

# Gore District Council Decisions



## NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

*Resource Management Act 1991*

<b>Application reference</b>	SC 24040 & LU 24041
<b>Applicant</b>	2M Developments Ltd
<b>Proposal</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) for a 2 lot subdivision and subsequent development of 2 residential dwellings breaching density, recession planes and yard setbacks.
<b>Location</b>	61 Broughton Street, Gore
<b>Legal Description</b>	Lot 5 DP 4170
<b>Activity Status</b>	Discretionary
<b>Decision Date</b>	6 November 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 6 November 2024, under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104B, 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

Land use consent is sought to construct two single storey residential dwellings with attached double garages on the site. The existing dwelling and garage will be removed to facilitate the development.

Subdivision consent is sought to subsequently subdivide 61 Broughton Street, legally described as Lot 5 DP 4170 into two separate allotments as follows:

Lot Number	Net Site Area	Site Area
Lot 1	359.18m <sup>2</sup>	359.18m <sup>2</sup>
Lot 2	359.76m <sup>2</sup>	449.68m <sup>2</sup>

Density for the development will be a single dwelling within each of the net site areas of 359.18m<sup>2</sup> and 359.76m<sup>2</sup> respectively.

The scheme plan for the proposed Subdivision is shown in Figure 1 below:

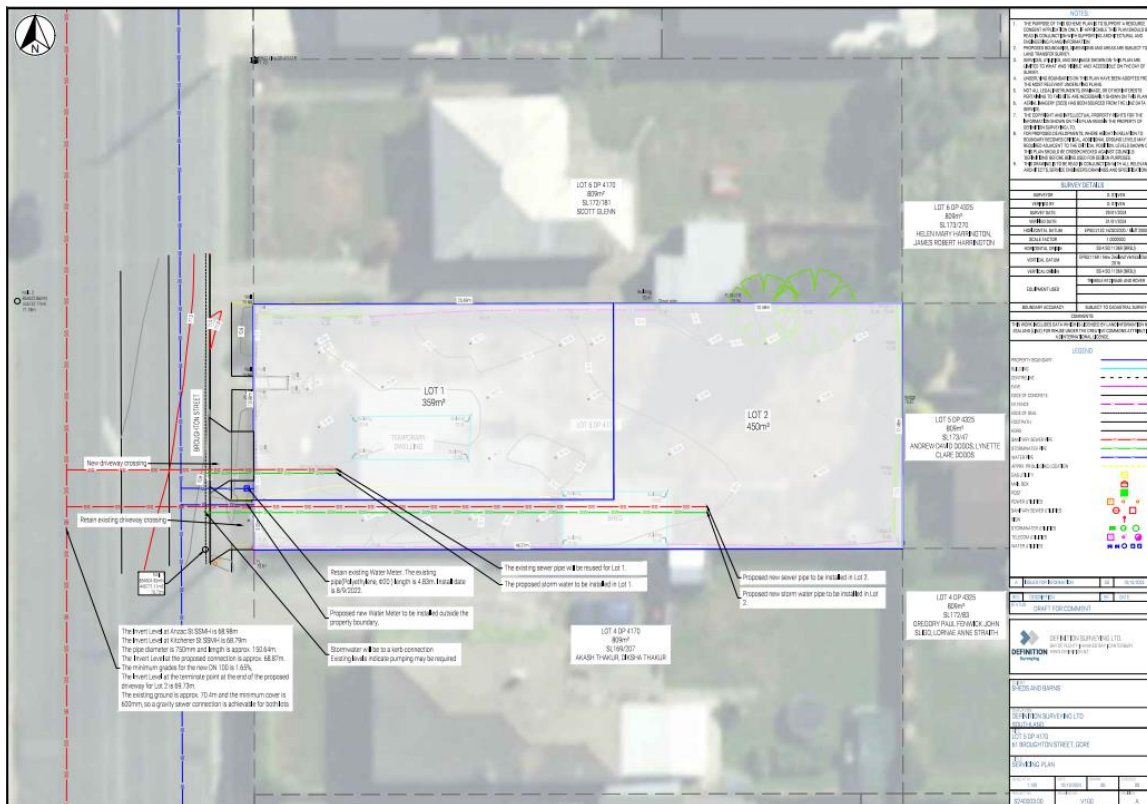


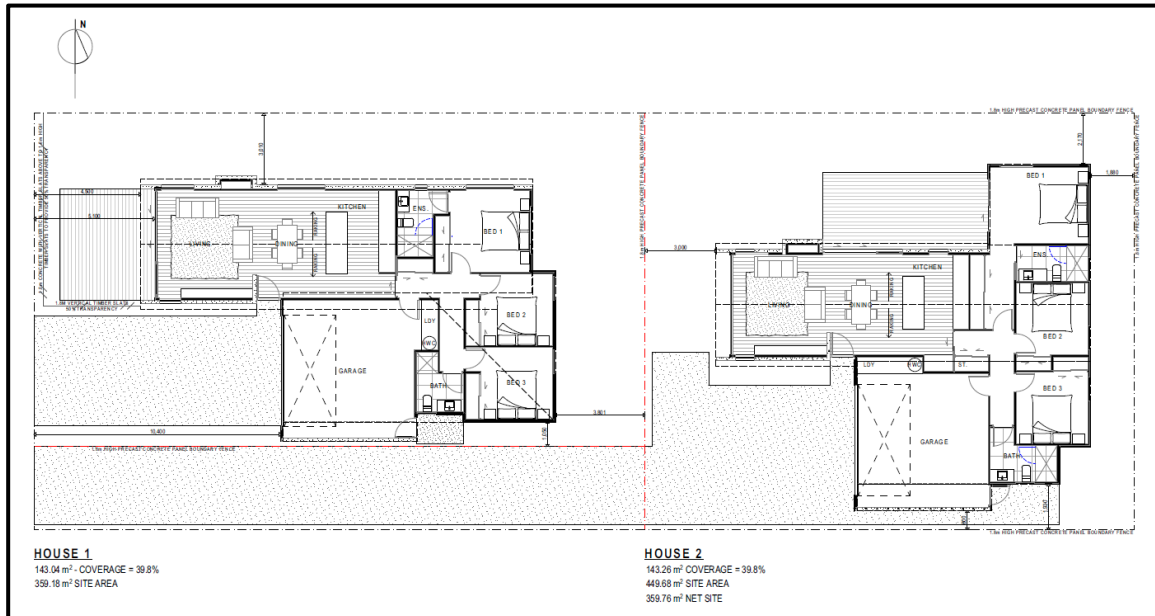
Figure 1: Scheme Plan for proposed Subdivision

A leg in accessway will be surveyed and constructed along the south boundary to serve the rear dwelling, with a second separate vehicle crossing and accessway proposed to serve the new front dwelling. Parking for vehicles will be available on both allotments.

Reticulated servicing is proposed for both lots. As shown above in Figure 1, Lot 1 will be serviced by the existing sewer pipe and a new stormwater pipe. The existing water meter will be utilised. New sewer and stormwater pipes will be installed along the accessway to service Lot 2 and a new water meter is proposed outside the property boundary for Lot 2. Gravity sewer connection is proposed for both lots. Stormwater disposal will be provided by a kerb connection and it is possible that pumping may be required.

Both power and telecommunications are available to both sites.

