

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC24009 and LU24010
Applicant	Aitken Joinery Ltd.
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a two-lot residential subdivision. Land use for a breach of daylight admission.
Location	4 Eccles Street, Gore
Legal Description	Section 87 BLK XVI Gore Town
Activity Status	Restricted Discretionary
Decision Date	17 May 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 17 May 2024 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104C of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 and 220 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to undertake a two-lot residential subdivision as follows:

- Lot 1 being 626m² in area. The site is currently vacant with legal frontage to Eccles Street. The existing service connections are to be capped and new service connections are to be installed from Council's reticulated services in Eccles Street to the boundary.
- Lot 2 being 487m² in area. The site is currently vacant, and it is proposed to build a residential dwelling. Access to the site from Eccles Street is proposed by a leg-in. New service connections are proposed.



Figure 1: Proposed Scheme Plan

Services

Individual connections are proposed at the boundary for Lots 1 and 2, in respect of potable water, stormwater, and wastewater. Single pipes will be installed with enough capacity connecting to the reticulated services located in Eccles Street to cater for both Lot 1 and Lot 2. The single pipe will then connect to two individual connections at the boundary of Lot 1 and Lot 2 to service these lots independently. The services will be installed at the cost of the applicant.

Land Use

Land use consent is sought for the daylight admission breaches created by the residential building protruding through the western and eastern recession planes on Lot 2. The apex of the

garage roof gable will protrude into the eastern recession plane by 1.17m. This will result in a 2.6m² area of the roof protruding into the recession plane. The west roof apex will protrude into the western recession plane by 0.2m and 0.8m² area.

2. SITE DESCRIPTION

The site legally known as Section 87 BLK XVI Gore Town, is located within the Residential B Zone of the district. The property has legal frontage to Eccles Street, an urban collector road that is chip sealed with an operating speed of 50kph. It is located approximately 500m from the town centre.

The site is 1,113m² in area and is currently vacant land. An existing residential dwelling and garage was located on the site, however this has since been demolished and the vegetation cleared. The surrounding environment is predominantly residential in character and use, with the exception of Gore Medical Centre located 4 lots to the west of the site. Neighbouring residences are a combination of cross lease and freehold sections with a number or rear lots utilising leg-in style access. To the south of the site is a vacant lot that is currently undergoing development for an approved seven residential lot subdivision.

The Council's mapping system identifies the site as being prone to flooding subsequent to a stopbank breach or stopbank overtopping. The liquefaction risk across the site is 'negligible'. This site is not identified as being on the Selected Land Use Register as an actual or potentially contaminated site.

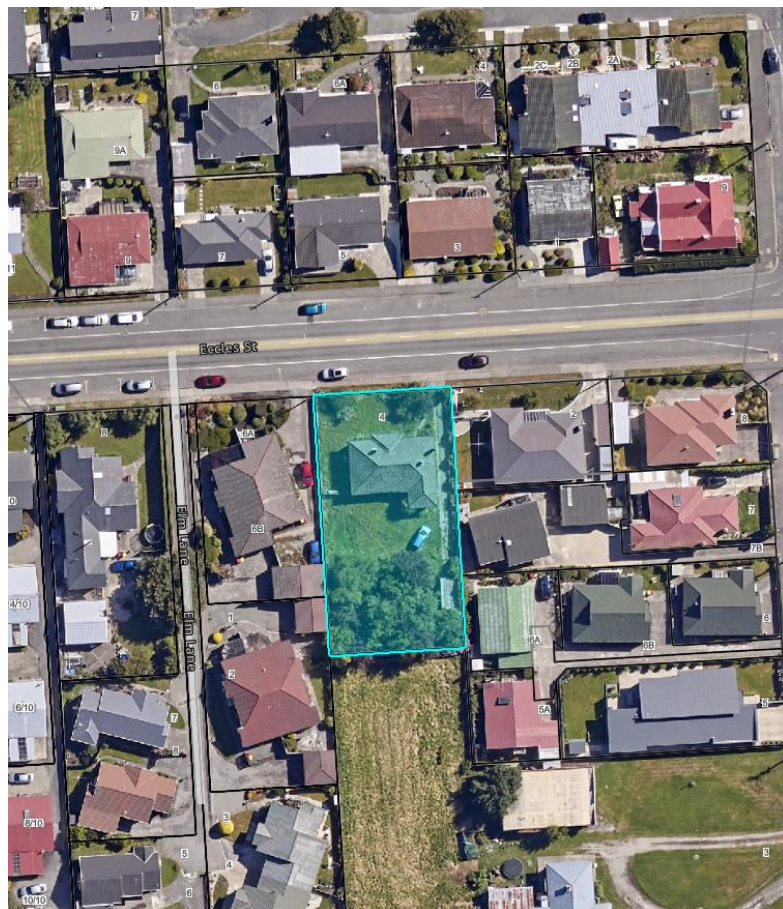


Figure 2: Subject site outlined in blue and the surrounding environment.

