

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC24025
Applicant	Benroy Farm Limited
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a four-lot rural subdivision over two stages
Location	35 Kelvin Road, Gore
Legal Description	Lot 2 DP 373702 held in Record of Title 297554
Activity Status	Restricted Discretionary
Decision Date	2 October 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 Penny Weng, on 2 October 2024 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104C of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 and 220 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Penny Weng, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to undertake a four lot rural subdivision of 35 Kelvin Road over two stages as follows:

Lot 1	Will be 2.68ha in area. This contains an existing dwelling and associated accessory buildings. These are to be retained. The lot has legal access to Kelvin Road via an existing formed double vehicle access. This is intended to be retained and upgraded, as it will be shared with Lot 4.
Lot 2	Will be 2.55ha in area. The site consists of vacant rural land. Access is proposed to Kelvin Road via a new constructed access that will be shared with Lot 3.
Lot 3	Will be 2.38ha in area. The site consists of vacant rural land. Access is proposed to Kelvin Road via a new constructed access that will be shared with Lot 2.
Lot 4	Will be 24.07ha in area. The site consists of vacant rural land. Access onto Kelvin Road is via an existing formed double vehicle access. This is intended to be retained and upgraded, as it will be shared with Lot 1.

Lot 1 will retain its existing on-site services used for residential use, along with existing electricity and telecommunications connections. There is an old existing septic tank and effluent field for the dwelling that is currently located across the proposed boundary of Lot 4. This is to be disconnected, as indicated by the scheme plan provided in the application. In addition to this, the application has stated that the toilet within the existing shed, located on the south boundary is to be removed. The existing septic tank and effluent field associated with the residential dwelling will be located within Lot 1 legal boundaries.

The applicant proposes to undertake the subdivision over two stages to allow for Lots 2 and 3 to be subdivided first (Stage 1), and then for Lot 1 and Lot 4 to be undertaken at a later stage (Stage 2).

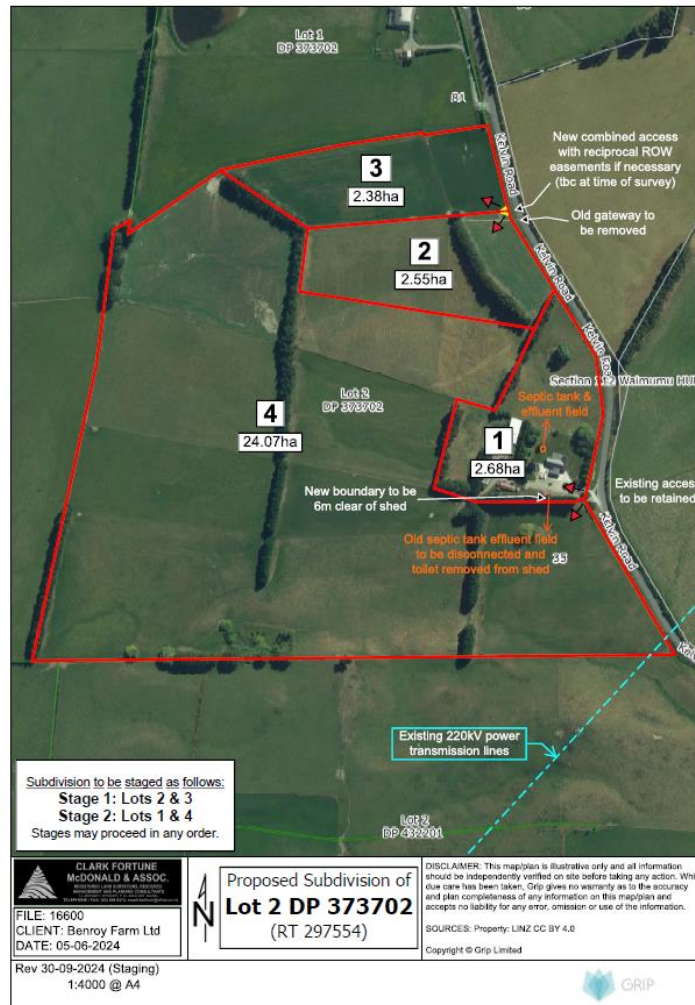


Figure 1: Proposed Scheme Plan

2. SITE DESCRIPTION

The subject site is legally described as Lot 2 DP 373702 held in Record of Title 297554, commonly known as 35 Kelvin Road, Upper Charlton. It is located within the Rural Zone of the District Plan and consists of 31.6838ha in area. The subject site has legal frontage to Kelvin Road, a sealed local road in the Gore District that has an operating speed of 100km per hour.

