

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC 23055
Applicant	Meadowvale Trust
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a 22-lot subdivision over 3 stages. Application under s220(3) of the RMA to cancel consent notice 10967023.4 and consent notice 12247354.3.
Location	141 Lady Charlton Road, Upper Charlton
Legal Description	Part Lot 3 DP 83, Lot 2 and Lot 4 DP 516115, and Lot 1 DP 566551
Subdivision Activity Status	Restricted Discretionary
CN Variation Activity Status	Discretionary
Decision Date	4 March 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 4 March 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.
3. Pursuant to Section 221 of the RMA, consent is **granted** to cancel Consent Notice 10967023.4 as it relates to Lot 2 and Lot 4 DP 516115 in full, and Consent Notice 12247354.3 as it relates to Lot 1 DP 566551 in full. 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

The applicant proposes to subdivide the subject site (Part Lot 3 DP 83, Lot 2 DP 516115, Lot 4 DP 516115, and Lot 1 DP 566551) into twenty-two allotments (Figure 1). The proposed subdivision comprises:

Lot 1	2.0150 hectares (ha). Proposed Lot 1 comprises vacant land and has frontage to Lady Charlton Road. Physical vehicular access to Lot 1 is proposed via a vehicle crossing from Lady Charlton Road.
Lot 2	2.0097ha. Proposed Lot 2 comprises vacant land and has frontage to Lady Charlton Road. An easement is proposed for shared legal and physical vehicular access for Lot 2 and Lot 3 to Lady Charlton Road via a proposed vehicle crossing and Right of Way (ROW) "A" and "B".
Lot 3	2.0112ha. Proposed Lot 3 comprises vacant land and has frontage to Lady Charlton Road. Lot 3 and Lot 2 will share legal and physical vehicular access to Lady Charlton Road via a proposed vehicle crossing and ROW "A" and "B".
Lot 4	2.0547ha. Proposed Lot 4 comprises vacant land and has frontage to Lady Charlton Road. An easement is proposed for shared legal and physical vehicular access for proposed Lot 4 and Lot 5 to Lady Charlton Road via a proposed vehicle crossing and ROW "C" and "D".
Lot 5	2.0038ha. Proposed Lot 5 comprises vacant land and has frontage to Lady Charlton Road. Lot 5 will share legal and physical vehicular access with Lot 4 to Lady Charlton Road via a proposed vehicle crossing and ROW "C" and "D".
Lot 6	2.0471ha. Proposed Lot 6 comprises vacant land and has frontage to Lady Charlton Road. An easement is proposed for shared legal and physical vehicular access for Lot 6 and Lot 7 to Lady Charlton Road via a proposed vehicle crossing and ROW "E" and "F".
Lot 7	2.0401ha. Proposed Lot 7 comprises vacant land and has frontage to Lady Charlton Road. Lot 7 and Lot 6 will share legal and physical vehicular access to Lady Charlton Road via a proposed vehicle crossing and ROW "E" and "F".
Lot 8	2.0052ha. Proposed Lot 8 comprises vacant land and has frontage to Lady Charlton Road. An easement is proposed for shared legal and physical vehicular access for Lot 8 and Lot 9 to Lady Charlton Road via a proposed vehicle crossing and ROW "G" and "H".
Lot 9	83.0807ha. Proposed Lot 9 comprises vacant land and has frontage to Lady Charlton Road and Kelvin Road. Lot 9 and Lot 8 will share legal and physical vehicular access to Lady Charlton Road via a proposed vehicle crossing and ROW "G" and "H". Lot 9 will also retain its other existing farm access locations.
Lot 10	3.4454ha. Proposed Lot 10 comprises vacant land and has frontage to Lady Charlton Road. Lot 10 contains existing access from Lady Charlton Road, which will be retained. Due to flooding hazards, Lot 10 is not intended to permit future residential land use and building(s) on this lot.

Lot 11	3.7044ha. Proposed Lot 11 contains existing accessory buildings (farm sheds) and has frontage to Lady Charlton Road. Lot 11 will be provided with legal and physical vehicular access to Lady Charlton Road via the existing vehicle crossing.
Lot 12	2.0654ha. Proposed Lot 12 is a rear lot, comprised of vacant land. It is intended to gain access onto Lady Charlton Road via an access strip.
Lot 13	2.0522ha. Proposed Lot 13 is located between Lots 11, 12, 14 and 15. Lot 13 is comprised of vacant land. Lot 13 will share legal and physical vehicular access with Lot 15 to Lady Charlton Road via the existing ROW easement retained over Lot 15 in favour of Lot 13. The existing access from Lady Charlton Road will be retained for shared use between Lots 13 to 16.
Lot 14	2.004ha. Proposed Lot 14 comprises vacant land and has frontage to Lady Charlton Road. Lot 14 will share legal and physical vehicular access with Lot 15 to Lady Charlton Road via the existing vehicle crossing and ROW easement over Lot 15 in favour of Lot 14 for the shared entry. The existing access from Lady Charlton Road will be retained for shared use between Lots 13 to 16. Lot 14 will have two building platform options registered by consent notice, shown as "L1" and "L2" as shown on the scheme plan. Both building platforms are setback 6m from the boundaries.
Lot 15	2.0167ha. Proposed Lot 15 contains an existing dwelling and is intended to retain its existing access onto Lady Charlton Road. Lot 15 will share access with Lot 16 with a ROW easement over Lot 15 in favour of Lot 16. The existing access from Lady Charlton Road will be retained for shared use between Lots 13 to 16.
Lot 16	2.0234ha. Proposed Lot 16 comprises vacant land and has frontage to Lady Charlton Road. Lot 16 will share legal and physical vehicular access to Lady Charlton Road with Lot 15, via a ROW easement over Lot 15 in favour of Lot 16. The existing access from Lady Charlton Road will be retained for shared use between Lots 13 to 16. The owners propose to retain proposed Lot 16, with an identified building platform labelled "O", where any new dwelling is to be constructed with a floor level no less than 600mm above ground level or on localised high ground outside of the mapped floodplain.
Lot 17	2.0218ha. Proposed Lot 17 comprises vacant land and has frontage to Lady Charlton Road. An easement is proposed for shared legal and physical vehicular access with Lot 18 to Lady Charlton Road. The ROW easement "J" over Lot 18 in favour of Lot 17.

Lot 18	2.2208ha. Proposed Lot 18 comprises vacant land and has frontage to Lady Charlton Road. An easement is proposed for shared legal and physical vehicular access for Lots 17 and 18 to Lady Charlton Road via a proposed vehicle crossing and ROW "J" over Lot 18 in favour of Lot 17.
Lot 19	2.4652ha. Proposed Lot 19 comprised of vacant land and has frontage to Lady Charlton Road. An easement is proposed for shared legal and physical vehicular access for Lots 19 to 21 onto Lady Charlton Road via a proposed vehicle crossing and ROW "I" over Lot 19 in favour of Lots 20 and 21. Lot 19 will have a building platform covenant "K" as shown on the scheme plan.
Lot 20	2.0119ha. Proposed Lot 20 is a rear lot, comprised vacant land. An easement is proposed for shared legal and physical vehicular access for Lots 19 and 21 onto Lady Charlton Road via a proposed vehicle crossing and ROW "I" over Lot 19 in favour of Lots 20 and 21.
Lot 21	2.0415ha. Proposed Lot 21 is a rear lot, comprised of vacant land. An easement is proposed for shared legal and physical vehicular access for Lots 19 to 21 onto Lady Charlton Road via a proposed vehicle crossing and ROW "I" over Lot 19 in favour of Lots 20 and 21.
Lot 22	10.3220ha. Proposed Lot 22 is comprised of generally bare land. Lot 22 will retain its legal frontage and existing rural access to Lady Charlton Road and is proposed to be held together with Lot 9.

Proposed Lots 1-9 (Stage 1), Lots 10-16 (Stage 2) and Lots 17-22 (Stage 3) could be completed independently of each other as separate stages. The applicant proposes that the stages can be completed in any practical order.

A ten-year timeframe to give effect to this consent has been requested, which is double the RMA's standard five-year timeframe for giving effect to consents. Due to the changing policy environment in the district, and as no strong reasons were provided as to why a longer timeframe is justified for this application, the request for a ten-year timeframe is not supported.

