

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC23083 & LU23084
Applicant	Kowhai Trust
Proposal	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) for a 38-lot subdivision in 6 stages.</p> <p>Land use consent is sought for a temporary breach in a building associated with agricultural which animals are present being within 50 meters of any other property.</p>
Location	205, Reaby Road, Upper Charlton, Gore.
Legal Description	Section 452 Hokonui SD
Activity Status	Restricted Discretionary
Decision Date	13 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 13 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 subdivide Section 452 Hokonui SD into 38 rural lifestyle lots.

Proposed Lot 19 has an existing dwelling, woolshed and ancillary buildings on site. These buildings will be retained.

Lot 100 is proposed to be a road that will be vested with Council. Lot 101 is part of the formed Campion Road, and the formed road currently sits outside of the Road Reserve and within the subdivision site at 205 Reaby Road. The applicant has proposed to subdivide this area (Lot 101) of the site and vest it with the Gore District Council at Stage 6, as shown as Lot 101 on the proposed scheme plan.

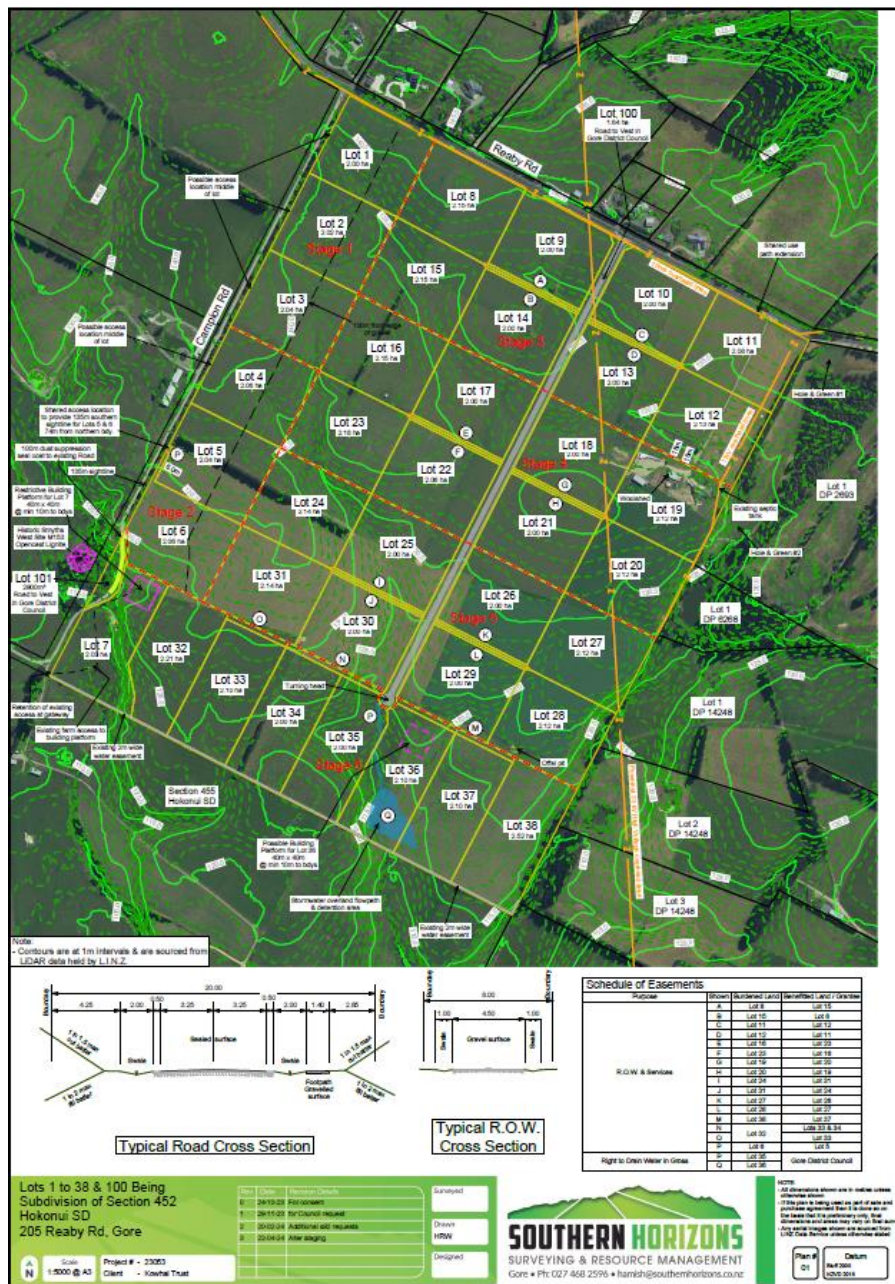


Figure 1: Proposed Scheme Plan dated 22 April 2024

The applicant proposes to stage the subdivision into 6 stages. Stage 1 will create proposed Lots 1-3. Stage 2 will create proposed Lots 4-6. Stage 3 will create proposed Lots 8-15. Stage 4 will create proposed Lots 16-23. Stage 5 will create proposed Lots 24-31. Stage 6 will create proposed Lots 7, Lots 32-38 a

Stages 1 and 2 are proposed to be accessed off Champion Road, possible accessways are shown on the scheme plan.

Stages 3 & 6 will be accessed through the proposed 20 metre wide road as shown Lot 100 via a proposed intersection with Reaby Road and through rights of way as shown on the scheme plan.

Following the completion of the staging, access to the proposed Lots will be as follows:

Lots 1,2,3,4 and 7 are proposed to be accessed through separate vehicle crossings and Lots 4 and 5 will share a vehicle crossing off Champion Road.

Lots 9, 10, 13, 14, 17, 18, 21, 22, 25, 26, 29, 30, 35 and 36 are proposed to be accessed through the proposed road via a proposed intersection with Reaby Road.

Lots 8, 11, 12, 15, 16, 19, 20, 23, 24, 27, 28, 31, 32, 33, 34, 37 & 38 are proposed to be served by shared rights of way.

In terms of servicing, wastewater and stormwater will be disposed of onsite, with Lot 36 containing a stormwater overland flowpath and detention area. Potable water will be provided through harvesting rainwater from roofs of future buildings. A stormwater assessment forms part of the proposal.

The applicant has not provided a soil assessment stating what type of wastewater system would be appropriate for future dwellings. However, at section 6 of the AEE the applicant references a report commissioned by Environment Southland called 'Contribution of On-site Wastewater Disposal to Cumulative Nutrient Loadings in the Southland Region'.

In addition, consent is sought for a land use breach from the existing building associated with agricultural use in proximity to another property boundary in stage 3 of the subdivision. The building will be no closer than 16 metres from the adjacent property.

2. SITE DESCRIPTION

The site at 205 Reaby Road legally described as Section 452 Hokonui SD is approximately 80.93 hectares and is located in the Rural Zone. The site is located approximately 4.2 km from the Gore township. The surrounding area is rural in character with some rural lifestyle blocks. The applicant has prepared an Assessment of Environmental Effects (AEE) which was lodged with the application. The AEE further describes the existing site and land use, and this is adopted for the purposes of this report.

The site has frontage with Reaby Road to the north and Champion Road to the west of the site. The site shares a common boundary with the Gore Golf Course to the east. To the south of the site, a shared boundary is with farmland.

