

# Gore District Council Decisions



## NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

*Resource Management Act 1991*

<b>Application reference</b>	SC24037 and LU24038
<b>Applicant</b>	Terrance and Pamela Williams
<b>Proposal</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) for:  Subdivision consent to create four undersized lots in the Residential B Zone, and  Land use consent to enable a residential activity on proposed Lots 1 to 4, resulting in a density breach and yard setback breach in the Residential B Zone
<b>Location</b>	2 and 4 Hobson Street, Gore
<b>Legal Description</b>	Lot 10 DP 4296 held in Record of Title SL11A/866
<b>Activity Status</b>	Discretionary
<b>Decision Date</b>	4 November 2024

### SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**), the subdivision and land use applications will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Penny Weng, on 4 November 2024 under delegated authority pursuant to Section 34A of the RMA.

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

# 1. THE PROPOSAL

The site contains two existing adjoining residential flats, which will be demolished and removed from the site. There are two existing vehicle crossings from Hobson Street. It is proposed to undertake a subdivision and land development on the site.

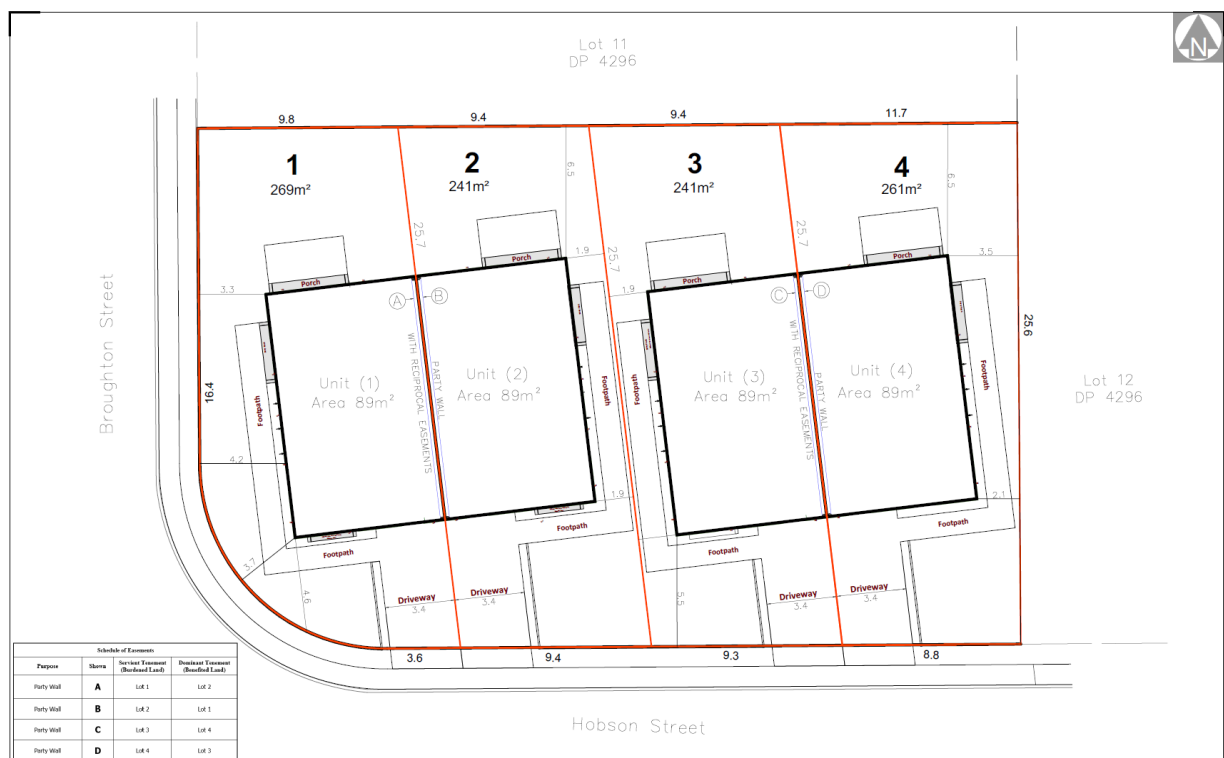
Consent is sought to undertake a four lot residential subdivision as follows:

- Lot 1 being 269m<sup>2</sup> in area
- Lot 2 being 241m<sup>2</sup> in area
- Lot 3 being 241m<sup>2</sup> in area
- Lot 4 being 261m<sup>2</sup> in area

The Applicant seeks to build four residential units, one unit on each lot is proposed. Each lot will have a separate driveway being 3.4m in width with legal access to Hobson Street. Lots 1 and 2 will share a vehicle crossing being 6.8m in width, while Lots 3 and 4 will share a separate shared vehicle crossing, also 6.8m in width.

Units 1 and 2 are to be constructed back-to-back with a party wall arrangement, with reciprocal Party Wall Easements A and B, as shown on the scheme plan.

Units 3 and 4 are to be constructed back-to-back with a party wall arrangement, with reciprocal Party Wall Easements C and D, as shown on the scheme plan.



**Figure 1: Proposed Scheme Plan illustrating the four lots and proposed development**

## Services

New services connections are proposed for Lots 1 – 4 as follows:

### *Wastewater*

Existing wastewater service connection from Broughton Street that services the existing building on site is to be disconnected and capped.

New separate individual connections are proposed for each of the four residential units to the existing 150mm sewer main located in Hobson Street. Gravity connection is expected to be practical.

### *Stormwater*

New separate individual connections are proposed to the existing 300mm stormwater main in Hobson Street. Gravity connection to the main is expected to be practical. In addition, each new residential unit will have a 3,000 litre stormwater tank, in accordance with the Subdivision and Land Development Bylaw 2019.

### *Potable Water*

There are two existing water connections to the site from Broughton Street and Hobson Street. These are to be disconnected and capped at the main. Four new individual laterals are proposed to connect to a single pipe with sufficient capacity to service all four lots. This pipe will then connect to the main located in Hobson Street.