The layout of the proposed residential dwellings within the allotments is shown in Figure 2 below. A front fence comprised of concrete with vertical timber slats, 1.8m in height, will be constructed in the front yard, while a 1.8m concrete boundary fence will be constructed along the shared boundary between Lot 1 and Lot 2 and at the outer site boundaries.



*Figure 2: Proposed residential dwelling layout*

## 2. SITE DESCRIPTION

The site is located within the Residential A Zone in the Gore District Plan. It is located on the eastern side of Broughton Street and accommodates an existing single storey dwelling at the front of the lot with an existing vehicle crossing onto Broughton Street. The site is flat with an existing hedge at the rear of the lot.

The site is surrounded by residential properties of different typologies with some infill development evident to the north, some multi-unit development to the west, at 66 Broughton Street, and a higher density rest home (Parata) to the west at 62 Broughton Street, which also has a large frontage to Kitchener Street. See Figure 3 below for the current receiving environment.



**Figure 3: Receiving Environment**

The site is located within the 'Mataura River Floodplain' and is therefore 'prone to flooding subsequent to a stopbank breach or stopbank overtopping'. Liquefaction risk is negligible.

There are no other relevant hazard overlays for the site.

There are no relevant easements or interests on the title.

### 3. ACTIVITY STATUS

#### 3.1 Gore District Plan

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

- A **discretionary** activity under Subdivision 8.10 (5) as the proposed subdivision of land does not comply with the provisos of 4(c), which requires each lot to have a minimum lot size exceeding 400m<sup>2</sup> in area. Lot 1 will be 359m<sup>2</sup>. Lot 2 will comply being 450m<sup>2</sup>.
- A **discretionary** activity under Rule 4.2.4 as Lot 1 will be 359.18m<sup>2</sup>. Rule 4.2.1(2)(f) allows for residential activity in the Residential A zone provided the site is located within 30 metres of the Council's reticulated sewage system and is equal to or exceeding 400m<sup>2</sup> in area. As Lot 1 will be 359.18m<sup>2</sup>, residential activity is not permitted and rule 4.2.4 applies.
- A **restricted discretionary** activity pursuant to Rule 4.16.1(3) in relation to density as the proposal breaches the required net site area of 400m<sup>2</sup> for each residential unit where multiple units are proposed on a site. Council's discretion is restricted to the adverse environmental effects of the matters with which there is non-compliance.
- A **restricted discretionary** activity pursuant to Rule 4.7(2) as the proposal breaches recession plane standard 4.7.1(1) as detailed:
  - House 1's garage parapet wall will breach the south recession plane, and there will be a slight gutter and eave intrusion of the same recession plane

- House 2's garage parapet wall will breach the south recession plane
- House 2's gable end will breach the east recession plane.
- A **restricted discretionary** activity pursuant to Rule 4.7A.1(4) as the proposal breaches rule 4.A.1(3) in regard to yards as detailed:
  - House 1's deck is within the 4.5m front yard (and there appears to be no exception for decks). The definition of front yard relates to the road boundary and is such that House 2 will comply
  - House 1's garage will be within the required 1m setback from the south boundary with proposed Lot 2's accessway.

### 3.2 Proposed Gore District Plan

The site is proposed to be zoned as Medium Density Residential 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 applicants review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES-CS does not apply. Further, review of Environment Southlands Selected Land Use Sites (SLUS) register does not identify the site as HAIL.

### 3.4 Activity Status Summary

Overall, the application is being considered and processed as a **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 provided with the application.

### *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. As all subdivision requires resource consent, there is no permitted baseline in this regard.

In relation to the land use component, a site area of no less than 400m<sup>2</sup> for each residential unit is a permitted activity within the residential zone. Multiple units may be constructed on a site, where each unit has a net site area of 400m<sup>2</sup>. Further, front yards of 4.5m, side and rear yards of 1.0m, and activities that comply with the recession plane setbacks are permitted within the residential zone.

This forms the relevant permitted baseline and the extent of these breaches and their effects on the environment are discussed below.

## Effects on the Environment Assessment

### Land Use Density Breach

The proposed lots are unable to meet the required 400m<sup>2</sup> net site density prescribed for the residential zone with Lot 1 having a site area of 359.18m<sup>2</sup> and Lot 2 a net site area of 359.76m<sup>2</sup>. Lot 1 falls short of the required area by 40.82m<sup>2</sup> and Lot 2 by 40.24m<sup>2</sup>. It is noted however that the site overall is 809m<sup>2</sup>. Therefore, on average the development will result in one residential unit per 400m<sup>2</sup>. The non-compliance is largely a result of the necessity for a legin access. A legin access to a rear lot is a typical infill development outcome in the residential area given the historic subdivision pattern in Gore. Overall, although the proposal will result in a minor density breach, it is considered this will not result in more than minor effects in relation to the residential character and amenity of the area.

Both lots are to be used for residential living and the application details plans to develop single storey homes with attached garages on each of the respective sites. Both dwellings contain three bedrooms, two bathrooms, a lounge and kitchen area. Outdoor space for the residential unit on Lot 1 is provided off the main living space to the west with views and remaining greenspace to the north while outdoor space for the residential unit on Lot 2 is north facing and provided off the kitchen/dining. There is a proposed 1.8m high fencing between allotments to ensure privacy. The front yard of Lot 1 will be fenced up to 1.8m utilising both concrete and vertical timber slats with 50% transparency. It is considered that adequate onsite amenity is provided for future occupants.

The single storey buildings will reduce the perception of building dominance when viewed from the street given Lot 2 will be located to the rear, behind Lot 1. Visibility of the sites from the road will be limited to the residential unit on Lot 1 and the accessway to Lot 2. As such, the development, although slightly denser than that enabled by the plan will not have an adverse effect on the character and amenity of the surrounding neighbourhood.

As discussed in Section 2 of this report, infill development has occurred in the receiving environment of the application site. It is considered therefore that the proposal is in keeping with the residential character of the area.

Site coverage for each site will be 39.8% complying with the standards of the district plan. This demonstrates that although the sites net site area is smaller than 400m<sup>2</sup>, the built form is proportionate and will not result in crowding of buildings.

### Recession Planes

Any adverse effects from recession planes non-compliances have been discussed in the subsequent s95 – Effects on persons assessment.

### Yards

The deck proposed for House 1 (Lot 1) will be located within the 4.5m yard requirement measured from the road boundary of the Lot. The district plan provisions do not provide an exemption for decks. The deck will be a low-lying structure and as such will not generate adverse effects in relation to shading or overlooking. The deck will be screened from the road by fencing and therefore will have a less than minor visual effect on the streetscape. The area will still function as outdoor open space for future owners.

House 1's yard setback breach at the sites southern boundary will be discussed in the subsequent s95 – Effects on Persons assessment.

Adverse effects on the wider environment from House 1's front yard setback breach are considered to be less than minor.

#### Subdivision Density

Proposed Lot 1 (359.18m<sup>2</sup>) does not meet the minimum 400m<sup>2</sup> gross area specified in the Gore District Plan while Lot 2 (449.68m<sup>2</sup>) complies with this requirement.

The application includes a land use consent for proposed residential development on the sites and the various bulk and location non-compliances as a result of the smaller lot size have been assessed above. Given that it is demonstrated that the lots will be used for residential purposes within the residential zone, and the increased density is not out of character with the surrounding environment, adverse effects of the subdivision density in the wider environment will be no more than minor.

