

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC24030 and LU24031
Applicant	NZ Timber No.1 Ltd Partnership
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a boundary adjustment between two titles; and Land use consent for a yard setback breach
Location	242 Hankey Road, Pukerau, Gore
Legal Descriptions	Section 2 Block VI Waikaka Survey District held in RT SL8B/584 Section 3 Block VI Waikaka Survey District held in RT SL2A/401
Activity Status	Restricted Discretionary
Decision Date	10 July 2024

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**), the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Penny Weng, on 10 July 2024 under delegated authority pursuant to Section 34A of the RMA.

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

1. THE PROPOSAL

Consent is sought to adjust the boundaries between two existing allotments, which will result in a yard setback breach for the existing woolshed on proposed Lot 1.

Lot 1	10.3ha, containing a residential dwelling and several farm accessory buildings including a woolshed. Proposed Lot 1 has frontage with Hankey Road.
Lot 2	156.5ha of vacant rural land. Proposed Lot 2 has frontage with Voight Road and Hankey Road.

Both of the allotments have existing and separate vehicle crossings. Lot 1 will retain the crossing from Hankey Road and Lot 2 will utilise a farm crossing off Hankey Road.

Land use consent is sought for a yard setback breach. The existing woolshed on proposed Lot 1 will be closest, approximately 4.2m from the boundary of proposed Lot 2.

2. SITE DESCRIPTION

The site at 242 Hankey Road is legally described as Sections 2 & 3 Block VI Waikaka Survey District and are held in separate records of title. Section 2 is approximately 85.5910 hectares and Section 3 is 81.2811 hectares.

The southwest corner of the site has a 'medium' liquefaction risk. The remaining area of the site has a 'negligible' liquefaction risk. The site is not subject to any other natural hazards.

Some of the soils on the site are classified as Land Use Capability Class 2 and 3 soils. The majority of the site has soils which are classified as Land Use Capability Class 5 soils.

The site has frontage with Voight and Hankey Road which are both unsealed roads.

There are no relevant interests on the Records of Title.

3. ACTIVITY STATUS

3.1 Operative Gore District Plan

The site is zoned Rural in the Gore District Plan. The Gore District Plan does not provide a definition of 'boundary adjustment'. However, clause 8.2(3) of the District Plan (Issues section in Chapter 8 – Subdivision of Land) provides some guidance and states that, "*Boundary adjustments that do not change the number of allotments in an area generally do not give rise to any effects of concern to Council*".

The proposal does not change the number of allotments involved in the application and is considered to be a boundary adjustment. The proposal requires resource consent under the District Plan for the following reason:

- A **controlled** activity resource consent pursuant to Rule 8.10(2) for the proposed boundary adjustment.

The Council can exercise control over the following:

- a) *The suitability of the allotments for activities permitted within the zone in which they are located.*
 - b) *Granting of easements;*
 - c) *The design, location, construction and alignment of any access or road;*
 - d) *The location, design and construction of infrastructure;*
 - e) *Ensuring that the minimum environmental standards specified in this Plan can be met on any allotment that contains an existing building.*
 - f) *The protection of any heritage or archaeological values on the site.*
 - g) *Any adverse effects on natural features and landscapes, ecological or cultural values.*
- A **restricted discretionary** activity pursuant to Rule 4.7A.1(4), as the proposal breaches standard 4.7A.1(2)(c)(ii) in regard to the woolshed. It is proposed to adjust the boundary, which will result in the proposed woolshed on Lot 1 being approximately 4.2m from the boundary with Lot 2. Council's discretion is restricted to this matter.

3.2 Activity Status Summary

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

3.3 Proposed Gore District Plan

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

3.4 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 pieces of land to which this application relates are not HAIL sites, and therefore the NES-CS does not apply.

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.

It is permitted to build structures on a rural zoned property that are associated with agriculture use within which animals are present, provided these structures are setback 50m from the legal boundaries. The existing woolshed, which is utilised for agriculture use will be located within 50m due to the boundary adjustment establishing new boundaries. This permitted baseline in relation to yard setbacks is considered of relevance and applied to the land use assessment below.