### *Electricity and Telecommunications*

There are two existing telecommunication and electricity services which are to be retained. New connections for the additional two lots are proposed to the existing services located in Hobson Street.

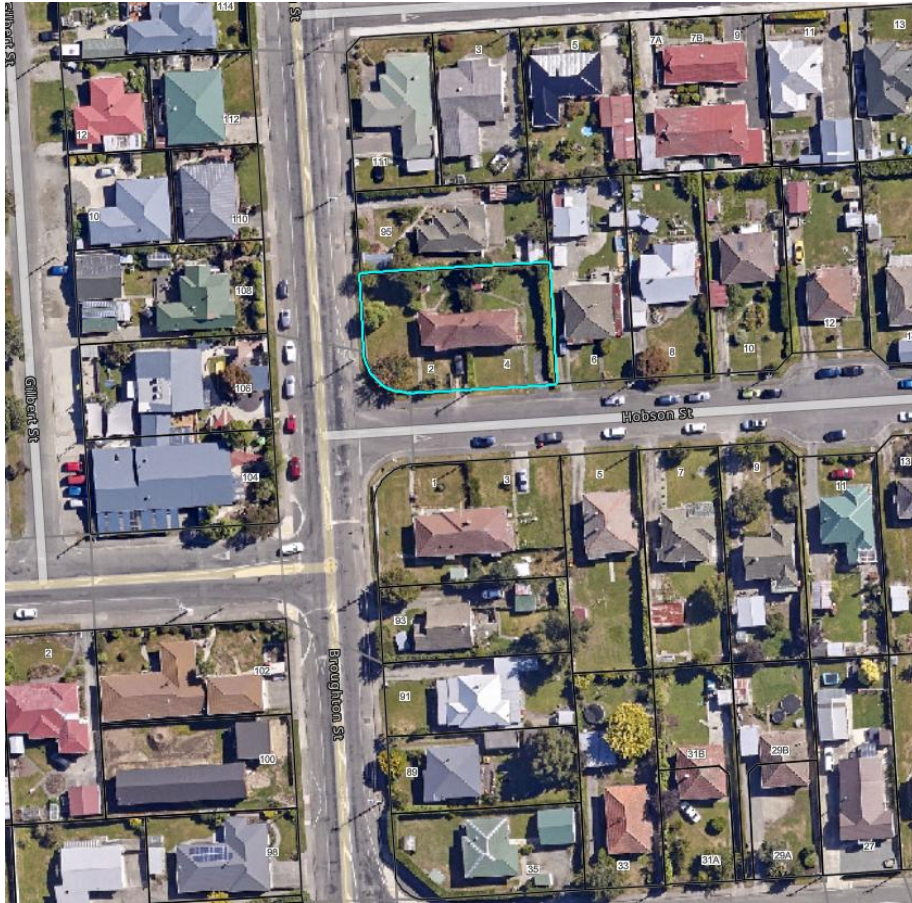
## 2. SITE DESCRIPTION

The subject site is legally described as Lot 10 DP 4296, being 1,012m<sup>2</sup> in area and comprised in Record of Title SL11A/886. It is commonly known as 2-4 Hobson Street, located in the Residential B Zone.

The site contains an existing building comprising two residential flats. The site is a corner site and has legal frontage to Hobson Street to the south and Broughton Street to the west. Physical vehicle access is onto Hobson Street, via two existing constructed vehicle crossings. Hobson Street is sealed and categorised as a Local Road in the Gore District Council roading hierarchy.

The site is located within an area predominately residential in character apart from a childcare facility located west of Broughton Street. The residential character consists of a wide variety of residential dwellings on large and smaller allotments.

The Council's mapping system identifies 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 Operative Gore District Plan

The site is zoned Residential B in the Operative 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 4.7A(4), as the proposal breaches standard 4.7A(3)(a) in regard to a building being located within the 4.5 metres front yard setback required for the Residential B Zone. It is proposed to construct a residential dwelling (Unit 1) between 3.3 metres and 4.2 metres from the front yard of Broughton Street.
- A **discretionary** activity resource consent pursuant to Rule 8.10(5) to undertake a four lot subdivision of the site, where Lots 1 – 4 do not comply with the provisos of 4(c), which requires each lot to have a minimum lot size of 300m<sup>2</sup> in area. Lot 1 will have a lot size of 269m<sup>2</sup>, Lots 2 and 4 will have a lot size of 241m<sup>2</sup> and Lot 4 will have a lot size of 261m<sup>2</sup>.
- A **discretionary** activity pursuant to Rule 4.2.4(1), as the proposal results in a residential activity on Lots 1 – 4 that is less than 300m<sup>2</sup> in the Residential B Zone, which is a breach of Rule 4.2.1(3)(e)(i).

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

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

### 3.3 Activity Status Summary

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

## 4. NOTIFICATION ASSESSMENT

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

### 4.1 Public notification – Section 95A

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

#### Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

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

#### Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are no rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
  - a controlled activity; or
  - a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

#### Step 3 – Public notification is required in certain circumstances

- There are no rules in a plan or National Environmental Standard that require notification.
- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have

or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

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

#### *Written Approval/s*

No written approvals have been provided.

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, all subdivisions require resource consent, there is no permitted baseline.

It is permitted to establish a single residential unit on a lot provided the lot is greater than 300m<sup>2</sup>. In relation to land use, it is a permitted activity to establish up to six residential units on one site provided they have a net site area of 300m<sup>2</sup> each. The proposed residential activity on Lots 1 – 4 breaches density, as the net area available for residential development after setting aside land for access, is less than 300m<sup>2</sup>.

Lot 1 will breach density by 31m<sup>2</sup>, Lot 2 and 3 will breach density by 59m<sup>2</sup> and Lot 4 will breach density by 39m<sup>2</sup>.