Adjacent to Champion Road, west of the site is an historical open cast lignite mine M153 known as Smyths West.

The site is rural in character and majority of the site is currently used for agricultural purposes. On the eastern boundary there is an existing dwelling along with associated buildings and a woolshed, the applicant proposes to retain these buildings as a part of the subdivision. Additionally, on the southern portion of the site there is an offal pit.

A quarry that is used for farm lane construction is located in the southwest corner of the site and contains a terrace formed by a tributary of the Charlton Stream.

The land generally falls towards the southeast in a gully centred in the approximate northern portion of the site starting in the east and extending to the approximate west of the site which drains into the golf course land. Another large gully starts in the approximate middle of the site and extends to the middle of the southern portion before draining to Section 455 Hokonui Survey District to the south.

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 reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 8.10[4](b) to undertake a 38-lot subdivision of the site over six stages, where each lot will meet and or exceed 2 hectares in area.
- A **restricted discretionary** activity resource consent pursuant to Rule 4.7A.1[4] as the proposal breaches standard 4.7A.1[2](c) in regard to a building housing animals being located closer than 50 metres to another property. It is proposed that during stage 3-6 the existing woolshed will be approximately 16 metres south of the Lot 12 boundary. Council's discretion is restricted to this matter.

The 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*

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

3.2 Proposed Gore District Plan

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

3.3 National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 (“NES-CS”)

Based on the applicant’s review of Council record and the assessment provided against the NEC-CS and the listed HAIL activities, the applicant has determined that there is no indication that the site qualifies as a HAIL site. Furthermore, the woolshed is situated on proposed Lot 19, where an existing residential dwelling exists, there are no plans for future development on this lot.

The NES-CS therefore, does not apply.

3.4 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 no rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
 - a controlled activity; or

- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Step 3 – Public notification is required in certain circumstances

- There are no rules in a plan or National Environmental Standard that require notification.
- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land.
- Trade competition and the effects of trade competition.
- Any persons that have provided their written approval and as such adverse effects on these parties have been disregarded.

Written Approval/s

No written approvals have been given.

Permitted Baseline

The permitted baseline, which applies to permitted activities on the subject site, removes the effects of those activities from consideration under ss95D, 95E and 104(1)(a) of the RMA.

At section 12 of the AEE the applicant states:

“The allotments proposed meet the permitted baseline requirement of 2 hectares for rural residential and lifestyle activities in the Operative GDP”

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

Existing/receiving environment

A permitted baseline analysis and an analysis of the receiving environment are two different assessments. For the purposes of this application, it is more appropriate to undertake an assessment of the receiving environment (beyond the subject site), rather than looking at the baseline that is potentially set out under Rule 4.2.1(1)(h)(i). Although it is acknowledged that this rule along with the minimum lot size set out in 8.10(4)(b) do have a role to play in the subdivision of land in the Rural Zone. Specifically noting that section 8.1 of the district plan states:

“...subdivision and land use are closely related, because subdivision generally creates new allotments that are then used in the establishment of land use activities.”

It is important to understand the receiving environment as it also plays a role in understanding what the effects of a proposal might be. The receiving environment is the environment upon which a proposed activity might have effects. As stated, it is often desirable or necessary to consider the future state of the environment upon which effects will occur, including:

- a) the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities.
- b) the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.

The subject site is located in the Rural Zone along Reaby Road, and the receiving environment is demonstrated in the below plan that the applicant lodged as part of the AEE.

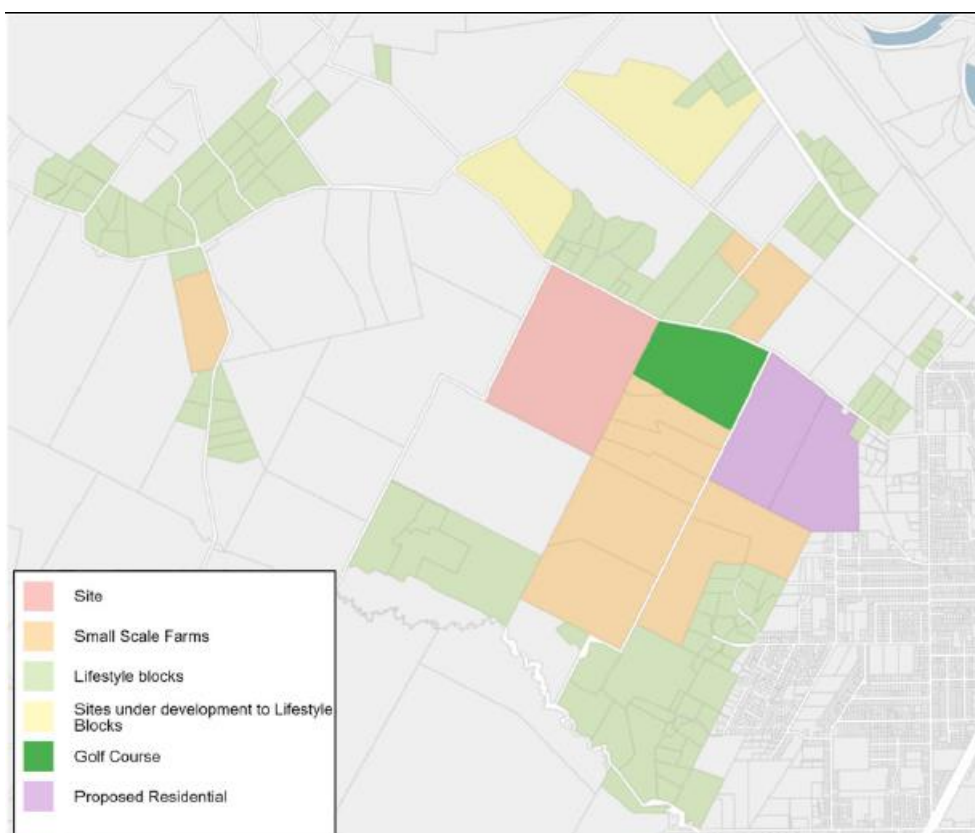


Figure 2: Map provided by applicant, outlining the surrounding land uses

The applicant has provided a map which outlines the land uses of surrounding properties as shown in the figure above. These land uses vary from small scale farms, lifestyle blocks, sites under development to lifestyle blocks and proposed residential. Note that whilst the applicant has shown the purple lots above as proposed residential under the proposed district plan, decisions for this plan have not yet been notified and as such residential development on this rural land is not considered to be part of the receiving environment, but it does give an indication of the level of change that could reasonably be expected along Reaby Road. Additionally, the 'Sites under development to Lifestyle Blocks' (yellow in Figure 2 above) include resource consent numbers SC 2021-72-2, SC 2022/147, and SC23049.

The area immediately adjacent to Reaby Road, located to the north of the site, is predominantly characterised by lifestyle blocks. These properties vary in size, ranging from 4893m² to 5 hectares, with residential activity occurring on majority of these sites. Additionally, vacant sites within this area possess the capacity to accommodate residential activity, as it is a permitted activity for residential activity in the Rural Zone for sites equalling or exceeding 2 hectares. Reaby Road in this vicinity forms a cluster of Rural lifestyles development.