The site contains an existing residential dwelling with accessory buildings, but is otherwise vacant rural farm land that is of undulating topography. The site is shown in Figure 2.

The existing environment consists of rural land utilised for large scale farming activities and multiple rural lifestyle blocks that contain a residential dwelling.

The subject site on Gore District Council’s mapping system and Environment Southland flood mapping is not identified as being subject to inundation. It identifies the liquefaction risk as ‘Medium’ along the western portion of Lot 4. The liquefaction risk is ‘Negligible’ for the remainder of the site. Part of a transmission line (INV-ROX-A) runs through the south-eastern corner of the subject site.

The majority of the subject site has been identified as containing LUC 3 High Class Soils under the National Policy Statement for Highly Productive Land. A portion of the site along the western boundary of Lot 4 has not been identified as containing High Class Soils.

The site is not identified in the Selected Land Use Site Register ('SLUS') as an actual or potentially contaminated site. The site is not identified as having any significant natural areas.

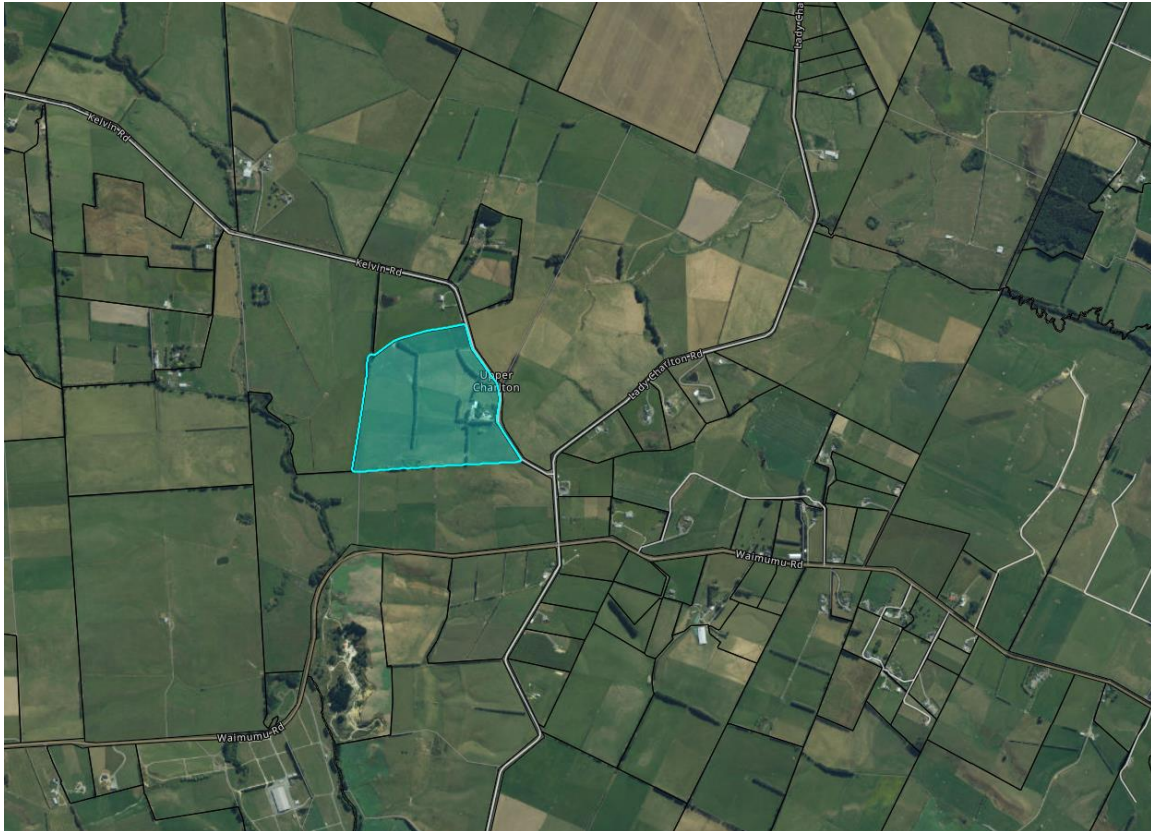


Figure 2: Subject site highlighted in blue

3. ACTIVITY STATUS

3.1 Operative Gore District Plan

The site is zoned Rural in the Operative Gore District Plan, and the proposed activity requires resource consent under the District Plan for the following reason:

- A **restricted discretionary** activity pursuant to Rule 8.10(4)(b) to undertake a four lot rural subdivision of the site, where each lot will exceed 2 hectares in area. Council's discretion is restricted to the matters outlined by this only.