In addition, residential units must be setback 4.5m from the road boundary and 1m from any internal boundary providing they do not breach the recession plane. This permitted baseline, in relation to setbacks and density is considered of relevance and applied to the land use assessment below.

## **Land Use**

### Density Breach

The subdivision will create four lots smaller than 300m<sup>2</sup> which will contain residential activity. The lots are proposed to be 241 - 269m<sup>2</sup> in area, which is 59 - 31m<sup>2</sup> smaller than the minimum 300m<sup>2</sup> area required per residential unit in the Residential B Zone under the District Plan. Once the land is set aside for access, the developable land for residential activity on Lots 1 - 4 has an even smaller net area.

The proposed development plans demonstrate that there is sufficient space on each lot for a dwelling whilst allowing for outdoor space, despite the area of the lots being smaller than the required area of



300m<sup>2</sup> in the Residential B Zone. The proposed residential units on each of the lots are proposed to be 89m<sup>2</sup> in size, and the built form has been designed to be two physical back-to-back dwellings that will appear as one falling under the 50% site coverage requirement. This will result in an un-built area of between 152 - 180m<sup>2</sup>.

The applicant has further demonstrated that each of the proposed units will not exceed the site coverage on the individual allotments:

*Lot 1 has a proposed area of some 269m<sup>2</sup>, which allows a maximum site coverage of 134.5m<sup>2</sup> (@ 50% nett coverage). The proposed dwelling of 89m<sup>2</sup> is well within that limit at 33% coverage.*

*Lot 2 has a proposed area of some 241m<sup>2</sup>, which allows a maximum site coverage of 120.5m<sup>2</sup> (@ 50% nett coverage). The proposed dwelling of 89m<sup>2</sup> is well within that limit at 37% coverage.*

*Lot 3 has a proposed area of some 241m<sup>2</sup>, which allows a maximum site coverage of 120.5m<sup>2</sup> (@ 50% nett coverage). The proposed dwelling of 89m<sup>2</sup> is well within that limit at 37% coverage.*

*Lot 4 has a proposed area of some 261m<sup>2</sup>, which allows a maximum site coverage of 130.5m<sup>2</sup> (@ 50% nett coverage). The proposed dwelling of 89m<sup>2</sup> is well within that limit at 34% coverage.*

Although each of the units are located on a site smaller than anticipated by the District Plan, the use of back-to-back residential dwellings has efficiently utilised the developable area of the site to accommodate four two-bedroom residential units on the site, whilst also providing for onsite parking and an outdoor area for each unit. The building does not breach height in the Residential B Zone, being under the 8m height limit and has been designed to not protrude into the recession planes of the surrounding boundaries of the site.

The site is located off Hobson Street and is serviced by infrastructure within Broughton Street and Hobson Street. The consequent increase in density, and associated effects such as noise and traffic generation from the proposed four residential units will be less than minor, given that the site already services two residential units and any additional effects will not be noticeable on the existing environment.

The proposed development on each of the lots showcases that residential activity on the lots can be accommodated due to the regular shape and dimensions proposed. This is representative of the infill development pattern within the wider Gore residential area.

Overall, the adverse effects on the environment from the proposed density breach are considered to be no more than minor.

#### Yard Setback Breaches

The proposal is generally compliant with the minimum yard setbacks of 4.5m from the front boundary of the legal road boundaries of Broughton Street and Hobson Street and 1m setback from other boundaries. The residential unit on Lot 1 is setback between 3.3 – 4.2 metres from the west boundary, adjacent to Broughton Street, which results in a 1.2 – 0.3m breach of the yard setback rule for the Residential B Zone.

The building plans have demonstrated that the location of the building on Lot 1 has been setback as far as practical whilst also catering for the natural curved corner splay that results. The Applicant has



identified that maintaining a 4.5m setback to both of these front boundaries would be unduly restrictive towards the practical use of the site.

In the immediate environment, it is not uncommon for residential units on a corner section to be located within the front yard. 113A and 111 Broughton Street are both within the 4.5m setback to Broughton Street. 111 Broughton Street does not have fencing in front of the residential unit, while 113A Broughton Street has fencing surrounding the entire property.

The building presents its narrower elevation to Broughton Street. The pitched roof, different sized windows and different materials helps to add visual interest to the west-facing elevation, so that the reduced setback does not result in dominance effects on the streetscape. The northern elevation of proposed unit 1, featuring large glass windows, has been angled toward the northwest to minimise its exposure to Broughton Street and this orientation helps to reduce the visibility of the breaching parts of the building from the nearby road. The overall building design also lessens its visual impact on both Broughton Street and Hobson Street. As it is not uncommon for a residential unit to be located within the yard setback, the nature of this breach will not detract from the amenity values and character of Broughton Street.

The proposed residential unit being setback 1.2m – 0.3m from the front boundary of Broughton Street will not have adverse effects on the function of the intersection. This intersection leads to Hobson Street, a no exit street with a 50kph speed restriction. Users of this road entering onto Broughton Street have sufficient visibility due to this intersection having a large radius curved corner splay, with a footpath, which provides for adequate visibility to traffic users. Further the angle of the building has been designed so the yard setback is 0.3m closest to the intersection and this increases in setback breach to the north, which ensures that Unit 1 is not blocking visibility.

Overall, it is considered that the resultant setback breaches created by the location of Unit 1 on Lot 1 will be no more than minor on the wider environment.

## **Subdivision**

### Suitability of the allotments and future land use

The subdivision layout proposes four allotments in the Residential B Zone. All of these lots are under the anticipated minimum 300m<sup>2</sup> gross area specified in the Gore District Plan for the Residential B Zone. Although these lots are smaller than what is anticipated, the provided building plans (attached at Appendix A) demonstrate that the proposed buildings on Lots 1 - 4 can accommodate a residential activity, albeit with small scale bulk and location breach, mostly affecting Lot 1. The extent of the front yard non-compliances is generally small-scale.