3. ACTIVITY STATUS

3.1 Gore District Plan

The site is zoned Residential B in the Gore District Plan and the proposed activity requires resource consent under the District Plan for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 8.10(4)(d) to undertake a two-lot subdivision of the site. 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 provision of easements*
 - (ix) impacts on any heritage or archaeological values*
 - (x) impacts on natural features and landscapes, ecological or cultural values*
 - (xi) impacts water quality, including groundwater*
 - (xii) provision of all transport modes, including the movement of pedestrians and cyclists*
- A **restricted discretionary** activity pursuant to Rule 4.7.1(2) as the proposal breaches standard 4.7.1(1)(b) in regard to a building extending beyond the recession plane. It is proposed to build a residential unit that infringes upon the daylight admission. Council's discretion is restricted to this matter.

3.2 National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 ("NES-CS")

Based on the applicants review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES-CS does not apply.

3.3 Activity Status Summary

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

4. NOTIFICATION ASSESSMENT

Sections 95A – 95F (inclusive) of the Resource Management Act 1991 ('RMA') set out the steps the Council is required to take in determining whether or not to publicly notify an application or notify on a limited basis.

4.1 Public notification – Section 95A

In accordance with section 95A, the following steps have been followed to determine whether to publicly notify the resource consent application:

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

- The applicant has not requested public notification.
- Public notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA.
- The application does not involve exchange to recreational reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are not 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

The following written approvals have been provided:

Person (owner/occupier)	Address (location in respect of subject site)
Andrew MacGibbon, Margaret MacGibbon and Stanley MacGibbon	6A Ardwick Street

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.

It is permitted to build a residential unit in the Residential B Zone provided it meets the bulk and location standards including the recession plane. In this instance the roof eaves of the building will extend beyond the recession plane on both of the western and eastern boundary. This breach is 1.17m on the eastern recession plane, resulting in a 2.6m² area of shading and 0.2m on the recession plane. This permitted baseline in relation to daylight admission is considered of relevance and applied to the land use assessment below.

Land Use – Daylight Admission

The proposed residential dwelling on Lot 2 will extend beyond the recession plane on the western and eastern boundaries, resulting in non-compliance with the daylight admission standard of the Operative District Plan. The elevation plan (P-6 – Aitken Eccles St Development, drawn by Peter Goodger) shows that the apex of the roof gable on the west boundary protrudes into the recession plane by 0.2m. Due to the small area extending beyond the recession plane, the effect on the surrounding environment is indiscernible as it will not be visible from the wider environment.

The elevation plan (P-6 – Aitken Eccles St Development, drawn by Peter Goodger) shows that the eastern gable of the garage will protrude into the recession plane of the eastern boundary by 1.17m. A breach of this scale will not be noticeable and will read as part of a permitted residential build. The proposed recession plane breach along the eastern boundary will not be noticeable to the surrounding environment.

Overall, the adverse effects of the building eaves protruding into the recession planes is less than minor on the surrounding environment.

Subdivision

Suitability of the allotments and future land use

The subdivision layout proposes two allotments in the Residential B Zone. Lot 1 and 2 meet the minimum 300m² gross area specified in the Gore District Plan and will be utilised for residential purposes. Lot 2 will have an area of 487m² and has indicated that residential development will

occur on the site in the near future. The plans provided with the application has shown that Lot 2 has sufficient space for a three-bedroom residential building to be built on this area.

The proposed building development on Lot 2 has indicated that there is a daylight admission breach extending into the eastern and western boundaries. As assessed above in the land use assessment, the extent of the non-compliances is small-scale. The residential dwelling illustrates a practical development of a 487m² site utilising a leg-in.

Any future development on proposed Lot 1 is expected to comply with the Performance Standards in the District Plan for the Residential B Zone, including the yards, daylight admission and height standards. Any future development will also be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019. These will both be assessed at the building consent stage.

The proposed lots are considered to be consistent with anticipated development within the Residential B Zone for residential living. The scheme plan shows the size, shape, and configuration of the proposed allotments are appropriate for residential purposes. A rear dwelling utilising a leg-in is consistent with the infill subdivision pattern of the immediate residential area.

Overall, adverse effects on the wider environment will be no more than minor.

Suitability of land for subdivision – Natural Hazards and other Hazards

The subject site is not identified in the Selected Land Use Sites Register ('SLUS') as an actual or potentially contaminated site. The Council's mapping system, which sources information from Environment Southland, identifies the site's liquefaction risk as negligible.