- ***Adverse environmental effects of the matters with which there is non-compliance***

The proposed new boundaries associated with Lot 1 result in the existing woolshed being unable to meet the required 50m setback. The woolshed will be setback at closest 4.2 metres from the boundary with proposed Lot 2. There is no development or physical changes proposed as part of the subdivision. The proposal will allow for the site to have practical boundaries which align with the current uses of the site, with Lot 1 containing the existing buildings being the dwelling, woolshed and accessory sheds and Lot 2 being vacant farmland.

Overall, any adverse effects with respect to the non-compliance will be internal to the subject site and will be less than minor on the wider environment.

- ***Suitability of the allotments for activities permitted within the zone in which they are located.***

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

Proposed Lot 1 has an existing dwelling on site and proposed Lot 2 has the opportunity for a new dwelling to be developed. Due to the size of the lot 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 Lot 2. However, given the size of the allotment, it is considered unnecessary to require a fixed area for a building platform in order to reduce effects.

Proposed Lots 1 and 2 are sufficient in size to continue to be used for rural purposes.

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

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

- ***Granting of easements***

An easement is proposed to formalise and legally protect the existing electricity connection for Lot 1 from Hankey Road over proposed Lot 2. The easement is shown on the scheme plan as easement 'A'.

Any adverse effects in respect to the granting of easements are considered to be less than minor.

- ***The design, location, construction and alignment of any access or road;***

Both of the allotments have existing vehicle crossings onto Hankey Road, which are identified on the proposed scheme plan. Additionally, Lot 2 has multiple farm gates that provide access on to both the Hankey and Voight Road legal corridors.

The Council's Roading Asset Manager, Mr Murray Hasler, has reviewed the application and notes that Hankey Road and Voight Road are both unsealed, rural, low volume, local access roads. Voight Road is formed to the intersection with Hankey Road but has been unmaintained by the Council for several years following the request of the adjacent property owners. A 100kph speed restriction applies to both sections of the road, however the actual operating speed is estimated to be approximately 60kph for both roads.

Mr Hasler has provided the following assessment of the existing accesses. The location of the existing access for proposed Lots 1 and 2 are acceptable and given the use of both of the accesses is unlikely to alter, no upgrades are required. However, should a building consent be submitted for proposed Lots 1 and 2, the requirement to upgrade the vehicle crossings will be reassessed. This recommendation of Mr Hasler has been included as an advice note.

Overall, it is considered that both of the existing vehicle crossings are sufficient to serve the lots and any adverse effects relating to transport and access will be less than minor on the wider environment.

- ***The location, design and construction of infrastructure;***

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

The existing dwelling on proposed Lot 1 has existing servicing. Water supply is via roof water collection, and wastewater and stormwater is disposed of via on-site management systems. All of the existing services are fully within the new boundaries which are created. There is no development proposed for Lot 2, however, should any development occur on this allotment in the future, it is considered that there is sufficient space for services to be provided on site.

Lot 1 has an existing electricity connection, and an easement is proposed to allow Lot 1 to convey electricity over Lot 2. This is shown on the scheme plan as easement A. There is no development proposed for Lot 2, however should any development occur, there is an existing overhead line located within Voight Road. The applicant has provided confirmation from PowerNet that there is sufficient capacity within this network for Lot 2 to connect to this. Alternatively, it may be possible to construct a new Over Headline HV line along Hankey Road, should it be required in the future.

Overall, Lot 2 can be feasibly serviced, and the existing services provided to Lot 1 are sufficient. Therefore, any adverse effects on the wider environment with respect to servicing will be less than minor.

- ***Ensuring that the minimum environmental standards specified in this Plan can be met on any allotment that contains an existing building.***

The proposed new boundaries create a yard setback breach for the existing woolshed on proposed Lot 1, and the applicant has applied for a land use consent in respect to this. All of the other buildings are able to meet the required standards in the Rural zone.

Any adverse effects will be less than minor on the wider environment.

- ***The protection of any heritage or archaeological values on the site.***

There are no known heritage or archaeological features, or values identified on the site. Given that the District Plan enables rural living on sites greater than 2 hectares, the effects are anticipated by the Plan.

Overall, the adverse effects will be less than minor.

- ***Any adverse effects on natural features and landscapes, ecological or cultural values***

There are no known natural features, landscapes, ecological or cultural values identified on the site. Additionally, there is no proposed changes to the existing land uses.

Any adverse effects will be less than minor on the wider environment.

Conclusion: Effects On the Environment

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed activity will not have adverse effects on the environment that are more than minor.