As assessed above, the effects on the land use breaches will be no more than minor. The residential units when viewed as a complete project illustrate compact development of a site with allotments that are appropriate for residential purposes and does not breach site coverage in the Residential B Zone. The scheme plan reflects a logical allotment layout for the proposed residential activity on site. The buildings are orientated north facing to maximise sun positioning and each building has an outdoor area at the back and an area at the front for onsite parking.

The scheme plan and building drainage plan provided by the applicant has reflected that the proposed residential activities and associated services are able to be contained within the respective lot boundaries.

The lots will have logical physical and legal access from Hobson Street and will meet the sight distance requirements under the Bylaw. The driveways are of a width that is required under the Bylaw and establishes access to each allotment. This is consistent with the wider subdivision pattern in the Gore Residential B Zone.

Based above on the assessment, the adverse effects of the lot areas being smaller than anticipated by the District Plan 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 and not subject to inundation.

Any adverse effects, with respect to natural hazards and other hazards on the wider environment will be no more than minor.

#### Ability to provide services

Council's 3 Waters Capital Projects and Asset Manager has reviewed the application and confirmed that the lots can be feasibly serviced.

New servicing is proposed for Lots 1 – 4 in respect to potable water, stormwater and wastewater to the respective mains located in Hobson Street.

Four new laterals are proposed for potable water. These individual laterals will connect to one pipe that has sufficient capacity to service the four allotments and the pipe will connect to the main located in Hobson Street.

Four new laterals are proposed for wastewater and will connect to a manhole outside of the property. These individual laterals will connect to one pipe that will connect to the main located in Hobson Street.

Four new laterals are proposed for stormwater and will connect to a manhole outside of the property. These individual laterals will connect to one pipe that will connect to the main located in Hobson Street.

The Applicant has proposed to install a 3,000L stormwater tank on each of the allotments, in accordance with the Bylaw for each of the new residential dwellings. This will be dealt with at building consent stage.

The site is currently connected an existing foul water service connection from Broughton Street. This is to become redundant and capped at the main. It will be removed at the time of development occurs on the site. Therefore, there will be no building built over this service.

The two existing potable water connections to the site, one from Broughton Street and one from Hobson Street is to be made redundant and capped at the respective mains.

The applicant has demonstrated that future connections are available in respect to power and telecommunications for the four proposed allotments. There are existing telecommunication services (fibre) within the Hobson Street corridor and 5G wireless coverage.

Based on the above, the adverse effects on the environment from the proposed servicing of the subdivision will be no more 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 as services are connected to the reticulated network and stormwater is disposed to the existing main located in Hobson Street and via the onsite stormwater tanks.

Overall, the adverse effects on the environment are considered to be less than minor.

#### Effects on traffic

The Council's Senior Roading Operations Officer, Mr 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 (the Bylaw) apply to this situation.

The subject site is on the north east corner of Broughton Street and Hobson Street. The section of Broughton Street adjacent to the proposed subdivision is an urban collector road. Hobson Street is a local access cul-de-sac. Both sections of street have a chip seal surface and have exiting kerb and channel with adjoining footpath bounding both sides of the carriageway. The approaches to the proposed access (existing) consist of flat, straight vertical and horizontal alignments. A 50kph speed restriction applies to both sections of road.

The Applicant seeks to construct two combined new vehicle crossings that will each be 6.8m in width from Hobson Street to service the respective lots. The two shared proposed vehicle crossings meet the sight distances requirements listed in Table 3.3B of the Bylaw.

This will result in the two existing vehicle crossings to become redundant/ shifted. Therefore, the Applicant is required to reconstruct the kerb and channel and corresponding footpath to full height.

The Applicant will be required to construct standard drop crossings in accordance with Diagram R03 in the Bylaw for the two combined proposed vehicle accesses. This will include reinforced concrete to the property boundary.

The Applicant has demonstrated that the proposed shared access to Lot 1 and Lot 2 meets the minimum separation from the intersection distance "M" required in Table 4.3C in the Bylaw. This access adjacent to the Broughton Street and Hobson Street intersection is setback approximately 11.2m from the Broughton Street boundary (or approx. 13.8m from the Broughton Street kerb line), exceeding the minimum side road distance of 9m from the Table 4.3C of the Bylaw for a 50km/h posted speed limit.

The Applicant has also demonstrated that there is a minimum distance of 1m between this access and the existing stormwater sump in the kerb.

Subject to the above, Mr Hasler recommends that the application be approved from a transportation perspective. Given the Applicant's adoption of the recommended conditions, it is considered that a safe access will be provided to serve each lot in the subdivision and any effects on traffic and the adjoining roading network will be less than minor.

#### Provision of easements

Party walls are proposed between the residential units on Lots 1 - 4. This is shown as areas A, B, C and D on the scheme plan.

At the time of survey, all necessary easements will be confirmed and registered onto the relevant records of title. 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 subdivision and land use.
- 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 outlined in blue and orange dots indicate surrounding neighbouring properties**

#### *Properties to the South*

These properties to the south of the subject site are separated by Hobson Street. The creation of three additional lots on the subject site resulting in a density breach for each of the proposed allotments has been designed to ensure that there are minimal land use breaches. The proposed land development makes efficient use of the site by establishing four residential units on the site. Visually the proposed buildings will appear to the individuals as two buildings. The subdivision design has been carefully planned to keep with the architectural style and scale of neighbouring properties, preserving the visual cohesion and character of the area.

In this respect, the effects of the density of the development will not be overly noticeable to these persons. The building proposed meets the bulk and location standards of the District Plan, except for Lot 1 which is 1.2m located within the road boundary. Due to the width of Hobson Street, the level of residential amenity experienced by these persons from the proposal will remain largely unchanged.

The adverse effects from the proposed subdivision and land development on the subject site is considered to be less than minor upon the owners and occupiers of these properties.