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 **restricted discretionary** activity.

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, as subdivision requires a resource consent, there is no permitted baseline.

Suitability of the allotments and future land use

The subdivision layout is consistent with what the District Plan enables in the Rural Zone. The proposed lots all meet the 2-hectare minimum specified area for the Rural Zone. The proposed lots are intended to retain the existing production farming land use. If residential activity was to occur on the Lots 2 to 4 in the future, the lots are all of a size and shape that can accommodate a future residential unit and associated onsite servicing.

Due to the size of the lots meeting the 2 hectare minimum area, any future development is expected to comply with the Performance Standards in the District Plan for the Rural Zone and associated effects on the surrounding environment are considered to be less than minor. Future developments are required to adhere to the District Plan bulk and location standards, specifically boundary rules which ensure effects on the wider environment will be no more than minor.

Suitability of land for subdivision – Natural Hazards and other Hazards

Part of a transmission line (INV-ROX-A) runs through the subject site approximately 23m from the south-eastern corner (see Figure 3). This results in the transmission line being located within Lot 4 and a small area near this corner that would not be able to be built within. Due to the proposed size of Lot 4, being 24.07 ha in area, Lot 4 provides sufficient space for any future development to be built in accordance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP34:2001) and ensure compliance with the required separation distances. Due to this, the adverse effects of the transmission line running through Lot 4 will be no more than minor.

The west proportion of proposed Lot 4 is identified as being subject to ‘Medium’ liquefaction risk. As the intended use of the land is to remain for agriculture use, the liquefaction risk is no more than minor. Given the size of the lot, there is sufficient space for a residential building to be built outside of this liquefaction risk. The location of a future proposed dwelling on Lot 4 will also be assessed at the building consent stage where the Council is able to ensure that there is compliance with the Building Act 2004 and Building Code.

The subject site is not identified in the SLUS as an actual or potentially contaminated site.

Overall, the adverse effects of the natural hazards and other hazards on the site, will be no more than minor on the wider environment.

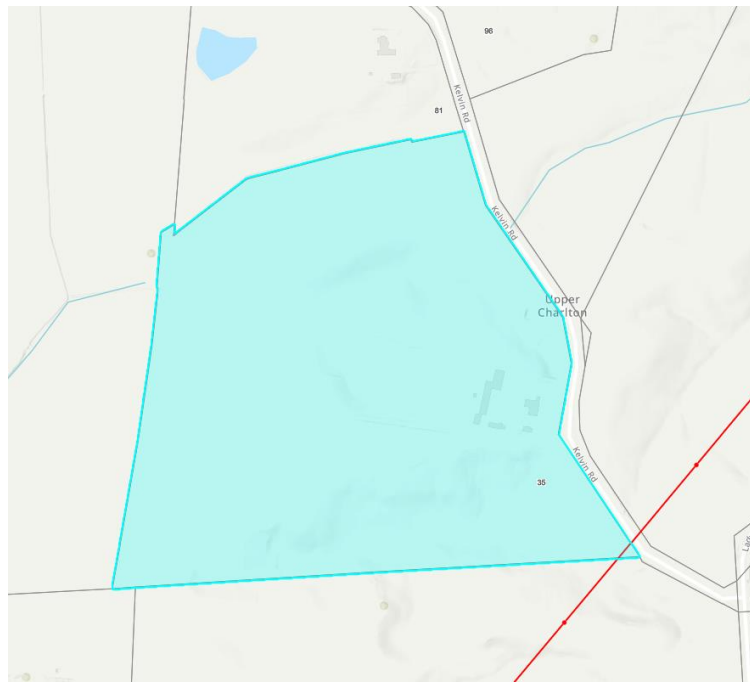


Figure 3: Position of the transmission line running through the subject site.

Ability to provide services

There are no Council reticulated services located in the Rural Zone. Lot 1 will continue to use the existing onsite services that are for residential purposes with respect to wastewater, stormwater, potable water, and electricity on site.

