

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	LU24003 and SC24016
Applicant	Masonbuilt Group Limited
Proposal	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a four-lot residential subdivision</p> <p>Land use consent to breach density, site coverage in the Residential A Zone and to undertake an activity within the canopy spread of a significant tree.</p> <p>Under the Proposed District Plan rules relating to notable trees have legal effect and the proposal includes works within the root protection area of a notable tree.</p>
Location	67 Hokonui Drive, Gore
Legal Description	Lot 23 DP 582
Activity Status	Discretionary
Decision Date	24 September 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 Victoria Woodbridge, on 24 September 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 Victoria Woodbridge, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

The applicant has applied for a land use consent to establish three residential units. Subdivision consent is subsequently sought to subdivide the residential units into fee-simple allotments with an access lot.

Subdivision consent is sought to undertake a four-lot subdivision as follows:

- Lot 1 being 123m² in area.
- Lot 2 being 99m² in area.
- Lot 3 being 101m² in area.
- Lot 100 being 247m² in area. This is proposed to be an access lot, with three carparks, legally protected by easements A, B and C as shown on the scheme plan. The applicant has proposed that the owners of Lot 1, 2 and 3 will each have 1/3 share in this lot.

An amalgamation condition has been proposed to recognise this legal ownership. *“That Lot 100 (legal Access) be held as to 3 undivided one-third shares by the owners of Lots 1-3 as tenants in common in the said shares and that individual records of titles be issued in accordance therewith”*

LINZ reference: 1910104

Access

The access lot has legal road frontage onto Hokonui Drive, State Highway 94 (SH94) via an existing vehicle crossing located in the southeastern corner of the site. The access is situated directly adjacent to a listed notable tree under the Operative District Plan (ODP) (T-16) and the Proposed District Plan (PDP) (TREE-15). The proposed driveway is located within the canopy spread of the significant tree under the ODP and the root protection area of the notable tree under the PDP. For clarification the terms significant tree and notable tree refer to the same trees within the Gore District as recognised as having historic and amenity values.

Matters of national importance under the Resource Management Act 1991 (RMA) are held to have immediate legal effect under the PDP. This has resulted in the Notable Trees Chapter of the PDP having immediate legal effect under s86B(3) of the RMA meaning that the proposal must be assessed against the PDP provisions relating to TREE-15.

The amended proposal will shift and curve the accessway north from the south boundary of the existing driveway to provide a minimum separation distance of 1.325m and a maximum distance of 2m from the notable tree and roots. This will result in the northern boundary of the accessway to be extended 2.8m resulting in the access to be 5m in width and 0.770m from the existing streetlight located in the road reserve. The accessway has been designed with a curve to enable on site manoeuvring to align with the turning circles of vehicles to exit the site in a forward direction while avoiding as much of the tree and root systems as possible.

The 1.325m – 2m width of the former driveway adjacent to the notable tree will be reinstated with grass.

The entire width of the proposed vehicle crossing will be installed with a GeoFabric (Soil Stabilisation System) mat on top of the existing ground level. This is to ensure that the tree roots are not disturbed with excavation. The Geo textile grid is a 100mm deep hexagonal cell that is used to evenly distribute loads over the width of the mat. This will be covered with gravel and chipseal, resulting in a built-up

vehicle crossing from Hokonui Drive. The area of the driveway from the footpath to the property boundary will be constructed and surfaced with asphalt.

Onsite parking is proposed by the applicant within the access lot. Two turning bays, one south and one east of the proposed building have been proposed for vehicles to manoeuvre onsite and leave in a forward direction onto SH94. The turning area south of the proposed building is 4.82m in width and 31.44m in length. The turning area east of the proposed building is 6.9m in width and 17.92m in length. These two areas with an area of 247m² enable users of vehicles to reverse out of the onsite parking into one of these turning areas to leave in a forward motion onto the SH94.

The access is onto the Hokonui Drive a State Highway (SH94), due to this New Zealand Transport Agency (NZTA) has given their agreement to the proposal provided conditions of consent are imposed. The Applicant has volunteered these conditions to the Council as part of their application:

1. The vehicle crossing shall be constructed in accordance with the relevant district plan standards and to the satisfaction of the New Zealand Transport Agency Network Manager. The area adjacent to the vehicle crossing that was previously occupied by the former vehicle crossing, shall be reinstated with grassed areas, berm, highway drainage or kerb to be consistent with the adjacent road reserve treatment, to the satisfaction of the New Zealand Transport Agency Network Manager.
2. Prior to the occupation of the units the consent holder shall provide to Council, correspondence from the New Zealand Transport Agency confirming that works in the State Highway, including the construction of the vehicle crossing and reinstatement of the former vehicle crossing area, have been undertaken to New Zealand Transport Agency standards.
3. Any dwelling or other noise sensitive location on the site in or partly within 40 metres of the edge of State Highway 94 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq (24hr) inside all habitable spaces.
4. Sufficient on-site manoeuvring must be provided within the site to ensure that vehicles can exit the site in a forward direction.

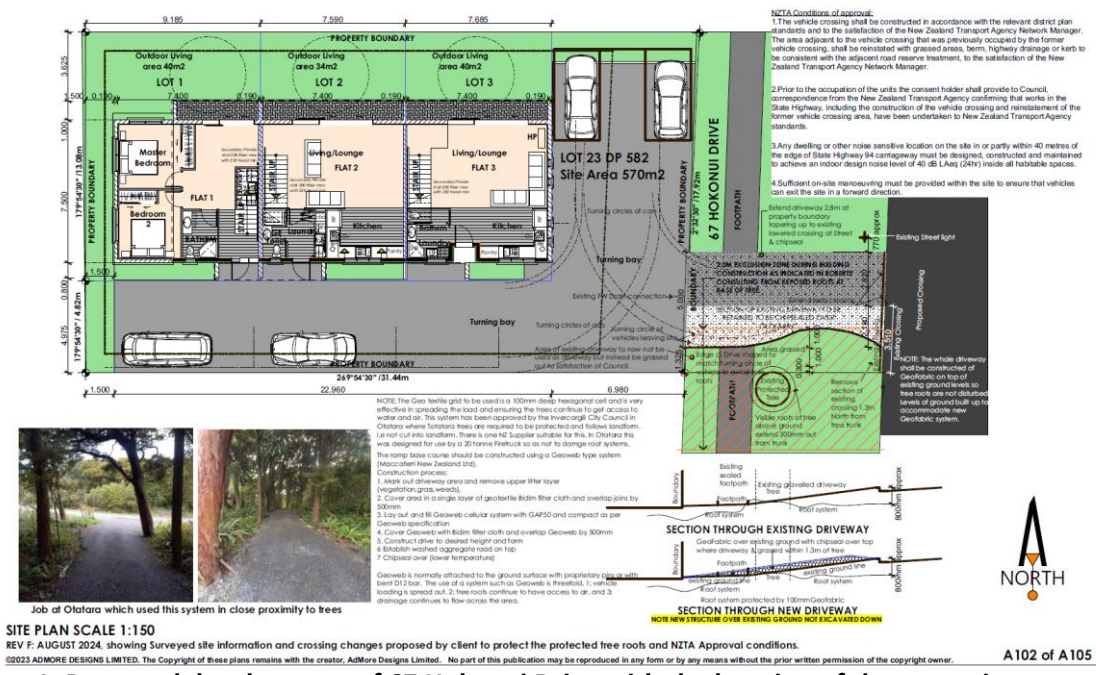


Figure 1: Proposed development of 67 Hokonui Drive with the location of the access in respect to the notable tree.

Servicing

Stormwater

Onsite stormwater management is proposed for the three residential units. The stormwater from the roof of the building will be collected by suitable sized downpipes, connecting to the soak pit in the access lot. Stormwater runoff from the access lot will be collected by sumps with removable collectors installed in the hard stand areas providing drainage to the soak pit. The location and design of the stormwater management is to be dealt with at building consent stage.

A dispensation has been requested by the Applicant from Rule 4.2.4 ‘Provision of Rain Water Tanks’ of the Subdivision and Land Development Bylaw (the Bylaw) to remove the requirement to have a rain water tanks for each individual unit. This has been approved by the Council as the onsite stormwater system proposed is adequate.

Potable Water

The site is currently connected to the water main in Hokonui Drive. This is intended to be retained for the use of Lot 3. Two new separate water connections are proposed for Lot 1 and 2. These will be located within the access lot.

Wastewater

The existing wastewater connection to Council’s reticulated services in Hokonui Drive has been disconnected. Three new laterals are proposed to connect to a manhole outside of the property. Here these laterals will connect to one pipe that will connect to the main in Hokonui Drive.

Telecommunication and power

The applicant has demonstrated that future connections are available via Chorus Telecommunications and PowerNet to supply the three units in regard to telecommunication and power.

Density

Resource consent was granted in 2019 under LU2019/450 permitting two adjoining double storied residential units, each with a single attached garage on the bottom level on the 570m² site. Land use consent was required as the proposed building breached density on the site, aggregate length, and daylight admission for the Residential A Zone. The ODP enables up to six residential units on a property without a resource consent, provided the site area is no less than 400m² for each residential unit. The subject site is 570m² in area, thus the ODP only permits one residential unit on the site.

The building consented under LU2019/450 was located 1m from the western boundary, 1.15m from the southern boundary, thus breaching the recession plane of the south boundary, and more than 4.5m from the road boundary of Hokonui Drive. The building was 23m in length and setback 1m from the internal south boundary, breaching the aggregate length of 16m for the Residential Zone.