#### Servicing

Both lots will connect to reticulated services.

Council's 3 Waters Engineer- Aaron Green, has reviewed the application and has confirmed the Lots can be feasibly serviced.

In relation to wastewater, the applicant has advised that the existing sewer pipe will be reused for Lot 1. Mr. Green has advised that, prior to s224(c), CCTV footage to confirm condition of the existing pipe will be required. If the condition of the pipe is not fit for purpose for 50 years then a new connection will be required. A new sewer pipe will be installed down the leg in access to the net site area to service Lot 2.

New stormwater pipes will be provided to service both Lot 1 and Lot 2 with the stormwater pipe for Lot 2 installed down the leg in access to the net site boundary. A consent notice is recommended to advise the stormwater connections may need to be pumped.

The existing water meter is proposed to be used for Lot 1 and was installed 8/9/2022. A new water meter is to be installed at the property boundary for Lot 2.

Power and telecommunications have been confirmed as available for both Lot 1 and Lot 2.

Following consultation, the applicant has agreed to the servicing conditions recommended by the 3 waters department. The adverse effects on the environment from the proposed servicing of the subdivision will be less than minor.

#### Access and Transport

Council's Transport Engineer, Mr. Murray Hasler has reviewed the application and a summary of his comments is provided as follows:



*The property subject to this application is on the east side of Broughton Street north of the Kitchener Street intersection. The section of Broughton Street adjacent to the proposed subdivision is a chip sealed urban collector road. Broughton Street has exiting kerb and channel with adjoining concrete footpath bounding both sides of the carriageway. The approaches to the property are flat and straight. A 50kph speed restriction applies to this section of Broughton Street.*

*The sight distances available at the proposed vehicle access meet the requirements listed in Table 3.3B of the Bylaw.*

*The applicant proposes constructing two new vehicle crossings. One of these will replace the non-compliant crossing to proposed Lot 2. The second proposed crossing will provide access to proposed Lot 1. These crossings will be adjacent to each other and should be constructed as a single double width crossing to ensure a short hump is not created in the footpath. Both proposed accesses are acceptable. These should be constructed in accordance with diagram R03 "Standard Drop Crossing" contained in the Bylaw.*

*Care will need to be taken with the driveway gradient on the property to ensure the drop crossing will work. No more than 40m<sup>2</sup> of stormwater catchment from the property shall drain over the footpath. This may entail interception of stormwater at or near the property boundary. If the applicant proposes installing a stormwater kerb outlet under the footpath this shall be no closer than 1m away from the vehicle crossing. This shall comply with Drawing D16 contained in the Bylaw.*

Given the above, Mr Hasler has recommended that the application can be supported from a transportation perspective. Conditions of consent are included to ensure that a double wide crossing is constructed to service the two new vehicle crossings and stormwater is managed as advised by Mr Hasler. The Applicant has accepted these conditions, which now form part of the application.

Effects from access and transport on the wider environment are therefore considered to be less than minor.

#### Natural Hazards

The site is located in the Mataura River Floodplain: Prone to Flooding Subsequent to a Stopbank Breach or Stopbank Overtopping area shown in green on Map No. GOR09 – Hazards and Utilities. The applicant undertook consultation with Environment Southland (ES) and the following was received:

*The February 2020 flood was near maximum capacity of the stopbank system through Gore and Mataura. Flood modelling to inform potential upgrades of the flood protection scheme is currently in progress.*

*The likelihood of larger floods is increased when climate change is taken into account. The Ministry for the Environment's climate change predictions for Southland include an increased frequency of heavy rainfall events and an increased likelihood of extreme rainfall. It also predicts up to a halving of flood return periods by 2040 and up to a fourfold reduction by 2090.*

*Although the standard of protection in Gore is considered to be high, as with any stop banking system, there is always a residual risk of flooding due to stopbank failure or the*

*design capacity of the scheme being exceeded. Elevated floor levels may provide some mitigation to the residual flood risk. However, the potential depth of flooding in the event of a stopbank failure or overtopping may make elevating the floor level impractical. Due to the standard of protection, there is currently no minimum floor level requirement for Broughton Street. Any elevation of the flood level is at the discretion of the landowner.*

*Given the potential for future inundation, Environment Southland recommends that the owners/occupants develop a flood contingency plan and make themselves familiar with the Mataura Catchment flood warning system.*

A consent notice recommending owners/occupants develop a flood contingency plan and make themselves familiar with the Mataura Catchment flood warning system will be placed on the Lot titles.

Liquefaction risk for the site is classed as negligible and there are no other relevant Hazard overlays for the site.

Given the recommendation from ES and no further relevant natural hazard overlays for the site, any effects from natural hazard risk will be no more than minor.

#### Heritage, Natural Features and Landscapes and Water Quality.

The applicant advised the following:

*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 areas shown as having identified ecological or cultural values and the adverse effects on the environment are considered to be less than minor.*

This assessment is adopted in full.

#### Conclusion: Effects On The Environment

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

#### **Step 4 – Public Notification in Special circumstances**

- There are no special circumstances that warrant public notification.

#### **4.2 Limited notification – Section 95B**

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

##### **Step 1 – Certain affected groups or persons must be notified**

- There are no protected customary rights groups or customary marine title groups affected by the proposed.

- The proposal is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgment.

### **Step 2 – Limited notification precluded**

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

### **Step 3 – Certain other affected persons must be notified**

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

An assessment in this respect is therefore undertaken as follows:

#### *Considerations in assessing adverse effects on persons under s95E*

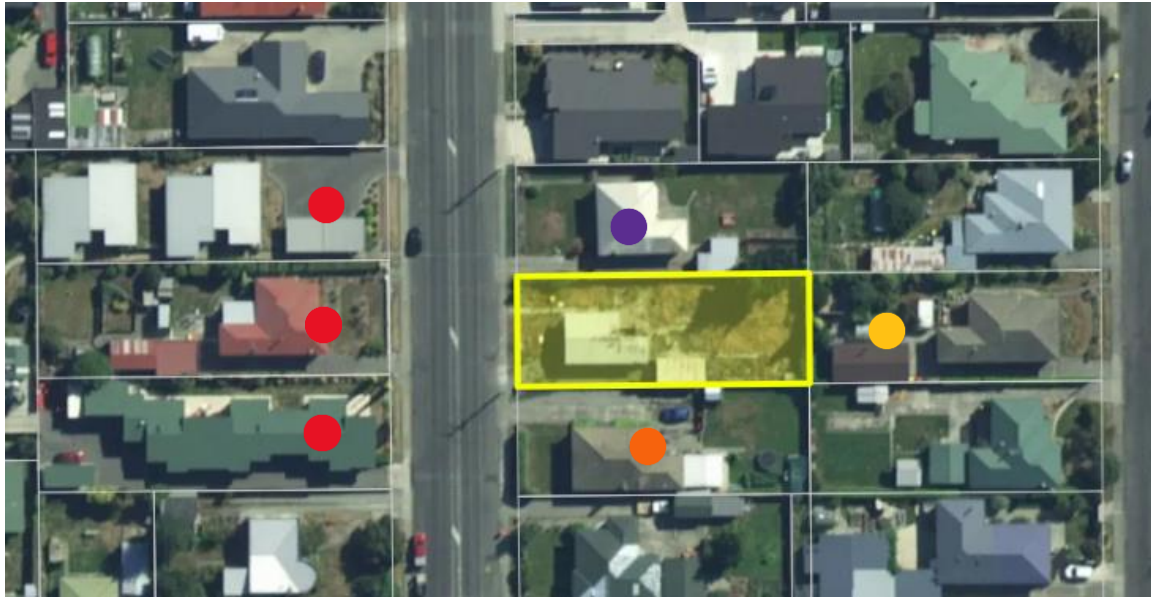
- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of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