#### *Properties to the West*

These properties to the west of the subject site are separated by Broughton Street and consist of residential units and an early childcare facility. These properties will view the site from the side. The subdivision complies with bulk and location standards of the District Plan, with a slight breach of the



density rule and the front yard setbacks. The proposed lots will result in a density breach between 31m<sup>2</sup> and 59m<sup>2</sup>. The subdivision design has been carefully planned to keep with the architectural style and scale of neighbouring properties, preserving the visual cohesion and character of the area. Due to the width of Broughton Street, the level of residential amenity experienced by these persons from the proposal will remain largely unchanged.

The adverse effects from the proposed subdivision and land development on the subject site is considered to be less than minor upon the owners and occupiers of these properties.

#### *Properties with an adjoining boundary*

95 Broughton Street and 8 Hobson Street are neighbouring properties to the subject site and share a boundary to the subject site.

The subdivision complies with bulk and location standards of the District Plan, with a slight breach of the density rule. The proposed lots will result in a density breach between 31m<sup>2</sup> and 59m<sup>2</sup>. The subdivision design has been carefully planned to ensure that the new lots will not result in any significant loss of privacy for neighbouring properties. The proposed units are setback more than 6.5m from the north adjoining boundary, providing sufficient space for an outdoor area between the proposed units and the existing neighbouring house to the north. While the unit on Lot 4 is setback at least 2.1m from this adjoining boundary to the east, this is more than the required minimum setback distance to this neighbouring property and the additional setback width and space provides mitigation. The breach of density will not be noticeable to these neighbouring properties.

The yard setback breaches on Lot 1 are adjacent to a legal road boundary not an adjoining residential boundary.

The proposed subdivision will maintain the overall character and amenity of the surrounding area. The slight breach in the density rule does not result in a noticeable change in the urban form or intensity of development. The design of the new dwellings will be in keeping with the architectural style and scale of neighbouring properties, preserving the visual cohesion and character of the area.

The adverse effects from the proposed subdivision and land development on the subject site is considered to be less than minor upon the owners and occupiers of these properties.

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

### 6.3 Relevant Provisions

#### **Operative District Plan**

The relevant operative objectives and policies are contained within:

#### **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 allotments, although smaller than the anticipated area of 300m<sup>2</sup> have been designed in an orderly layout to accommodate the proposed future residential development on site. The re-development of the site utilises the space available for residential use, showcasing an efficient use of the land. This is reflected by the building plans provided for Lots 1 – 4, all being two-bedroom dwellings on a lot with sufficient outdoor space. These lots will be able to accommodate future residential activity given the shape, size and layout of the lot, albeit a smaller footprint than the existing residential activity in the surrounding area.

The developer will pay all the reasonable costs for the development through installing the required services to the lots and will upgrade the existing accesses from Hobson Street, in accordance with the Bylaw. The subdivision of the site will not result in adverse effects on water quality with earthworks being minimal. The subdivision provides additional residential lots in the Gore residential area. No further subdivision is anticipated in the future given the size of the lots.

The adverse effects on the Council's existing services, infrastructure and roading will be assessed appropriately through the building consents for the proposed residential development on the site.

Overall, it is considered that the subdivision has acceptable 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 is appropriate and will not lead to noticeable adverse effects on the amenity and character of the surrounding area. The proposed development on Lots 1 - 4 on a smaller net area than anticipated by the District Plan, still maintains the character and amenity value of the Residential B

Zone, as the residential activity on site complies with the majority of bulk and location standards and the lots proposed are of a shape and design anticipated in the Residential B Zone. Residential dwellings can be established on the site with sufficient space and area for outdoor space.

The yard setback breaches on Lot 1 are of small scale and the building has been designed to be setback with a distance to the road and intersection to ensure that there is visibility to road users. Overall, the amenity and characteristics of the residential character of Hobson Street and Broughton Street will be maintained.

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

### **Southland Regional Policy Statement 2017**

The proposed subdivision is in accordance with the Southland Regional Policy Statement 2017 (RPS). The application, although not compliant with the minimum lot sizes of the District Plan for the Residential B Zone, is still able to maintain sustainable urban development anticipated by the RPS. The additional lots provide positive environmental, social, economic, and cultural outcomes in the Gore District, accommodating a range of individuals in the district. The overall subdivision is not sporadic and reads in the residential zone as being appropriate 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 of the allotments has a legal and physical access. The vehicle crossings will be constructed in accordance with the Bylaw.

The subdivision is not within a flood hazard.

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 and land use takes into account Section 5 of the RMA as the proposed lots will enable additional residential lots and dwellings to be constructed in the future. These additional lots and dwellings will enable people and communities to provide for their social, economic and cultural wellbeing, benefiting the community. As assessed above, the adverse effects of the proposal can be avoided, remedied, or mitigated.

### *Section 6 – Matters of national importance*

Attention has been given to matters of national importance. This site does not contain any outstanding natural features or landscapes, nor an area of significant indigenous vegetation. It is considered the land use is appropriate within this residential landscape.

### *Section 7 – Other matters*

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

### *Section 8 – Treaty of Waitangi*

This site is not within any known heritage sites or statutory acknowledgement areas. 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**

### **Decision A – Subdivision SC24037**

Pursuant to Section 104B of the RMA, consent is **granted** to undertake a 4 lot subdivision of 2 and 4 Hobson Street, Gore that breaches minimum lot areas for the Residential B Zone, subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

### **Consent Conditions**

#### **General**

1. The subdivision shall be undertaken generally in accordance with the application made to the Council on the 31/09/2024, further information provided on the 18/10/2024 and the following plans:
  - Proposed Subdivision of Lot 10 DP 4296 [RT: SL11A/886], Drawn by Clark Fortune McDonald, dated 09/08/2024;
  - Proposed Site Layout – Williams Development Gore, Drawn by arch TECdesign, dated 30/09/2024;
  - Proposed Elevations – Williams Development Gore, Drawn by arch TECdesign, dated 17 July 2024.