Moving northwest from the site, there exists a group of six vacant 2-hectare blocks. While the applicant's map designates these parcels as "sites under development to lifestyle blocks," it's worth noting that some of these blocks have already undergone development. A discernible pattern of development is observable along the northern side of Reaby Road. Which is likely attributed to the presence of adequate infrastructure, including Reaby Road itself and the adjacent cycle path running along its southern side. Furthermore, the proximity of this area to the Gore township contributes to the rural lifestyle living.

To the northeast of the site, the prevalence of lifestyle blocks continues, alongside the presence of small-scale farms, although despite the absence from the applicants map these small scale farms continue, alongside additional lifestyle blocks adjoining the residential zone.

The immediate surrounding area to the west and south of the site is majorly characterised by larger scale farms, with these being 50 to 80 hectares in size. Further south, however, it is noted that there is a cluster of lifestyle blocks. To the east of the site, is the Golf Course, and multiple small scale farms.

The evolving nature of the receiving environment along Reaby Road is apparent, indicating a continuous state of change. Although not currently deemed part of the receiving environment and not yet operative, the Proposed District Plan has recognised this developmental trend along Reaby Road. This acknowledgment is highlighted in zone changes outlined in Figure 3 below, illustrating the evolving landscape of this area.

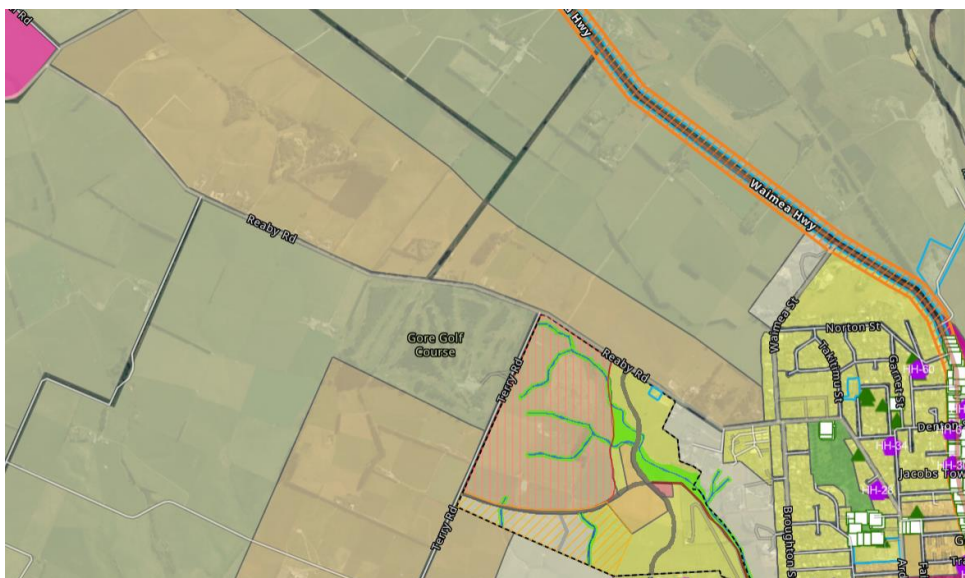


Figure 3: Proposed District Plan zoning in the immediate area

It can be seen from the above assessment of the receiving environment that that there are parts of the rural environment where smaller lots with residential land uses occurring on them are clustered together namely along Reaby Road, Terry Road, and Campion Road.

Effects of the non-compliance

The subdivision will create a land use breach in stage 3 of the subdivision from an existing shearing shed being within 50 metres of another property boundary. Following the completion of stage 3 the shearing shed will not be used for housing animals and will be used as a shed. The applicant has proposed that a consent notice be registered on the Record of Title for proposed Lot 19 to ensure the shearing shed will not be used for agricultural purposes following the completion of Stage 3.

Therefore, given the effects of the woolshed will be temporary any adverse effects on the wider environment will be less than minor.

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 38 are able to comply with the minimum area of 2 hectares specified in the Gore District Plan.

Proposed Lot 19 will continue to be used for rural lifestyle purposes and has existing dwelling, woolshed, and services on site. Proposed Lots 1 to 19 and Lots 20-38 are proposed to be rural residential lifestyle blocks with each lot having the opportunity for a new dwelling to be developed in the future. As the Lot size either meet or exceed the minimum lot size in for the Rural Zone, any future development is expected to comply with the Performance Standards in the District Plan for the Rural zone including the yards, daylight admission and height standards. There are no other resource consents that are needed to be considered with this subdivision.

The application and proposed scheme plan does not identify building platforms on proposed Lots 1-6, 8-35 and 35-38. However, given all of the lots are proposed to be 2 hectares and in the absence of any significant site constrains, there are multiple building platform opportunities. The applicant notes that requiring building platforms will restrict and impose unnecessary restrictions on the future purchasers of these lots. Additionally, given the rural nature of the subdivision, the topography will need to be considered by future owners. This may be in regard to be potential views over the surrounding rural area.

There have been identified site constraints on Lots 7 and 36. Lot 7 features a stream, whilst Lot 36 is affected by the stormwater overland flow paths and detention area. Therefore, restricted building platforms have been identified on both of these sites to address any potential hazard and ensure adequate setbacks for future development. The restrictive building platforms are 40 x 40 metres for both of the proposed lots. These building platforms delineate a safe buildable area, enabling future purchasers to confidently plan and develop these properties whilst mitigating the risks associated with the site limitations. Given the buildable area is 40 x 40 metres this allows some flexibility in terms of design and layout for future purchasers of Lots 7 and 36.

Additionally, the approach taken in regard to the layout, is consistent with the existing rectangular fencing of the paddocks which are approximately 4 hectares in size. The proposed 2 hectare lot sizes will effectively reduce these paddock sizes.

An advice note is recommended which advises the consent holder that any future development on proposed Lots 1-19 and Lots 20-38 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.

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

Suitability of land for subdivision – Natural Hazards

The Gore District Council's mapping system identifies the site as free of any flood hazards. Therefore, the subdivision will not exacerbate the risk of inundation upon the wider environment. The Gore District Council's mapping system identifies the liquefaction risk on the site as 'negligible'. Therefore, it is considered that the subdivision will not exacerbate the risk of liquefaction upon the wider environment.

The subject site is not identified as a HAIL site, the applicant has provided a conversation with Scott Hellier (the previous owner) confirming that the offal pit has not been used for rubbish disposal and the activity does therefore not qualify as HAIL activity. It is considered that 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

The applicant has discussed the proposed servicing arrangements in section 6 (Page 5) of the Assessment of Environmental Effects, which is adopted in terms of the applicant's ability to provide services.

Proposed Lot 19 is currently serviced for domestic purposes in terms of on-site water supply and on-site wastewater and stormwater disposal.

In terms of the services for proposed Lots 1-18 and Lots 20-38, potable water is proposed to be supplied via onsite rainwater collection. All of the Lots contain sufficient area for wastewater disposal via an on-site septic tank and drainage fields. As discussed in the proposal, the applicant has not provided a soil assessment stating what type of wastewater system would be appropriate for future dwellings. However, at section 6 of the AEE the applicant references a report commissioned by Environment Southland called 'Contribution of On-site Wastewater Disposal to Cumulative Nutrient Loadings in the Southland Region'. Given the cumulative nature of the 38 future dwellings and future wastewater systems, the applicant has stated that each site will require a specific assessment prior to installation of the tank and disposal field which will result in appropriately located disposal fields for all liquid waste. This is considered appropriate and a consent notice has been placed on the title requiring a suitably qualified person to design future systems taking into account the potential cumulative effects.