The existing old septic tank and the effluent field are not located within the proposed boundaries of Lot 1. The Applicant has noted on the scheme plan that these will be disconnected. As a result of this, the toilet in the existing accessory building adjacent to the south boundary is also to be removed. Russell Paterson, Building Control Manager, has stated that the septic tank is required to be cleaned, the bottom punctured and filled with hardfill. The effluent field to be disconnected will require the associated pipework to be removed where it crosses the boundary into Lot 4. These works are to be completed by a plumber or a drainlayer. The Applicant has accepted this recommendation as a condition.

Proposed Lots 2, 3, and 4 contain no onsite services. As these lots are over 2ha in area, a dwelling could be constructed in the future as a permitted activity. When development occurs on the site, these services are expected to be fully contained within the proposed boundaries. Given the size of the lots this is able to be achieved. The detailed design of these services will be assessed at the time a building consent is submitted to the Council for future development on the individual lots.

In terms of telecommunication and power, the application has provided confirmation that these are available for the proposed lots. The applicant has provided confirmation that there is existing low speed copper available within the Kelvin Road corridor, as well as OneNZ and Spark services that are able to provide the lots with wireless rural broadband. This is acceptable given that wireless services are becoming the norm and a preferential option for rural sites. The application demonstrates that

PowerNet have confirmed electricity is available for the proposed lots within Kelvin Road (see email Fraser Neil, Operations (Distribution) Project Manager, dated 14 June 2024).

Overall, the proposal can be feasibly serviced at the time of development. Any potential adverse effects on the wider environment in relation to servicing will be 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 any areas shown as having identified ecological or cultural values. The proposed subdivision will alter the landscape of the site with the introduction of rural lifestyle residential development in the future on the proposed lots. Given that the District Plan enables rural living on sites greater than 2 hectares, the effects are anticipated by the Plan.

Overall, the proposal adverse effects on the existing landscape and water quality will be no more than minor.

Effects on traffic

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

The proposed subdivision is located on the west side of Kelvin Road, which is a chip sealed, rural local access road. The road generally gently descends from east to west. There are four horizontal curves along the section of road adjacent to the property. None of these curves has an advisory curve warning sign, however the operating speed on this section of road is estimated to be 90kph despite the 100kph speed restriction which applies to the road.

The Applicant proposes using the existing house access to provide access to proposed Lots 1 and 4. The access is located on the outside of the apex of a corner and contains two slip lanes from the north and the south. The east side of Kelvin Road adjacent to this access is covered by vegetation, as well as what appears to be a redundant corrugated iron bus shelter. These combined obstruct the visibility from the inside of the corner from a south bound vehicle turning right into the access.

It is recommended that the vegetation and shelter be removed from the road verge, for a distance of 50m north and 50m south of the centreline of the accessway. It is also recommended that the access is upgraded and constructed in accordance with Diagram R09-1 'Private Rural Access' of the Bylaw. This requires the access to be reconstructed at right angles. The existing slip lanes are required to be removed.

The Applicant and Mr. Hasler met on site on the 18 September 2024 to discuss the proposed recommendations.

It was agreed between the two parties that instead of vegetation to be removed 50m either side of the centreline of the accessway, that the new extent of the vegetation to be removed, as agreed on-site, would be reflected by painted marks on the edge of the road.

In respect to the slip lanes being removed, an agreement was reached where the accessway is to be constructed in accordance with Diagram R09-1 of the Bylaw, being 6m in width at the boundary and

constructed at a 90 degree angle, where it will increase in a fan like width to 18m to Kelvin Road. This will result in the vehicle access being 6m in width either side of the required 6m width of the accessway.

Based on this, the Applicant has accepted these requests as conditions.

The second access proposed by the Applicant will service Lot 2 and 3 from Kelvin Road. The proposed access is located on the apex of a corner. The apex of the curve, on the east side of Kelvin Road is covered by flax and other vegetation, obscuring vision. The same recommendations above apply to this second access to improve visibility through the corner.

The assessment by Mr Hasler has been adopted. It is considered that safe accesses will be provided to serve each lot in the subdivision and any effects on traffic will be less than minor.

Provisions of easements

It is proposed that Lot 2 and Lot 3 will have a joint access from Kelvin Road. If there is the requirement for a right of way, then the necessary easements will be confirmed and registered onto the relevant Records of Title at the time of survey. A consent condition has been added to recognise this. Due to this the adverse effects will be no more than minor.