These plans are attached as Appendix A.

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.

#### **Vehicle Access**

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 construct two vehicle crossing, one to serve Lots 1 and 2, and one to serve Lots 3 and 4, in accordance with the standards contained in Diagram R03 'Standard Drop Crossing Details' in the Gore District Council Subdivision and Land Development Bylaw 2019 and in the location shown on the approved plans in Appendix A. This will include reinforced concrete to the property boundary.
6. The consent holder shall reinstate the kerb and channel and corresponding footpath to full height, where existing drop crossings are made redundant.

#### **Servicing**

7. 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. Cap the existing stormwater connections for the property at the main.
  - b. The provision of four new separate water supply connections to the property boundary of Lot 1, Lot 2, Lot 3 and Lot 4. These connections require an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
  - c. The provision of new wastewater connections to the property boundary of Lot 1, Lot 2, Lot 3 and Lot 4. 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.
  - d. The provision of new stormwater connections to the property boundary of Lot 1, Lot 2, Lot 3 and Lot 4. 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.
  - e. 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.

## Decision B – Land Use LU24038

Pursuant to Section 104B of the RMA, land use consent is **granted** to undertake a residential activity on lots smaller than 300m<sup>2</sup>, in the Residential B Zone and for front yard setback breaches, subject to the following conditions imposed pursuant to Section 108 of the RMA:

1. The land use shall be undertaken generally in accordance with the application made to the Council on the 31/09/2024, further information provided on the 18/10/2024 and the following plans:
  - Proposed Site Layout – Williams Development Gore, Drawn by arch TECdesign, dated 30/09/2024;
  - Proposed Elevations – Williams Development Gore, Drawn by arch TECdesign, dated 17 July 2024.
  - Proposed Floor Plan - Williams Development Gore, Drawn by arch TECdesign, dated 17 July 2024.

These plans are attached as Appendix A.

## 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 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.
4. All future Building work on any allotment must comply with the building code to the extent required by the New Zealand Building Act 2004 or its successor, whether or not a building consent is required.
5. Building consent applications must be supported with plans and specifications that show how a building is to be constructed and be able to show how compliance with the building code will be established. If compliance does not use methods in accordance with section 19 the New Zealand Building Act 2004 or its successor, supporting evidence of compliance should be provided.
6. At the time of design of any future building on any allotment an appropriate investigation shall be undertaken to determine if the supporting ground meets the definition of good ground as determined by NZS3604:2011 as modified by B1/AS1 or its successor. If good ground is not

identified an appropriate investigation shall be undertaken to verify the type of foundations used are suitable for the building and soil types.

7. At the time building work is to commence, parcel and property boundaries will need to be clearly identified to ensure the construction does not cross applicable existing or future allotment boundaries.