Stormwater runoff will be disposed of to the ground and is expected to be fully contained within the proposed boundaries. 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 lots. The details of the above requirements will be included as consent notice conditions, which have been accepted by the Applicant.

In terms of telecommunication services, proposed Lot 19 has an existing wireless connection, while proposed Lots 1-18 and Lots 20-38 will be provided with a new wireless connection at the time of development on the Lots. The Applicant has provided confirmation that Spark and One NZ is available to all of the lots through wireless and rural broadband. This is acceptable given that wireless services are becoming the norm and a preferential option for rural sites.

In terms of an electricity supply, proposed Lot 1 has an existing electricity connection to the overhead lines adjacent to Reaby Road. PowerNet have confirmed in their email dated 8 November 2023, that their networks can be extended to provide additional connections to Lots 1-18 and 20-38.

Overall, proposed Lots 1-18 to 20-38 can be feasibly serviced. Any adverse effects on the wider environment with respect to servicing will be less than minor.

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

Section 3.1 of the Gore District Plan states:

The rural environment dominates the District and is mostly used for pastoral and arable farming, horticulture and planted production forestry.

The rural environment is characterised by the compatibility of land uses, expanses of open space, privacy for inhabitants, a minimum of signage, low background noise levels and a high quality roading network. Commercial and industrial activities are generally located where the environment and landscape can absorb the effects of these activities.

There are no known heritage or archaeological features, or values identified on the site. It can be considered that the impacts 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 subdivision will alter the landscape of the site with the introduction of residential development in the future on proposed Lots 1-18 and 20-38. However, given that the District Plan enables rural living on sites greater than 2 hectares, the effects are anticipated by the Plan.

The subject site is not in close proximity to any water bodies. As stormwater and wastewater disposal will be assessed at the time of building consent, it considered any impacts on water quality, including groundwater would be less than minor.

Effects on traffic

The Council's 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.

Reaby Road

The proposed primary access to the existing road network is via a proposed new road intersecting with the south side of Reaby Road. It is proposed this access will be vested in the Council as road. The proposed location of the intersection will be immediately opposite the existing access to Rapid 230 on the north side of Reaby Road. This location is unable to meet the 60m separation distance 'K' required by the Bylaw. The applicant proposes that the intersection will be constructed in accordance with Diagram R10 "Primary Commercial Access" contained in the Bylaw. As the predominant traffic from both sides of Reaby Road is likely to be to and from Gore it is recommended that the seal widening on the south side of Reaby Road east of the new access road be extended 10m east as a mitigating measure. It is further recommended that subject to this being done a dispensation the separation distance 'K' be approved. It is also recommended that the minimum diameter of the culvert under the new access road at the Reaby Road intersection be 300mm which is the minimum required under a public road.

The applicant has confirmed that the cycle/walking path along the Reaby Road frontage of the property will be extended from west of the Golf Course to Champion Road. The path shall, as a minimum, match the width, standard and proximity to the Reaby Road seal edge as the existing track past the Golf course.

The applicant has agreed to the recommendations of Mr Hasler for Reaby Road and these will be included as conditions, which have been accepted by the Applicant.

Campion Road

The other public road intersection which will be significantly impacted by the proposed development is the Campion Road/Reaby Road intersection. It is recommended this intersection be upgraded to also meet the requirements of Diagram R10.

The proposed subdivision will increase the traffic volume on Campion Road. The applicant advises that currently 5 properties use this road. Proposed stages 1 and 2 of the development will more than double this traffic. It is anticipated that future residents of Lots 1 to 7, on which homes are constructed close to the Campion Road will demand the Council mitigate dust from Campion Road. It is therefore recommended that a consent notice be placed on the title of each lot requiring consent holders that build a dwelling within 100m to arrange a 100m long section of dust suppression.

The Applicant proposes that Lots 1, 2, 3,4 and 7 will gain access of Campion Road through individual vehicle crossings and Lots 5 and 6 will gain access through a shared vehicle crossing. The vehicle crossings will be required to be constructed in accordance with the Gore Subdivision and Land Use Bylaw.

The applicant has agreed to upgrading the Campion Road and Reaby Road intersection to meet the requirements of Diagram R10.

Additionally, the applicant has proposed a consent notice that will be registered on the records of title on proposed Lots 7, 6,5,4,3,2, and 1, requiring any future dwelling to be setback 100 metres from the Campion Road reserve, and should the future owners want to building within the 100 metre setback they will be required to establish (prior to the issue of building consent for any dwelling) a 100-meter-long section of dust suppression seal along the section of Campion Road adjoining their lot

- For clarification there is no dust suppression requirement for dwellings located 100m or greater from the edge of gravel and this notice does not apply to any other building type. The council will maintain any dust mitigation measures once implemented.

The details of the above requirements will be included as conditions, which have been accepted by the Applicant.

New Access Road and Right of Way Accesses

Mr Hasler has also recommended that the applicant shall submit detailed design drawings for the proposed new roads. Pavement design shall be carried out following investigation and testing of the underlying subgrade and in accordance with the Bylaw. Investigation results shall be submitted to the Council Roding Manager along with the proposed design for approval prior to commencement of construction. Construction including materials and testing shall be in accordance with the Bylaw. Traffic services including give-way signs and markings and road name sign shall be installed at the applicant's cost.

Further, Mr Hasler has recommended that the lighting shall be in accordance with the Subdivision and Land Development Bylaw. The design submitted to the Council for approval shall provide details of proposed lighting.

The proposed subdivision is within proximity to the Gore urban area and is connected by an existing path to the town. It is expected that residents will walk or cycle from the proposed subdivision to town both for recreational and commuting purposes. It is recommended that a gravel cycleway/footpath be constructed on the east side of the new road at the applicants' cost. Several issues need to be noted regarding the terminal end of the road which the applicant indicates will be constructed in at least 2 stages. These are;

1. The temporary unsealed cul-de-sac turning heads will potentially be high maintenance areas. The applicant has not proposed a timetable for the staging of the development or what happens if stages 4 to 6 do not proceed. These areas should at a minimum be chip sealed and a bond be placed with Council to cover the potential cost of constructing the permanent turning head. It is further recommended that the bond be activated if the developer has not proceeded with stages 4 to 6 within 3 years.
2. The asphalt depth at turning head shall be a minimum of 30mm.
3. The turning head radius shall be the minimum required by the current contractor's urban wheelie bin disposal truck to turn. The applicant shall confirm this has been incorporated in the design submitted for approval.

A 20-metre-wide road is proposed that extends from Reaby Road to the southern lots, Lots 9,10,13,14,17,18,21,22,25,26,29,30,35 and 36 will have individual vehicle crossings of the proposed road. Lots 8, 11, 12, 15, 16, 19, 20, 23, 24, 27, 28, 31, 32, 33, 34, 37 & 38 are proposed to be served by shared right of ways that are accessed off the proposed road. The road is proposed to be constructed in different stages. Mr Hasler has noted in response to a further information request that as each of these stages will be vested with Council as they are constructed, and the next stages may not go ahead suitable arrangements must be made for construction to a suitable standard and maintenance until the next stage. Mr Hasler has provided a figure of \$50,000 which covers the cost of maintenance of the unsealed turning head until a future stage is constructed, or the final road is complete (stage 5). The bond includes the cost of Council constructing a complying turning head should the bonding conditions not be met. The bond funds will only be expended by Council after provision of 10 working day notice to the applicant/owner of the balance land, providing them the opportunity to undertake necessary maintenance or construction of sealed turning heads.