The Gore District Council's mapping system identifies the site as being prone to flooding subsequent to a stop bank breach or stop bank overtopping. The applicant has volunteered a consent notice on the record of title for Lot 1 and Lot 2, recommending the landowner adopt flood proofing techniques to mitigate flood effects. The consent notice will highlight that the property is subject to an inundation hazard due to a stop bank breach.

Any adverse effects, with respect to natural hazards and other hazards on the wider environment will be less than minor.

Ability to provide services

Both lots will connect to the reticulated services located in Eccles Street.

Council's 3 Waters Manager has reviewed the application and has confirmed the lots can be feasibly serviced. It is recommended that the existing services to the subject site are to be capped and replaced with new connections. To achieve this, it was recommended that single pipes be installed for the respective services (potable water, stormwater, and wastewater), connecting to the reticulated services in Eccles Street. These pipes are to have sufficient capacity to service both proposed Lots 1 and 2. These single pipes will then connect to two individual connections at the boundary of Lot 1 and Lot 2 to service these lots independently. This cost is to be done at the expense of the applicant. Following consultation, the Applicant has agreed to the servicing solutions recommended by the 3 Waters Manager.

The application demonstrates that Powernet have confirmed electricity is available for the proposed lots, and additionally telecommunications are available. If easements are needed to be created, they will be confirmed at s223 certification stage.

Based on the above, the adverse effects on the environment from the proposed servicing of the subdivision 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. The subject site is located outside of any mapped significant natural features and landscapes, or areas shown as having identified ecological or cultural values.

The proposed subdivision will not have noticeable effects on the water quality in the surrounding area. The scale of the proposed subdivision will require earthworks to occur in Eccles Street to install the required services for each proposed lots to connect to the existing reticulated services. The earthworks will occur at the same time and the flat nature of the road that has existing services and provisions in place to ensure that stormwater runoff will be appropriately managed during the earthworks. The effect on the water quality will be no more than minor.

Effects on traffic

The Council's Senior Roding Operations Officer, Mr Murray Hasler, has reviewed the application. A summary of his assessment is provided below.

The subject site has legal road frontage to Eccles Street, an urban collector road. The surface of Eccles Street is chip sealed with a 50kph speed restriction. Eccles Street has exiting kerb and channel with adjoining concrete footpath bounding both sides of the carriageway.

The access standards contained in the Gore District Council Subdivision and Land Development Bylaw (the Bylaw) apply to this situation. The existing vehicle crossing from Eccles Street to be utilised for access to Lot 2 meets the requirements of the Bylaw with respect to sight distances and constructed in accordance with standard R03 'Standard Drop Crossing Details' of the Bylaw.

The applicant has requested that assessment of the location for a new vehicle access from proposed Lot 1 to Eccles Street be deferred until a building consent application is submitted for this lot. The applicant has proposed a consent notice to be on the title of Lot 1 to recognise this. This has been accepted by Mr Hasler with the provision that this access shall fully comply with the Bylaw and be constructed at the cost of the applicant. The access will be assessed in accordance with the Bylaw at the time of building consent.

On this basis, Mr Hasler recommended that the application be approved from the transportation perspective. Based on the assessment and recommendations provided by Mr Hasler, the effects on the wider environment are considered to be less than minor.

Provision of easements

No easements are proposed however at the time of survey, all necessary easements will be confirmed and registered onto the relevant Record of Titles. Adverse effects on the wider environment are considered to be less than minor.

Conclusion: Effects On The Environment

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

Step 4 – Public Notification in Special Circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

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

Step 1 – Certain affected groups or persons must be notified

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

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.
- The application is not for a controlled activity (other than for a subdivision of land) under a district plan.

Step 3 – Certain other affected persons must be notified

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

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.

- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.
- d) The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