The site has since changed ownership and the current owners are now seeking to change the design of the building and increase the density of residential units on the subject site from two to three. The proposed plans have shifted the location of the building towards the north of the subject site, this has resulted in the existing recession plane breach and yard breach on the south boundary becoming non-existing.

The subject site is currently vacant. It is now proposed to increase density from two residential units to three residential units on the 570m² site. Each unit will have an approximate net site area of 100m², on average. Each of the proposed units are to be 65m² in area with a finished floor level of 73.4m (NZVD 2016).

Bulk, location and design

The building will compose of three adjoining double storied residential unit flats. Each unit will consist of three bedrooms, a kitchen, a living space, a laundry, and bathroom covering both the ground and first floor (see Figure 2).

The three adjoining residential units will be over Lot 1, 2 and 3, respective as indicated by Figure 1. These units will have party walls, recognised as easements PA, PB, PC, PD, and PE on the scheme plan.

Each unit is provided with an outdoor area of 40m², on average at the rear. The unit on Lot 3 will have a balcony on the second floor.

The proposed building is setback 5.7m from the south boundary, 1.5m from the west boundary, 3.6m from the north boundary and 6.9m from the front (road) boundary.

The total footprint of the proposed building will be 173m² in area, covering 30% of the parent site. The building will be 23m long by 7.5m wide on the ground floor and 9.5m wide on the first floor.

A mono pitch roof has been designed to ensure that the building will fit within the height recession planes.

The exterior of the bottom floor of the building will be constructed with concrete masonry walls. The first floor walls will be concrete slabs with timber framed clad in Coloursteel vertical claddings. The materials are proposed to visually tie the building into one rather than three independent units (refer to Figure 3).

The building will be accompanied by a carport that is located 500mm from the road boundary, adjacent to Hokonui Drive. This is permitted under the District Plan as it will not be longer than 6m in length adjacent to the property boundary. The carport will be located in the access lot, east of the proposed building, and will cover where easements B and C are proposed for the two car parks.

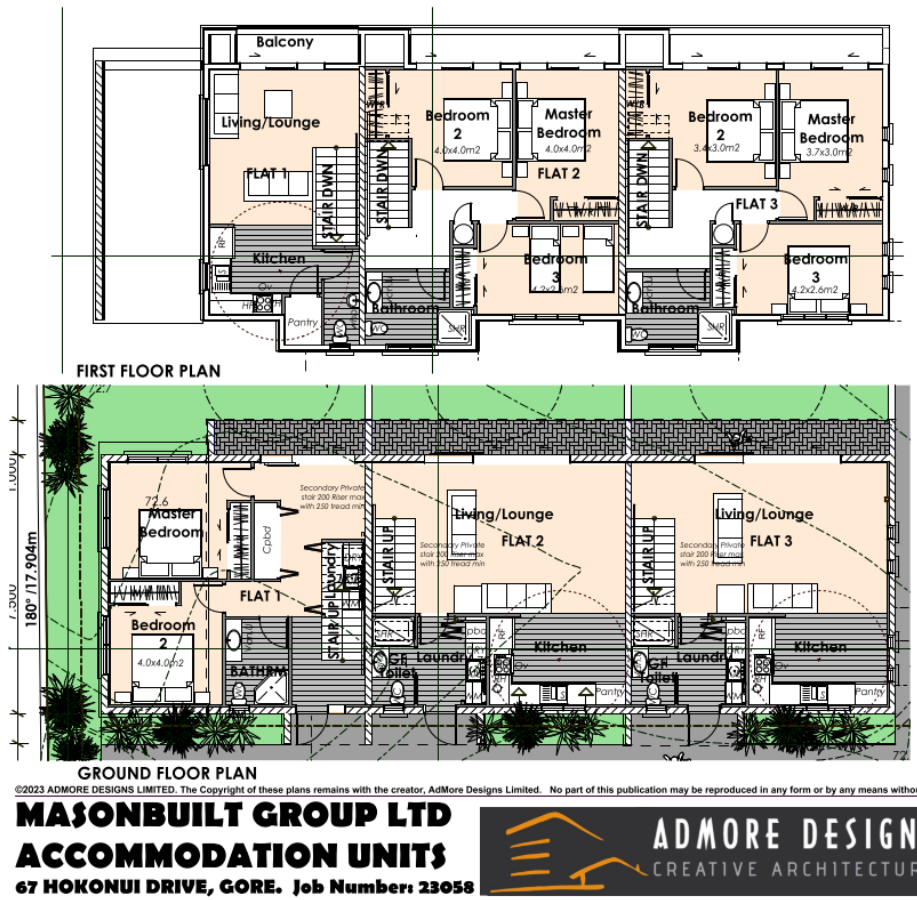


Figure 2: Proposed floor plan of the three adjoining residential units



Figure 3: Proposed visual view of the units.

Application Background

A further information request was issued on the 15 May 2024. In summary the request sought information relating to the following:

- Management of stormwater onsite and results from a sufficient investigation to confirm ground conditions suitable for soakage
- Clarification on the lack of 3,000L water tanks shown in the application as required for stormwater under the Bylaw
- Queries relating to the location of the existing access and the proposed construction works within the dripline of the notable tree (root protection area).
- Any proposed conditions in regard to protecting the notable tree (including the roots) during construction phase of the driveway
- Demonstration of how the proposal will meet Natural Hazards Policies
- Queries to the scheme plan and lot sizes

The applicant provided a response and an arborist report to the request for further information on the 31 May 2024. This resulted in:

- A soak hole proposal design undertaken by Don Moir for the onsite stormwater management
- A dispensation request from Rule 4.2.4 'Provision of Rain Water Tanks' from the Bylaw.
- No amendment to the access layout proposed
- An arborist report by Andy Jack (Tree Report) outlining the effects of the excavation and chip sealing of the existing gravel driveway situated next to the notable tree.

The arborist report provided outlined the that the proposal to apply chip seal with a layer of gravel underneath and moving the tree 2m north as per the Council's recommendation will result in excavations at the site, that will be minimal impact to the health of the tree.

The Roding Manager, and the Parks and Recreation Manager reviewed the further information provided and held that there was conflicting information provided in the RFI and the arborist report and sought clarification to whether the applicant accepted the council request to move the driveway 2m north from the existing south location or was retaining the driveway location (7 June 2024).

Response from the applicant (18 June 2024) indicated that the accessway was to remain in the same position and to be 6m in width as the application originally stated. The application also now proposed the use of a Geoweb product over the first 2m of the accessway to provide protection to the tree and its roots. A revised arborist report was also provided by Mr. Jack (Arborist Report – Rev 1).

After reviewing the updated information provided by the applicant, the Council advised that based on all of the information provided, the Council were not comfortable with the placement of the driveway being located within the canopy spread and in the root protection area of a notable tree based from the arborist reports provided. A peer-review of the arborist's reports were sought by the Council. The applicant accepted this request.

Following from the peer review identifying that the proposal would result in more than minor adverse effects on the notable tree, the applicant placed the application on hold to amend the application. On the 30 August 2024, an amended application was provided to the Council which resulted in the accessway to the site to be shifted and mitigation measures provided.

2. SITE DESCRIPTION

67 Hokonui Drive is located in the Residential A Zone of Gore, legally known as Lot 23 DP 582 and is approximately 700m north from the town centre of Gore. The site is adjacent to Hokonui Drive, also known as State Highway 94 (SH94) acting as the main north transport route for Gore.

The site is currently vacant land, with an existing established access located on the southeastern boundary. Located in the road reserve in front of the site are two identified Notable Trees, one at the south boundary and one at the north boundary. These two trees are part of a wider group of trees located within the road reserve along Hokonui Drive that have been protected as significant trees under the ODP District Plan (T16) and which are now identified and protected under the PDP (TREE-15). There is an existing access located within the canopy spread and the root protection area of a scheduled notable tree under the ODP and the PDP. This is 4m in width and starts at the south boundary of the site.

Under the ODP the area is zoned Residential A with the immediate environment characterised by a mixture of residential and commercial activities. The surrounding environment consists of both singular and multiple residential units on one site. The sites that contain multiple residential units ranges from two residential units per site to six and are owned in joint ownership. These were established prior to the ODP. The surrounding environment consists of residential dwellings of mixed typologies and architectural styles, with the exception of six businesses of commercial nature. This includes a Power Farming store located two sites down from the subject site, two motels located across from SH94, a homestay, and a boat sale yards (see Figure 4). Also located in close proximity is the Gore Fire Station. This is influenced by the industrial zone located approximately 100m east of SH94. These activities have influenced the characteristics of the surrounding environment of 67 Hokonui Drive.