The applicant has agreed to construct an unsealed interim turning head and to place a bond with the Council, the details of the above requirements will be included as conditions, which have been accepted by the Applicant.

Additionally, proposed Lot 19 has an existing vehicle crossing off Reaby Road. This access will continue to be used through to Stage 3 (which forms lots 8-15). This access will be abandoned at the completion of stage 3. A consent notice will be registered on the record of title, noting that this vehicle crossing shall not be used, following the completion of stage 3.

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.

5.1 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 section 95E, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

Neighbouring Properties

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



Figure 2: *The adjacent properties shown by yellow stars (source: GRIP)*

The adjoining properties include the seven properties to the north of the subject site (268 Reaby Road- Lot 2 DP 482862, 258A Reaby Road- Lot 1 DP 584655, Lot 2 DP 13732, 230 Reaby Road- Lot 1 DP 406917, Lot 2 DP 406917, 220 Reaby Road- Lot 3 DP 406917 and Part Lot 1 Block IV DP 70); the five sites to the east (32 Terry Road- Lot 1 DP 2693, Lot 1 DP 6268, 58 Terry Road- Lot 1 DP, 14248, 74 Terry Road- Lot 2 DP 14248 and 110 Terry Road- Lot 3 DP 14248); the two sites to the south (101 Champion Road- Section 455 Hokonui SD and 130 Terry Road- Lot 1 DP 4481); the two sites to the west (42 Champion Road- Section 457 Hokonui SD and Section 456 Hokonui SD). These properties are mostly for used for rural lifestyle activities, expect for 32 Terry Road- Lot 1 DP 2693 and Lot 1 DP 6268, which is the Gore Golf Club and Course.

The seven properties that are to the north of the site are currently used for rural-residential purposes. Three out of the seven properties are of a size that is smaller than what is proposed as a part of this subdivision.

The properties at 32 Terry Road- Lot 1 DP 2693 and Lot 1 DP 6268 (the Gore Golf Club and Course) are separated through an existing hedge that begins approximately 20 metres from the northern boundary and runs along the eastern boundary for approximately 225 metres. Additionally, there is vegetation along the boundary that will help to mitigate any visual effects from the proposed subdivision.

The three further sites to the east 58 Terry Road- Lot 1 DP 14248, 74 Terry Road- Lot 2 DP 14248 and 110 Terry Road- Lot 3 DP 14248 are all used for rural- residential lifestyle purposes. Both the dwellings on the site are set back a significant distance (approximately 300 metres) from any of the proposed lots. Additionally, there is existing vegetation between the boundary of the proposed subdivision and these three properties which will aid in mitigating any visual and or noise effects.

The two sites to the south 101 Campion Road- Section 455 Hokonui SD and 130 Terry Road- Lot 1 DP 4481 are used primarily for agricultural purposes. 101 Campion Road is approximately 80.9 hectares and contains a residential building and associated buildings used for agricultural purposes. The site at 130 Terry Road is located to the southeast of the proposed subdivision, the site is used for agricultural purposes.

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 specific 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

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.*

The proposed subdivision creates 38 allotments that meet the minimum allotment size of 2 hectares for the Rural Zone, the allotments are proposed to be used for residential activity which is permitted under Rule 4.2.1(1)(h)(i). Given, the proposed size of the allotments, they are capable of meeting any bulk and location standards for the zone. The applicant has provided building platforms for Lots 7 and 36 which have site constraints, by providing building platforms for these lots the applicant has identified that the Lots are suitable for future use. Therefore, it is considered that all of the allotments are of appropriate size and shape for the future use of rural- lifestyle activity. The subdivision will potentially create 38 new residential dwellings in the Upper Charlton community. As shown in Figure 2 above, the applicant has provided a map which shows the existing rural-residential development within this area, highlighting that the proposed development is not out of character for the wider area. It is therefore considered that the size and shape of the new allotments created is suitable and appropriate for the location.

The proposed subdivision has suitable and appropriate design standards for access and infrastructure, in terms of access the Councils Roading Asset Manager has reviewed and raised no concern. In regard to infrastructure, there are no reticulated services available to the site, and onsite servicing is proposed which is considered to be consistent with the surrounding rural area. It is considered that the design standards proposed for infrastructure and access are suitable for the location and future uses of the site.

(3) To ensure that developers pay all reasonable costs associated with the subdivision and subsequent development of land.

The developer will pay all reasonable costs associated with the proposed subdivision and subsequent development of the land.

(4) To ensure land development and servicing is undertaken to Council's standards.

The proposed subdivision is located within the Rural Zone of the Gore, the proposed allotments meet the required 2 hectare minimum allotment size for the Rural Zone. It is considered that any future development on the sites will be capable of meeting the bulk and location standards for the Rural Zone. Therefore, it is considered that all land development and servicing will be undertaken to Council's standard.

(5) To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.

The site is located within the Rural Zone of the Gore District Plan. Chapter 3 of the Gore District Plan describes the Rural Zone:

The rural environment dominates the District and is mostly used for pastoral and arable farming, horticulture and planted production forestry.

The rural environment is characterised by the compatibility of land uses, expanses of open space, privacy for inhabitants, a minimum of signage, low background noise levels and a high quality roading network.

Chapter 4 of the Operative Gore District Plan sets out the permitted activities for the Rural Zone, in terms of residential activity. Residential Activity on site equal to or exceeding 2 hectares in area is a permitted activity (Rule 4.2.1. (1)(h)(i))

The Rural Zone enables subdivisions of productive rural land, given they are able to meet the required 2-hectare minimum lot size. In addition to this, Chapter 4 of the District Plan enables residential activity on sites equalling or exceeding 2 hectares, thus, it is considered that the rural zone anticipates residential activity on sites similar to those proposed by the development.

The applicant has supplied a map, as shown in Figure 2 above, the map illustrates the surrounding land uses. The map highlights that the proposed 38- lot subdivision is not out of character for the surrounding area, which is mixture of lifestyle blocks, small scale farms and sites under development to Lifestyle blocks. The applicant has said that the 'site (identified in red, in Figure 2 above) is a logical extension of the Rural Lifestyle zone and integrates well with the Lifestyle blocks to the north and south', which is considered acceptable. Furthermore, the sites proximity to the Gore Town Centre positions it as a favourable location of the proposed development, particularly for individuals employed within the Gore District wanting a semi-rural lifestyle. Additionally, the existing roading infrastructure in the immediate area adequately supports the site for development without imposing substantial strain on the Gore Roding network.

The 2-hectare allotment size, for each of the 38 allotments provides future landowners with various development opportunities. Additionally, the rolling hill topography provides natural shielding opportunities for future landowners with opportunity for strategic positioning of homes and landscaping creating privacy between the sites. Additionally, the dwellings are required to be 20 metres from a dwelling on another property which ensures that there is a baseline level of privacy. As the Operative Gore District Plan lacks a minimum buildable requirement, the applicant has designated a buildable area measuring 40x40 meters for sites facing site constraints.