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

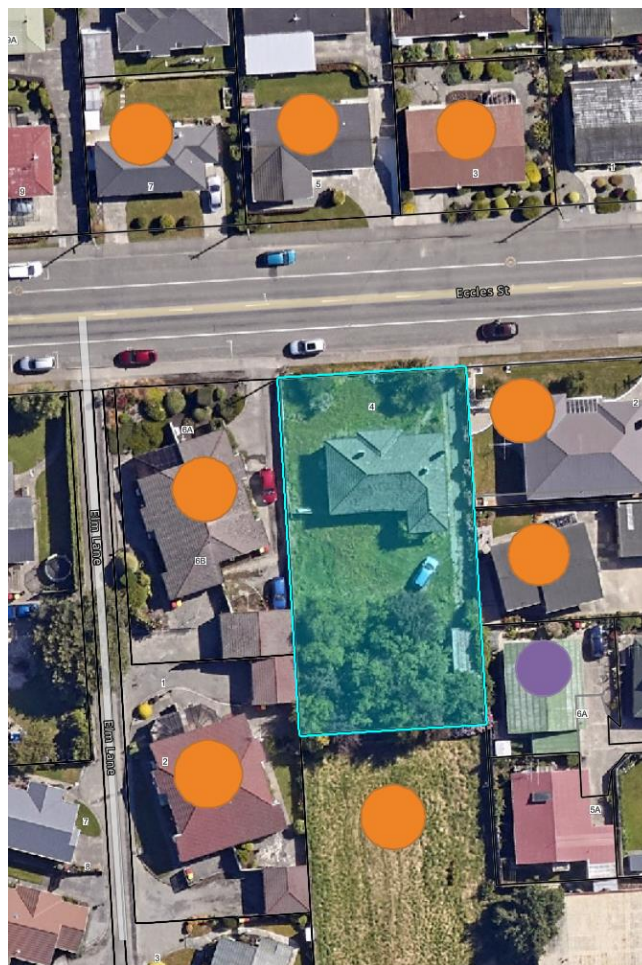


Figure 3: Subject site highlighted in blue and orange dots indicate surrounding neighbouring properties and purple indicates obtained written APA.

Written approval has been provided by the owners and occupiers of 6b Ardwick Street (purple dot). The effects of the application are not able to be assessed.

3, 5, and 7 Eccles Street

These properties are located across Eccles Street from the subject site, separated by the road verge of Eccles Street being 17m in width. Each of these properties contains a residential unit and adjoining garage. The proposed building on Lot 2, protruding into the eastern recession will not be noticeable to these persons due to the scale of the breach being 1.17m into the recession plane and the positioning of the proposed house on Lot 2 being located at the rear lot to Eccles Street. This view of the breach will not be noticeable to these neighbouring properties.

The proposed subdivision development, creating one additional lot, utilising a leg-in with an area more than 300m² will maintain the existing character of the residential area. Existing amenity values will not be altered beyond what is anticipated under the District Plan. Any adverse effects upon the owners and occupiers of these properties are considered to be less than minor.

2 Eccles Street, 6 A/6B Eccles Street, 7B Ardwick Street, and 3 Ardwick Street

These properties are situated towards Eccles Street and set back away from proposed Lot 2 and the proposed recession plane breaches. Any adverse effects associated with the proposed recession plane breach is unlikely to be discernible by the owners and occupiers of these dwellings, owing to this separation distance and the scale of the breaches. The adverse effects upon the owners and occupiers of these properties will be less than minor.

The proposed subdivision to create two residential lots greater than 300m² meets the standard for minimum lot size in the Residential B Zone. The District Plan has therefore anticipated this level of density on such lots and deemed it appropriate. The proposed lots are of a size and shape that can each accommodate future residential units and represent the infill development of the immediate surrounding area of smaller flats utilising a leg-in for access. Any adverse effects upon the owners and occupiers of these properties are considered to be less than minor.

2 Elm Lane

The owners and occupiers of this property share a boundary with proposed Lot 2. It is proposed to build a residential building where the eave of the building along the western boundary will breach the daylight admission rule. The adverse effect of the building eave protruding into the recession plane on the western boundary is unlikely to be noticeable to these persons as the breach is a result of 0.2m of the gable roof apex protruding into the recession plane. Any adverse effects associated with the breach such as possible shading, privacy, and dominance effects are unlikely to be noticeable to the owners and occupiers of this property due to the small scale of the proposed breach.

It is considered that there are less than minor residential character, visual amenity and nuisance effects on the owner and occupier of this property.

Conclusions: Effects on Persons

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

Step 4 – Special Circumstances for Limited Notification

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

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

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

6. SECTION 104 ASSESSMENT

6.1 Matters for Consideration

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

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

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

6.2 Effects on the Environment

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

6.3 Relevant Provisions

District Plan

The relevant operative objectives and policies of the District Plan are outlined below:

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 shape of the two allotments are suitable to accommodate future development for the residential zone. The plans provided indicate a three-bedroom residential dwelling can be built meeting bulk and location standards on the site, apart from the recession plane breach on the east boundary. The lot area of Lot 1 being 626m² providing sufficient area for a future dwelling to be built with ample outdoor space once access has been considered. The proposal will provide additional residential lots in the Gore residential area. The adverse effects on Council's existing services, infrastructure and roading has been assessed in this consent with appropriate consent conditions. Overall, it is considered that the subdivision is considered to have no adverse effects on the amenity and character of the residential area.