Proposed Lots 1 to 8 and 12 to 21 are intended to contain a residential dwelling and is anticipated to have a rural-lifestyle land use in the future. There are no earthworks, residential units or any physical building works proposed on any of the vacant lots as part of this consent.

Proposed Lots 9, 11, and 22 are intended to retain the existing production farming land use with no current intention for any dwellings. Proposed Lot 10 will retain the existing production farming land use and will not provide for any residential activity in future, due to flood hazard as advised by Environment Southland. Consent conditions are included regarding the recommendations by Environment Southland. A consent notice has been volunteered by the Applicant to restrict residential activity on Lot 10.

The Invercargill-Roxburgh A (INV-ROX A) National Grid transmission line transverses through Part Lot 3 DP 83 (proposed Lots 1 to 9) and Lot 2 DP 5156115 (proposed Lots 17 to 22). The Applicant approached Transpower for comment as part of the application lodged on 21 September 2023. Transpower has not

provided comment. The Applicant has volunteered conditions in relation to the transmission line which transverses the site in respect to the location of buildings and structures.

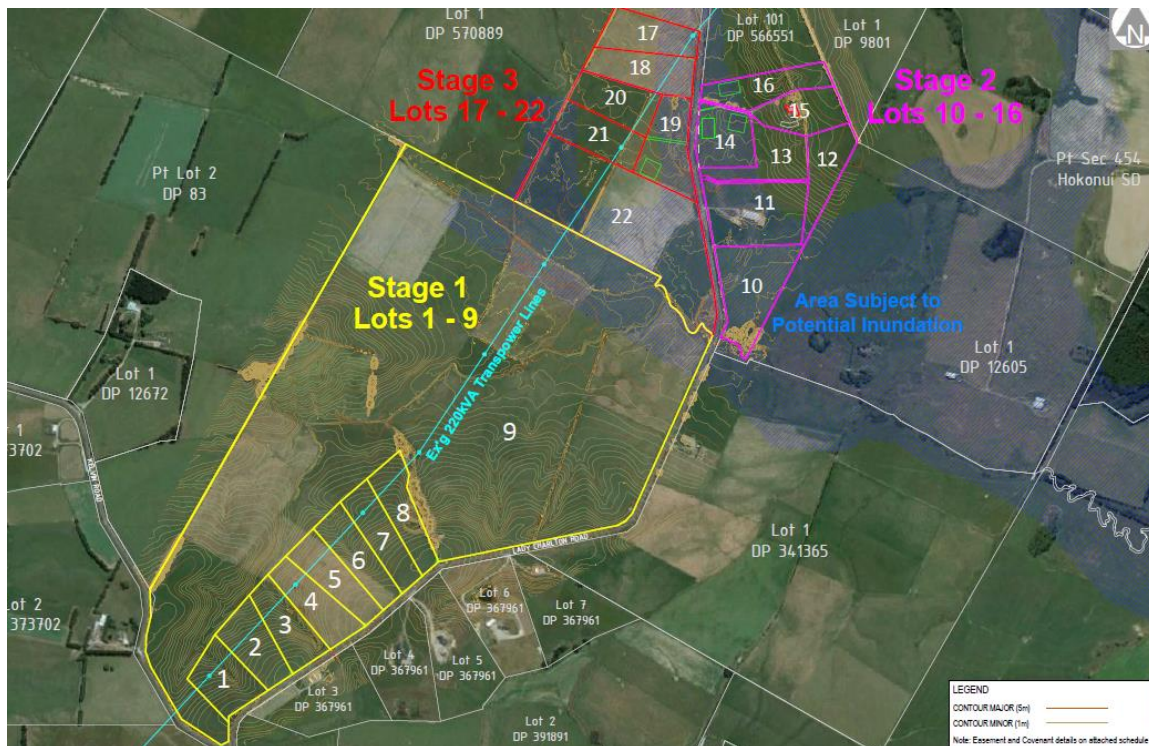


Figure 1. Proposed Scheme Plan

Servicing

In terms of the services, potable water is proposed to be supplied via onsite roof and rainwater collection. Wastewater disposal is proposed to be disposed of on-site to ground. Stormwater runoff will be disposed of to the ground and is expected to be fully contained within the proposed boundaries.

Telecommunication services and power supply from networks extending from Kelvin Road is required as there is no supply available for the proposed Lots under Stage 1 to use in the road reserve. The proposed Lots under Stage 2 and 3 have a supply available in the Road reserve of Lady Charlton Road but will require the installation of Transformers in Lots 12, 13, 18 and 19, which may require network line extensions to complete supply.

The applicant has provided confirmation from PowerNet that its network can be extended to provide additional connections supply (reference emails from Fraser Neil – Operations (Distribution) Project Manager, dated 25 July 2023).

Consent Notice

There are two Consent Notices that apply to the subject site - 10967023.4 and 12247354.3 where the following conditions listed under SC 2017/299 and SC 2020/45 are to be complied with on an ongoing basis. There are four matters listed in the 10967023.4 Consent Notice, and one matter listed in 12247354.3 Consent Notice, that are applicable to this application. The conditions have been assessed in the table below.

Consent Notice 10967023.4

Lot 1 DP 516115 CT ref 804047

Lot 2 DP 516115 CT ref 804047

Lot 3 DP 516115 CT ref 804047

Lot 4 DP 516115 CT ref 804047

1. *A consent notice shall be registered on the Certificate of Title for Lot 1 to the effect that the existing access shall be retained for farm access only and if a dwelling is erected on the site in the future a new access shall be designed and constructed in accordance with diagram R09 in the Subdivision and Land Development Bylaw with the location being approved by the Council's Roading Manager.*
2. *A consent notice shall be registered on the Certificate of Title for Lot 2 to the most southernmost access shall be retained for farm access only and if a dwelling is erected on the site in the future this access shall not be used to service the dwelling.*
3. *A consent notice shall be registered on the Certificate of Title for Lots 1, 2 and 4 to the effect that any dwelling established on this lot must be located on localised high ground outside of the areas shown in the planning maps of the Gore District Plan as subject to flooding.*
4. *A consent notice shall be registered on the Certificate of Title for Lots 1, 2 and 3 to the effect that:*
 - a) *No habitable buildings or structures shall be located within 10 metres of the centreline of a Transpower National Grid Transmission Line.*
 - b) *No buildings or structures be located within 8 metres from any outer visible edge of the foundation of a Transpower National Grid Transmission support structure; except for*

- The proposal does not affect Lot 1 DP 516115.
- The existing southernmost rural access of Lot 2 for proposed Lot 22 is to be retained. The applicant has confirmed proposed Lot 22 will retain its farming land use activity. No dwelling nor rural lifestyle lot is proposed as part of this application. This condition will continue to apply to Lot 22.
- Environment Southland recommended consent notice conditions to be registered on titles of the new lots requiring any new dwellings to be constructed on localised high ground outside of the mapped floodplain. The applicant has accepted these conditions.
- The proposed Scheme Plan demonstrates that the proposed Lots (15-20) have sufficient space for habitable buildings/structures to be located more than 10m of the centreline of Transpower National Grid Transmission Line.
- The proposed Scheme Plan shows that the proposed lots (1-9 and 15-20) have sufficient space for buildings/structures to be located more than 8m from any outer visible edge of the foundation of a Transpower National Grid Transmission support structure.
- All proposed new boundaries exceed the minimum 5m pylon clearance for fencing.
- This can be complied with at the building consent stage.

<p><i>fencing, which can be located 5 metres from any outer visible edge of the support structure foundation.</i></p> <p><i>c) All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed Transpower line parts shall comply with the NZECP34:2001 or any subsequent revision of the code.</i></p>	
<p>Consent Notice 12247354.3</p>	
<p>Condition Number</p> <p>2. Consent Notices</p> <p>a. <i>A consent notice shall be registered on the Certificate of Title for proposed Lots 1-5 to the effect that any dwelling established on these lots must be located on localised high ground outside of the areas shown on the planning maps of the Gore District Plan as areas subject to actual or potential inundation.</i></p>	<ul style="list-style-type: none"> • Environment Southland recommended consent notice conditions to be registered on titles of the new lots requiring any new dwellings to be constructed on localised high ground outside of the mapped floodplain. The applicant has accepted these conditions.

Consent notices registered on parent titles automatically fall down onto subsequent lots. To ensure only relevant consent notices apply to the lots, and that the legal descriptions are updated, it is proposed to cancel the consent notices as they relate to the subject site and register new consent notices with the relevant conditions.