Conclusion: Effects On The Environment

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

Step 4 – Public Notification in Special circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

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

Step 1 – Certain affected groups or persons must be notified

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

Step 2 – Limited notification precluded

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

Step 3 – Certain other affected persons must be notified

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

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

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

Assessment: Effects on Persons

Taking into account the exclusions in sections 95E, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor. The adjacent persons are shown in Figure 4.



Figure 4: Subject site highlighted in blue, with adjacent neighbours identified by orange circles.

Neighbouring Properties

The adjacent persons assessed below are all the owners/occupiers of the properties that share a common boundary with the subject site or are located opposite Kelvin Road.

The subdivision meets the standard for minimum lot size in the Rural Zone. The District Plan has therefore anticipated the adverse effects associated with future development of this density on such lots and deemed it appropriate. The proposed lots are of a size and shape that can each accommodate a future residential unit and / or be used for rural purposes.

The immediate surrounding neighbouring properties consist of vacant rural farmland utilised for farming purposes with the neighbouring property to the north of the subject site consisting of a residential dwelling on a rural lifestyle block. The wider surrounding environment of Kelvin Road, Lady Charlton Road and Waimumu Road consists of multiple lifestyle blocks. The addition of two rural lifestyle blocks of at least 2 hectares in area fit into the existing rural lifestyle environment of the area.

The proposed allotments are of a size that enables permitted activities in the Rural Zone and will maintain the character and wider amenity of the immediate Rural Zone. Overall, the adverse effects of the proposal will be less than minor on any owner and occupier 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 of the District Plan.

Chapter 8 - Subdivision of Land

Objectives

- (1) To facilitate the orderly subdivision and development of land.*
- (2) To ensure that the size and shape of new allotments created, and the design standards for access and infrastructure, is suitable and appropriate for the location and future use of the land.*
- (3) To ensure that developers pay all reasonable costs associated with the subdivision and subsequent development of land.*
- (5) To ensure land development and servicing is undertaken to Council's standards.*
- (7) To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.*
- (8) Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.*

Policies

- (1) Control the subdivision of all land.*
- (2) Avoid the adverse effects of subdivision on the functioning of existing services, infrastructure and roading.*
- (3) Require the works associated with subdivision to be carried out in conformity with Council's standards.*
- (5) Avoid any off-site effects of development of subdivided land.*
- (9) Require land development to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011.*
- (10) Have regard to the potential for the land subject to any subdivision consent, and other land in the locality to be further subdivided in the future.*
- (13) Have regard to the potential impacts arising from the subdivision and future use of land on water quality, including groundwater.*

The proposed subdivision is consistent with the objectives and policies in Chapter 8. The size and layout of the allotments are practical and appropriate for the Rural zone. Proposed Lots 2, 3 and 4 are of a shape and size that can accommodate a future rural residential activity or continue to operate farming activities, while proposed Lot 1 will continue to be used for rural lifestyle activities. The proposed lots can be serviced appropriately at the time of development onsite and provided with suitable accesses from Kelvin Road. Proposed Lot 1 and Lot 4 will be serviced with the existing double access from Kelvin Road, while proposed Lots 2 and 3 will be serviced by a new shared access with appropriate easements in place. These vehicle crossings will be upgraded and constructed in accordance with the Bylaw. The reasonable costs associated these upgrades will be paid by the applicant.

Given the size of the proposed lots, onsite services can be contained within the lots and stormwater will be addressed at building consent stage, ensuring that any potential impacts that may arise from the future use of land on water quality, including groundwater is considered.

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

Proposed District Plan

The Proposed District Plan was notified for public submissions on 31 August 2023. The submission period closed on 27 November 2023. The further submission period closed on 12 April 2024 and hearings are currently underway. As the rules that have immediate legal effect are not relevant to this proposal, it is unnecessary to apply any weighting to the Proposed District Plan at present time.

National Policy Statement – Highly Productive Land 2022 (NPS – HPL)

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

Southland Regional Policy Statement 2017

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

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

The proposed subdivision will create an additional three lots from the existing title, enabling the opportunity for Lots 2-4 to continue to be used for rural farmland activities, while proposed Lot 1 can continue to be utilised for rural residential purposes. The site comprises mainly Class 3 soils. These soils can continue to provide the rural based activities occurring on site and for small-scale rural activities following the subdivision if residential dwellings were to be built. Overall, it is considered that the proposal is aligned with the relevant objectives and policies in the RPS.

6.4 Other Matters

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

I consider there are no other matters that are relevant to this application that need to be considered.