#### *Assessment: Effects on Persons*

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

#### Neighbouring Properties

Neighbouring properties 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 as shown in Figure 4 below:



**Figure 4: Neighbouring Properties identified by dots**

The adjoining properties include:

- 59 Broughton Street- South of the site
- 63 Broughton street- North of the site
- 62, 64 and 66C Broughton Street- Across Broughton Street to the West of the site
- 25 Milton Street- East of the site

Subdivision Density

The subdivision will create two separate allotments. Proposed Lot 1 (359.18m<sup>2</sup>) does not meet the minimum 400m<sup>2</sup> gross area specified in the Residential A Zone of the Gore District Plan. Lot 2 (449.68m<sup>2</sup>) does comply with this requirement. Although, the subdivision density for Lot 1 does not comply, the application demonstrates that both lots are able to adequately accommodate future residential uses. Further, on average, the density amounts to one unit per 400m<sup>2</sup>. As such, associated effects such as traffic and noise generation will be residential in nature and in line with the effects anticipated for the sites. Overall, effects in relation to density on persons, is considered to be less than minor.

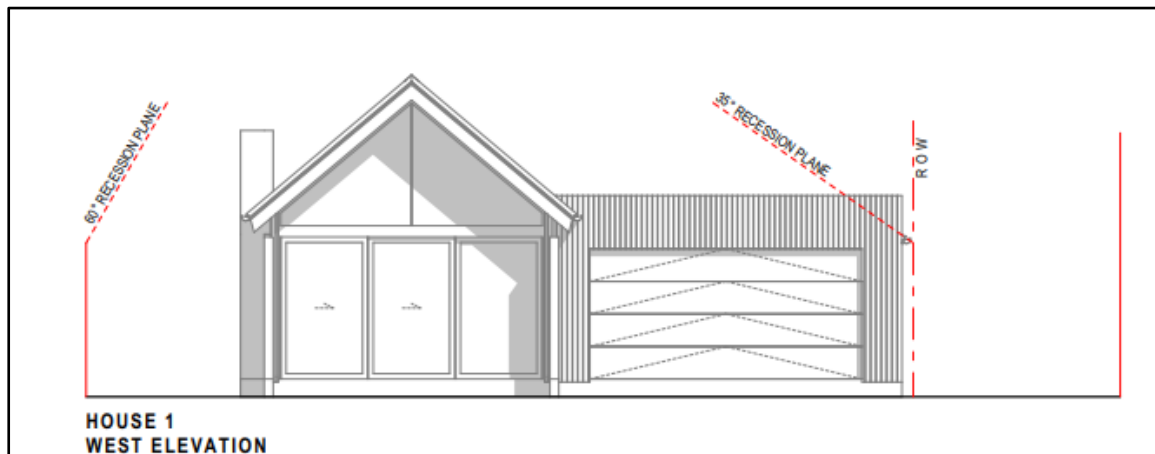
The lots can be feasibility serviced such that adverse effects on neighbouring persons will be less than minor.

The land use component of the application requires assessment of density, setback and recession plane breaches for the proposal. Any effect of these breaches on neighbouring properties will be discussed below.

Proposed House 1 (Lot 1)

The setback breaches for proposed House 1 relate to the proposed decking in the front yard. The decking will encroach within the 4.5metre front yard setback but will not be visible from the streetscape and have less than minor effects on neighbours.

House 1 (Lot 1) east side recession plane breach relates to the garage parapet adjacent to the proposed leg in accessway for Lot 2 as shown in Figure 5 below. Written approval is implied by the application as Lot 1 and Lot 2 are currently held within the same ownership. The boundary breach is also adjacent to the leg in access for Lot 2. The width of the leg-in is 3.5m compliant with the Land Development Bylaw. As the area affected will be used in future only for vehicle entry and exit to the rear property, and not as outdoor living space or other such activity that would be sensitive to a setback breach, effects are less than minor. No persons are considered affected by this breach.



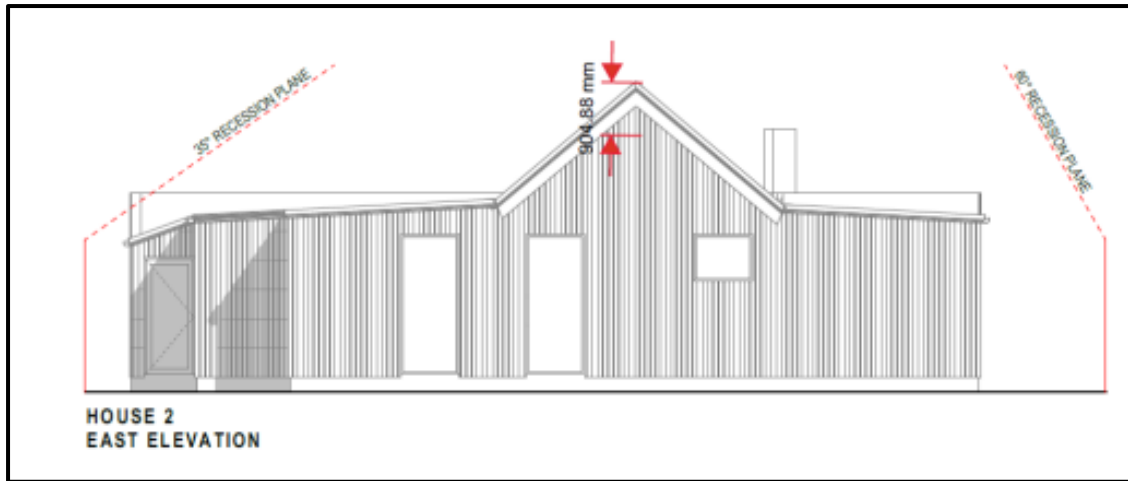
*Figure 5: House 1 recession plane breach*

#### Proposed House 2 (Lot 2)

There are no setback breaches for proposed House 2. The garage wall is 800mm from the lot's southern boundary. There are exemptions under 4.7A(3)(a)(iii) for garages to be located up to 500mm from the property boundary provided that the maximum length of the building adjacent to the boundary does not exceed 6m. In response to the request for further information, the applicant confirmed that the proposal complies with this exemption and is therefore, permitted.