Consent Notice 10967023.4 as it relates to Lot 2 and Lot 4 DP 516115 will be cancelled.

Consent Notice 12247354.3 as it relates to Lot 1 DP 566551 will be cancelled.

Easements

The existing easements registered on the Record of Title 804050 will be retained. The following existing easements registered on the Record of Title 1013867 will be cancelled and/or surrendered or partially surrendered:

Schedule of Existing Easements

- Easement 'R DP 516155 created by Easement Instrument 10967023.5' over part marked R providing 'Right of Way' to be retained over proposed Lot 15 in favour of Lot 13 & partially in favour of 14.
 - Existing access to be retained for shared use (Lots 13-16)
- Easement 'E DP 516155 created by Easement Instrument 10967023.5' providing 'Right to Convery Electricity' to be retained over Lots 13 and 14. That Right of Way is subject to s243(a) RMA and will therefore need an s243(e) certificate to approve that partial surrender.
- Area 'F DP 516155 created by Easement Instrument 10967023.5' providing an 'effluent field easement over part marked F' to be cancelled as it will become redundant, being contained within Lot 15 along with the existing dwelling it serves.
 - The applicant proposes to cancel this easement, so that it does not drop down on to the new record of title for proposed Lot 15 along with the house it serves.

Any additional easements that are required can be included as part of the s223 certification.

2. SITE DESCRIPTION



Figure 2. Aerial image of subject site (Source: Grip Map)

The application site is made up of four rural land parcels legally described as Part Lot 3 DP 83 (100.09ha), Lot 4 DP 516115 (14.00ha), Lot 1 DP 566551 (3.27ha), and Lot 2 DP 5156115 (20.94ha), which are currently held in four separate Record of Titles SL9C/619, 804050, 1013867, and 804048 with a total area of 138.31ha (Refer to Figure 2).

The site is located in the Rural Zone under the Operative District Plan and General Rural Zone under the Proposed District Plan. The site is located approximately 5.7km to the west of the centre of the Gore Township. The immediate surrounding area is predominately rural in character and use. The surrounding area includes a mix of large and medium sized farming lots, as well as 2ha lots that have been subdivided intended for rural residential activity.

The proposed subdivision is located on the northwest side of Lady Charlton Road with a boundary along the northeast side of Kelvin Road. Both sections of road are chip sealed rural local access roads. The section of Lady Charlton Road, adjacent to Stage 1, has an undulating vertical alignment and contains three horizontal curves. The first curve at the north end of the subdivision has 65kph curve advisory signs and chevrons in place. This then leads on to a gentle curve approximately mid-way before reaching a sharper curve at the southern end of Stage 1 (Proposed Lots 1-9). The final curve at the southern end of Stage 1, contains 55kph curve advisory signs.

Stage 2 (Lots 10-16) and Stage 3 (Lots 17-22) adjoins the east and west side of Lady Charlton Road respectively. The section of road that passes between stages 2 and 3 is flat with a gentle horizontal curve mid-way. This curve has no curve advisory signs. The south end of this section close to the bridge contains a curve which contains advisory signs and no speed values.

A 100kph speed restriction applies to both sections of road. Operating speeds of traffic are reduced by the existing curves.

The sections of these road are classified as 'Formed' on Gore District Councils Road hierarchy and is a Rural/Rural Lifestyle Local Road as per Table 3.1 road design standards (under Subdivision and Land Development Bylaw 2019).

Gore District Councils mapping system identifies the subject site as containing Transpower support structures associated with Transpower Line INV-ROX-A, rated at 220kVA, which transverses through Part Lot 3 DP 83 (proposed Lots 1 to 9) and Lot 2 DP 5156115 (proposed Lots 17 to 22).

Gore District Councils mapping system and Environmental Southland flood mapping identifies the portions of the subject site as subject to actual or potential flooding (Policy 3.4 (8)) (refer to Figure 3). It identifies the liquefaction risk as 'Negligible' (grey) within the southern portion of Stage 1 and northeastern corner of Stage 2. The liquefaction risk is 'Medium' (beige) within the remainder of the site. The site is not identified in the Selected Land Use Sites Register ('SLUS') as an actual or potentially contaminated site. The total area of the subject site has been identified as containing LUC 3 High Class Soils.

The existing land use is utilised for farming purposes, predominantly used for pastoral farming activity. The subject site has a mix of flat and undulating topography with high terraces and plains. The site declines towards the eastern portion of Stage 1, and Stages 2 and 3 are relatively flat and gently rises to the west and eastern ends of the subject site. The purpose of this subdivision is to create twenty-two future rural allotments. Nineteen of these lots are anticipated to have future lifestyle rural-residential land use, while proposed Lots 9, 10, and 22 will retain most of the productive farmland.

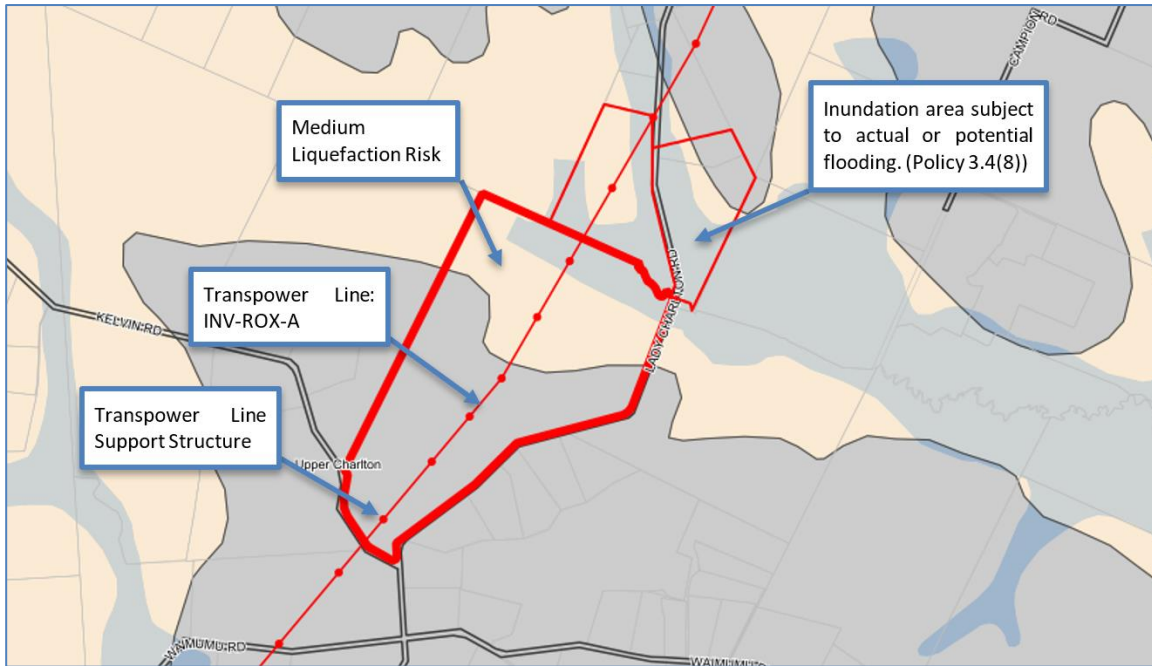


Figure 3. Aerial image of subject site showing Hazards overlay (Source: GDC IntraMaps)

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 resource consent pursuant to Rule 8.10(4)(b) to undertake a 22-lot subdivision, where each lot will exceed 2 hectares in area. Council's discretion is restricted to the following:
 - i. suitability of the allotments for activities permitted within the zone in which they are located.
 - ii. Suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;
 - iii. ability to provide services (water, sewage, storm water, power and telecommunications);
 - iv. impacts on the council and other infrastructure services;
 - v. future use of the land and the need to consider any associated resource consents;
 - vi. within residential and rural areas lot size, dimensions and potential for future subdivision of the land;
 - vii. within residential and rural areas the desirability of providing building platforms; and
 - viii. provision of easements
 - ix. impacts on any heritage or archaeological values

- x. *impacts on natural features and landscapes, ecological or cultural values*
- xi. *impacts water quality, including ground water*
- xii. *provision of all transport modes, including the movement of pedestrians and cyclists*

3.2 Resource Management Act 1991

Resource consent pursuant to Section 221(3) of the RMA to cancel a consent notice.