Step 4 – Public Notification in Special circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

In accordance with section 95B, the following steps have been followed to determine whether to give limited notification of the application:

Step 1 – Certain affected groups or persons must be notified

- There are no protected customary rights groups or customary marine title groups affected by the proposed.
- The proposal is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgment.

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.

- The application is not for a controlled activity (other than for a subdivision of land) under a district plan.

Step 3 – Certain other affected persons must be notified

- Under Step 3, if the proposal is a boundary activity, only the owner/occupier of the infringed boundary can be considered. The activity is not a boundary activity.
- For any other activity, a consent authority must notify an application on any person, if notification is not precluded by Step 2, and the consent authority decides, in accordance with s95E, that the proposed activity will have or is likely to have adverse effects on that person that are minor or more than minor.

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.
- d) The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

Taking into account the exclusions in sections 95E, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

Neighbouring Properties

The adjacent persons who are assessed below are all of the owners of the properties that share a common boundary with the subject site and those that are located opposite the site. These properties are shown in Figure 1.

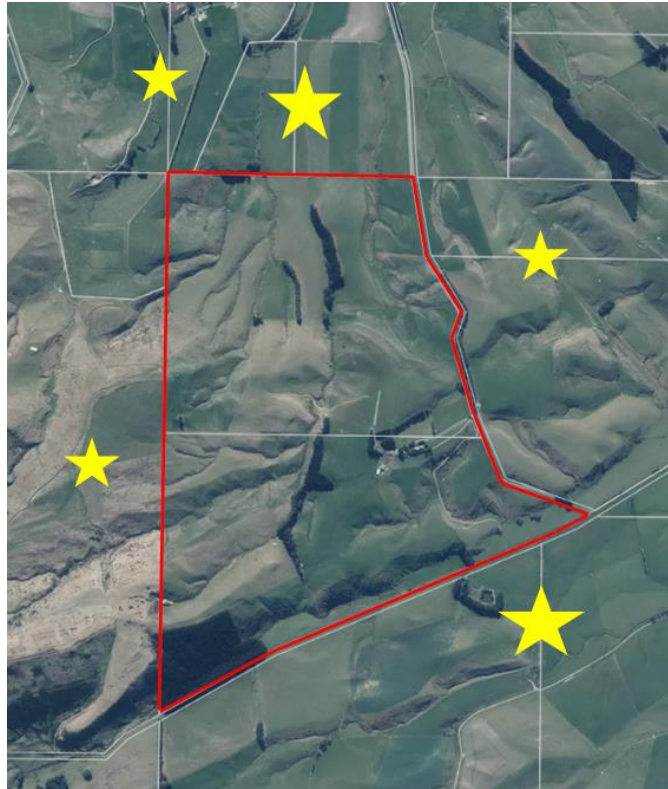


Figure 1: Adjacent properties are shown by yellow stars.

The adjacent properties include the properties to the north: 858 Waipahi Highway & Lot 2 DP 301286 and Lot 1 DP 301286 & Lot 1 DP 14250, which are used for farming purposes and contain a single residential dwelling each. It also includes the properties to the east: Part Section 24 Block VI Waikaka SD and Section 23 Block VI Waikaka SD, which are used for production purposes and are owned by the applicant. The property to the south is 394 Kaiwera Road and Section 4 Block VI Waikaka SD, which is used for productive purposes and contains a dwelling and accessory buildings. The properties to the west, Lot 1 DP 14288 and Lot 1 DP 13224, are used for productive purposes. Lot 1 DP 14288 is owned by the applicant.

The proposed layout meets the standard for minimum lot size in 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. The current use of the site will not be changing as part of the proposal and the yard setback breach is with an internal boundary with both proposed lots being owned by the applicant. Proposed Lot 2 is a suitable size and shape that can accommodate future development that is capable of meeting the District Plan bulk and location standards.

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

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 s108 and s220 of the RMA as required to avoid, remedy or mitigate adverse effects.

6.1 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.*

The proposed boundary adjustment is consistent with the objectives and policies in Chapter 8. The size and layout of the allotments are practical and appropriate for the Rural zone. Proposed Lot 1 contains an existing residential unit with existing services. Proposed Lot 2 will be used for productive purposes. It can also accommodate a future rural residential activity and can be serviced appropriately at the time of development. Both lots are provided with a suitable access that does not require an upgrade. It is considered that the subdivision is appropriate and will not lead to adverse effects on the amenity and character of the surrounding area.