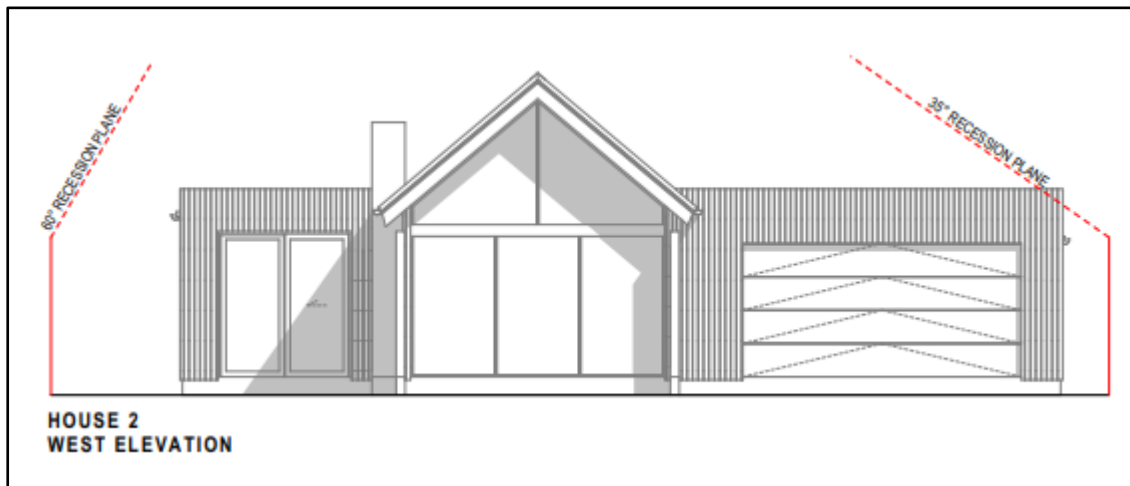
The recession plane breaches relate to a minor breach along the west/east elevation (southern boundary) and north/south elevation (eastern boundary). Properties potentially affected by these breaches include 59 Broughton and 25 Milton Street.

The extent of the building bulk from the recession plane breach affecting 25 Milton is shown below in Figure 6. This amounts to approximately 900mm of triangular volume that is above what is permitted by the District Plan. In terms of shading, the small triangular volume will result in minimal shading that will quickly reduce during the day. Any shadow cast to the east will be commensurately small and for a limited part of the day, and much of the shadow would be likely to fall on the adjacent garage when the sun has an azimuth angle to the northwest. There are no windows in this protrusion so privacy will not be affected. In terms of visual effects, the small triangular volume will result in minimal visual effects.

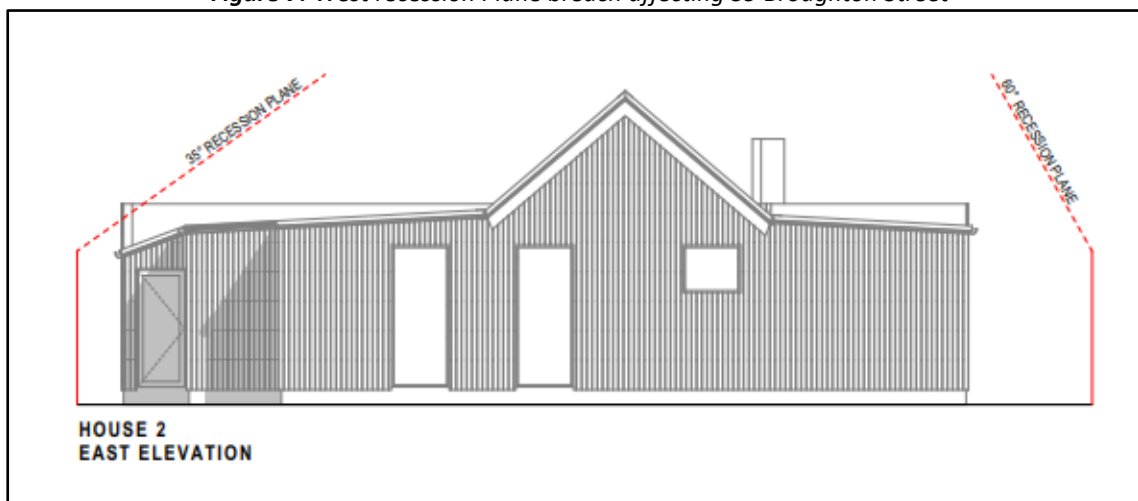


**Figure 6:** Recession Plane breach affecting 25 Milton Street

The extent of the recession breach affecting 59 Broughton is shown in the east and west elevation in Figure 7 and Figure 8 below. The breach is limited to the parapet wall being a narrow structure perpendicular to the southern boundary with negligible bulk. Accordingly, any shading created would be negligible. Any privacy effects are avoided as the breach is from House 2's garage and one small window is well within the recession plan requirements.



**Figure 7:** West recession Plane breach affecting 59 Broughton Street



**Figure 8:** East recession Plane breach affecting 59 Broughton Street

Given the above assessment, regarding setbacks and recession planes, any effects on neighbours' amenity from the proposal is expected to be less than minor.

### *Traffic*

The proposed allotments will have a single double wide accessway, shared by two separate crossings to avoid any conflict of movements that occur with joint accessways. Further, both of the proposed residential dwellings have separate double garages for vehicle parking. Given this, the potential effects on street parking from the proposal will be minimal. Vehicle movements per day are expected to be in keeping with residential use.

There will be less than minor traffic effects on surrounding neighbours from the proposal.

### *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**

The relevant operative objectives and policies are contained within Chapter 3 Land Use Activities- A Framework and Chapter 8 Subdivision of Land of the District Plan.

The Applicant has provided an assessment of the relevant objectives and policies at page 16 of the application. This is adopted for the purposes of this assessment with the following additional comments.

In summary, the proposed activity will not detract from amenity or character values of the residential zone. The proposed future residential dwellings, although breaching some of the standards for the residential zone, will not adversely affect neighbouring properties. Three waters connections will be provided for.

Overall, the proposal is considered to be generally consistent with the Objectives and Policies of the District Plan.

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

#### ***Policy URB.2 – Urban development***

Manage urban growth and development in ways that:

- (a) support existing urban areas;
- (b) promote development and/or redevelopment of existing urban areas ahead of greenfield development;
- (c) promote urban growth and development within areas that have existing infrastructure capacity;
- (d) promote the progressive upgrading of infrastructure and improvement of the quality of sewage and stormwater discharges;
- (e) provide potable water supply;
- (f) plan ahead for the expansion of urban areas;
- (g) promote compact urban form; and promote appropriate site and building orientation that supports the principles of optimum energy efficiency and solar energy gain.

#### ***Policy URB.3 – Urban intensification***

Encourage opportunities for urban intensification and redevelopment within Southland's existing urban areas.



The proposed subdivision and construction of residential dwellings promotes growth of an existing urban area that has existing infrastructure capacity. Services, including sewage, stormwater and potable water are able to be provided. Building orientation has been designed to support solar energy gain. The proposal is not inconsistent with the objective and policy suite.

## **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, the site is located in the Mataura River Floodplain: Prone to Flooding Subsequent to a Stopbank Breach or Stopbank Overtopping. Environment Southland has reviewed the application and recommendation for an advice note was given. This is included in the application and will be placed on the titles as a consent notice.

There will be legal and physical provision for access to Lots 1 and 2 off Broughton Street.

Overall, the proposal meets the requirements of s106 of the RMA.

## **8. PART 2 OF THE RMA**

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

### *Section 5 – Purpose*

The proposed subdivision takes into account Section 5 of the RMA, as the proposed lots will ensure the natural and physical resources of the land is protected for future generations.