### 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](mailto:planning@goredc.govt.nz).

Prepared by



Bridget Sim  
Planner

Decision made by

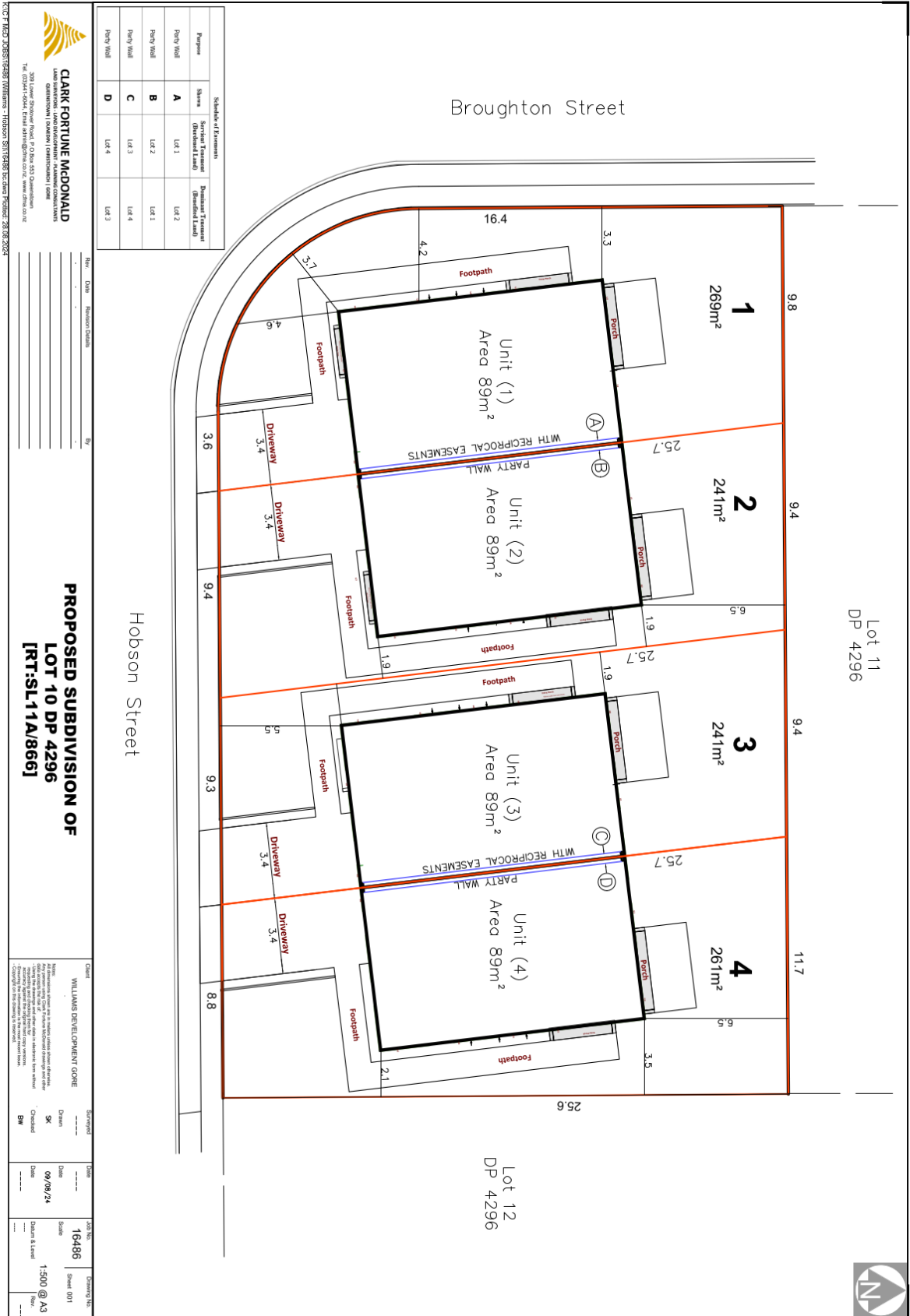


Penny Weng  
Delegate

### Appendix A: Approved Plans

## APPENDIX A – APPROVED PLANS





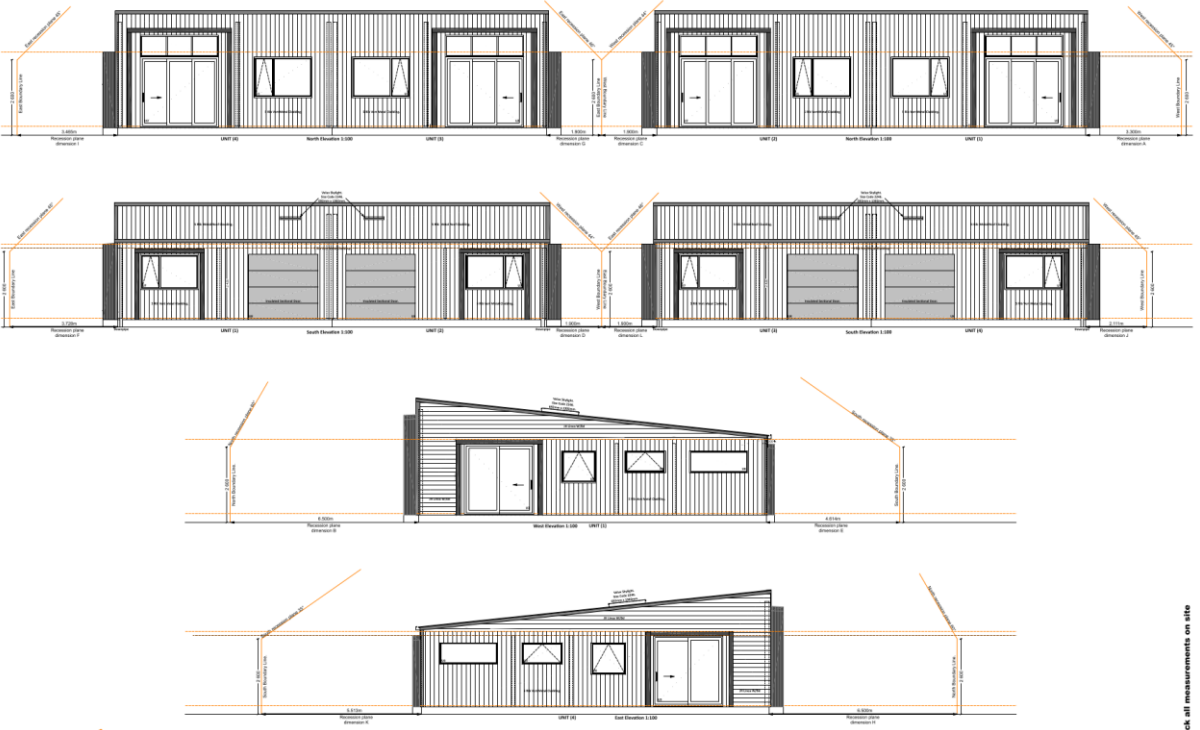
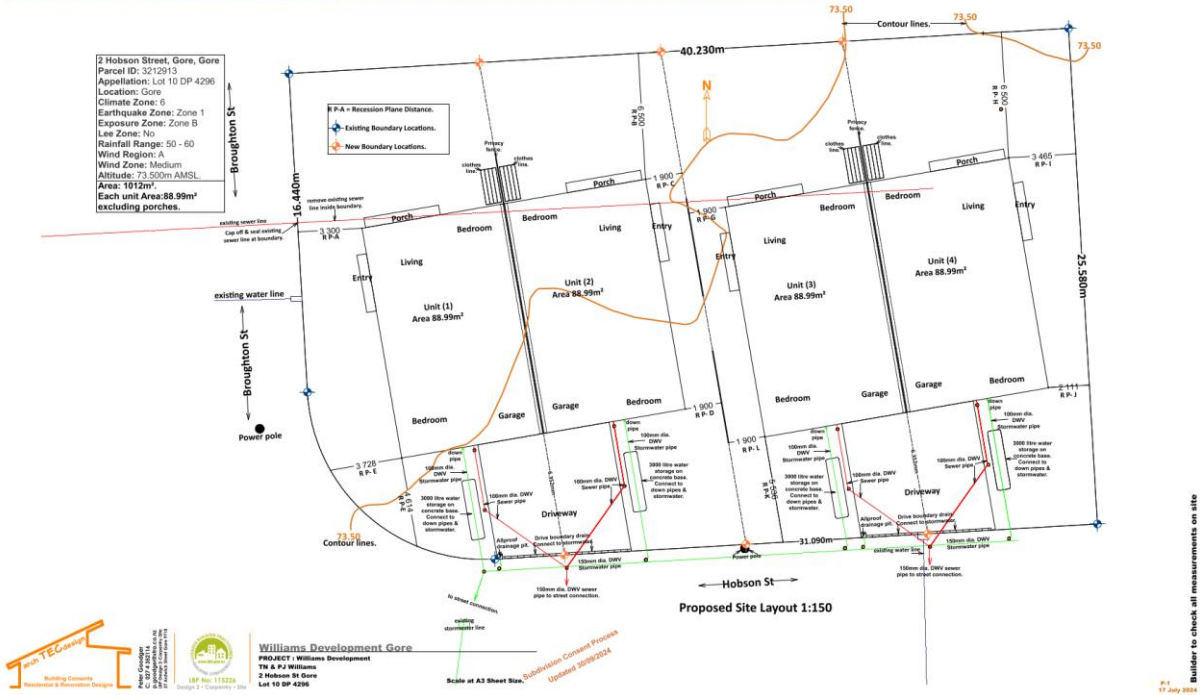
Schedule of Easements		
Particulars	Beneficial Tenement (Beneficial Land)	Dominant Tenement (Beneficial Land)
Party Wall	Lot 1	Lot 2
Party Wall	Lot 2	Lot 1
Party Wall	Lot 3	Lot 4
Party Wall	Lot 4	Lot 3