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

Proposed District Plan

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

Southland Regional Policy Statement 2017

The proposal is consistent with the relevant objectives and policies in the Southland Regional Policy Statement, specifically the provisions contained in Chapter 5 (Rural land/soils). Objective RURAL.1

seeks to achieve sustainable use of Southland’s rural land resource, in respect of a number of matters including (b) subdivision, use and development activities; (d) the use of soil resources; and (f) on-site wastewater systems. Policy RURAL.2 seeks to manage subdivision and land development activities in rural areas of Southland in a way that maintains or enhances rural amenity values and character.

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

The proposed boundary adjustment will not result in any additional lots. The site comprises some Class 2 and 3 soils. These soils can continue to provide for a small-scale rural activity following the boundary adjustment. Proposed Lot 2 can be provided with an on-site wastewater system at the time of any 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 controlled activity subdivision, the matters of control 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).

A small portion of approximately 2 hectares of Lot 2 has been identified as having a ‘medium’ liquefaction risk and the rest of Lot 2 has a ‘negligible’ liquefaction risk. No development is proposed as part of the application, and there is sufficient room for a dwelling to be located out of the liquefaction risk area. Should a dwelling be proposed in the future on Lot 2, the liquefaction risk will be assessed at building consent stage. The site is not subject to any other known natural hazard risk.

Proposed Lots 1 and 2 will each be served by a separate legal and physical access to Hankey Road.

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

Decision A - Subdivision

Pursuant to Section 104A of the RMA, subdivision consent is **granted** undertake a boundary adjustment between two titles at 242 Hankey Road, Pukerau, Gore, subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

Consent Conditions

General

1. The subdivision must be undertaken generally in accordance with the application made to the Council on 26th of June 2023 and held electronically by the Council under file reference SC24030 and the following plan:
 - ‘Proposed Subdivision of Sections 2 and 3 Block VI Waikaka Survey District, 242 Hankey Road, Pukerau’, prepared by True South, project: 6848, dated 17 June 2024.

This plan is attached as Appendix A.

Easements

2. Prior to Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, all necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan.

Internal setback

3. Prior to certification 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 to confirm there is a minimum setback of 4.2m between the woolshed on Lot 1 to the internal boundary of 2.

Decision B - Land Use

Pursuant to Section 104C of the RMA, land use consent is granted for the existing woolshed on Lot 1 of Subdivision SC24030 to breach the yard setback, subject to the following condition imposed pursuant to Section 108 of the RMA:

General

1. The land use activity must be undertaken generally in accordance with the application made to the Council on 26th of June 2023 and held electronically by the Council under file reference LU24031 and the following plan:
 - 'Proposed Subdivision of Sections 2 and 3 Block VI Waikaka Survey District, 242 Hankey Road, Pukerau', prepared by True South, project: 6848, dated 17 June 2024.

This plan is attached as Appendix A.

Advice Notes

1. Any future development will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 and the Gore District Plan and will be assessed at the building consent stage.
2. At the time of this subdivision, a fixed-line telecommunication connection was not provided to Lot 2 and should a telecommunication service be required in the future, an alternative service (wireless broadband or mobile data) needs to be installed at a cost to the owner.
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.

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

Decision made by



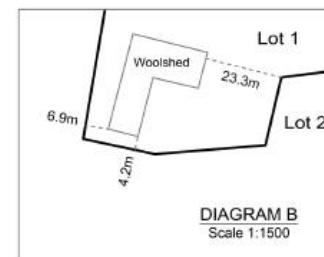
Penny Weng
Delegate

Appendix A: Approved Plan

APPENDIX A – APPROVED PLAN

Proposed Memorandum of Easements

Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)
Right to Convey Electricity	(A)	Lot 2 hereon	Lot 1 hereon



(CP) Crossing Place

Local Authority: Gore District Council
Comprised In: RsT SL8B/584, SL2A/401
Total RT Area: 166.8721 ha

If this plan is used as the basis of any Sales and Purchase Agreement, then it is done so on the condition that all areas and dimensions are approximate only and subject to survey.