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

Attention has been given to matters of national importance. This site does not contain any outstanding natural features or landscapes, nor an area of significant indigenous vegetation. It is considered the future land use is appropriate within this 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 surrounding residential area will be maintained, and the subdivision will not have adverse effects on the quality of the environment.

### *Section 8 – Treaty of Waitangi*

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

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

## 9. DECISION ON RESOURCE CONSENT

### Decision A – Land use

Pursuant to Section 104B of the RMA, consent is **granted** to construct two residential units with various bulk and location breach standards, subject to the following conditions imposed pursuant to Section 108 of the RMA:

### Consent Conditions

1. The activity shall be undertaken in accordance with the application and further information as submitted along with the following scheme plan and architect plans:
  - ‘Servicing Plan’ Rev A, Drawing Number V100, prepared by Definition Surveying Ltd, dated 10.10.2024
  - ‘Floor Plan’ Rev B, Drawing Number A1.2, prepared by Figure & Ground, dated Sept 2024
  - ‘Elevations’ Rev B, Drawing Number A2.1, prepared by Figure & Ground, dated Sept 2024

### Access

2. The consent holder shall, to the satisfaction of the Chief Executive Officer of the Gore District Council, construct one double width vehicle crossing to service the two units, in accordance with the Gore District Council Subdivision and Land Development Bylaw. As part of this:
  - i) The works should be constructed as a double width crossing to ensure a short hump is not created in the footpath.
  - ii) The works should be constructed in accordance with diagram R03 Standard Drop Crossing contained in Gore District Council’s Subdivision, Land Use and Development Bylaw 2019.
  - iii) The works must be designed and constructed so that no more than 40m<sup>2</sup> of stormwater catchment from the property shall drain over the footpath. This may entail interception of stormwater at or near the property boundary.
  - iv) If the applicant proposes installing a stormwater kerb outlet under the footpath this shall be no closer than 1m away from the vehicle crossing and shall comply with drawing D16 contained in Gore District Council’s Subdivision, Land Use and Development Bylaw 2019.

### Servicing

3. The consent holder shall, to the satisfaction of the Chief Executive Officer of the Gore District Council, complete the following, in accordance with the details provided in the resource consent application and the Council’s standards:
  - i) Install stormwater kerb connections to the net site area of both unit 1 and unit 2. If it is determined that there is insufficient fall for a gravity stormwater connection, a pumped stormwater connection is required to be installed
  - ii) Provide CCTV footage to confirm the condition of the existing wastewater connection for unit 1 to Council Engineering Services for review. If the connection

has less than 50 years of life left, it must be capped at the main and a new connection installed.

- iii) Install water supply connection and a water meter to the property boundary of unit 2.
  - iv) Install wastewater connection to the net site area of unit 2.
4. The consent holder shall, provide all quality assurance and as-built information required to demonstrate compliance with condition 2 and 3, in accordance with the Gore District Council's Subdivision, Land Use and Development Bylaw 2019

### **Decision B – Subdivision**

Pursuant to Section 104B of the RMA, consent is **granted** for a two lot subdivision with subsequent residential development subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

### **Consent Conditions**

1. The activity shall be undertaken in accordance with the application and further information as submitted along with the following scheme plan and architect plans:
  - 'Lot 5 DP 4170 61 Broughton Street, Gore', Rev B, Drawing Number V100, prepared by Definition Surveying Ltd, dated 06.09.2024.
  - 'Servicing Plan' Rev A, Drawing Number V100, prepared by Definition Surveying Ltd, dated 10.10.2024
2. Prior to Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, any necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.
3. The consent holder shall meet the costs for the preparation, review, and registration of any easement instrument(s) on the relevant Record of Title.
4. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall, to the satisfaction of the Chief Executive Officer of the Gore District Council, complete the following, in accordance with the details provided in the resource consent application and the Council's standards:
  - a. The residential units on each allotment are to be completed to a stage where they are fully measurable (i.e. the walls, floors and roof shall be constructed).
  - b. Construct one double width vehicle crossing to service the two units, in accordance with the Gore District Council Subdivision and Land Development Bylaw. As part of this:
    - i. The works should be constructed as a double width crossing to ensure a short hump is not created in the footpath.
    - ii. The works should be constructed in accordance with diagram R03 Standard Drop Crossing contained in Gore District Council's Subdivision, Land Use and Development Bylaw 2019.

- iii. The works must be designed and constructed so that no more than 40m<sup>2</sup> of stormwater catchment from the property shall drain over the footpath. This may entail interception of stormwater at or near the property boundary.
    - iv. If the applicant proposes installing a stormwater kerb outlet under the footpath this shall be no closer than 1m away from the vehicle crossing and shall comply with drawing D16 contained in Gore District Council's Subdivision, Land Use and Development Bylaw 2019.
  - c. Install stormwater kerb connections to the net site area of both Lot 1 and Lot 2. If it is determined that there is insufficient fall for a gravity stormwater connection, a pumped stormwater connection is required to be installed
  - d. Provide CCTV footage to confirm the condition of the existing wastewater connection for Lot 1 to Council Engineering Services for review. If the connection has less than 50 years of life left, it must be capped at the main and a new connection installed.
  - e. Install water supply connection and a water meter to the property boundary of Lot 2.
  - f. Install wastewater connection to the net site area of Lot 2.
  - g. The consent holder shall, provide all quality assurance and as-built information required to demonstrate compliance with condition 2 and 3, in accordance with the Gore District Council's Subdivision, Land Use and Development Bylaw 2019
5. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991; a consent notice, in accordance with Section 221 of the Resource Management Act 1991, shall be drafted for Lot 1 and Lot 2 to record that:
- a. This site is located within the Mataura River Floodplain and is prone to flooding subsequent to a stopbank breach or stopbank overtopping. Owners and occupiers are recommended to develop a flood contingency plan and be familiar with the Mataura Catchment flood warning system as the subject site is located within a Flood Hazard Overlay.

### Advice Notes

1. It is recommended you develop a flood contingency plan and make yourself familiar with the Mataura Catchment flood warning system as the subject site is located within a Flood Hazard Overlay.
2. All engineering works shall be carried out in accordance with the standards in the Gore District Council's Subdivision, Land Use and Development Bylaw 2019.
3. Any work carried out on the legal roadway requires 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 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>