- **Consent Notice 10967023.4 as it relates to Lot 2 and Lot 4 DP 516115 is proposed to be cancelled.**
- **Consent Notice 12247354.3 as it relates to Lot 1 DP 566551 is proposed to be cancelled.**

Pursuant to s87B the application is treated as if the application were for a resource consent for a **discretionary** activity.

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

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.

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. In this case, subdivision requires resource consent, there is no permitted baseline.

Suitability of the allotments and future land use

The subdivision layout is consistent with what the District Plan enables in the Rural zone.

Proposed Lots 1 to 8, 11 to 16 and 17 to 21 are all of size and shape that meets the 2ha minimum specified area, which can accommodate a future residential unit, while proposed Lots 9, 11, and 22 are intended to retain the existing production farming land use with no current intention for any dwellings. Proposed Lot 10 will retain the existing production farming land use and will not provide for any residential activity in future, due to flood hazard as advised by Environment Southland.

Due to the size of the lots meeting the 2ha minimum area, any future development is expected to comply with the Performance Standards in the District Plan for the Rural Zone and associated

effects on the surrounding environment are considered to be less than minor. Future developments are required to adhere to the District Plan bulk and location standards, specifically boundary rules which ensure effects on the wider environment and neighbouring properties are less than minor.

Due the flood hazards and appropriate mitigation measures recommended by Environment Southland, whereby proposed Lots 14, 16 and 19 are required to demonstrate fixed building platform locations. This has been completed by the applicant.

Proposed Lots 1 to 8, majority of Lot 12, and 13 are located outside of the mapped floodplain and given the size of the lots it is considered unnecessary to require a fixed area for a building platform in order to reduce effects.

Proposed Lots 9, 11 to 18, and 20 to 22 will be subject to a volunteered consent conditions to be registered on the title requiring any new dwellings to be constructed on localised high ground outside of the mapped floodplain. This has been accepted by the applicant.

A volunteered consent notice will be registered for Lot 19 recording the identified building platform K, on the proposed Scheme plan. The platform location is supported by ES.

Two platforms have been identified on Lot 14. Development must be located within either one or the other platforms, subject to specific finished floor levels. Platform L1 must have a floor level of no less than 300mm above highest ground level, and L2 a floor level of no less than 600mm above ground level. Note only one building platform may be built within.

A volunteered consent notice will be registered for Lot 16, identifying a building platform O and a minimum floor level of no less than 600mm. Alternatively a dwelling may be constructed on localised high ground outside of the mapped floodplain.

Proposed Lot 10 is not supported for residential activity due to the flood hazard. The applicant has volunteered a consent notice recording that it is not suitable for residential use.

An advice note is recommended which advises the consent holder that any future development on proposed Lots 1 to 22 will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 (Bylaw) and the Gore District Plan and will be assessed at the building consent stage.

The proposed lots are considered to be consistent with the lot size within the Rural zone as anticipated by the district plan. It is considered that the size and configuration of the proposed allotments are appropriate to be used for rural lifestyle or small-scale agro-cultural purposes and that any adverse effects on the wider environment will be less than minor.

Suitability of land for subdivision – Natural Hazards and Other Hazards

The Gore District Council's mapping system identifies the centre and northern portion of the subject site as subject to actual or potential flooding hazard. The existing buildings within proposed Lot 11 are farm sheds and are located within the identified flooding area. The buildings are not habitable. The applicant has consulted with Environmental Southland, noting the proposed locations for proposed Lots 9, 11 to 18, and 20 to 22 will be required to construct any new dwellings on localised high ground outside of the mapped floodplain. Proposed Lots 1 to 8, 12, and 13 have not raised concerns as they are located outside of the mapped floodplain. Proposed Lot 10 has been identified as not suitable for residential activity, which the applicant

has agreed to, whereby the existing land use activity will be retained. The consultation (email correspondence) with Environment Southland, is held on file and should be read in conjunction with this report, with recommended conditions that have been accepted by the applicant, to ensure adequate management of the potentially flood prone site.

The subject site contains Transpower support structures associated with Transpower Line INV-ROX-A, rated at 220kVA, which transverses through Part Lot 3 DP 83 (proposed Lots 1 to 9) and Lot 2 DP 5156115 (proposed Lots 17 to 22). The existing transmission line is considered to have no significant impacts on the proposed subdivision. Moreover, there is no change in voltage of the INV-ROX-A electricity transmission line as a result of the proposed subdivision. The applicant has confirmed compliance with consent notice conditions that all proposed new boundaries exceed the minimum pylon clearance for fencing. Additionally, the NZ Electrical Code of Practice sets out requirements for building clearance from electrical transmission infrastructure. Conditions are imposed in this regard. The operation of the Transpower Line INV-ROX-A does not pose any risks to the wider environment.

The Gore District Council's GIS mapping system identifies the liquefaction risk within the south portion of Stage 1 (Lots 1 to 8) and northeastern portion of Stage 2 (Lots 11 to 13, 15, and 16) being approximately 63.90ha of the site as 'Negligible'. The northern portions of proposed Stage 1, south and western portions of Stage 2, and Stage 3 being approximately 73.47ha of liquefaction risk identified as 'Medium'. In relation to the medium liquefaction risk, a future building consent application will be required to demonstrate good ground and suitable foundation design.

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

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

Ability to provide services

There are no Council reticulated services located in the Rural Zone. Proposed Lot 15 contains an existing dwelling with no changes to the existing servicing arrangements, which has existing on-site services for domestic purposes in terms of water supply, wastewater, stormwater and that these on-site services will be retained.

In terms of the services for proposed Lots 1 to 8, 12 to 14 and 16 to 21, potable water is proposed to be supplied via onsite roof/rainwater collection with appropriate treatment. The sites are further large enough to accommodate sufficient space and appropriate areas for wastewater disposal. Stormwater runoff will be disposed of to the ground (on-site disposal) and is expected to be fully contained within the proposed boundaries.

Proposed Lots 9, 11, and 22 will retain the existing farming land use, as such, a potable water supply is not required and is not anticipated to have any domestic wastewater and stormwater discharges.

The detailed design of these services will be assessed at the time a building consent is submitted to the Council for future development on the individual lots.

In terms of electricity supply, the applicant has provided confirmation from PowerNet that the network can be extended to provide connections to the proposed Lots (reference emails from Fraser Neil – Operations (Distribution) Project Manager, dated 25 July 2023).

- PowerNet confirmed the following: *“I can confirm supply is available for the proposed subdivision.*
- *Stage 1 – Lots 1 to 9 will require the Network lines to be extended from Kelvin road as there is no supply available to them to use in the road reserve.”*
- *The Lots in Stage’s 2 and 3 do have a supply available in the Road reserve of Lady Charlton road but will require the installation of Transformers and in lots 12,13,18 and 19 may require network line extension to complete supply”*

The applicant has provided confirmation that OneNZ and Spark are able to provide the lots with wireless rural broadband. This is acceptable given that wireless services are becoming the norm and a preferential option for rural sites.

Overall, the proposal can be feasibly serviced at the time of development. Any potential adverse effects on the wider environment in relation to servicing will be less than minor.

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

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

The subject site is located outside of any mapped significant natural features and landscapes, or any areas shown as having identified ecological or cultural values. The proposed subdivision will alter the landscape of the site with the introduction of rural lifestyle residential development in the future on proposed Lots 1 to 8 and 12 to 21. However, given that the District Plan enables rural living on sites greater than 2 hectares, the effects are anticipated by the Plan.

As per Environment Southlands recommendations, any new dwelling to be constructed as a result of the proposed subdivision will be on localised high ground, adequately separated from the area subject to actual or potential flooding. Proposed Lots 9, 11, and 22 will retain the existing farming land use, with no residential units or additional buildings are proposed. It is considered that any impacts on water quality, including groundwater will be less than minor.

Effects on traffic

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

Stage 1:

Lot 1 is proposed to gain vehicular entry through a new vehicle crossing from Lady Charlton Road. Similarly, Lots 2 to 9 will share access routes and easements from Lady Charlton Road. The vehicle crossing locations are shown on the scheme plan, labelled as "A", "B", "C", "D", "E", "F", "G", and "H".