Chapter 3 – Land Use Activities – A Framework

Objectives

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

Policies

- (1) Establish zones that reflect the characteristics and amenity values of the area.*
- (2) Control the adverse effects of land use activities on the environment.*

The land use activity proposed on Lot 2 is appropriate and will not lead to adverse effects on the amenity and character of the surrounding area. The breach of the recession plane has been assessed in the land use assessment, effects on the environment and neighbours will not be more than minor. The bulk and location of the proposed residential unit will maintain the character and amenity value of the Residential B Zone. A residential unit is able to be built on the site as indicated by the residential plans provided by the applicant. Although the building

protrudes into the recession plane on the east and west boundaries, these are of a small scale and will maintain the amenity and residential characteristics of Eccles Street and the surrounding environment.

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

Chapter 4A - Natural Hazards

Objective (1) Ensure the public is aware of the likelihood and consequences of natural and man-made hazards within the District.

Objective (2) Minimise the risk to people and property from inundation

Policy (1) Promote public awareness of natural and man-made hazards.

Policy (4) Within areas shown as "Subject to Actual or Potential Inundation" on the District Plan Maps the Gore District Council will:

(b) in respect of any development in the urban area of Gore shown as lime green on the District Plan maps, encourage:

- (i) the adoption of flood proofing techniques or other measures to avoid the adverse effects of flooding on the activity,*
- (ii) measures to avoid the adverse effects of the activity on other property during a flood*

Policy 4(b) of the Natural Hazards chapter is the most relevant policy in relation to natural hazards for this site. Policy 4(b) requires encouragement of techniques/measures to avoid the hazard to address this policy, the applicant has volunteered a consent notice to be registered on the title of Lot 1 and Lot 2 to encourage the consent holder to adopt flood proofing techniques to mitigate flood effects. The consent notice will highlight that the property is subject to inundation hazard and will encourage the landowner to implement mitigating methods in line with Policy 4A.4(4)(b).

Southland Regional Policy Statement 2017

The proposed subdivision is in accordance with the Southland Regional Policy Statement 2017 (RPS). The application is able to maintain sustainable urban development anticipated by the RPS. The additional lot created provides positive environmental, social, economic, and cultural outcomes in the Gore District, accommodating for a range of individuals in the district in close proximity to the town centre. Overall, the subdivision is not sporadic and reads as part of the existing residential character of the Residential B Zone. This is viewed as being appropriate subdivision for urban growth and development.

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made.

In this case each allotment has a legal and physical access. Lot 2 will retain the existing access that is in accordance with the Bylaw. A consent notice is to be placed on the title of Lot 1 to

recognise that an access will need to be constructed in accordance with the Bylaw at the time of a building consent.

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).

Any future residential development on Lot 1 and Lot 2 will be subject to Chapter 4A of the District Plan at building consent stage. The proposed subdivision of the land is therefore unlikely to accelerate material damage from natural hazards in respect to inundation onsite or off.

8. PART 2 OF THE RMA

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

The proposed subdivision takes into account Part 2 of the RMA as the proposed lots created will enable additional residential development in the Residential B Zone, providing for social, economic and cultural wellbeing benefiting the community. The site does not contain any matters of national importance under s 6 and particular regard has been given to s 7 in terms of terms of maintaining and enhancement of the existing urban environment. This site is not within any known heritage sites or statutory acknowledgement areas. The proposal is not considered to be inconsistent with the principles of the Treaty of Waitangi.

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

9. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, consent is **granted** to subdivide 4 Eccles Street into 2 allotments subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

Subdivision Consent Conditions

1. The subdivision shall be undertaken generally in accordance with the application made to the Council on the 25.03.2024 and the following plan:
 - Proposed Subdivision of Section 8 Block XVI TN of Gore [SL213/67], drawn by Clark Fortune McDonald & Assoc., dated 16-02-2024.
2. Prior to Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, any necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