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

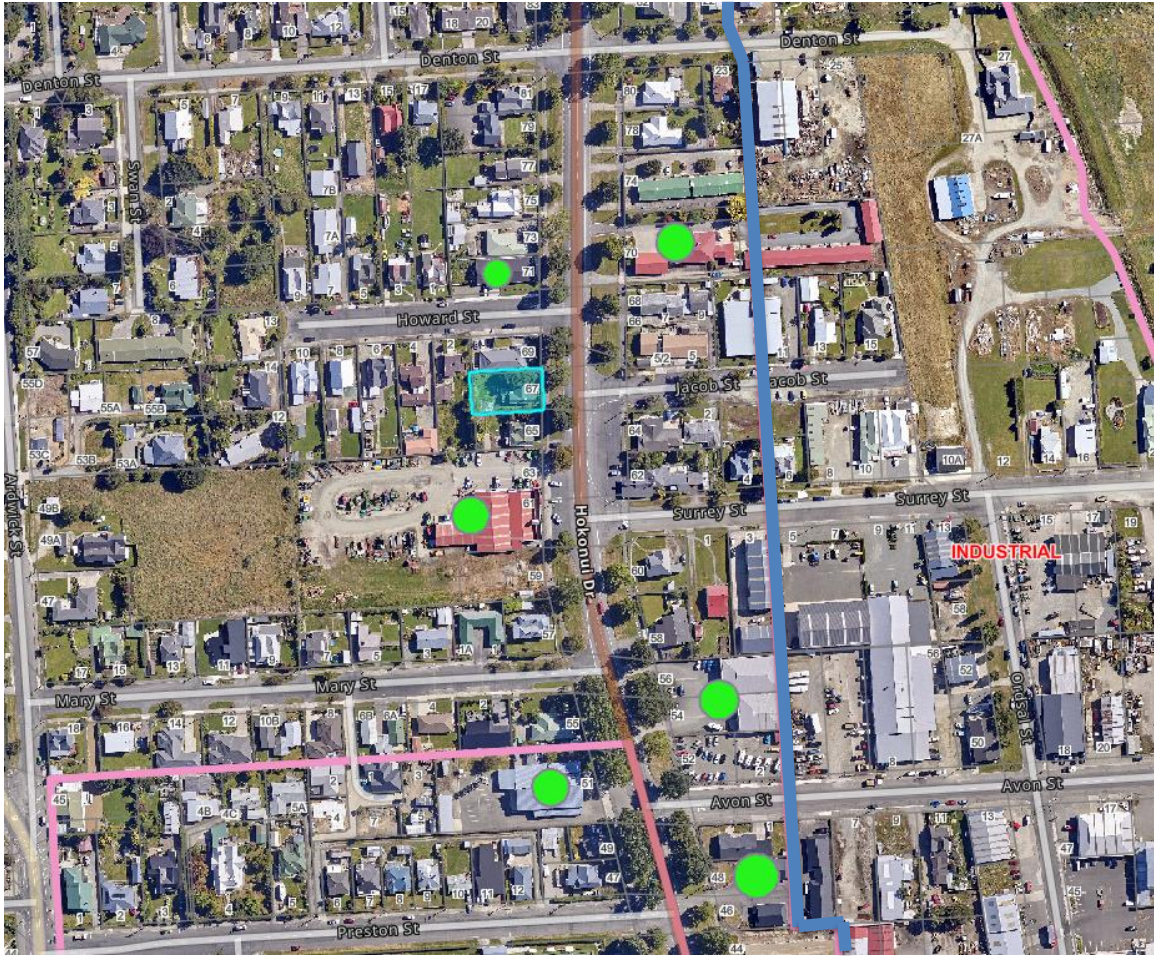


Figure 4: Map of zoned areas surrounding the subject site, with Green dots indicate businesses in the Residential Zone

3. ACTIVITY STATUS

3.1 Gore District Plan

The site is zoned Residential A in the ODP and the proposed activity requires resource consent for the following reasons:

Subdivision

- A **discretionary activity** pursuant to Rule 8.10(5) to undertake a four-lot subdivision of the site, where the lots do not comply with the provisos of 4(c), which requires each lot to have a minimum lot size exceeding 400m² in area. Lot 1 will have an area of 123m², Lot 2 will have an area of 99m², Lot 3 will have an area of 101m² and the access lot will be 247m².

Land-Use

- A **restricted discretionary activity** pursuant to Rule 4.16.1(3) as the proposal breaches standard 4.16(1)(i) in regard to density. In the Residential A Zone, each residential unit shall have a site area

no less than 400m². It is proposed to increase the density to three residential units on a site with an area of 570m². Council's discretion is restricted to this matter.

- A **restricted discretionary** activity pursuant to Rule 4.9.1(2) as the proposal breaches standard 4.9.1(1)(b) in regard to having a residential unit on each three proposed lot that will breach 40% site coverage.
- A **discretionary** activity pursuant to Rule 4.12.3 as the activity of the proposal to undertake the activity of utilising the accessway within the canopy spread of a significant tree.

The PDP provisions relating to notable trees have legal effect and therefore the proposal also requires resource consent for a breach of the following PDP rule:

- A **non-complying** activity pursuant to Rule TREE-R3 in regard to the proposal undertaking works to the existing driveway located within the root protection area of a notable tree.

The activity proposed will result in construction works to be undertaken to the existing accessway located within the root protection area adjacent to a notable tree. The applicant has proposed to move the driveway north by a minimum 1.325m and 2m maximum from the notable tree, creating a 5m wide accessway installed with a GeoFabric mat over the accessway and chip seal over the natural ground level, thus altering the ground level.

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

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

3.3 Activity Status Summary

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

4. NOTIFICATION ASSESSMENT

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

4.1 Public notification – Section 95A

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

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

- The applicant has not requested public notification.

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

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are not rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
 - a controlled activity; or
 - a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Step 3 – Public notification is required in certain circumstances

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

The following effects must be disregarded:

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

Written Approval/s

The following written approvals have been provided:

Person (owner/occupier)	Address (location in respect of subject site)
Waka Kotahi (NZTA)	State Highway 94 (Hokonui Drive)
Lawson Cyril Cornish (owner) and Carlito Vargas (occupier)	65 Hokonui Drive
Jessica Jean McCloy (owner) and Paul Bernard Schoolderman (occupier)	69 Hokonui Drive
DIV Holding Limited (owner) and Elizabeth Johnston (occupier)	2 Howard Street

The following effects may be disregarded:

- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect – referred to as the “permitted baseline”. The relevance of a permitted baseline to this application is as follows:

Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case all subdivisions require resource consent, there is no permitted baseline. The ODP does however anticipate lots within the Residential A Zone to have a site area of 400m² (gross area).

Residential activity on a site greater than 400m² is permitted. In the Residential A Zone, up to six residential units can be established on a lot provided each unit has a site area (nett) no less than 400m² and meets the bulk and location rules of the Residential A Zone. However, as the site area is only 570m² there is no permitted baseline for more than one residential unit on the site.

The proposed residential activity on Lots 1-3 breach density, as the net area available for residential development after setting aside land for access, is less than 400m². It is proposed to build three residential units on a site with an average of 100m². The Council previously granted land use consent for two residential units to be built on the site under LU2019/450. The consented two residential units on the site has created a baseline which is considered relevant. The effects of an additional unit have been assessed below.

Construction and location of Driveway (Tree protection)

The accessway is located within the canopy spread (ODP) and root protection area of an existing notable tree (PDP). The amended proposal will shift the existing accessway from Hokonui Drive north from the south boundary, with the applicant proposing to increase the width of the accessway to 5m. The Applicant has designed the accessway to be a minimum 1.325m north from the existing driveway location with a curve to allow manoeuvring of vehicles on site. This will result in a maximum separation distance of 2m between the base of the tree and the south edge of the accessway. The accessway will be constructed in accordance with the Bylaw.

The applicant provided two arborist reports prepared by Andy Jack to support the application. Mr. Jack’s assessments concluded that the proposed accessway and works associated within the root protection area of the notable tree will have minimal impact to the health of the tree due to the minimal area of turf to be excavated. Identifying that *“there is an area of turf that will have to be excavated to move the driveway across, but it is not a huge area, I do not believe it will be dug down deep. Most of the new driveway material will be placed on top of the existing driveway which will require very little excavation, if any at all.”*

In his revised assessment after noting that the driveway position was staying the same and being 6m in width, Mr Jack still identified that *“in order to protect the roots at the preferred location, a layer of gravel will be placed beneath the chip seal to provide insulation, ... which will require very little excavation if any, at all.”*

The two reports provided by Mr. Jack concluded that the proposal will not result in adverse effects that are more than minor on the tree and tree roots, noting that *“even with the proposed increase in vehicle movement due to the one additional flat, and even with three flats (total to the site), the*

measures recommended by Murray Hassler of the lower temperature chip seal and the further recommendations mentioned above would continue to maintain the health and integrity of this historic maple without the need to shift the driveway further to the North.

The application and arborist reports (Tree Report and Arborist Report Rev 1) prepared by Mr. Jack have been peer reviewed by Mark Roberts, a qualified Arboriculturist. Mr. Roberts has considered the amended application and supporting arborist reports and assessed whether the proposed activity does not cause further damage to the notable tree and its root.

In his previous assessment Mr. Roberts concluded that the arborist report prepared by Mr. Jack *“does not contain enough information to determine how he has come to his conclusion that the proposed activity will result in minimal impact on the health of the tree.”* Mr. Roberts also concluded that based on the images contained in the application, *“it is likely that the proposed activity will cause damage to the tree and risks compromising the long-term structural integrity of the tree.”*

Mr. Roberts identified that the root distribution of a tree root system is *“surprisingly shallow, dominated by long, relatively small, lateral roots, spreading out close to the soil surface and excavation of only 100mm may represent a considerable loss of roots.”* He identifies that neither of Mr. Jack’s reports has indicated where the proposed excavation would be or to what depth. Mr. Robert further identified that placing material on top of the existing driveway, will almost certainly involve contact with root-flair and base of the tree due to the driveway being in direct contact with the base of the tree and therefore the accessway passes over these root flairs.