The proposed locations for new access “A” to “F” have been assessed under sight distances in accordance with Table 3.3A contained the Gore District Council Subdivision and Land Development Bylaw (the Bylaw). The actual operating speed is assessed as 60kph and is governed by the slow speed curves. There is existing vegetation between the carriageway and the boundary. Mr Hasler noted the proposed location of the accesses provides acceptable sight distance based on the

operating speed coupled with the recommendation that the vegetation is removed. The proposed accesses including proposed access “G” and “H” will need to be constructed to meet the requirements with Diagram R09-1, “Private Rural Access” contained in the Bylaw.

Stage 2 and Stage 3:

The proposed locations for all access “I” to “N” being existing or new are considered to have acceptable sight distances. The crossing providing access to Lots 12 and 17 and 18 (“J”) shall be constructed or upgraded in accordance with Diagram R09-1, “Private Rural Access” contained in the Bylaw.

The proposed access locations to Lots 13 to 16 and Lots 19 to 21 shall be constructed in accordance with Diagram R09-2 “Primary Commercial Access” due to the number of lots utilising the crossing. The existing access for proposed Lot 22 will be retained. It is noted that the applicant has volunteered a consent notice condition to the effect that if further development is undertaken on Lot 22, the access to Lot 22 shall be required to be upgraded in accordance with Diagram R09-1, “Private Rural Access” contained in the Bylaw.

In relation to the access for Lot 12, sight distances are slightly limited to the north. In order to exceed the required sight distance of 130m to the north, roadside vegetation will be cleared, and the applicant has volunteered a consent notice over the area labelled ‘M’ on Lot 14, to ensure future owners of Lot 14 do not plant or build anything in that area which would obstruct access visibility.

The assessment of Mr Hasler has been adopted. Consent conditions are included regarding the recommended vegetation removal and construction of associated accesses, that have been accepted by the applicant. It is considered that safe accesses will be provided to serve each lot in the subdivision and any effects on traffic will be less than minor.

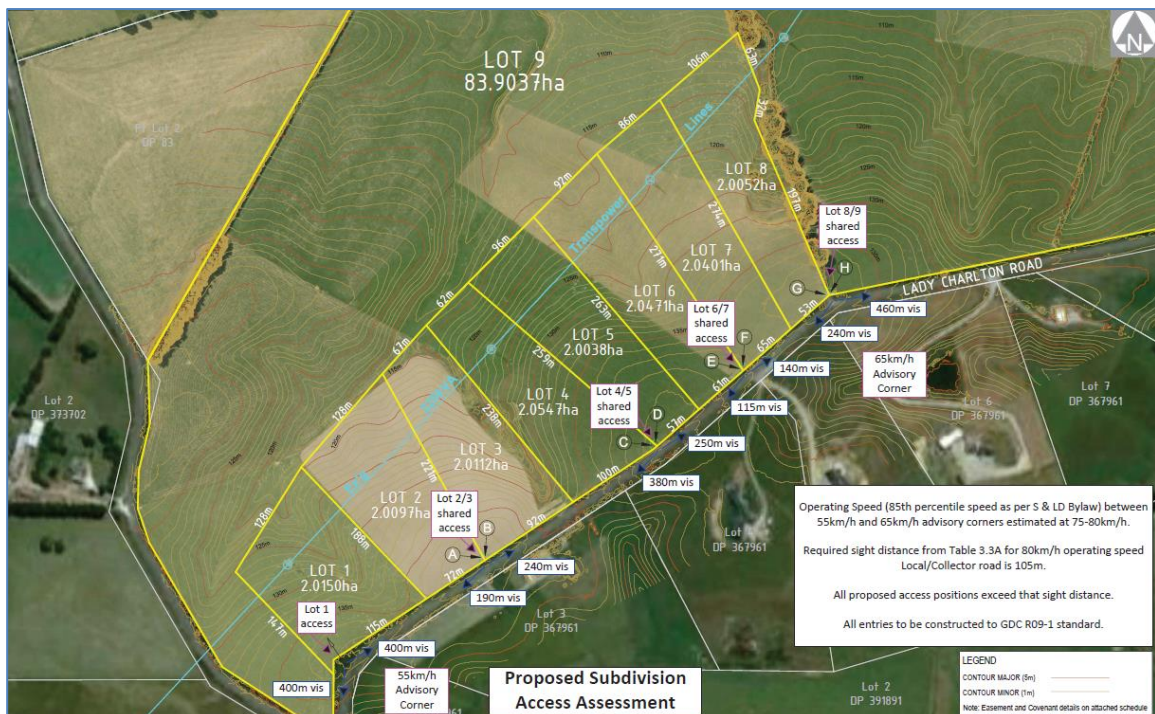


Figure 4. Proposed Stage 1 Access Details



Figure 5. Proposed Stage 2 and 3 Access Details

Consent notice and Easement Cancellation

The Applicant proposes to cancel the consent notices registered on the parent lots only. The consent notices relate to building outside of flood areas, building proximity to power lines and access to proposed Lot 22.

Revised conditions in order to mitigate the flood hazard are proposed.

Revised conditions relating to the powerlines are proposed.

The condition regarding Lot 2 DP 516115 access (future Lot 22) will be re-registered.

The effects of the proposed deletion of the consent notice have been assessed. As the purpose of the conditions will be fulfilled with revised consent notices, adverse effects on the 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

95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an “affected party”. No persons have given written approval to the application however the applicant also owns the property Part Lot 2 DP 83, Lot 2 DP 590172 and Lot 3 DP

590172. As such, written approval is inferred, and effects on these properties have been disregarded.

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.

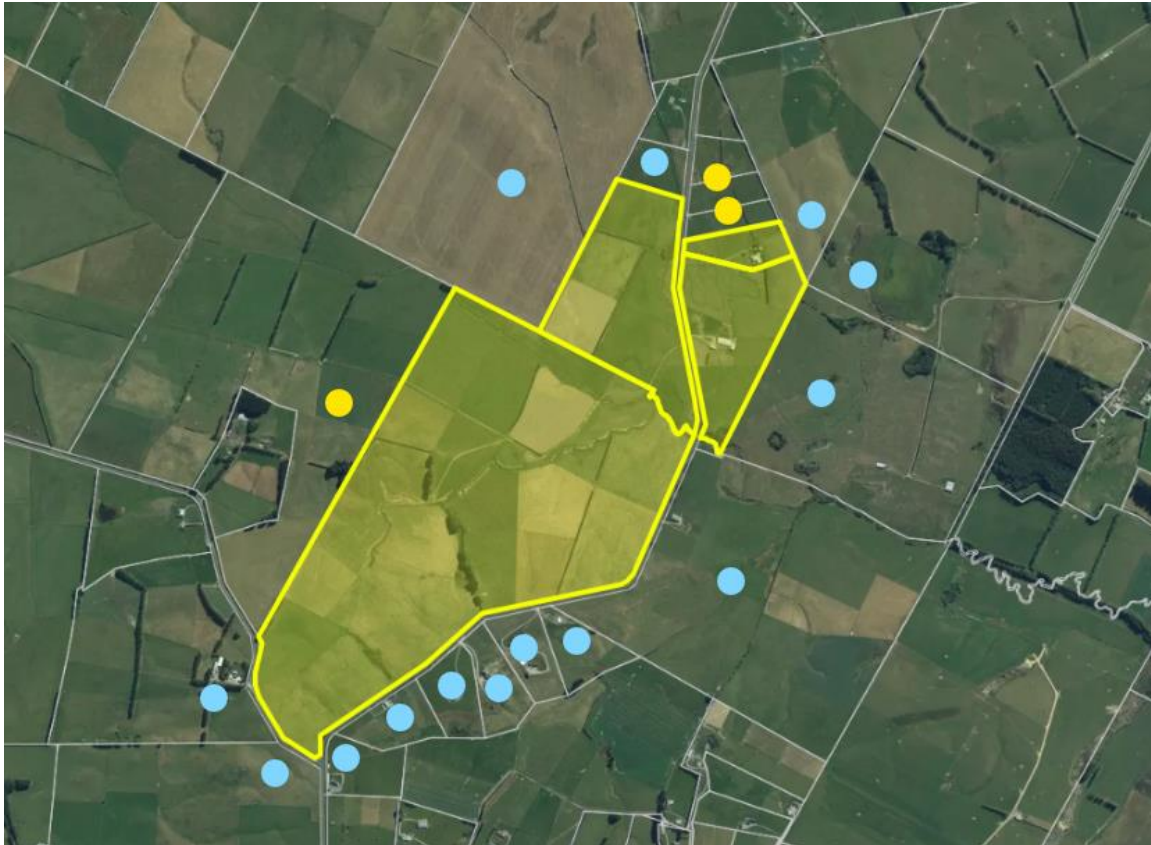


Figure 6. The neighbouring properties identified by blue dots. Yellow dots indicate land owned by the applicant (Source: Grip Map)

The proposed subdivision will not result in any changes to the rural character beyond what is anticipated by the district plan. The proposal is not expected to have any adverse impacts on the persons residing on or working on the properties shown above in this respect.