3. The consent holder shall meet the costs for the preparation, review, and registration of any easement instrument(s) on the relevant Record of Title.
4. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder must provide to Council a written statement from a Licensed Cadastral Surveyor, accompanied by any necessary evidence, to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted and reserved in the Land Transfer Plan where appropriate.
5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall, to the satisfaction of the Council Chief Executive Officer of the Gore District Council, or delegated officer, complete the following, in accordance with the details provided in the resource consent and the Council's standards:
 - a. The residential unit on Lot 2 is to be completed to a stage where they are fully measurable (i.e. the walls, floors and roof shall be constructed).
 - b. Cap the existing water, wastewater, and stormwater connections for the property at the main.
 - c. The provision of new separate water supply connections to the property boundary of Lot 1 and Lot 2. The connections require an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
 - d. The provision of new wastewater connections to the property boundary of Lot 1 and Lot 2. The wastewater connections are to have cleaning eyes. These shall be approximately 300mm outside of the property boundary brought to the surface with Council approved cover with a red lid for servicing. This will need to be cast iron lid if it is in a trafficable area.
 - e. The provision of new stormwater connections to the property boundary of Lot 1 and Lot 2. The wastewater connections are to have cleaning eyes. These shall be approximately 300mm outside of the property boundary brought to the surface with Council approved cover with a green lid for servicing. This will need to be cast iron lid if it is in a trafficable area.
 - f. Provide all quality assurance and as-built information required for the development in accordance with the Gore District Council's Subdivision, Land Use and Development Bylaw 2019
6. Prior to the certification of the subdivision pursuant to section 224 of the Resource Management Act 1991; a consent notice, in accordance with Section 221 of the Resource Management Act 1991, shall be issued for Lot 1 to record that:
 - a. When a building consent application is applied for the owner of Lot 1 must construct and upgrade the vehicle crossing in accordance with the Subdivision and Land Development Bylaw.
 - b. The site may be prone to flooding subsequent to a stop bank breach or stop bank overtopping. In respect of any development, the landowner is encouraged

to adopt flood proofing measures, such as raising the floor level of future buildings, to avoid the adverse effects of flooding on the property.

7. Prior to the certification of the subdivision pursuant to section 224 of the Resource Management Act 1991; a consent notice, in accordance with Section 221 of the Resource Management Act 1991, shall be issued for Lot 2 to record that:
 - a. The site may be prone to flooding subsequent to a stop bank breach or stop bank overtopping. In respect of any development, the landowner is encouraged to adopt flood proofing measures, such as raising the floor level of future buildings, to avoid the adverse effects of flooding on the property.

Decision B – Land Use

1. The land use breaches for daylight admission are permitted in generally in accordance with the application made to the Council on the 18.03.2024 and the following plans:
 - Site plan – P-1, drawn by Peter Goodger, dated 22.01.2024
 - Townhouse Floor Plan – P-2, drawn by Peter Goodger, dated 22.01.2024
 - Elevation Plan – P-6, drawn by Peter Goodger, dated 22.01.2024
 - Elevation Plan – P-7, drawn by Peter Goodger, dated 22.01.2024

Advice Notes

1. This resource consent does not constitute a Building Consent under the Building Act 2004. You should consult with the Building Control Manager of the Gore District Council to obtain information on any Building Consents required to undertake development.
2. All engineering works (including vehicle access, servicing, and earthworks) shall be carried out in accordance with the standards in the Gore District Council's Subdivision, Land Use and Development Bylaw.
3. Any work carried out on the legal roadway require the prior approval of the Council and consent holder must consult with the Roding 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.

Administrative Matters

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

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

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

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


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

Prepared by



Bridget Sim
Planner

Decision made by

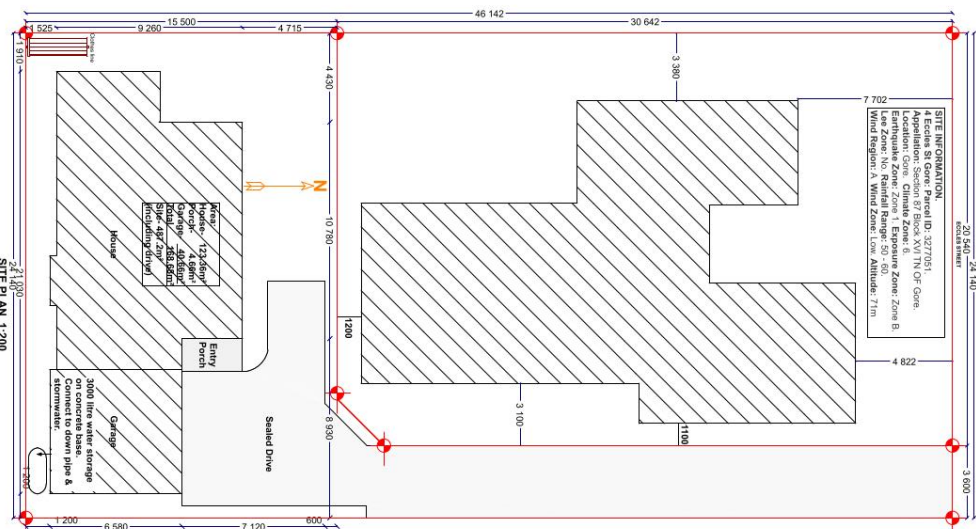


Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS





Peter Goodger
 C: 027 4 352 14
 p.goodger@tkto.co.nz
 187 Design Company Site
 37 Ardwick Street Gore 9710



AITKEN ECCLES ST DEVELOPMENT
 PROJECT: Aitken Eccles St Development
 4 Eccles St Gore 9710

Scale at A3 Sheet Size.