Mr. Roberts in his discussion identifies that there are two tree protection zones accepted in the arboricultural industry standards (AS 4970 – 2009 Protection of Trees on Development Sites, and British Standard: BS 5837:2012 Trees in relation to design, demolition, and construction). These zones are radial areas based on a ratio of trunk diameter.

The Tree Protection Zone (TPZ) is calculated as a radial area centered off the trunk with a distance equal to twelve (12) times the trunk diameter with the trunk measured at a standardised breast height. The PDP has identified the root protection area as *“meaning the circular area of ground surrounding a notable tree, for a distance of 12 times the diameter of the tree 1.5 metres above ground level.”* The TPZ referred to by Mr. Roberts is therefore equivalent to the root protection area defined in the PDP.

The Structural Root Zone (SRZ) is calculated as a radial area centred off the trunk with a distance equal to three point three one (3.31) times the trunk diameter with the trunk measured just above the root flair. Mr. Roberts identifies that *“According to the standards, no work should take place inside the SRZ”*. Mr. Roberts identifies that the SRZ is the Critical Root Zone (CRZ) for the proposal as this is where the structural roots are for the tree.

The original application proposed the use of a Geoweb product within the first 2m of the driveway to protect the roots before applying the gravel and chip seal over the tree roots as a means of protection to the tree long-term. The Geoweb product proposed is a geocellular structure that ensures that infill is confined and resistant to movement advertised to ‘provide strength and stabilisation to cohesionless soils for a host of applications—from roadways to steep embankments’.

Mr. Roberts commented on the use of Geoweb and concluded that he is familiar with *‘captured-cell products and have recommended the use of Geocells before – they are often a workable compromise’*. However, he further explains that the Company PRESTO refers to a different CRZ definition to what is internationally accepted. As identified above the CRZ is a radial distance 3.31 times the trunk diameter away from the tree, with the trunk measured at the top of the root flair. These roots within this area

are the roots of the tree that are the minimum amount of roots trees need for survival. The PRESTO examples and installation guides passing through or over what they have referred to as the TPZ, not the CRZ. Mr. Roberts holds that the proposed accessway will be located directly over the CRZ and over root flairs which, based on the international standards would compromise the structural integrity of the tree.

Based on the above, Mr. Roberts recommended that the application as initially proposed, using the original driveway should be declined on the basis that it is likely to adversely affect the notable tree.

However, in his reviewed assessment Mr. Roberts noted that the amended application although “*did not move the driveway north a distance from the base of the tree equal to CRZ and the captured-cell/ Geocells were used to bridge the grass berm then that could be a defensible solution*”, the applicant has:

- *managed to move the access-way off the base of the tree which will lessen the potential impact on the tree.*
- *the proposed access-way being created without having to excavate and disturb existing roots will lessen the potential impact on the tree.*
- *the captured-cell system sitting on top of the current ground level will help disperse the load (assuming they stay on the path) and will lessen the potential impact on the tree. And*
- *the small section of unused driveway being grassed over and maintained will will lessen the potential impact on the tree.*

Mr. Roberts holds that the proposed amendments and mitigation are an acceptable compromise. The proposed curved access-way formed on top of the existing grade that does not involve any excavation, as shown and described in the REV 1 August 2024 AdMore Designs document will reduce the potential adverse effects on the tree roots to an acceptable level.

The ODP objective (Obs 3.3(6)) and policy (Pol 3.4 (9)) seek to retain heritage and amenity values associated with significant trees by protecting these trees. The amended proposal to shift the accessway 1.325m north within the canopy spread of the tree and installing a GeoFabric mat over the 5m width of the driveway to provide additional protection to the roots of the tree has shown that the proposal is consistent with the ODP objective and policy. The mitigation provided by the application has shown that the tree heritage and amenity value will be protected.

Objective TREE-01 of the PDP seeks to ensure the retention of trees and groups of trees with high botanical, heritage, cultural and/or amenity values.

Policy TREE-P3 regards “*undertaking activities, including ground disturbance and subdivision, in a manner that provides protection of the viability, health, structural integrity and setting of notable trees and notable groups of trees.*” This policy acknowledges that development can occur within the setting of a notable tree provided that there is protection of the tree.

Policy TREE-P6 is also particularly relevant as it “*seeks to avoid damage to notable tree or tree within notable groups of trees, including tree roots*”. This policy is clear that the intent is to protect notable trees, including the roots, from damage. The amended proposal has proposed to utilise a GeoFabric mat on top of the existing ground level to remove the need for excavation works within the accessway to disturb the roots. Although the accessway will be located within the CRZ of a tree, it has been shifted as far north as possible to provide a maximum separation distance from the tree and roots whilst also ensuring that future occupants of the site can manoeuvre onsite in accordance with NZTA

requirements and safely. The amended accessway not involving excavation and disturbing the roots will not result in adverse effects which are more than minor. The proposal has shown sufficient measures to avoid damage to the notable tree.

I agree with Mr Roberts revised assessment that the proposed mitigation, with the curved accessway and use of GeoFabric will reduce the potential adverse effects on the notable tree and the tree roots to an acceptable level. Overall, I consider that adverse effects on the notable tree would be less than minor because the health and amenity of the notable tree will be protected, and the relevant objectives and policies of both the ODP and the PDP have been considered and met as adverse effects are avoided, remedied or mitigated.

Density Breach

The proposed development will establish three residential units on the site instead of the consented two residential units. The increase of one unit has resulted in an increased density breach compared to what was previously assessed under LU 2019/450. Considering the existing consent, it is appropriate to only assess the additional density breach created by the third unit. The proposed infill residential development, while exceeding the density guidelines, provides onsite amenity for the future occupants. The design and layout have broken up this infill development by providing outdoor areas, ensuring residents have access to quality green spaces. Additionally, privacy considerations have been carefully integrated, by designing the building to reduce off street visibility to the units. The proposal breaks up the in-built development of the three residential units that offers of a level of privacy and amenity to future occupants, creating a balanced living environment that offsets the impacts of higher density.

The built form of the building represents one physical building. The building footprint is proposed to be 173m² on the 570m² site. The building footprint retains a similar shape and size to the plans originally consented for under LU 2019/450 with internal changes to the proposed layout. The increase of one unit will not be visually noticeable within the immediate environment through the proposed design of the building. The overall footprint of the building is of a similar area than the residential dwellings located in the immediate environment. 69 Hokonui Drive is one residential unit that is 240m² in area, while 64 Hokonui Drive is 255m² in area. This reflects that the immediate environment consists of sites with buildings of large footprint on the site.

The use of a double storey building has efficiently utilised the developable area of the site to accommodate for three 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 A Zone, being under the 8m height limit and has been designed with a mono pitch roof to not protrude into the recession plane of the surrounding boundaries of the site.

Although the three units are located on a site smaller than anticipated by the ODP the proposed design and layout demonstrate an efficient use of land to build three separate three-bedroom residential units whilst accommodating for individual outdoor space, and onsite parking.

The site is located off Hokonui Drive, a state highway which is the main access road into Gore from the north. The consequent increase in density, and associated effects such as noise and traffic generation from the proposed three residential units will be less than minor given that access is onto a highway servicing a high volume of traffic for Gore is located adjacent to the site. The adverse effects of traffic associated with three residential units will not be noticeable on the existing environment.

The three units are representative of infill development and utilises the space efficiently to provide residential living, outdoor space and onsite parking. The residential units when viewed as a complete project illustrate compact development of a site with allotments that are appropriate for residential purposes.

Overall, it is considered that the proposed increase in density will be less than minor on the wider environment.

Residential character and amenity

The proposal reflects an infill townhouse development that will consist of three adjoining residential units on the 570m² site in a well-established residential environment. When viewed as one building the building footprint is 173m², a building footprint smaller than two adjacent surrounding residential buildings of the wider environment.

The average density of the proposed units is 64m², this will breach the permitted 400m² site area by an average of 300m². Although these lots are considerably smaller than what is anticipated by the ODP for the Residential A Zone, the proposed development plans provided with the application has demonstrated the lot's ability as a 570m² site to accommodate three residential units on the site effectively. This reflects a practical subdivision pattern and a suitable future use of the lot for residential use in the Gore Residential zone.

The units will each accommodate three bedrooms, a living space, kitchen and bathroom as well as accommodating an outside area. The buildings are orientated north facing to maximise sun positioning and access to outdoor space. The use of building up as a double storied building has maximised the ground footprint of the site to provide onsite manoeuvring and parking spaces to be provided for the future owners and occupiers of the site.

Whilst two storey buildings are not widely prominent in the area, buildings of this height are anticipated by the ODP. The construction of the building to have a mono pitch has ensured that the building will not protrude into the recession plane of the adjoining boundaries. The proposed building development will result in built form on the site compared to the surrounding residential sites. It will contain impervious sealing for the access lot. However, the proposal has demonstrated that each of the units will have outdoor spaces with vegetation and vegetation surrounding the north and west boundary. The applicant has demonstrated that landscaping has been considered for the infill development on the site. The proposal is considered to read as part of the existing streetscape.