It is therefore considered that the allotments are suitable for activities anticipated by the Rural Zone.

(6) Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.

It is considered that any potential for adverse effects on water quality, including groundwater, from the development of subdivided can be managed through on site mitigation methods at the time of development. This includes the consent notices that form part of this application.

Policies

(1) Control the subdivision of all land.

(2) Avoid the adverse effects of subdivision on the functioning of existing services, infrastructure and roading.

The subdivision is not proposed to be connected to reticulated services, as they are not available to the site. Onsite servicing is proposed for all 38 allotments.

Confirmation has been provided by Powernet confirming there is capacity in their network to service the 38 allotments.

In terms of roading, the applicant will extend the existing shared footpath which currently ends at the Gore Golf course this will extended to the front of the subject site which promotes alternative modes of transport other than vehicles, for the future owners of the lots. In addition to this, the Reaby and Champion Road intersection will be upgraded. A new road is proposed off Reaby Road, providing 31 of the allotments with access (via rights of way and vehicle crossings off the road).

It is considered that any adverse effects from the proposed subdivision on the functioning of existing services, infrastructure and roading will be avoided or mitigated.

(3) Require the works associated with subdivision to be carried out in conformity with Council's standards.

Any required works associated with the subdivision will be carried out in conformity with Council's standards.

(5) Avoid any off-site effects of development of subdivided land.

It is considered that any off-site effects of the development of subdivided land can be mitigated.

(9) Require land development to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011.

Any future developments on the proposed lots are required to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011. This has been included as an advice note on the consent.

(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.

The subdivision establishes 38 allotments within the Rural Zone, each meeting the required 2 hectare minimum size requirement. As indicated in the applicant's provided map, the surrounding area features a mixture of Rural Lifestyle Blocks, smaller farms, and larger agricultural properties. It is acknowledged that due to its proximity to the Gore Town Centre, the subject site presents an attractive option for individuals seeking a Rural Lifestyle while still being conveniently close to town and having access to adequate existing infrastructure.

(13) Have regard to the potential impacts arising from the subdivision and future use of land on water quality, including groundwater.

It is considered that any potential impacts arising from the subdivision and future uses of the site effects on water quality, including groundwater can be managed through on-site mitigation methods at the time of development, this is secured via consent notices.

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. The proposed Lots 1-18 and 20-38 are capable of accommodating future residential activity. 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. All proposed lots can also be serviced appropriately and provided with suitable access.

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

Proposed District Plan

The Proposed District Plan was notified for public submissions on 31 August 2023. The submission period closed on 26 October 2023.

The proposed District Plan proposes three Rural Zones: General Rural Zone, Rural Lifestyle Zone and the Settlement Zone. The subject site is zoned as General Rural under the proposed District Plan.

The purpose of the General Rural Zone is to provide for and protect rural production activities and other activities that rely on the rural resource. The purpose of the Rural Lifestyle Zone is to provide for rural lifestyle living opportunities and ensure the General Rural Zone is able to continue to function as a productive working zone that is not compromised by ad hoc or sporadic subdivision and rural lifestyle activities. The purpose of the Settlement Zone is to provide for the sustainable management of townships located within rural environments where a range of residential and small-scale non-residential activities are located. The minimum lot sizes are as follows, for the Settlement- 2000m², Rural Lifestyle 1 hectare and the General Rural Zone 8 hectares.

The applicant has submitted on the Proposed District Plan (Submitter #42) , opposing the proposed zoning of their land to General Rural. Noting that the site aligns with the Rural Lifestyle Zone, given the lack of natural hazards, historical, cultural and ecological features. The Roading Infrastructure has capacity to support additional traffic, which includes the cycle path. The site integrates well with nearby proposed rural living zones. Existing features like shelterbelts and roadways mitigate noise and drift.

As the rules that have immediate legal effect are not relevant to this proposal, it is unnecessary to apply any weighting to the Proposed District Plan at present time.

Southland Regional Policy Statement 2017

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

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

The proposed subdivision will allow for 37 additional lot to be created, which will enable the opportunity for these lots to be developed with a residential unit and have the potential for the surrounding area to be used for productive purposes. The site comprises Class 3 soils. These soils can continue to provide for a small-scale rural activity following the subdivision. The proposed 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 RPS.

National Policy Statement for Highly Productive Land (NPS-HPL)

The NPS-HPL came into force on 17 October 2022. The objective of the NPS-HPL is that highly productive land is protected for use in land-based primary production, both now and for future generations. As the proposal is for a restricted discretionary activity subdivision, the matters of discretion do not provide scope for the consideration of highly productive land. No further assessment of the NPS-HPL is required.

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

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

In this case there is sufficient provision for physical and legal access to all of the proposed Lots. Proposed Lots 1-7 will be accessed through vehicle crossing off Campion Road. Proposed lots 8-32 will be accessed from proposed road and through rights of ways.

The subject site is not located in an inundation area, and the proposed subdivision of the land is therefore unlikely to accelerate material damage from natural hazards onsite or off.

Overall, the proposal is considered suitable under Section 106 of the RMA.

8. PART 2 OF THE RMA

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

Section 5 - Purpose

The proposed subdivision takes into account Section 5 of the RMA, as the proposed lots will ensure the natural and physical resources of the land is protected for future generations. As has been assessed above, the adverse effects of the proposal can be avoided or mitigated.

Section 6 - Matters of national importance

Attention has been given to matters of national importance. This site does not contain any outstanding natural features or landscapes, nor an area of significant indigenous vegetation.

Section 7 - Other matters

Particular regard has been given to the maintenance and enhancement of amenity values (section 7(c)) and maintenance and enhancement of the quality of the environment (section 7(f)). The amenity of the land and surrounding area will be maintained, and the subdivision will not have adverse effects on the quality of the residential environment.

Section 8 - Treaty of Waitangi

This site is not within any known heritage sites or statutory acknowledgement areas and therefore, this recommendation is not inconsistent with the principles of the Treaty of Waitangi.

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

9. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, consent is **granted** to subdivide 205 Reaby, Gore into 38 rural residential allotments, subject to the following conditions imposed pursuant to Section 220 of the RMA:

Consent Conditions

General

1. The proposed subdivision must be undertaken generally in accordance with the application as submitted and the further information responses received on 20 February, 13 March and 27 March 2024 and the following plan:
 - (a) 'Lots 1 to 38 & 100 Being Subdivision of Section 452 Hokonui SD 205 Reaby Road', project #23053, Rev 3, prepared by Hamish Weir of Southern Horizons, dated 22 April 2024.

This plan is attached as Appendix A.