### 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



Joanne Skuse  
Consultant Planner

Decision made by



Werner Murray  
Delegate

### Appendix A: Approved Plans

# APPENDIX A – APPROVED PLANS

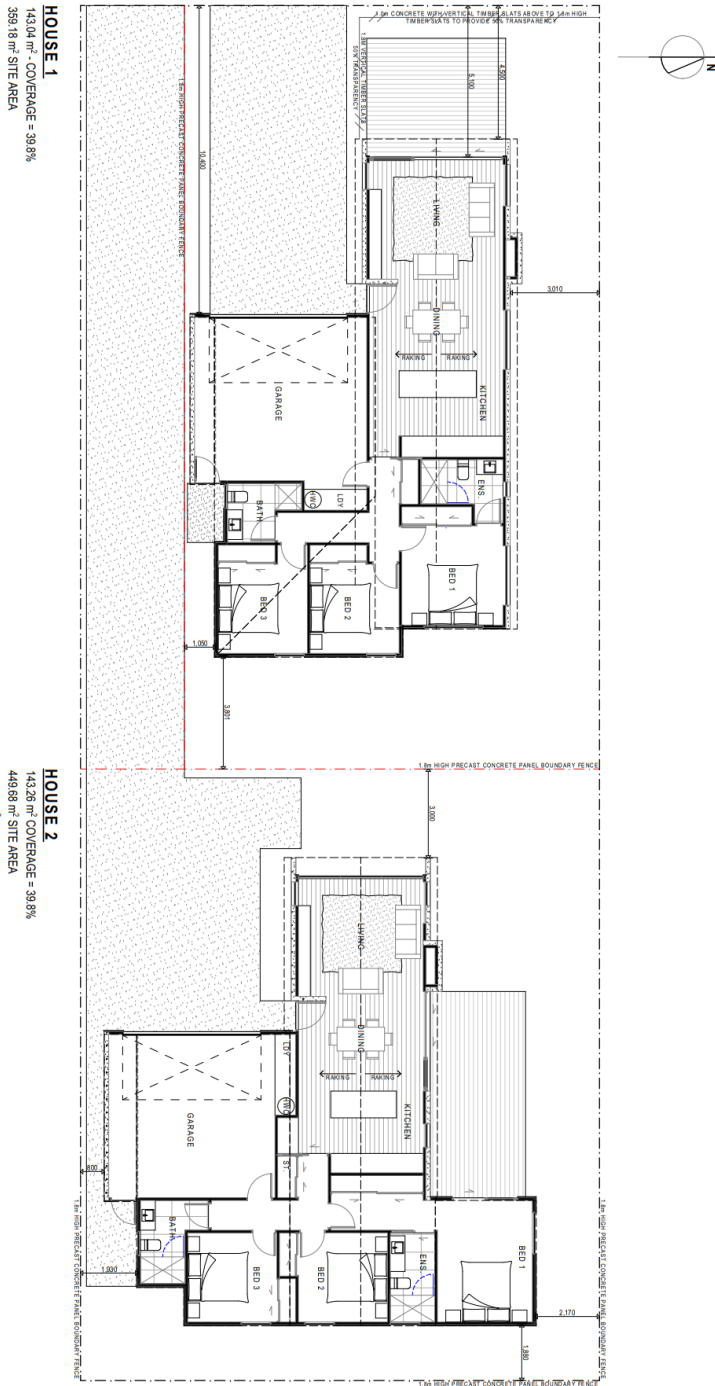


FIGURE & GROUND

61 Broughton Street

G000

Floor Plan.

Drawing Sheet **A1.2**

Scale	SCALE @ 2
File	24181
Date	October 2024
Drawn	SA
Revision	<b>B</b>

Figure & Ground  
 Level 1, 41 Walker Street  
 Christchurch Central 8011

ALL INFORMATION IS TO BE CONSIDERED AS PRELIMINARY AND NOT FOR CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION, FIGURES AND DIMENSIONS SHOWN.

Concept

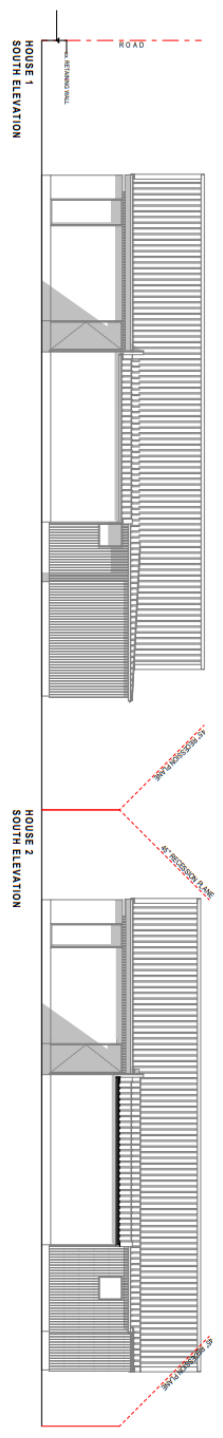
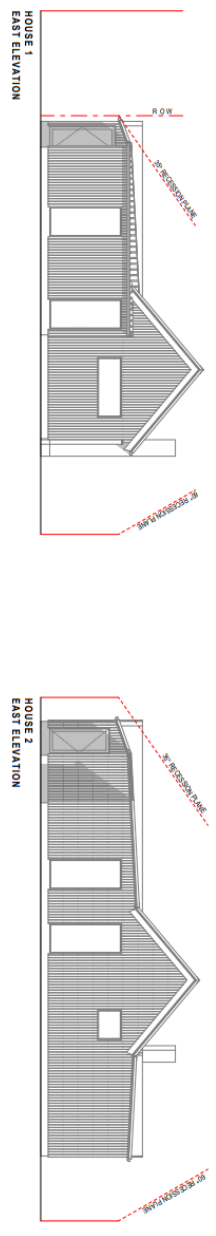
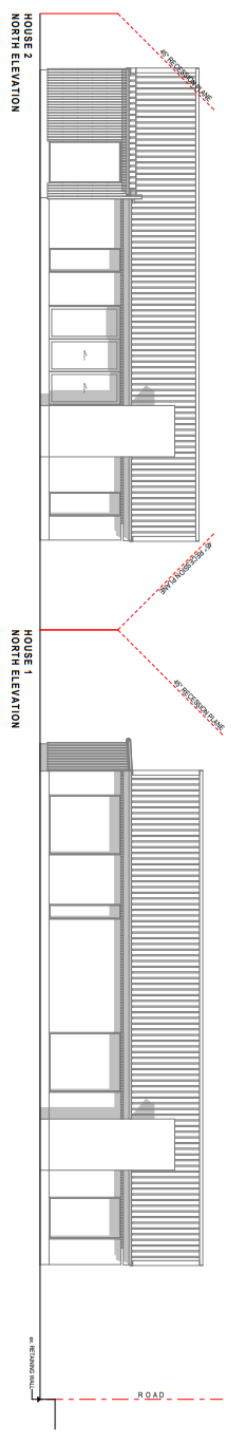
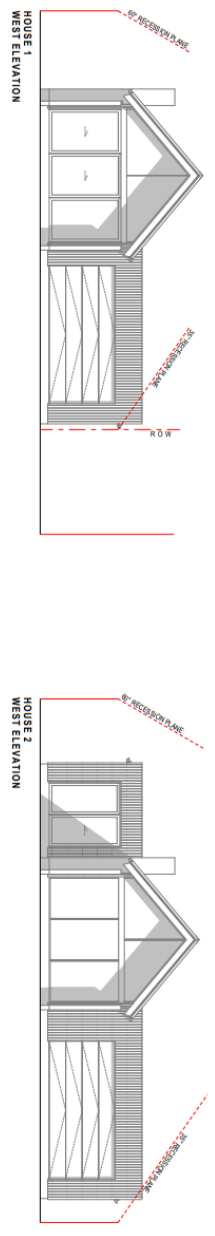