The size of the sites provides an adequate buffer distance to mitigate any potential privacy or overlooking effects and there are no proposed non-compliances pertaining to the adjoining boundaries. As such, the proposed subdivision is not expected to generate adverse visual amenity and character effects.

The Lots will be serviced on site, with each servicing provision assessed at building consent stage.

The applicant has demonstrated legal and physical access can be provided to each lot.

Overall, it is considered that the proposed subdivision will not create lots or future uses that are inconsistent with the provisions of the Operative District Plan. Therefore, the adverse effects are considered to be less than minor and there are no persons that would be adversely affected by the proposed subdivision.

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.

Subdivision Design

- The proposed boundaries are based around existing, practical and safe access locations from Lady Charlton Road. As well as the need to provide practical building locations while also taking into account the floodplain affecting the site. The proposed lots have adequate space to

construct future residential units with associated outdoor living space within their allotments, on localized high ground outside the areas subject to actual or potential flooding.

- Each proposed lot is and will be provided with a water supply (rain collection and storage), wastewater treatment and disposal and a means of disposing of stormwater. Subject to compliance with conditions included in section 9.
- The subdivision will not result in a reduced level of on-site amenity for the residents of any of the proposed lots.
- For the above reasons, it can be concluded that the design and layout of the subdivision is appropriate.

6.3 Relevant Provisions

Operative 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 subdivision is consistent with the objectives and policies in Chapter 8. The size and layout of the allotments are practical and appropriate for the Rural Zone. Proposed Lots 1 to 8 and 12 to 21 can accommodate future residential activity, while proposed Lots 9, 10, 11, and 22 can

continue to be used for rural activities (utilizing existing services and access). Overall, it is considered that the subdivision is appropriate and will not lead to adverse effects on the amenity and character of the surrounding area.

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

Proposed District Plan

The Gore Proposed District Plan (PDP) was notified on 31 August 2023, and at the time of this report the PDP submissions and further submissions have closed but are yet to be fully summarised and released. While objectives and policies of the PDP have relevance, in this instance the PDP objectives and policies are not considered to have weight and are not considered any further.

Southland Regional Policy Statement 2017

Chapter 5 of the RPS (Regional Policy Statement) relating to Rural Land/ Soils is particularly relevant to this proposal.

Objectives

Rural 1: Sustainable use of rural land resource

Rural 2: Life-supporting capacity of soils

Policies

Rural 1: Social, economic, and cultural wellbeing

Rural 2: Land use change and land development activities

Rural 4: Loss of high value soils from productive use

Rural 5: Effects of rural land development

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

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

The proposed subdivision will allow twenty-two additional lots to be created, which will enable the opportunity for proposed Lots 1 to 8 and 12 to 21 to be developed with a residential unit. The site comprises Class 3 soils. Proposed Lots 9, 10, 11, and 22 are to continue being farmed. These soils can continue to provide for rural activity following the subdivision. The proposed rural-residential lifestyle lots can be provided with an on-site wastewater system at the time of development. Overall, it is considered that the proposal is aligned with the relevant objectives and policies in the Southland Regional Policy Statement.

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. The subdivision proposal is a restricted discretionary activity and, in relation to the subdivision, the matters of discretion do not extend to the consideration of highly productive land. No further assessment of the NPS-HPL is required.

The deletion of the consent notice conditions is a discretionary activity. It is assessed that the effects of the proposed deletion will be less than minor as the purpose of the conditions will be fulfilled with revised consent notices.

6.4 Other Matters

Section 104(1)(c) provides that when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine that application.

There are no other matters that are relevant to this application that need to be considered.

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

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

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

In this case, a portion of the subject site specifically the centre and northern portion of the subject site as subject to actual or potential flooding hazard. The existing buildings on proposed Lot 11 are farm sheds located within the identified flooding area, which are not habitable buildings that might risk the safety of persons. The applicant has consulted with Environmental Southland, noting the proposed locations for proposed Lots 9, 11 to 18, and 20 to 22 will be required to construct any new dwellings on localised high ground outside of the mapped floodplain. The proposed Lots 1 to 22 will have legal and physical access. The Council's Senior Roading Operations Officer, Murray Hasler, confirms that the use of the existing farm access and proposed access locations are acceptable. 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.

Part 2 (sections 5, 6, 7 and 8) 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”.

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.

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

9. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, subdivision consent is granted to undertake a twenty-two lot subdivision, over 3 stages, subject to the following conditions listed below imposed pursuant to Section 108 and Section 220 of the RMA.

A ten-year timeframe to give effect to this consent has been requested, which is double the RMA’s standard five-year timeframe for giving effect to consents. Due to the changing policy environment in the district, and as no strong reasons were provided as to why a longer timeframe is justified for this application, the request for a ten-year timeframe is not supported.

Consent Conditions

1. The subdivision must be undertaken in general accordance with the application made to the Council on 21 September 2023 and the further information received 24 October 2023 and the following plan:
 - *‘Proposed Subdivision of Pt Lot 3 DP 83, Sec 112 Waimumu Hun and Lots 1, 2 & 4 DP 516115 Overview Sheet’, Drawing No. 01, Sheets 001, Rev C prepared by Clark Fortune McDonald, Date: 30.08.23*
 - *‘Proposed Subdivision of Pt Lot 3 DP 83, Sec 112 Waimumu Hun and Lots 1, 2 & 4 DP 516115 Stage 1’, Drawing No. 01, Sheets 002, Rev C, prepared by Clark Fortune McDonald, Date: 30.08.23*
 - *‘Proposed Subdivision of Pt Lot 3 DP 83, Sec 112 Waimumu Hun and Lots 1, 2 & 4 DP 516115 Stage 2 & 3’, Drawing No. 01, Sheets 003, Rev C prepared by Clark Fortune McDonald, Date: 12.12.23*

The plans are attached as Appendix A.

2. Prior to the Council signing the Survey Plan for each stage of the subdivision pursuant to Section 223 of the Resource Management Act 1991, any necessary easements shall be shown

in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved as necessary.

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

Staging

4. The subdivision can be staged in any order, subject to relevant conditions of consent being met for the lots created by that stage.

Vehicle Access

5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991 for the relevant stage, the consent holder, shall, to the satisfaction of the Chief Executive of the Gore District Council, construct a vehicle access or upgrade an existing vehicle access on Lady Charlton Road, to serve Lots 1 to 8, Lot 12, Lots 17 and 18, as shown on the approved plans referenced in condition 1, in accordance with the Diagram R09-1 access standard in the Gore District Council Subdivision and Land Development Bylaw 2019.
6. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991 for the relevant stage, the consent holder, shall, to the satisfaction of the Chief Executive of the Gore District Council, construct a vehicle access or upgrade an existing vehicle access on Lady Charlton Road, to serve Lots 13, 14, 15 and 16 and Lots 19, 20 and 21, as shown on the approved plans referenced in condition 1, in accordance with Diagram R09-2 Primary Commercial Access standard in the Gore District Council Subdivision and Land Development Bylaw 2019.
7. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991 for the relevant stage, vegetation between the carriageway and the boundary on both sides of the accessways labeled A to F on the approved plans referenced in condition 1, will need to be cleared and maintained in order to ensure appropriate sight distances that meet Tables 3.3A of the Gore District Council Subdivision and Land Development Bylaw 2019.
8. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991 for the relevant stage, vegetation shall be cleared to achieve a required sight distance of 130m to the north of the Lot 12 access.