CLIENT:	NZ Timber No.1 Ltd Partnership
DATE:	17 June 2024
PROJECT:	6848
REVISION:	

Scheme Plan

Proposed Subdivision of
Sections 2 and 3 Block VI
Waikaka Survey District

242 Hankey Road,
Pukerau

Scale: As shown @ A3

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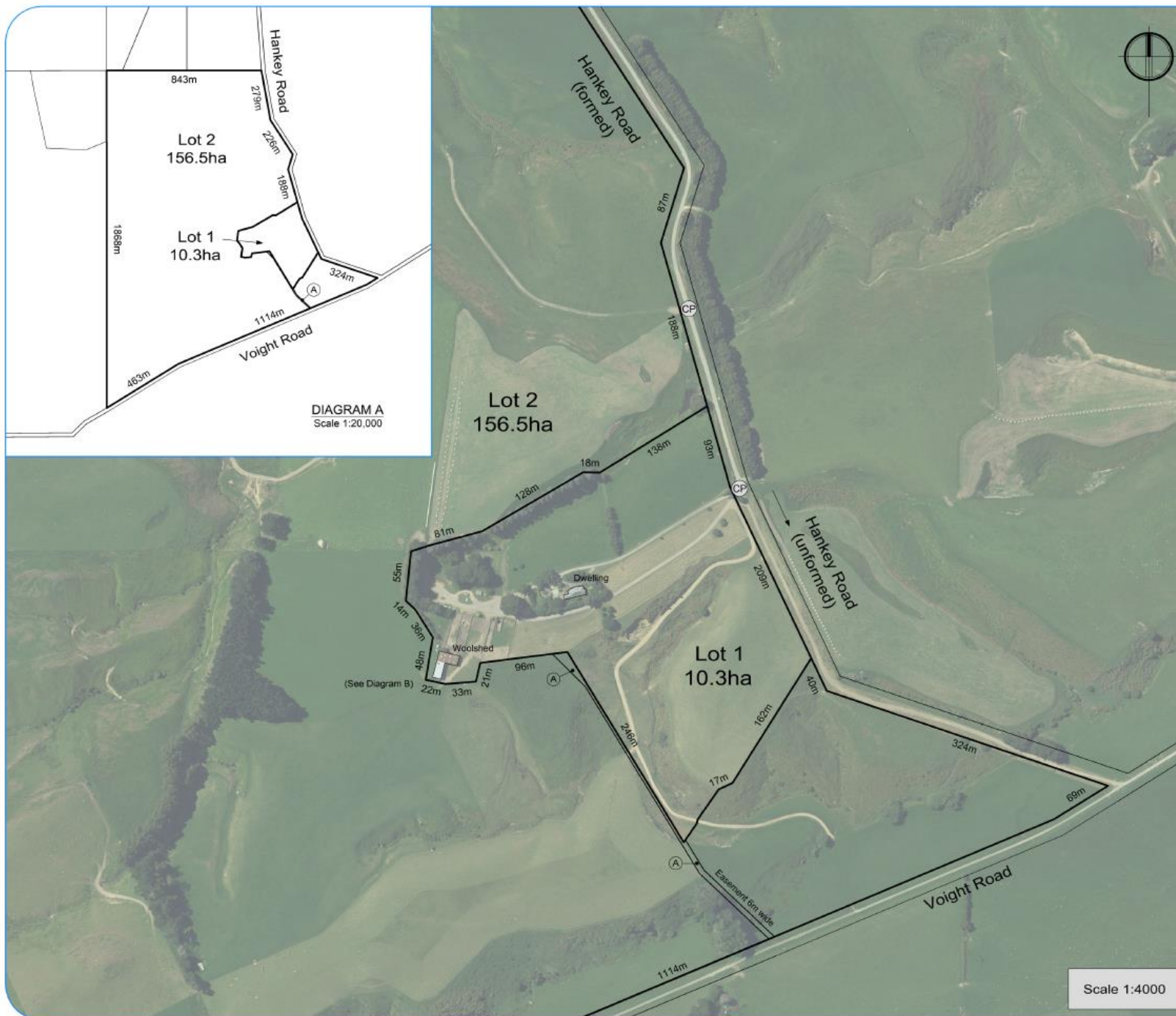


DIAGRAM A
Scale 1:20,000

DIAGRAM B
Scale 1:1500

Scale 1:4000