The site is visible to Hokonui Drive and Jacob Street. The positioning of the building on the site has resulted in the building facing north to maximise daylight to the future occupants. This is proposed to be screened by fencing and vegetation. The location of the building will result in the end of the building to have frontage to Hokonui Drive. The proposal will achieve CPTED principles due to the layout of the proposal being adjacent to a busy highway with sufficient streetlighting.

Two notable trees are located in the road reserve, one at the south and one at the north that will provide screening to the site.

Overall, it is considered that the sites characteristics, the development density will not result in a more than minor effect on the residential character and amenity experienced by the wider environment.

Site Coverage

Although the overall proposed building is one building, this is three residential units to be located on three lots. The units will exceed the 40% site coverage of the proposed lots. Each lot is an average of 100m², with an average of 40m² to be utilised for outdoor space.

Each of the proposed units are 65m² in area. The development plans have demonstrated that there is adequate outdoor space at the rear of the property despite breaching site coverage. If development was to occur before subdivision, the size of the parent lot is 570m² and the building footprint is 173m². This does not exceed 30% of the site. This would not have breached the 40% site coverage permitted in the Residential A Zone.

Overall, the site coverage will not result in adverse domestication of the site. The buildings are modest and relative to the lot sizes and when viewed as one building on the wider site it does not exceed site coverage. The adverse effects of this breach on the environment are considered to be no more than minor.

Natural Hazards

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

The Gore District Council's mapping system identifies the site as being prone to flooding subsequent to a stop bank breach or stop bank overtopping. The applicant has adopted flood proofing techniques in accordance with Chapter 4A 'Natural Hazards' policies. The proposed building has a raised ground finished floor level to be 73.4 (NZVD 2016). This is based on the recommendation provided by the 3 Waters Department after consultation.

The impervious area of the access lot will contain sumps to divert water away from the neighbouring properties and into a designed soak pit that has been model by Moir Designs during heavy rain events. This will overall reduce the direct influx onto the Council Stormwater mains. Although the Council has approved a dispensation to not provide three, 3,000L stormwater tanks for the three units to capture stormwater onsite. The applicant has demonstrated that the onsite stormwater management system will capture stormwater runoff from the units and the impermeable areas.

The techniques that the applicant has proposed including raising the floor level to a level approved by the 3 Waters department and by providing an onsite stormwater management system ensures that the proposal has flood proofing techniques in accordance with Chapter 4A.

The proposal has been assessed against s106 of the RMA and it is considered that the proposal will not accelerate, worsen or result in material damage from the natural hazard.

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

Services

Councils 3 Waters Operations Manager Aaron Green has reviewed the application and confirmed that the lots can be feasibly serviced.

New servicing is proposed for Lot 1 – 3 in respect to potable water, stormwater and wastewater.

Onsite stormwater management is proposed for the three residential units. The stormwater from the site will be drained to the soak pit in the access lot. Sumps are proposed with removable collectors installed in the hard stand areas of the access lot providing drainage to the soak pit. The location and design of the stormwater management is to be dealt with at building consent stage.

A dispensation has been requested by the Applicant from Rule 4.2.4 'Provision of Rain Water Tanks' of the Subdivision and Land Development Bylaw. This has been approved by the Council as the applicant has provided an onsite stormwater management system.

The site is currently connected to the water main in Hokonui Drive. This is intended to be retained for the use of Lot 3. Two new separate water connections are proposed for Lot 1 and 2. These laterals will be in the access lot. The appropriate easements will be established for all service conditions as required at the time of certification.

The existing wastewater connection to Council's reticulated services in Hokonui Drive has been disconnected. Three new laterals are proposed in the access lot and will connect to a manhole outside of the property. Here these individual laterals will connect to one pipe that will connect to the main in Hokonui Drive.

The applicant has demonstrated that future connections are available via Chorus website and PowerNet to supply the three units.

Based on the above, the adverse effects on the environment from the proposed servicing of the subdivision will be less than minor.

Traffic Effects

The Council's Senior Roading Operations Officer, Mr 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 proposal.

The site of the proposed land use consent is situated on the west side of Hokonui Drive (SH94). This section of highway is classified as a primary collector road and has a chip sealed surface. An existing gravel vehicle access provides access to the property's east side in the southern corner. The verge contains two trees classified as protected under the ODP. One of the trees is located south of the existing driveway. The driveway is located within the dripline of the tree and the gravel access adjoins the exposed roots of the southern tree. Also located in the road verge, north of the existing vehicle crossing is a steel street light column approximately 8m north of the south boundary. This section of Hokonui Drive has a 50kph speed limit.

The applicant has proposed that the access be shifted 1.325m north and widened to 5m in width to enable entry and manoeuvring onsite to onsite carparking adjacent to the east boundary. It was recommended by the Council that the access width remain 4m wide but be shifted 2m north to avoid damage to the large tree roots. This will provide the access needed to the property whilst also ensuring that the roots and therefore the notable tree is protected from damage. It was also recommended that the access across the verge be upgraded and have an emulsion two-coat chip seal surfacing applied. The gap between the back of the footpath and the property boundary on the access shall be constructed and surfaced with asphalt.

The applicant has reviewed Council comments and consulted with Mr. Hasler along with NZTA requirements to provide an updated accessway that will ensure compliance with roading requirements, safety and protection of the tree. The proposal has proposed the accessway be shifted 1.325m north and 5m in width, with a curve that follows the turning movements of vehicles on site. This will enable onsite manoeuvring for the occupants to leave the site onto the road in a forward motion, safely. The driveway will be constructed with a GeoFabric mat on top of the existing ground level, sealed with chipseal, raising the driveway to ensure that there is no damage to the tree roots. Due to the raised accessway, Mr Hasler has identified that drainage to the existing kerb shall be maintained in an appropriate manner by the Applicant.

As the access is onto SH94, NZTA has requested that the vehicle crossing shall be constructed in accordance with the relevant district plan standards and be completed to the satisfaction of the NZTA Manager. NZTA have also requested that the area adjacent to the vehicle crossing that was previously occupied by the former vehicle crossing, shall be reinstated with grassed areas, berm, highway drainage or kerb to be consistent with the adjacent road reserve treatment, to the satisfaction of the NZTA Manager. This correspondence from NZTA shall be provided to the Council confirming that the works have been constructed to NZTA standards.

A consent notice to address the potential reverse sensitivity effects resulting from the operation of SH94 is to be placed on Lots 1 – 3. The applicant has volunteered these conditions.

On review of the proposal and provided conditions from the applicant from NZTA, Mr Hasler recommended that the application be approved from the transportation perspective.

Conclusion: Effects On the Environment

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

Step 4 – Public Notification in Special circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

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

Step 1 – Certain affected groups or persons must be notified

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

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.

- The application is not for a controlled activity (other than for a subdivision of land) under a district plan.

Step 3 – Certain other affected persons must be notified

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

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

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

Assessment: Effects on Persons

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



Figure 4: Neighbouring properties of subject site. Blue dots represent APA's provided and orange dots represent neighbouring properties.

Affected party approvals have been provided by the neighbouring sites and therefore the effects on these have been disregarded/cannot not be taken into account:

- 65 Hokonui Drive
- 69 Hokonui Drive
- 2 Howard Street

Properties to the east

The properties to the east of the subject site are separated by wide roads (SH94) and road verges. Located in the road verge of SH94 are a variety of notable trees that provide screening to the subject site. The width of the road and road verge spans an average of 40m, creating a sufficient buffer distance to these properties from the subject site.

The proposal has created one built form over three lots, however to the visual eyes of the surrounding properties this would appear as one building on the parent site. The proposed increase in density on the subject site and visual appearance of the three residential units will have sufficient screening to these neighbouring properties due to the distance separation of the road verge between them and the trees located in either side of the road verge. The proposed lots have been designed to be of a shape and size that accommodates the proposed development on the site whilst still providing sufficient space for onsite parking for each residential unit.

The consequent increase in density, and associated effects of the three residential units such as noise and traffic generation will be less than minor given that SH94, a highway servicing a high volume of traffic is located between the subject site and these neighbouring properties.

The proposal utilising a portion of the existing accessway adjacent to a notable tree is not uncommon down Hokonui Drive. Multiple residential houses with frontage to SH94 has driveways that are located adjacent to a notable tree. However, these driveways have long been established and pre-date the Operative District Plan rules around notable trees. These notable trees have a significant contribution and visual amenity to Hokonui Drive where the objective is to retain the tree and notable groups of trees. As discussed above the proposal will increase density on the site and result in construction within the root tree protection zone, affecting the notable tree.

The adverse effects on the neighbours to the east will be less than minor.

Properties to the north, west and south

The properties to the north, west and south of the subject site (61 & 71 Hokonui Drive and 4 Howard Street) are separated by a residential building, providing a barrier between those and the subject site. 71 Hokonui Drive is also separated by Howard Street legal road.

The proposal to develop a three residential unit on the site breaching density and to subsequently subdivide the site resulting in site coverage to be exceeded than what is anticipated by the District Plan will be less than minor on these neighbouring properties. The proposal has created one built form over three lots, however to the visual eyes of the surrounding properties this would appear as one building on the parent site. The proposed increase in density on the subject site and visual appearance to these neighbouring properties would appear as one building and will be further screened by the existing houses between these properties and this site. The proposed lots have been designed to be of a shape and size that accommodates the proposed development on the site whilst still providing sufficient space for onsite parking for each residential unit.