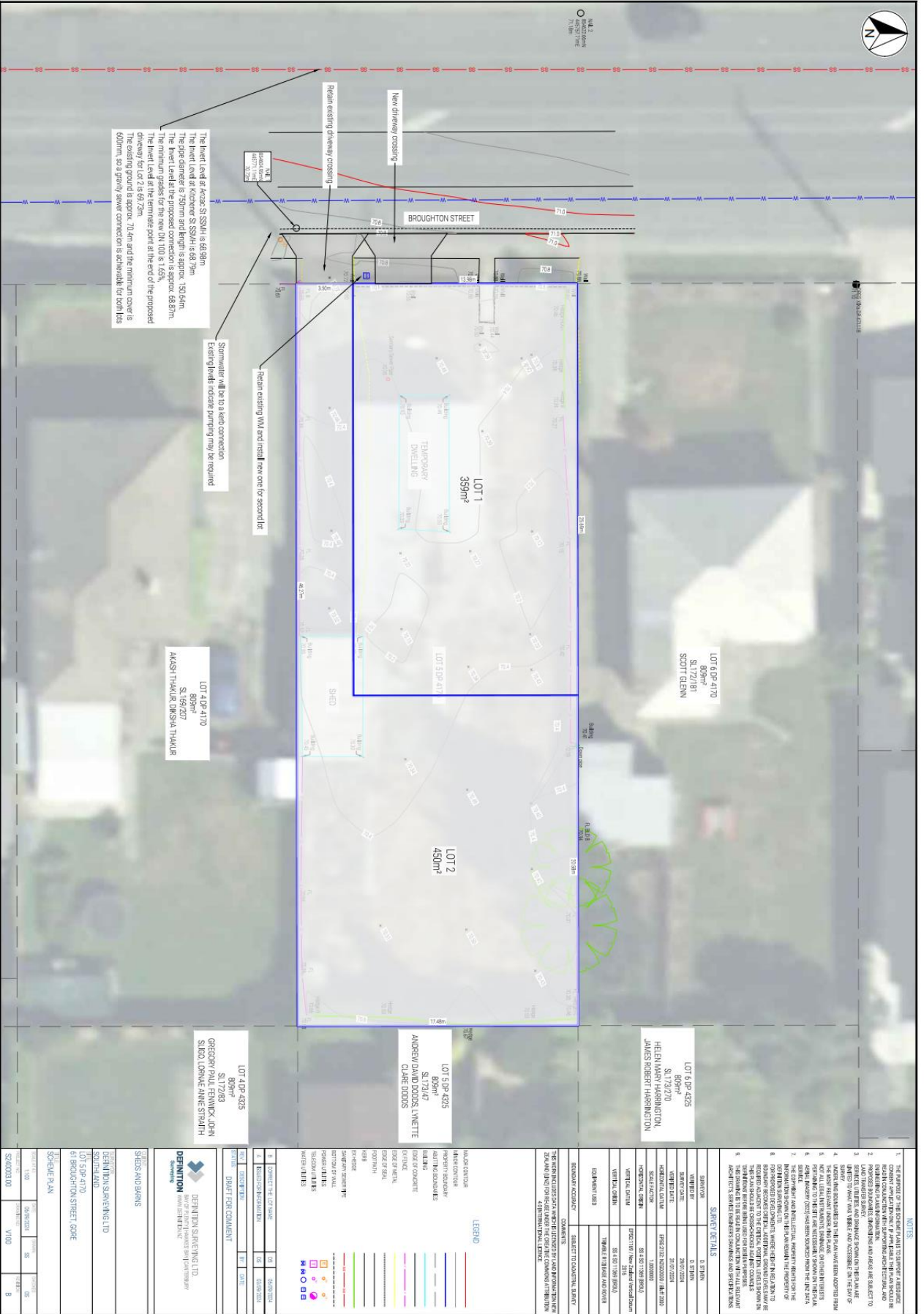
FIGURE & GROUND

61 Broughton Street  
Govan

Elevations.

Drawing Sheet	A2.1
Scale	SCALE 6/8X
File	2024
Date	17/09/2024
Drawn	SA
Revised	B

Figure & Ground  
Case & Timber Street  
Construction Group 0111  
p. 03 202 4233  
e. studio@vanweyngaert.co.uk  
w. www.vanweyngaert.co.uk



The invert level at the proposed connection is approx. 68.87m.  
 The minimum grades for the new DN 100 is 1.65%.  
 The invert level at the terminate point at the end of the proposed driveway for Lot 2 is 69.77m.  
 The existing ground is approx. 70.4m and the minimum cover is 600mm, so a gravity sewer connection is achievable for both lots.

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 The minimum grades for the new DN 100 is 1.65%.  
 The invert level at the terminate point at the end of the proposed driveway for Lot 2 is 69.77m.  
 The existing ground is approx. 70.4m and the minimum cover is 600mm, so a gravity sewer connection is achievable for both lots.

Stormwater will tie to a kerb connection.  
 Existing kerbs indicate pumping may be required.

Retain existing W/M and install new one for second lot.

Retain existing W/M and install new one for second lot.

Retain existing W/M and install new one for second lot.

Retain existing W/M and install new one for second lot.

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Retain existing W/M and install new one for second lot.

Retain existing W/M and install new one for second lot.

**NOTES**  
 1. The purpose of this document is to provide a detailed site plan for the proposed development. It is intended to be used in conjunction with the relevant planning and building regulations. The site plan shows the proposed layout of the development, including the location of buildings, parking areas, and other infrastructure. The site plan also shows the proposed boundaries of the development and the location of any easements or other interests. The site plan is intended to provide a clear and concise overview of the proposed development and to facilitate the planning and building process.

**LEGEND**  
 --- UNDEVELOPED  
 --- EXISTING DRIVEWAY CROSSING  
 --- PROPOSED DRIVEWAY CROSSING  
 --- EXISTING ROADWAY  
 --- PROPOSED ROADWAY  
 --- EXISTING KERB  
 --- PROPOSED KERB  
 --- EXISTING GROUND LEVEL  
 --- PROPOSED GROUND LEVEL  
 --- EXISTING UTILITIES  
 --- PROPOSED UTILITIES  
 --- EXISTING EASEMENTS  
 --- PROPOSED EASEMENTS  
 --- EXISTING BOUNDARIES  
 --- PROPOSED BOUNDARIES  
 --- EXISTING SHED  
 --- PROPOSED DWELLING

**REVISIONS**  
 NO. DATE DESCRIPTION  
 1 02/09/2024 INITIAL DESIGN

**PROJECT INFORMATION**  
 PROJECT NAME: 61 BROUGHTON STREET / SCHEMATIC PLAN  
 PROJECT ADDRESS: 61 BROUGHTON STREET, SYDNEY NSW 2000  
 CLIENT: SHELS ANDREWS  
 DESIGNER: DENITION SURVEYING LTD  
 DATE: 02/09/2024

**PROPERTY DETAILS**  
 LOT 4 DP 4325: 89m², GREGORY PAUL FEWACK, JOHN SIERO, DOMINE ANNE STRATH  
 LOT 5 DP 4325: 89m², ANDREW DAVID DOODS, LYNETTE CLARE DOODS  
 LOT 6 DP 4325: 89m², HELENA MARIE HARRINGTON, JAMES ROBERT HARRINGTON  
 LOT 1: 399m², THANAPURAY DWELLING  
 LOT 2: 450m², SHED

**SCHEMATIC PLAN**  
 SHELS ANDREWS  
 DENITION SURVEYING LTD  
 61 BROUGHTON STREET / SCHEMATIC PLAN  
 02/09/2024

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