Consent Notices

9. Prior to the certification of each stage of the subdivision pursuant to section 224(c) of the Resource Management Act 1991; a consent notice, in accordance with Section 221 of the Resource Management Act, shall be issued and registered against the relevant Record of Title for Lot 10 to record that:
 - a) There shall be no residential activity permitted on the site.
10. Prior to the certification of each stage of the subdivision pursuant to section 224(c) of the Resource Management Act 1991; a consent notice, in accordance with Section 221 of the Resource Management Act, shall be issued and registered against the relevant Record of Title for Lots 1 – 9 and Lots 11 – 22 to record that:

- a) At the time of lodging a building consent for a residential unit on Lots 9, 11, 12, 13, 17, 18, 20, 21 and 22, the residential unit is required to be constructed on localised high ground outside areas subject to actual or potential flooding as shown on the Gore GIS hazard maps.
- b) Any dwelling to be constructed on Lot 14 shall be constructed either within the identified building platform “L1” with a floor level of no less than 300 mm above highest ground level or the building platform identified “L2” with a floor level of no less than 600mm above ground level, as shown on plan ‘Proposed Subdivision of Pt Lot 3 DP 83, Sec 112 Waimumu Hun and Lots 1, 2 & 4 DP 516115 Stage 2 & 3’, Drawing No. 01, Sheets 003, Rev C prepared by Clark Fortune McDonald, Date: 12/12/23
Note: whilst two potential buildable areas are shown on the scheme plan, the number of residential units enabled on the lot is subject to the District Plan land use provisions
- c) The area labelled ‘M’ as shown on plan ‘Proposed Subdivision of Pt Lot 3 DP 83, Sec 112 Waimumu Hun and Lots 1, 2 & 4 DP 516115 Stage 2 & 3’, Drawing No. 01, Sheets 003, Rev B prepared by Clark Fortune McDonald, Date: 12/12/23; shall remain free of planting and buildings which would obstruct the access visibility of Lot 12. The objective of this condition is to ensure appropriate sight distances that meet Tables 3.3A of the Gore District Council Subdivision and Land Development Bylaw 2019 is provided for access to Lot 12 DP xxxxx.
- d) Any dwelling to be constructed on Lot 16 shall be constructed either within the identified building platform “O” shown on plan ‘Proposed Subdivision of Pt Lot 3 DP 83, Sec 112 Waimumu Hun and Lots 1, 2 & 4 DP 516115 Stage 2 & 3’, Drawing No. 01, Sheets 003, Rev C prepared by Clark Fortune McDonald, Date: 12/12/23, with a floor level of no less than 600 mm above ground level or on high ground outside of the mapped floodplain as shown on the Gore GIS hazard maps.
- e) Any dwelling to be constructed on Lot 19 shall be constructed within the identified building platform “K” as shown in “‘Proposed Subdivision of Pt Lot 3 DP 83, Sec 112 Waimumu Hun and Lots 1, 2 & 4 DP 516115 Stage 2 & 3’, Drawing No. 01, Sheets 003, Rev C prepared by Clark Fortune McDonald, Date 12/12/23

Applicable to Lots 1-9, 11-14, 16-22:

- f) At the time of lodging a building consent for a residential unit, a rainwater collection system must be verified as being potable; this shall include provision for UV filters or UV treatment or alternative treatment provision and shall be submitted with the building consent application(s).
- g) At the time of lodging a building consent for a residential unit, the lot is to have a specifically researched, designed and verified system for wastewater and stormwater disposal.
- h) At the time of lodging a building consent for a residential unit, each application is to include an approved firefighting water supply and site services design by Fire and Emergency New Zealand (FENZ) to comply with SNZ PAS 4509 and the Subdivision and Land Development Bylaw 2019.
- i) At the time of this subdivision, a fixed-line electricity and telecommunication connection

was not provided to the lot, and either a fixed-line electricity and telecommunication connection or an alternative service needs to be installed at a cost to the owner at the time that the connection is applied for.

- j) At the time of lodging a building consent for a residential unit on Lot 11 and Lot 22, the existing access shall be upgraded in accordance with Diagram R09-1 Private Rural Access contained in the Gore District Council Subdivision and Land Development Bylaw 2019. Vegetation must be removed to achieve sight distances that meet Tables 3.3A of the Gore District Council Subdivision and Land Development Bylaw 2019.

Applicable to Lot 1-9 and Lots 17-22:

- k) All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts shall comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 32:2001) or any subsequent revision of the code.
- l) No buildings or structures (except non-conductive fencing) shall be located within 12 meters of the centreline of the INV-ROX-A National Grid transmission line.
- m) No building or structures shall be located within 12 meters of any outer visible edge of the foundation of any National Grid support structure; except for non-conductive fencing, which can be located 6 meters from any outer visible edge of the support structure foundation.
- n) Any proposed new trees or vegetation within 12 meters either side of the centreline of the INV-ROX-A National Grid transmission line must not exceed 2 meters in height at full maturity and must comply with the Electricity (Hazards from Trees) Regulation 2003, or any subsequent revision of the regulations.
- o) Any proposed new trees or vegetation outside of 12 metres either side of the centreline of the INV-ROX-A National Grid transmission line must be setback sufficiently to ensure the tree cannot fall within 4 meters of the INV-ROX-A National Grid transmission line and must comply with the Electricity (Hazards from Trees) Regulation 2003, or any subsequent revision of the regulations.

Advice Notes

1. Any future development on Lots 1 to 22 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. Any work carried out on the legal roadway requires the prior approval of the Council and the consent holder must consult with the Council's 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.

10. DECISION ON CANCELLATION OF CONSENT NOTICE

Consent is granted for the application to cancel:

- Consent Notice 10967023.4 as it relates to Lot 2 and Lot 4 DP 516115 in full, and
- Consent Notice 12247354.3 as it relates to Lot 1 DP 566551 in full.

in accordance with Section 221 of the RMA, following the completion of subdivision SC 23055 to create Lots 1 to 22.

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.

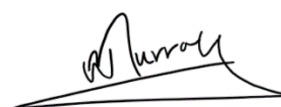
If you have any enquiries, please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