The proposal utilising a portion of the existing accessway adjacent to a notable tree is not uncommon down Hokonui Drive. Multiple residential houses with frontage to SH94 has driveways that are located adjacent to a notable tree. However, these driveways have long been established and pre-date the Operative District Plan rules around notable trees. These notable trees have a significant contribution and visual amenity to Hokonui Drive where the objective is to retain the tree and notable groups of trees. As discussed above the proposal will increase density on the site and result in construction within the root tree protection zone, affecting the notable tree.

Therefore, the adverse effects of the proposed activity will be less than minor on these identified neighbours.

Conclusions: Effects on Persons

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

Step 4 – Special Circumstances for Limited Notification

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

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

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

6. SECTION 104 ASSESSMENT

6.1 Matters for Consideration

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

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

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

6.2 Effects on the Environment

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

6.3 Relevant Provisions

District Plan

The relevant operative objectives and policies are contained within Chapter 3 and Chapter 8 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 shape of the allotments, although much smaller than the anticipated area of 400m², provide a design that allows three residential units on the site to be established with parking on site and open green areas. 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 designs provided permitting three adjacent townhouses over the three lots all with sufficient outdoor space. The access lot provides for adequate on-site parking for each lot. The lots are proposed to accommodate future residential activity, albeit a smaller footprint than what is anticipated in the surrounding area. The proposed development plans have shown that residential activity and outdoor space is provided for given the shape, size and layout of the lot.

The developer will pay all the reasonable cost for the development through installing the existing services to the sites and will upgrade the existing access from Hokonui Drive in accordance with the Bylaw. The subdivision of the site will not provide adverse effects on the water quality with earthworks being minimal. The subdivision provides additional residential lots in the Gore residential area close to the centre of town. 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 has been assessed by each department through this application and the application provided has ensured compliance with this.

Overall, it is considered that the subdivision will not have any adverse effects on the amenity and character of the residential area.

Chapter 3 – Land Use Activities – A Framework

Objectives

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

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.
- (9) Identify and protect trees with significant heritage or amenity values.

The proposal, although it breaches density and site coverage in the Residential A Zone, has been shown to be efficient and appropriate use of the site and will not lead to adverse effects on the amenity and character of the surrounding area. The proposed development still maintains the character and amenity value of the Residential Zone as the proposed units will appear to be one building. The proposal has shown that these residential units will be established on the site with sufficient space each for parking, living and area for outdoor space.

The site coverage breach across the three lots proposed is of a large scale due to the subdivision allowing each unit to be within its own title. The proposed layout of the residential units being adjoined, appearing to be one building on the parent site would not have resulted in a site coverage breach if no subdivision were proposed. The individual lots for each of the units reflect a practical layout and ownership of the units. Overall, the amenity and characteristics of the residential character of Hokonui Drive will be maintained.

The proposal to shift the location of the existing driveway further north away from the existing notable tree located within the road verge has reflected the significant heritage and amenity values of the tree. The mitigation measures proposed, include installing a geotextile mat over the existing ground level ensures that the tree roots will not be disturbed by any excavation works. Further the Applicant has proposed a 2m wide exclusion zone either side of the tree during the building and construction phase of the development. These measures proposed to be taken in the short and long term have shown that the tree will be protected.

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

Proposed District Plan

The Proposed District Plan was notified for public submissions on 31 August 2023. The submission period closed on 26 October 2023 and further submissions closed on the 28 February and 12 April 2024. It is noted that no submissions have been received for the site 67 Hokonui Drive or for TREE-15.

As the Notable Tree rules have immediate legal effect and are relevant to this proposal, it is necessary to consider the relevant objectives and policies within the Notable Tree of the PDP.

TREE-01 The retention of trees and groups of trees with high botanical, heritage, cultural and/or amenity values.

TREE-P2 Protect the values and setting of notable trees and notable groups of trees.

TREE-P3 Undertake activities, including ground disturbance and subdivision, in a manner that provides protection of the viability, health, structural integrity and setting of notable trees and notable groups of trees.

TREE-P6 Avoid damage to notable tree or trees within notable groups of trees, including tree roots. Provide education and advice to encourage the protection of notable trees and notable groups of trees.

It is considered that the proposed accessway and mitigation measures proposed by the Applicant as part of the application ensures that the tree and the tree roots of the notable tree located in the road verge is protected and damage avoided.

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 residential zones, 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 for 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.

6.4 Section 104D Restrictions for Non-Complying Activities

With respect to the assessment above, the first gateway test for a non-complying activity required under section 104D(1)(a) has been met in that the application will not have an adverse effect on the environment which is more than minor.

With respect to the second gateway test under section 104D(1)(b), the application is not contrary to the relevant policies and objectives of the Operative District Plan or the Proposed District Plan.

Accordingly, as the application has passed both of the gateway tests in s104D, consent can be granted for this non-complying activity.

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

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

In this case each allotment has a legal and physical access from Hokonui Drive via the accessway and parking lot.

For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of-

- (a) the likelihood of natural hazards occurring (whether individually or in combination); and
- (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and

- (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

The proposed buildings on site will have a Finished Floor Level (FFL) of 73.4m (NZVD 2016), as recommended by the Council. The applicant has demonstrated that the onsite stormwater management system proposed will capture stormwater runoff from the units and the impermeable areas. The techniques that the applicant has proposed including raising the floor level to a level approved by the 3 Waters department and by providing an onsite stormwater management system ensures that the proposal has flood proofing techniques in accordance with Chapter 4A. The proposed subdivision of the land is therefore unlikely to accelerate material damage from natural hazards either onsite or off.

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

8. PART 2 OF THE RMA

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

Section 5 – Purpose

The proposed subdivision takes into account Section 5 of the RMA as the proposed lots will enable additional residential dwellings to be constructed in the future. These additional lots 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 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

Pursuant to Section 104B and 104D of the RMA, consent is granted to undertake a four lot subdivision and residential development resulting in a breach of density and site coverage and to undertake construction works within the dripline of a significant tree (T-16) and root protection of a notable tree (TREE-15) at 67 Hokonui Drive subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

Decision A - Subdivision Consent Conditions

General

1. The activity must be undertaken generally in accordance with the application made to the Council on 3 May 2024, the further information provided 31 May 2024, 18 June 2024, 30 August 2024 and the following plan:
 - Scheme Plan, Lot 23 DP 582, 67 Hokonui Drive, Gore, Rev C, drawn by Definition Surveying Ltd Southland, dated 16/04/2024

This plan is attached in Appendix A

2. In accordance with section 128 of the Resource Management Act 1991, the consent authority may review any or all conditions of this consent by serving notice on the consent holder within one (1) month of the anniversary of the date of this consent notice, in order to deal with any adverse effects on the natural or built environment which may arise as a direct result of the consented activity.

Easements

3. 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.
4. The consent holder shall meet the costs for the preparation, review, and registration of any easement instrument(s) on the relevant Record of Title.
5. 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.
6. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall, to the satisfaction of the Council Chief Executive Officer of the Gore District Council, or delegated officer, complete the following, in accordance with the details provided in the resource consent and the Council's standards:
 - a. The residential units on each allotment are to be completed to a stage where they are fully measurable (i.e. foundation constructed).

- b. The provision of new separate water supply connections to the property boundary of Lot 100. The connections require an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
- c. The provision of three new separate wastewater connections to the property boundary of Lot 100. These new laterals proposed will connect to a manhole outside of the property. Here these individual laterals will connect to one pipe that will connect to the main in Hokonui Drive.

Formation of the accessway

- d. Construct and upgrade the vehicle crossing, in accordance with Diagram R09-1 of the Subdivision and Land Development Bylaw 2019. This includes reinforcing the driveway from the footpath with asphalt to the property boundary. These works shall be carried out by the applicant at his cost and in accordance with the Bylaw.
- e. Install a Geotextile grid product across the width of the access in accordance with Scheme Plan, Lot 23 DP 582, 67 Hokonui Drive, Gore, Rev C, drawn by Definition Surveying Ltd Southland, dated 16/04/2024 and the construction process below:
 - i. Mark out driveway area and remove upper litter layer (vegetation, grass, weeds);
 - ii. Cover width of the access in a single layer of geotextile Bidim filter cloth and overlap joins by 500mm;
 - iii. Lay out and fill Geoweb cellular system with GAP50 and compact as per Geoweb specification;
 - iv. Cover Geoweb with Bidim filter cloth and overlap Geoweb by 500mm;
- f. Apply a two coat chip seal surfacing over the top of the Geoweb cellular system and bidim filter cloth. The chip seal shall be laid at a lower temperature, approved by the roading department.
- g. Prior to construction of the new vehicle access the consent holder shall provide to Council's Roading Engineer for approval a cross section plan showing how the footpath will be ramped to incorporate a gradual incline and how drainage will be managed to avoid any ponding effects. The footpath and access shall then be constructed in accordance with the approved plan.
- h. Reinststate the original vehicle crossing located between the new crossing and notable tree, with grass, berm, highway drainage and/or kerb to be consistent with the adjacent road reserve treatment, to the satisfaction of the New Zealand Transport Agency Network Manager.
- i. Provide to Council correspondence from New Zealand Transport Agency confirming that works to the State Highway, including the vehicle crossing and reinstated vehicle crossing have been completed to New Zealand Transport Agency standards.