DRAFT

P-1
 22/01/2024

Builder to check all measurements on site

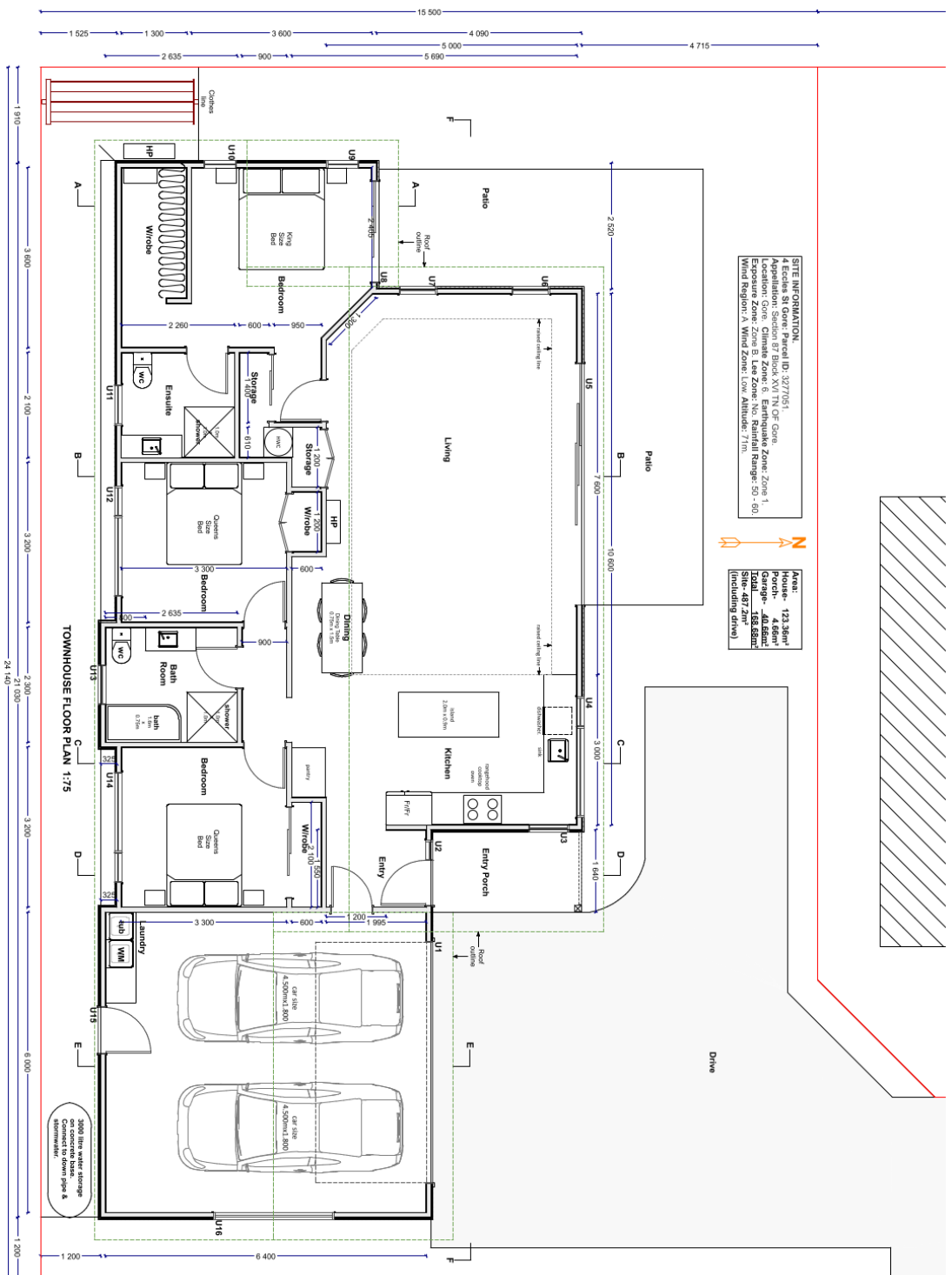


Peter Goodger
 C: 027 4 352114
 p.goodger@xtra.co.nz
 187 Craig St, Corbett St
 37 Ardwick Street Gore 9710



PROJECT: AITKEN ECCLES ST DEVELOPMENT
 4 Eccles St Gore 9710
 Scale at A3 Sheet Size.