Staging

2. The subdivision may be staged. Accordingly, for the purpose of ensuring compliance with this consent, the conditions shall be applied only to the extent that they are relevant to each particular stage, and, in particular:
 - (a) the Council may provide approval of survey plans under section 223 and a certificate under section 224(c) of the RMA in stages (and in such case the conditions of this consent shall be applied only to the extent that they are relevant to each particular stage proposed).
 - (b) Staging must be progressed as follows:
 - i. Stage 1: Lots 1 -3
 - ii. Stage 2: Lots 4-6
 - iii. Stage 3: Lots 8-15 & Road to Vest Lot 100
 - iv. Stage 4: Lots 16-23 & Road to Vest Lot 100
 - v. Stage 5: 24-31 & Road to Vest Lot 100
 - vi. Stage 6: Lots 7 ,32-38 & Road to Vest 101
3. Prior to commencing infrastructure works on the site, the consent holder shall obtain 'Engineering Review and Acceptance' from the Gore District Council Chief Executive or delegated Officer for development works to be undertaken and information requirements specified as follows:

The application shall include all development items listed that are relevant to that stage of the subdivision.

New Road (Stages 3, 4 and 5)

- (a) The consent holder is to provide to the consenting authority the design of the new road proposed from Reaby Road. The road network shall be designed in accordance with the Gore District Council Subdivision and Land Development Bylaw (the bylaw), including materials and testing. The design may be provided in stages to match any staged development of the site and is to provide sufficient road to appropriately serve any subdivision being created.
- (b) Pavement design shall be carried out following investigation and testing of the underlying subgrade and in accordance with the Bylaw. Investigation results shall be submitted to the Chief Executive of the Gore District Council along with the proposed design for certification.
- (c) Traffic services including give-way signs and markings and road name signs shall be installed at the applicant's cost.
- (d) The design submitted to the Council for approval shall provide details of proposed lighting.
- (e) The lighting shall be in accordance with clause 3.3.14 Road lighting and Diagram S02 Street lighting contained in the Subdivision and Land Development Bylaw. The LED luminaire shall be the same as used by the Council on the rest of its network or an equivalent approved by the Council.

- (f) At the completion of stage 3 & 4 an unsealed interim turning head shall be constructed to an acceptable standard in accordance with Unsealed Roads as per the Subdivision and Land Development Bylaw. Any interim unsealed turning head:
 - i. Shall be maintained by the consent holder, refer to Condition 11 below; **or**
 - ii. Shall require a bond to be put in place for the amount required to cover the cost of maintenance of the unsealed turning head until a future stage is constructed, or the final road is complete (stage 5). The bond includes the cost of Council constructing a complying turning head should the bonding conditions not be met. Bond funds shall only be expended by Council after provision of 10 working day notice to the applicant/owner of the balance land, providing them the opportunity to undertake necessary maintenance or construction of sealed turning heads refer to Condition 8 below.
- (g) The final turning head shall have an asphalt depth of a minimum of 30mm.
- (h) The turning head radius shall be in accordance with clause 3.3.8 No-exit roads of the Subdivision and Land Development Bylaw for 'large rigid truck turn curve 12.5m radius' as per Road and Traffic Standards Series 18 2007.
- (i) A gravel cycleway/footpath be constructed on the east side of the new road at the applicants' cost.
- (j) The design for stormwater management and disposal generated from the proposed new road.
- (k) A 100-meter-long section of dust suppression seal shall be applied to Campion Road, adjacent to Lots 7 & 6 as depicted on the scheme plan.

Reaby Road (Stage 3)

- (l) The Reaby Road intersection shall be constructed and upgraded to meet the requirements of Diagram R10 of the Gore Subdivision and Land Development Bylaw.
- (m) The Reaby Road intersection shall be constructed and upgraded to meet the requirements of Diagram R14 of the Gore Subdivision and Land Development Bylaw.
- (n) Noting that separation distance K cannot be met.
- (o) The minimum diameter of the culvert under the new access road at the Reaby Road intersection shall be 300mm.
- (p) The cycle/walking path shall be extended to the Campion Road intersection along the Reaby Road frontage, and as a minimum, shall match the width, standard and proximity to the Reaby Road seal edge as the existing track past the Golf course.

Campion Road (Stage 1)

- (q) The Campion Road intersection shall be upgraded to meet the requirements of Diagram R10 of the Gore Subdivision and Land Development Bylaw.
 - (r) The vehicle crossings for Lots 1 to 6 off Campion Road shall be constructed in accordance with Diagram R09-1 of the Gore Subdivision Land Development Bylaw.
4. Prior to construction occurring on the relevant part of the site, the Consent Holder shall confirm to the Roading Manager at Council who the Consent Holder's representative(s) are for the design and execution of the engineering works and construction works required in association with the new road and existing road upgrades.

Prior to s223 Certification

5. 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.
6. 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.

Prior to s224c Certification

7. Prior to certification under section 224(c), the consent holder shall:
 - (a) Complete all works detailed in condition 5, relevant to the stage of subdivision.
 - (b) 'As-built' plans and information required to detail all works completed in relation to the new roading design including any kerb linework, footpaths and earthworks batters, at the consent holder's cost. This information shall be formatted in accordance with Council's 'as-built' standards.
8. Under section 222 of the RMA, at the completion of stage 3 until the completion of stage 5, before the issue of the section 224(c) certificate, the consent holder must provide a bond of \$50,000 (bond sum) to the Council or shall register the consent notice referred to in Condition 11 below.

The bond is to ensure the performance of condition(s) 3(f), 3(g) and 3(h) within 5 years of the construction of the interim turning head.

The following requirements must be met in order to satisfy this condition:

- (a) The bond required must be paid to the Council as a cash deposit into Council's trust account or a bank guaranteed bond (and being a NZ registered bank).
- (b) The Council's nominated solicitor will prepare and execute the bond document. All costs incurred by the Council in the preparation execution, variation, administration or release of the bond must be paid by the consent holder. The bond document will state that the bond sum will be released once the conditions it safeguards the performance of have been satisfied and the consent holder has paid all the Council's costs in relation to the bond's administration.
- (c) The bond shall be released on completion of stage 5 when the cul-de-sac head is formed to a permanent standard which complies with the Subdivision and Land Development Bylaw.

Note: Council accept that bond funds shall only be expended by Council after provision of 10 working day notice to the applicant/owner of the balance land, providing them the opportunity to undertake necessary maintenance or construction of a sealed turning head.

9. Prior to certification the subdivision pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall provide written confirmation from the electricity network supplier responsible for the area, that provision of an electricity supply has been made available to the boundaries of Lots 1 to 18 and 20 to 38, and that all the network supplier's requirements for making such means of supply available have been met. Electricity provision for Lots 8 – 18, 20 – 38 shall be via underground connection.
10. Prior to certification of stage 3 of the subdivision pursuant to section 224(c) of the Resource Management Act 1991, the vehicle crossing onto Reaby Road shall be closed and permanently fenced.

Consent Notices

11. Should the consent holder elect not enter into a bond under Condition 8, after the completion of a stage of development requiring a temporary turning head. An appropriately worded a consent notice, in accordance with Section 221 of the Resource Management Act, shall be prepared for registration against the relevant Record of Title for the balance land to record that:
 - (a) The consent holder is responsible for the maintenance of the temporary turning head until such time as Condition 11(b) comes into effect.
 - (b) if after 5 years from the date that certification under section 224(c) is issued for Stage One, the development has not proceeded beyond Stage One, then the temporary turning circle shall be made permanent in accordance with the requirements of the Subdivision and Land Development Bylaw at that time.
12. Should any infrastructure items listed in Condition 12(a) to (d) not be present 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 prepared for registration against the relevant Record of Title for Lots 1 to 18 and 20 to 38 to record that:
 - (c) At the time of lodging a building consent for a dwelling, 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).
 - (d) At the time of lodging a building consent for a dwelling, each site will require a specific assessment by a suitability qualified persons prior to installation of a wastewater system to determine an appropriately located disposal system and field for all wastewater.