- j. 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

Consent Notices

7. Prior to the certification of the subdivision pursuant to section 224 of the Resource Management Act 1991; a consent notice, in accordance with Section 221 of the Resource Management Act 1991, shall be issued for Lot 1 - 3 to record that:
 - a. Any dwelling or other noise sensitive building on the site in or partly within 40 metres of the edge of State Highway 94 carriageway must be designed, constructed and maintained to achieve an indoor design noise level of 40 dB LAeq (24hr) inside all habitable spaces.
 - b. Any dwelling erected is to have a minimum floor level no less than 73.4 metres New Zealand Vertical Datum (NZVD 2016).

Decision B - Land Use Consent Conditions

1. The activity must be undertaken generally in accordance with the application made to the Council on 3 May 2024, the further information provided 31 May 2024, 18 June 2024, 30 August 2024 and the following plan:
 - Masonbuilt Group Ltd Accommodation Units, 67 Hokonui Drive, Gore, Site Plan Rev F August 2024, drawn by Admore Design
 - Masonbuilt Group Ltd Accommodation Units, 67 Hokonui Drive, Gore, Ground Floor Plan, drawn by Admore Design
 - Masonbuilt Group Ltd Accommodation Units, 67 Hokonui Drive, Gore, Elevations, drawn by Admore Design
 - Masonbuilt Group Ltd Accommodation Units, 67 Hokonui Drive, Gore, Section A, drawn by Admore Design
 - Masonbuilt Group Ltd Accommodation Units, 67 Hokonui Drive, Gore, Section B, drawn by Admore Design

These plans are attached as Appendix A.

Building Requirements

2. The residential units on each allotment are to be completed to a stage where they are fully measurable (i.e. foundation constructed).
3. The dwellings shall have a minimum floor level no less than 73.4 metres New Zealand Vertical Datum (NZVD 2016).
4. The provision of new separate water supply connections to the property boundary of Lot 100. The connections require an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.

5. The provision of three new separate wastewater connections to the property boundary of Lot 100. These new laterals proposed will connect to a manhole outside of the property. Here these individual laterals will connect to one pipe that will connect to the main in Hokonui Drive.

Tree Protection

6. Prior to any on-site construction works commencing a tree protection zone shall be established and fenced off with orange mesh barrier fencing (or equivalent). The protection fencing shall cover the length of the grass berm from the footpath to the road and be 2m in width north and south of the notable tree outside number 67 Hokonui Drive.
7. For the duration of the construction of the development at number 67 Hokonui Drive the entire berm/grass verge directly outside from and including numbers 65 to 69 Hokonui Drive shall become an exclusion zone whereby there shall be no parking, storage of equipment, and/or storage of materials permitted on the berm.
8. Upon completion (after all on-site works have been completed) the current surface of the existing driveway which is not to be used as part of the new access shall be raked off as far as reasonably practicable using hand tools, and a layer of topsoil shall be applied before being sown in grass seed. Only when the grass has established may the barrier fencing required by condition 2 be removed.

Vehicle Access

9. Construct and upgrade the vehicle crossing, in accordance with Diagram R09-1 of the Subdivision and Land Development Bylaw 2019 and to the satisfaction of the New Zealand Transport Agency Network Manager. This includes reinforcing the driveway from the footpath with asphalt to the property boundary and undertaking the following:
 - a. Install a Geotextile grid product across the width of the access in accordance with the construction process below:
 - i. Mark out driveway area and remove upper litter layer (vegetation, grass, weeds);
 - ii. Cover width of the access in a single layer of geotextile Bidim filter cloth and overlap joins by 500mm;
 - iii. Lay out and fill Geoweb cellular system with GAP50 and compact as per Geoweb specification;
 - iv. Cover Geoweb with Bidim filter cloth and overlap Geoweb by 500mm;
 - c. Apply a two coat chip seal surfacing over the top of the Geoweb cellular system and Bidim filter cloth. The chip seal shall be laid at a lower temperature, approved by the roading department.
 - d. Prior to construction of the new vehicle access the consent holder shall provide to Council's Roothing Engineer for approval a cross section plan showing how the footpath will be ramped to incorporate a gradual incline and how drainage will

be managed to avoid any ponding effects. The footpath and access shall then be constructed in accordance with the approved plan.

- e. Reinststate the original vehicle crossing located between the new crossing and notable tree, with grass, berm, highway drainage and/or kerb to be consistent with the adjacent road reserve treatment, to the satisfaction of the New Zealand Transport Agency Network Manager.
- f. Provide to Council correspondence from New Zealand Transport Agency confirming that works to the State Highway, including the vehicle crossing and reinstated vehicle crossing have been completed to New Zealand Transport Agency standards.
- g. 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

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.

Note: The document is available on Council's website via the following link: Subdivision and Land Development Bylaw 2019.pdf (goredc.govt.nz).

Refer to the following link for details of the process to be followed for installing new connections to the Council's 3 Waters networks - <https://www.goredc.govt.nz/services/3-waters/service-connections>.

3. Any work carried out on the legal roadway require the prior approval of the Council and consent holder must consult with the Roding Department to ensure the appropriate processes are being followed and the work is being carried out to the correct standard. The work itself must be undertaken by a Council approved contractor.
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.

Prepared by



Bridget Sim
Planner

Decision made by



Victoria Woodbridge
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS



NOTES

1. THE GOVERNMENT LAND INFORMATION SYSTEM (GLIS) IS A SERVICE PROVIDED BY THE GOVERNMENT OF NEW ZEALAND. THE INFORMATION IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND. THE GOVERNMENT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THE INFORMATION. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PROVIDED. THE INFORMATION IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE GOVERNMENT.

MEMORANDUM OF AGREEMENTS	PROPOSED LAND TRANSFER	REGISTERED LAND TRANSFER
RIGHT OF WAY RIGHT	LOT 100	LOT 100
TELIC COMMUNICATIONS	LOT 100	LOT 100
OVERLAPPING RIGHT	LOT 100	LOT 100
TO BE REMOVED	LOT 100	LOT 100

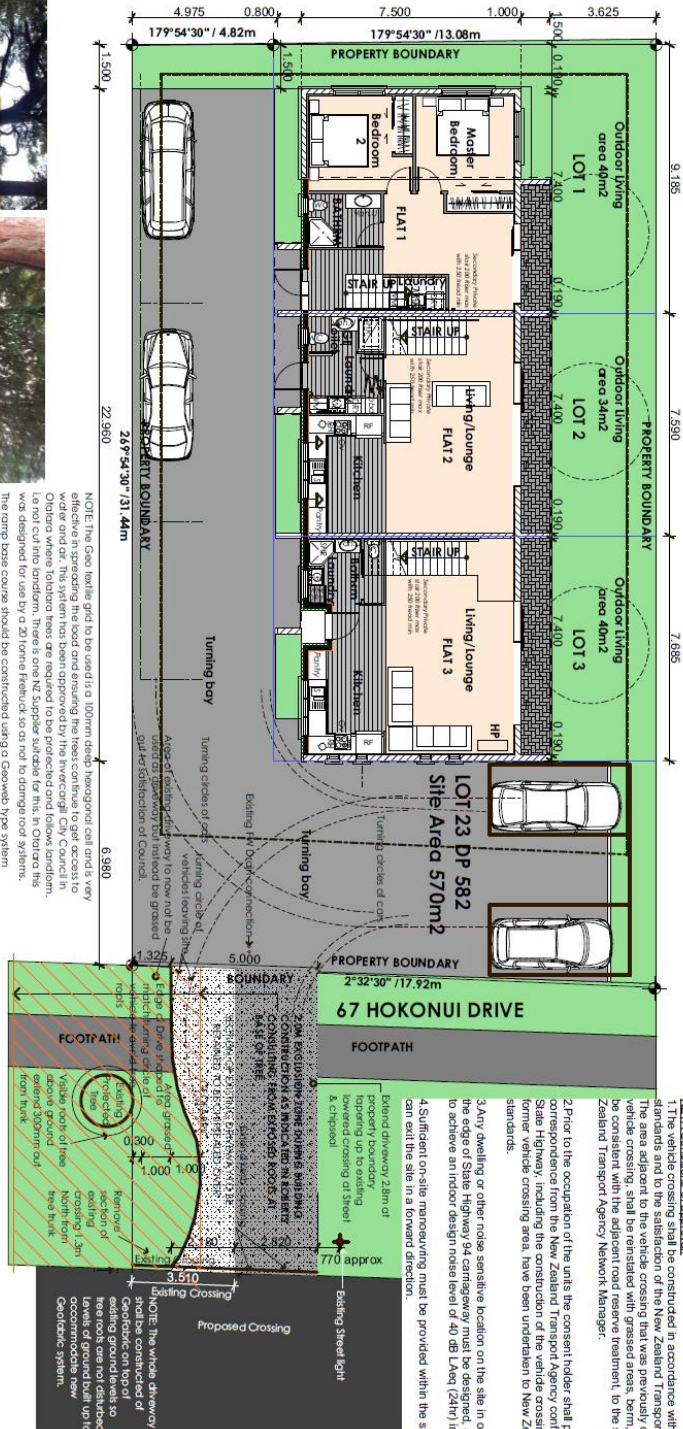
SCHEDULE OF PROPOSED COVENANTS	PROPOSED LAND TRANSFER	REGISTERED LAND TRANSFER
COVENANT A	LOT 100	LOT 100
COVENANT B	LOT 100	LOT 100
COVENANT C	LOT 100	LOT 100

ANALYSIS OF PROPOSED COVENANTS	PROPOSED LAND TRANSFER	REGISTERED LAND TRANSFER
COVENANT A	LOT 100	LOT 100
COVENANT B	LOT 100	LOT 100
COVENANT C	LOT 100	LOT 100

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DEFINITION	PROPOSED LAND TRANSFER	REGISTERED LAND TRANSFER
DEFINITION 1	LOT 100	LOT 100
DEFINITION 2	LOT 100	LOT 100
DEFINITION 3	LOT 100	LOT 100

DEFINITION & REFINING LTD.
 100 HOKONUI DRIVE GORE
 GORE, SOUTH ISLAND
 SOUTH ISLAND
 DEFINITION SUPERVISED LTD
 LOT 23 PP 582
 67 HOKONUI DRIVE GORE
 GORE, SOUTH ISLAND
 SCHEMATIC PLAN
 1:1000
 DATE: 10/10/2023
 DRAWN: AN
 CHECKED: C
 SCALE: 1:1000
 SHEET: 1 OF 1
 PROJECT: SC2017100



Job at Otara which used this system in close proximity to trees

SITE PLAN SCALE 1:150

REV F: AUGUST 2024, showing surveyed site information and crossing changes proposed by client to protect the protected tree roots and NZTA Approval conditions.