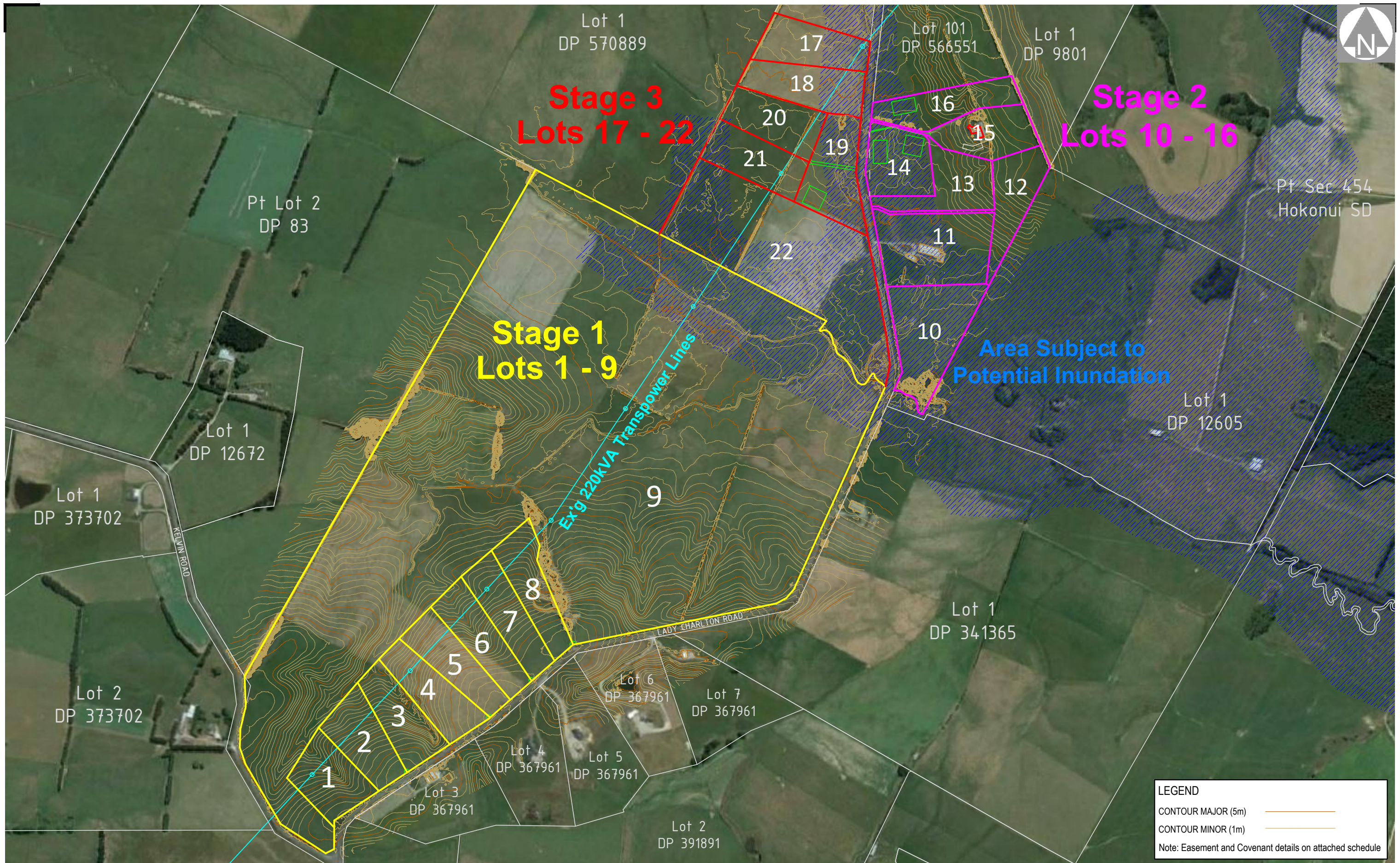
Joanne Skuse
Consultant Planner

Decision made by



Werner Murray
Delegate

Appendix A: Approved Plans

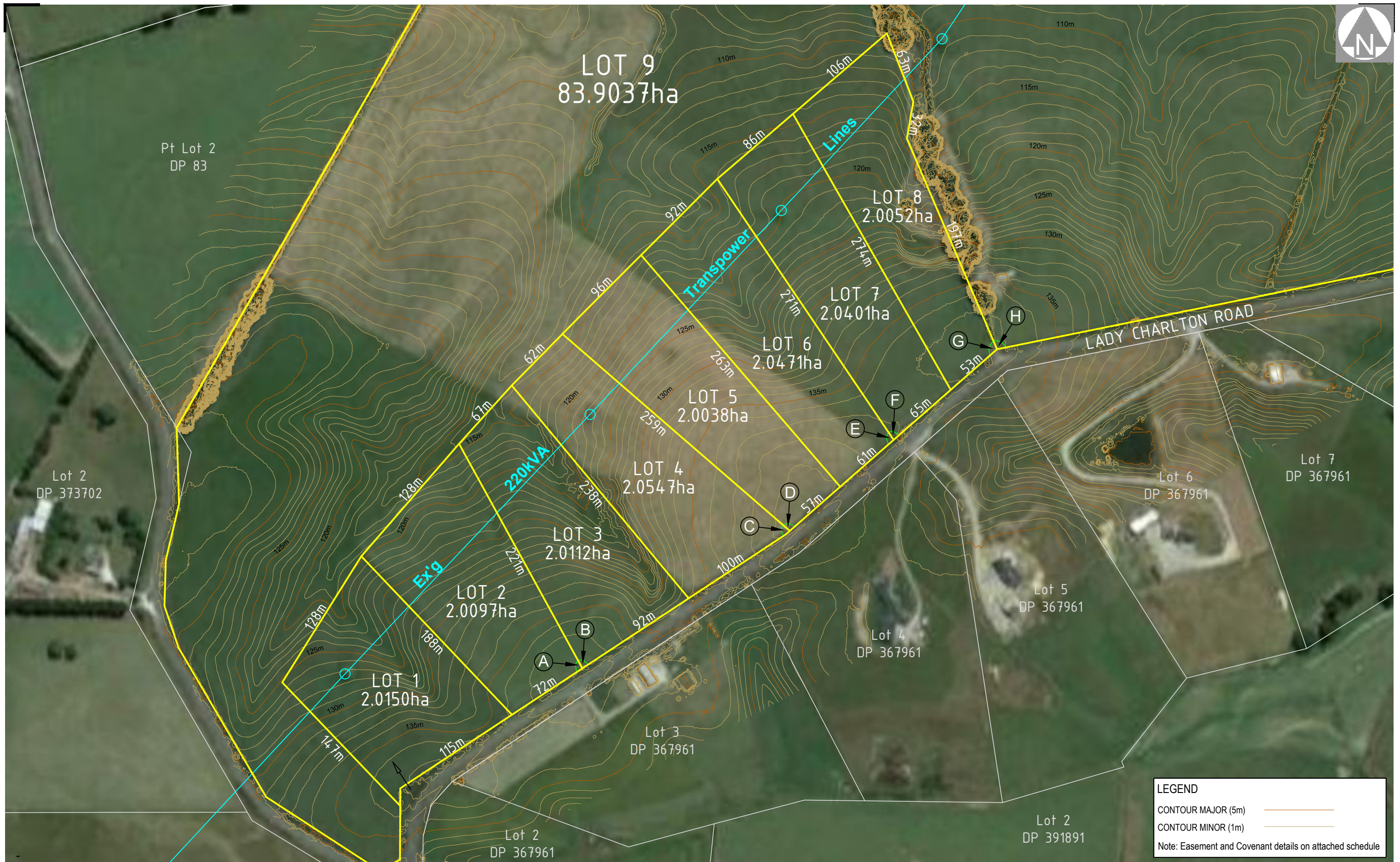


LEGEND	
CONTOUR MAJOR (5m)	
CONTOUR MINOR (1m)	
Note: Easement and Covenant details on attached schedule	

	CLARK FORTUNE McDONALD		
	LAND SURVEYORS - LAND DEVELOPMENT - PLANNING CONSULTANTS QUEENSTOWN DUNEDIN CHRISTCHURCH GORE		
14 Mersey St, Gore 9710 Tel. (03)208-6474, Email bwilson@cfma.co.nz, www.cfma.co.nz			
Rev.	Date	Revision Details	By
C	30.08.23	Addition of Lot 1 DP 566551 & New Lots in Stage 2	AK

**PROPOSED SUBDIVISION OF PT LOT 3 DP 83, SEC 112
WAIMUMU HUN AND LOTS 1, 2 & 4 DP 516115
OVERVIEW SHEET**

Client	Meadowvale Trust	Surveyed	-	Date	-	Job No.	16055	Drawing No.	01
Notes:	- All dimensions shown are in meters unless shown otherwise. - Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn	AK	Date	28/06/2023	Scale	1:3750 @ A1 1:7500 @ A3	Datum & Level	BLUFF 2000
Checked	BW	Date	28/06/2023	Rev.	C	Datum & Level	NZVD2016		



LEGEND	
CONTOUR MAJOR (5m)	
CONTOUR MINOR (1m)	
Note: Easement and Covenant details on attached schedule	

Rev.	Date	Revision Details	By
1	30.08.23	Addition of Lot 1 DP 566551 & New Lots in Stage 2	AK

**PROPOSED SUBDIVISION OF PT LOT 3 DP 83, SEC 112
WAIMUMU HUN AND LOTS 1, 2 & 4 DP 516115
STAGE 1**

Client	Meadowvale Trust	Surveyed	-	Date	-	Job No.	16055	Drawing No.	01
Notes:	<ul style="list-style-type: none"> All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved. 								
Drawn	AK	Date	28/06/2023	Scale	1:1500 @ A1 1:3000 @ A3	Datum & Level	BLUFF 2000	Rev.	C
Checked	BW	Date	28/06/2023	Datum & Level	BLUFF 2000	Rev.	C		
				Datum & Level	NZVD2016				

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LEGEND	
CONTOUR MAJOR (5m)	
CONTOUR MINOR (1m)	
Note: Easement and Covenant details on attached schedule	

Rev.	Date	Revision Details	By
E	30.08.23	Addition of Lot 1 DP 566551 & New Lots in Stage 2	AK
B	18.10.2023	Addition of Building Platform O	BW
C	12.12.2023	Amendment of Lot 11-14	KK

**PROPOSED SUBDIVISION OF PT LOT 3 DP 83, SEC 112
WAIMUMU HUN AND LOTS 1, 2 & 4 DP 516115
STAGES 2 & 3**

Client	Meadowvale Trust	Surveyed	-	Date	-	Job No.	16055	Drawing No.	01
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Drawn	AK	Date	28/06/2023	Scale	1:1750 @ A1 1:3500 @ A3	Datum & Level	BLUFF 2000	Rev.	C
Checked	BW	Date	28/06/2023	Datum & Level	BLUFF 2000	Rev.	C		
							NZVD2016		