DRAFT



Builder to check all measurements on site

9-2
 22/01/2024



Peter Goodger
 C: 0274 352116
 p.goodger@aha.com
 18 Design & Concreting
 37 Ardwick Street Gore 770

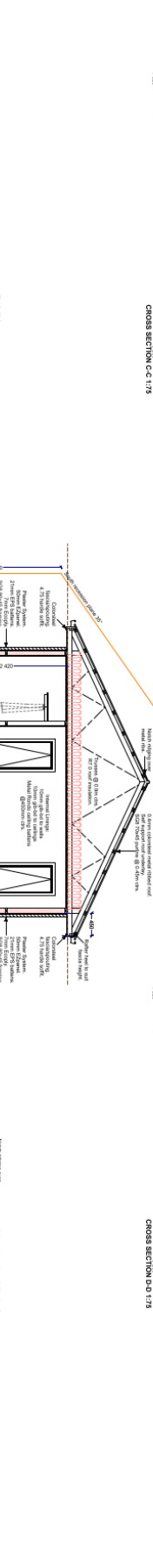
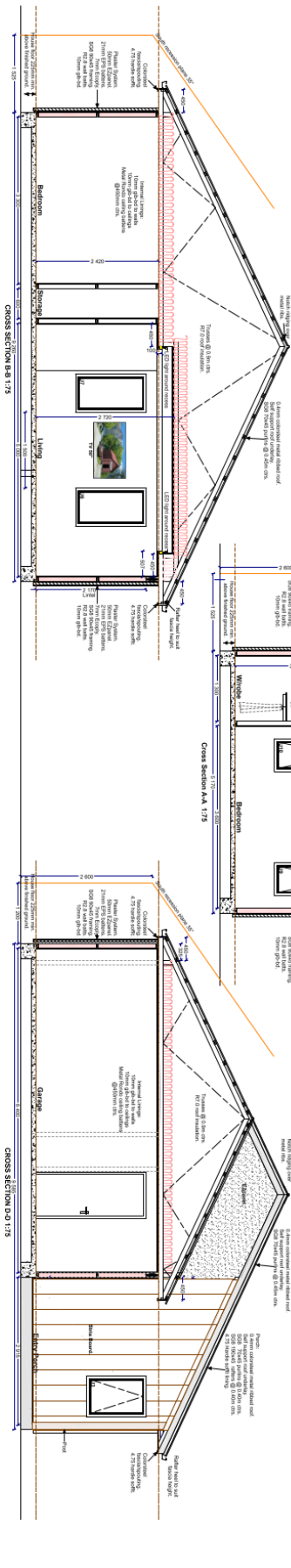
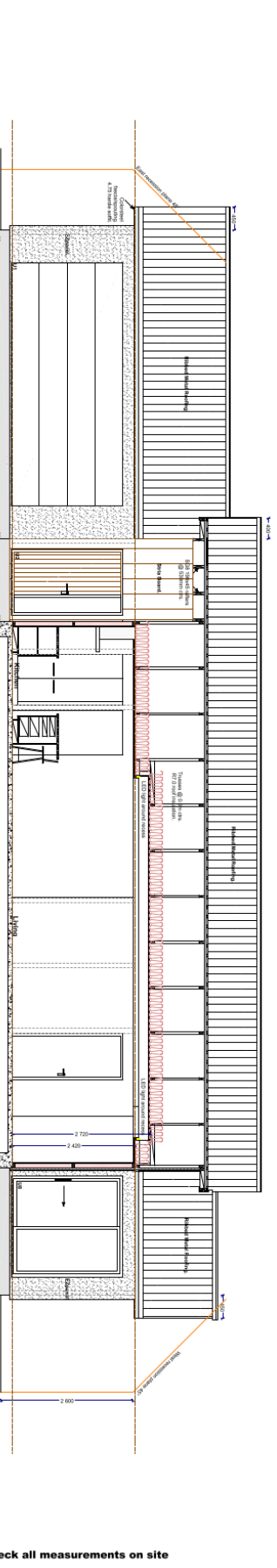
AITKEN ECCLES ST DEVELOPMENT
 PROJECT: Aitken Eccles St Development
 4 Eccles St Gore 770

Scale at A3 Sheet Size. **DRAFT**

Builder to check all measurements on site

23/07/2024
 P.4

23/07/2024





Peter Goodger
 C. 027 4 521 114
 p.goodger@archi.com
 19 Design & Concretary Site
 27 Ardwick Street Gore 9710



AITKEN ECCLES ST DEVELOPMENT
 PROJECT: Aitken Eccles St Development
 4 Eccles St Gore 9710

Scale at A3 Sheet Size.

DRAFT

P-7
 22/01/2024

Builder to check all measurements on site