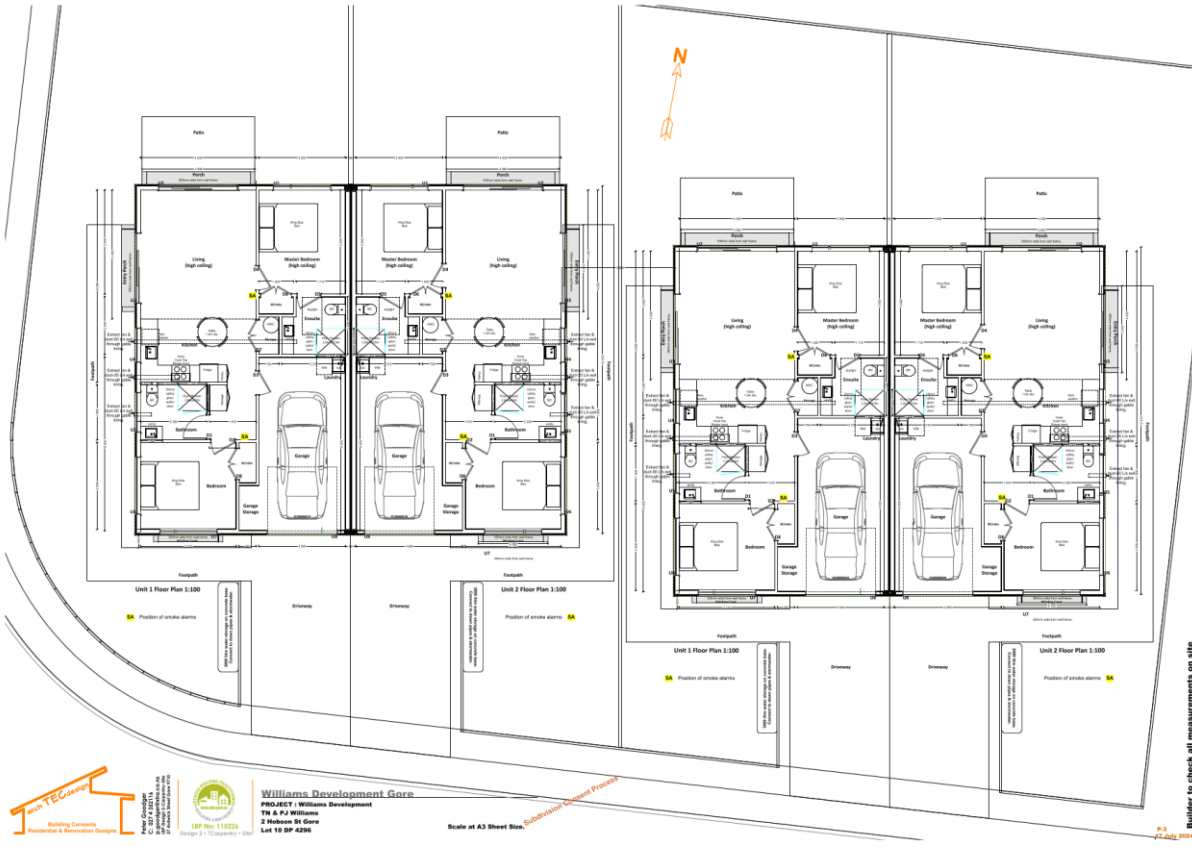
**CLARK FORTUNE McDONALD**  
 LAND DEVELOPMENT CONSULTANTS - ARCHITECTS  
 CONSULTANTS (PROFESSIONAL ENGINEERS) - CIVIL ENGINEERS  
 209 Lower Shireway Road, PO Box 553 Queensland  
 Tel: (07) 461 0044 Email: clark.fortune@mfmc.com.au www.clarkfd.com.au

Drawn	Checked	Reviewed	Approved
SK	SK	SK	SK
SK	SK	SK	SK
SK	SK	SK	SK
SK	SK	SK	SK

**PROPOSED SUBDIVISION OF  
 LOT 10 DP 4296  
 [RT:SL11A/866]**

Client	WILLIAMS DEVELOPMENT CORP	Drawn	SK	Date	09/08/24	Scale	1:500 @ A3
Checked	SK	Checked	SK	Checked	SK	Scale	1:500 @ A3
Reviewed	SK	Reviewed	SK	Reviewed	SK	Scale	1:500 @ A3
Approved	SK	Approved	SK	Approved	SK	Scale	1:500 @ A3





**Williams Development Gore**  
 PROJECT: Williams Development  
 TR & PJ Williams  
 2 Hobson St Gore  
 Lot 10 DP 4296

Scale at A3 Sheet Size. *Robinson Development Project*

P.3  
 27 July 2014