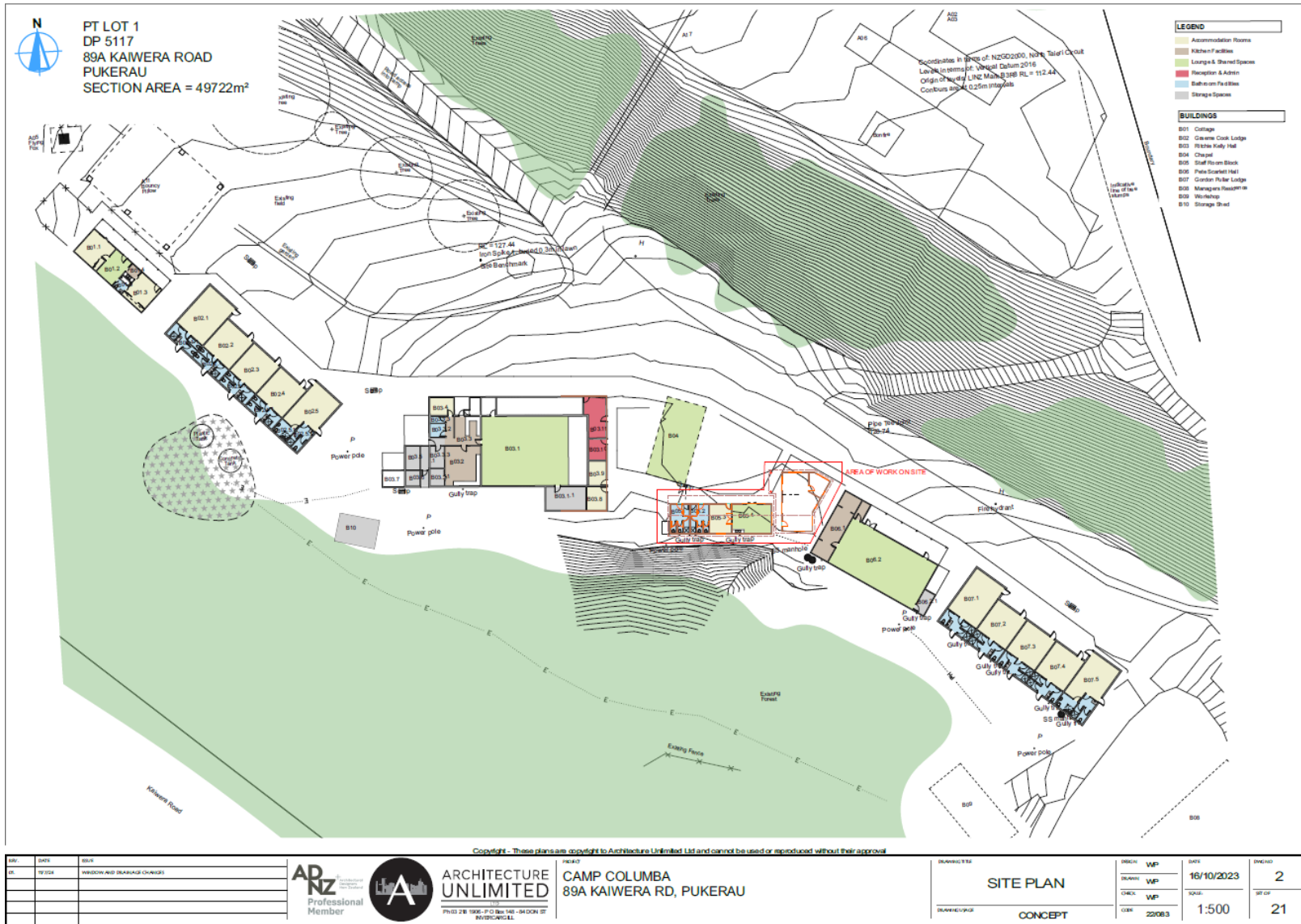
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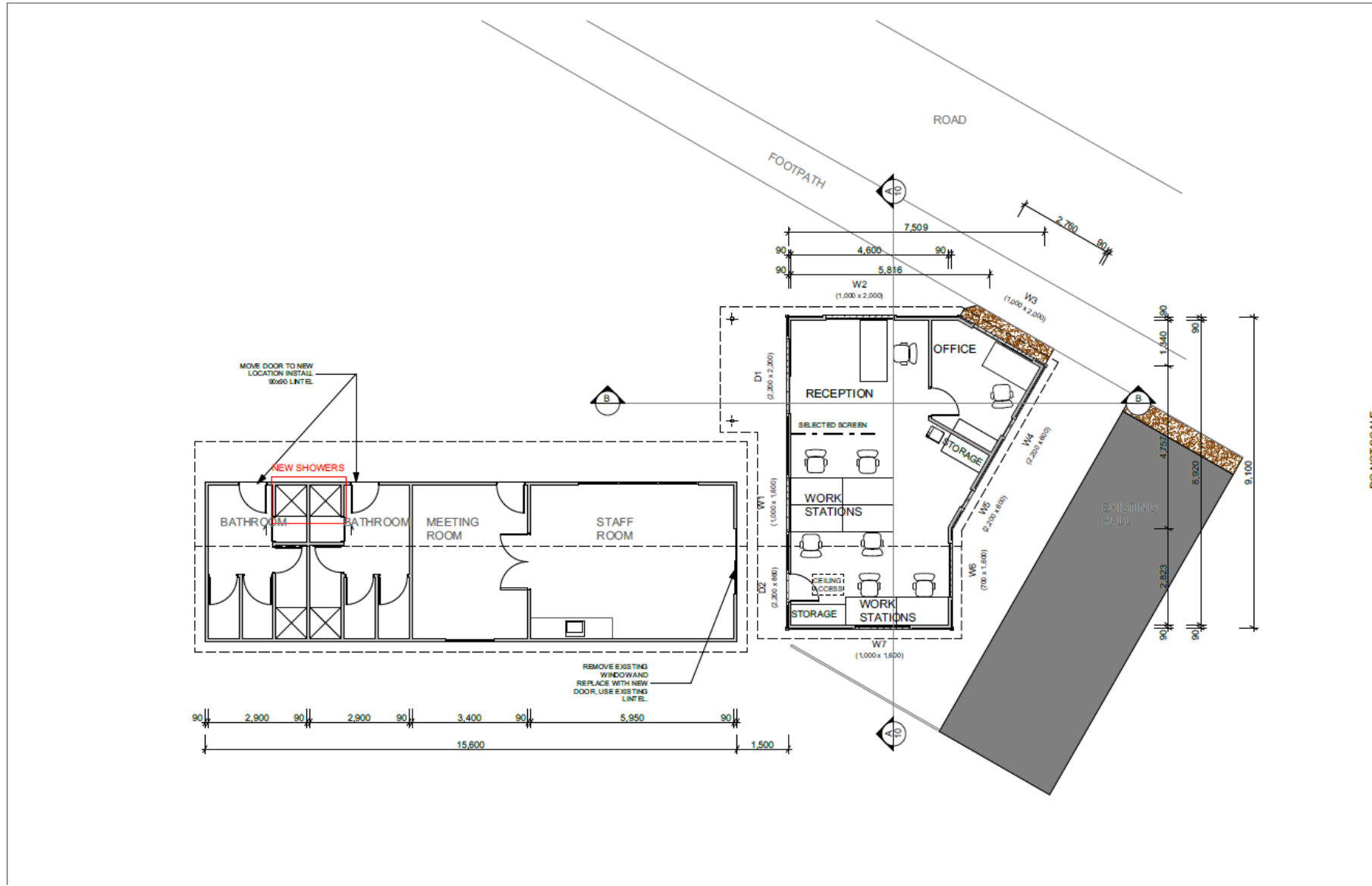


Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS





DO NOT SCALE

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REV	DATE	NOTE			PROJECT CAMP COLUMBA 89A KAIWERA RD, PUKERAU	DRAWN BY WP	CHECK WP	DATE 16/10/2023	SHEET NO 5
01	17/03/24	WINDOW AND DRAGAGE CHANGE				DRAWN BY WP	CHECK WP	DATE 22/08/23	SHEET NO 21
FLOOR PLAN						CONCEPT			

All dimensions, levels and site conditions to be checked and verified by the Contractor prior to construction and under. Plans to be used in conjunction with specifications and Bills of Materials. All aspects of construction to comply with NZS and Approved Documents NZS 3602:2011. All other standards and all other standards.