(e) At the time of lodging a building consent for a dwelling, each application is to include a firefighting water supply and site services design approved by Fire and Emergency New Zealand (FENZ) to comply with SNZ PAS 4509 and the Subdivision and Land Development Bylaw 2019.

(f) At the time of this subdivision, a fixed-line telecommunication connection was not provided to the lots, and either a fixed-line telecommunication connection or an alternative service (wireless broadband) needs to be installed at a cost to the owner at the time that the connection is applied for.

13. Prior to the certification of Stage 1 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 prepared for registration against the relevant Record of Title for Lots 1 and 6 to record that:

(a) Champion Road is not intended to be sealed by Council at any stage in the future. For any dwelling constructed within 100 meters of the edge of gravel along Champion Road, the landowner shall:

i. Prior to the issue of the Building Consent Certificate of Completion, implement a 100-meter-long section of dust suppression seal along the section of Champion Road adjoining their lot, The dust suppression seal shall match the type of seal the Council utilises under its Dust Suppression Policy. The property owner shall be responsible for the whole cost of constructing the dust suppression seal.

Advice Note:

For clarification there is no dust suppression requirement for dwellings located 100m or greater from the edge of gravel and this notice does not apply to any other building type. Council will maintain any dust mitigation measures once implemented.

14. Prior to the certification of Stage 6 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 prepared for registration against the relevant Record of Title for Lot 7 to record that:

(a) Champion Road is not intended to be sealed by Council at any stage in the future. For any dwelling constructed within 100 meters of the edge of gravel along Champion Road, the landowner shall:

i. Prior to the issue of the Building Consent Certificate of Completion, implement a 100-meter-long section of dust suppression seal along the section of Champion Road adjoining their lot, The dust suppression seal shall match the type of seal the Council utilises under its Dust Suppression Policy. The property owner shall be responsible for the whole cost of constructing the dust suppression seal.

Advice Note:

For clarification there is no dust suppression requirement for dwellings located 100m or greater from the edge of gravel and this notice does not apply to any other building type. Council will maintain any dust mitigation measures once implemented.

14. Prior to the certification of Stage 1 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 prepared for registration against the relevant Record of Title for Lot 7 to record that:

- (a) A restrictive building platform has been identified on plan 'Lots 1 to 38 & 100 Being Subdivision of Section 452 Hokonui SD 205 Reaby Road', project #23053, Rev 3, prepared by Hamish Weir of Southern Horizons, dated 20 February 2024. Any dwelling must be constructed within this platform to mitigate flood hazards associated with building below the terrace adjacent to the creek.

15. Prior to the creation of Lot 19 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 prepared for registration against the relevant Record of Title for Lot 19 to record that:

- (a) The shed, currently being partially used as a woolshed on Lot 19, must cease to be used as a woolshed beyond the completion of Stage 4 of subdivision SC23083.

Advice Note:

This consent notice is only intended to apply only to Lot 19.

16. Prior to the certification of Stage 3 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 prepared for registration against the relevant Record of Title for Lot 36 to record that:

- (a) The site has a stormwater overland flow path and detention area in the southern portion of the site. A restrictive building platform has been identified on plan 'Lots 1 to 38 & 100 Being Subdivision of Section 452 Hokonui SD 205 Reaby Road', project #23053, Rev 3, prepared by Hamish Weir of Southern Horizons, dated 20 February 2024 and any future dwelling must be constructed within this platform.

17. Prior to the certification of Stage 5 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 prepared for registration against the relevant Record of Title for Lot 28 to record that:

- (a) There is an existing offal pit on site. All structures and any building shall be setback at least 10m from the pit.

Advice Notes

1. 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 2019.
2. Note: The document is available on Council's website via the following link: Subdivision and Land Development Bylaw 2019.pdf ([goredc.govt.nz](https://www.goredc.govt.nz))
3. Refer to the following link for details of the process to be followed for installing new connections to the Council's 3 Waters networks - <https://www.goredc.govt.nz/services/3-waters/service-connections>
4. All 3 Waters Infrastructure to be vested into Council ownership will need to be completed by one of the Council's approved 3 Waters Contractors – refer to the following link for further details regarding this - <https://www.goredc.govt.nz/services/3-waters/approved-contractors>
5. 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.
6. The Gore District Plan and Gore District Council Subdivision and Development Bylaw 2019 sets out standards and requirements which are required to be met in any subdivision or constructing of buildings.

Administrative Matters

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

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

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


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

Prepared by



Claire Little
Planning Consultant

Decision made by



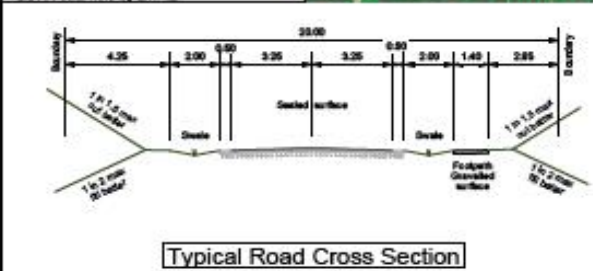
Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS



Note:
- Contours are at 1m intervals & are sourced from LIDAR data held by LINZ.



Typical Road Cross Section



Typical R.O.W. Cross Section

Schedule of Easements			
Purpose	Down	Upward Land	Beneficial Land/Grantee
R.O.W. & Services	A	Lot 8	Lot 15
	B	Lot 15	Lot 9
	C	Lot 11	Lot 13
	D	Lot 13	Lot 11
	E	Lot 18	Lot 23
	F	Lot 23	Lot 18
	G	Lot 18	Lot 23
	H	Lot 25	Lot 19
	I	Lot 24	Lot 21
	J	Lot 31	Lot 26
	K	Lot 27	Lot 28
	L	Lot 28	Lot 27
	M	Lot 36	Lot 37
	N	Lot 34	Lots 35 & 34
	O	Lot 32	Lot 33
	P	Lot 8	Lot 5
Q	Lot 38	Lot 36	
Right to Drain Water in Gores			
Gore District Council			

Lots 1 to 38 & 100 Being Subdivision of Section 452 Hokonui SD
205 Reaby Rd, Gore

Scale 1:5000 @ A3
Project # - 23023
Client - Kowhai Trust

Date	Revision Details
0 24-10-23	For comment
1 28-11-23	For Council request
2 20-02-24	Additional cdd requests
3 22-04-24	Alter staging

Surveyed
Drawn: HRW
Designed

SOUTHERN HORIZONS
SURVEYING & RESOURCE MANAGEMENT
Gore • Ph: 027 468 2596 • hamish@southernhorizons.co.nz

NOTE:
- All dimensions shown are in metric unless otherwise stated.
- If this plan is to be used as part of sale and purchase agreement then it is done so on the basis that it is preliminary only. Final dimensions and areas may vary as the surveying process progresses through to the final title plan. LINZ data is the basis of all areas shown.

Plan # 01
Datum NZMS 2000
EPSG:2198