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

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

In this case, Lots 1 and 4 are provided with legal and suitable physical access via the existing double access to be upgraded, while Lots 2 and 3 are provided with a new vehicle crossing to be constructed in accordance with the Bylaw.

The proposed subdivision will not accelerate material damage from natural hazards.

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.

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

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

9. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, consent is **granted** to undertake a four lot rural subdivision of 35 Kelvin Road over two stages, subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

Consent Conditions

1. The subdivision must be undertaken in general accordance with the application made to the Council, reference SC24025 and the following plan:
 - Proposed subdivision of Lot 2 DP 373702 (RT 297554), File: 16600, Client: Benroy Farm Ltd, date: 30-09-2024, drawn by Clark Fortune McDonald & Assoc.

This plan is attached at 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 as necessary.
3. The consent holder must meet the costs for the preparation, review, and registration of any easement(s) on the relevant Records of Title.

Staging

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

- Lots 2 and 3 in stage 1, and
- Lots 1 and 4 in stage 2.

Vehicle Access

5. Prior to certification of the subdivision, pursuant to section 224(c) of the Resource Management Act 1991 for the relevant stage, the consent holder, shall, to the satisfaction of the Chief Executive of the Gore District Council:
 - a) Upgrade the existing vehicle access on Kelvin Road serving Lots 1 and 4 in accordance with the Diagram R09-1 "Private Rural Access" Standard in the Gore District Council Subdivision and Land Development Bylaw 2019. This requires the removal of the existing slip lanes servicing 35 Kelvin Road and the construction of the vehicle crossing at a right angle with Kelvin Road, being 6m in width at the property boundary and 18m in width where the vehicle crossing meets the sealed edge of Kelvin Road.
 - b) Construct a vehicle access on Kelvin Road serving Lots 2 and 3 in accordance with the Diagram R09-1 "Private Rural Access" Standard in the Gore District Council Subdivision and Land Development Bylaw 2019. This is to be constructed at a right angle with Kelvin Road.
 - c) Remove the tin shed (bus shelter) from the eastern side of Kelvin Road outside the site.
 - d) Remove the vegetation from the verge on the eastern side of Kelvin Road adjacent to the access for Lots 1 and 4 and the access for Lots 2 and 3. The length of vegetation either side of the centreline of the accessways shall be agreed with the Roading Manager.
 - e) Disconnect the old effluent field and empty the septic tank, with the bottom punctured and then filled with hardfill and remove any pipework where it crosses the Lot 1 boundary into Lot 4. This shall be completed by a qualified plumber or a drainlayer supervising the works.
 - f) Remove the toilet in the shed adjacent to the south boundary of Lot 1.
 - g) Notify the planning department when (e) and (f) have been completed. Council's Planning department can be contacted via email at planning@goredc.govt.nz.

Consent Notices

6. Prior to certification of each stage of the subdivision, pursuant to section 224(c) of the Resource Management Act 1991, a consent notice, in accordance with Section 221 of the Resource Management Act, shall be drafted for registration against the relevant Record of Title for Lots 2 – 4 to record that:
 - a) At the time of lodging a building consent for a residential unit, a rainwater collection system must be verified as being potable; this shall include provision for UV filters or UV treatment or alternative treatment provision and shall be submitted with the building consent application(s).

- b) At the time of lodging a building consent for a residential unit, the lot is to have a specifically researched, designed, and verified system for wastewater and stormwater disposal.
- c) At the time of lodging a building consent for a residential unit, each application is to include an approved firefighting water supply and site services design by Fire and Emergency New Zealand (FENZ) to comply with SNZ PAS 4509 and the Subdivision and Land Development Bylaw 2019.
- d) At the time of this subdivision, a fixed-line telecommunication connection was not provided and either a fixed-line telecommunication connection or an alternative service (wireless broadband or mobile data) needs to be installed at a cost to the owner at the time that the connection is applied for.

Advice Notes

1. Any future development on Lots 1 to 4 will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 and the Gore District Plan and will be assessed at the building consent stage.
2. Any work carried out on the legal roadway requires the prior approval of the Council and the consent holder must consult with the Council's Roading Department to ensure the appropriate processes are being followed and the work is being carried out to the correct standard. The work itself must be undertaken by a Council approved contractor.

Administrative Matters

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

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

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

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

Prepared by



Bridget Sim
Planner

Decision made by



Penny Weng
Delegate

Appendix A: Approved Plan

APPENDIX A – APPROVED PLAN