MASONBUILT GROUP LTD

ACCOMMODATION UNITS

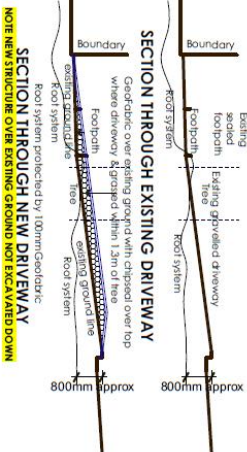
67 HOKONU DRIVE, GORE. Job Number: 23058

NOTE: The Geo textile grid to be used is a 100mm deep hexagonal cell and is very effective in spreading the load and ensuring the trees continue to get access to water and air. This system has been approved by the Invercargill City Council in Otara where border trees are required to be protected and lawns random. The system is designed for use by a 20 tonne truck so as not to damage road systems. The ramp base course should be constructed using a Geoweb type system (Maconochie New Zealand Ltd).

Construction process:

1. Mark out driveway area and remove upper filter layer (vegetation, grass, weeds).
2. Cover area in a single layer of geotextile filter cloth and overlapped by 300mm.
3. Lay out and fill Geoweb cellular system with G450 and compact as per Geoweb specification.
4. Cover Geoweb with 100mm filter cloth and overlap Geoweb by 300mm.
5. Construct drive to desired height and cam.
6. Lay out and compact road on top.
7. Chipped over (level of proposed level).

Geoweb is normally attached to the ground surface with proprietary plastic bent D12 bar. The use of a system such as Geoweb is threaded 1: vehicle loading is spread out 2: tree roots continue to have access to air and 3: drainage continues to flow across the area.



NOTE NEW STRUCTURE OVER EXISTING GROUND NOT BACKFILLED DOWN

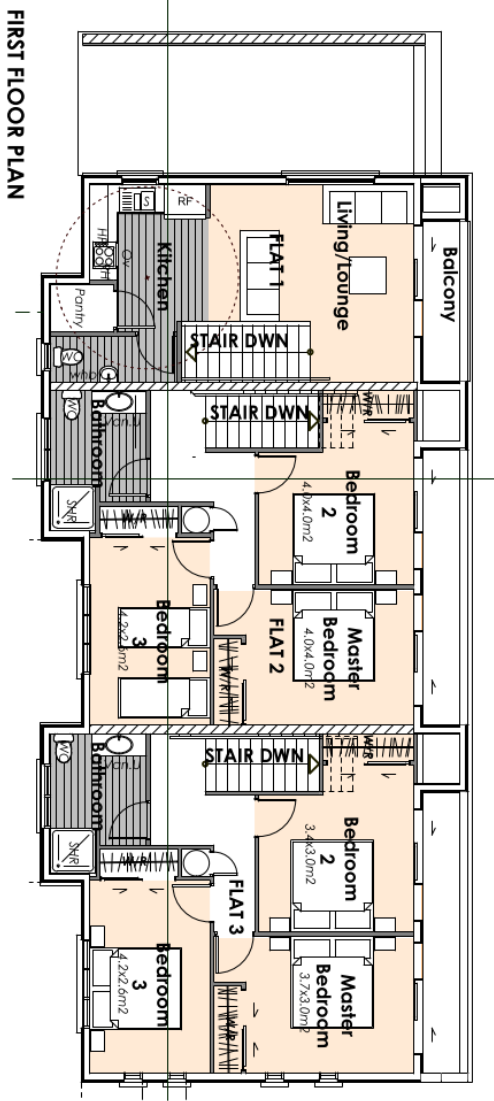


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CREATIVE ARCHITECTURE

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16 Kildare Place, Invercargill
www.admoredesigns.co.nz

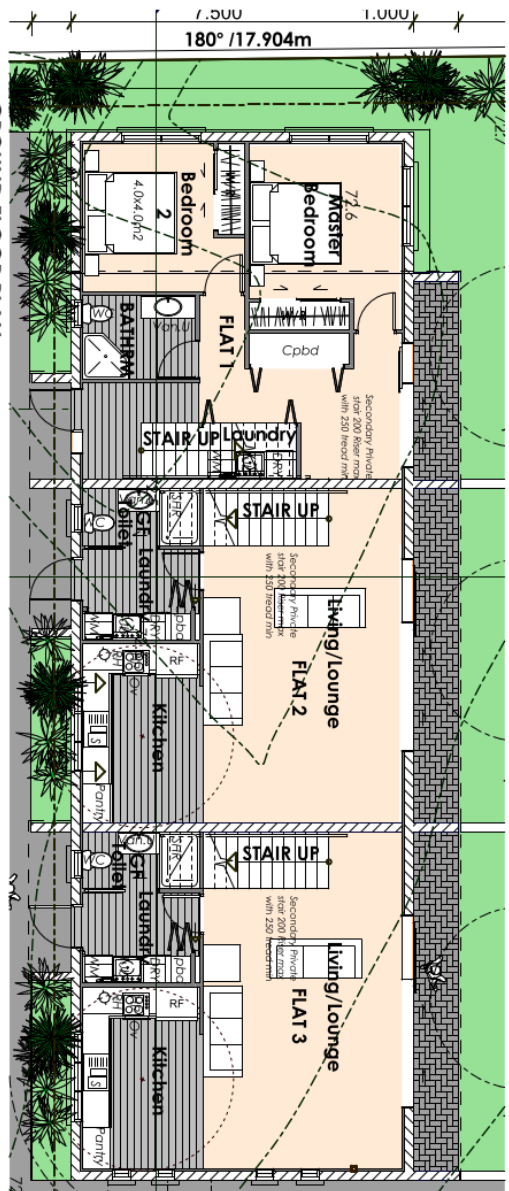
ARZ
Professional Member

Licensed Building Practitioner
www.arz.co.nz



RESOURCE CONSENT NEIGHBOURS APPROVAL
 ADDRESS: 65 HOKONUI DRIVE, GORE
 OWNERS FULL NAME: _____
 OWNERS SIGNATURE _____
 TENANTS FULL NAME: _____
 TENANTS SIGNATURE: _____
 DATE: _____

RESOURCE CONSENT NEIGHBOURS APPROVAL
 ADDRESS: 69 HOKONUI DRIVE, GORE
 OWNERS FULL NAME: _____
 OWNERS SIGNATURE _____
 TENANTS FULL NAME: _____
 TENANTS SIGNATURE: _____
 DATE: _____

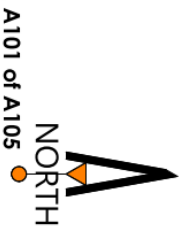


RESOURCE CONSENT NEIGHBOURS APPROVAL
 ADDRESS: 2 HOWARD STREET, GORE
 OWNERS FULL NAME: _____
 OWNERS SIGNATURE _____
 TENANTS FULL NAME: _____
 TENANTS SIGNATURE: _____
 DATE: _____

MASONBUILT GROUP LTD
ACCOMMODATION UNITS
 67 HOKONUI DRIVE, GORE. Job Number: 23058



38 Hokonui Drive,
 PO Box 35, Gore
 Mobile: 027 304 8930
 Email: phil@admoredesigns.co.nz



RESOURCE CONSENT NEIGHBOURS APPROVAL

ADDRESS: 69 HOKONUI DRIVE, GORE

OWNERS FULL NAME: _____

OWNERS SIGNATURE _____

TENANTS FULL NAME: _____

TENANTS SIGNATURE: _____

DATE: _____

RESOURCE CONSENT NEIGHBOURS APPROVAL

ADDRESS: 69 HOKONUI DRIVE, GORE

OWNERS FULL NAME: _____

OWNERS SIGNATURE _____

TENANTS FULL NAME: _____

TENANTS SIGNATURE: _____

DATE: _____

RESOURCE CONSENT NEIGHBOURS APPROVAL

ADDRESS: 2 HOWARD STREET, GORE

OWNERS FULL NAME: _____

OWNERS SIGNATURE _____

TENANTS FULL NAME: _____

TENANTS SIGNATURE: _____

DATE: _____



NORTH WEST VIEW



NORTH EAST VIEW



WEST VIEW (FROM HOKONUI DRIVE)



SOUTH VIEW

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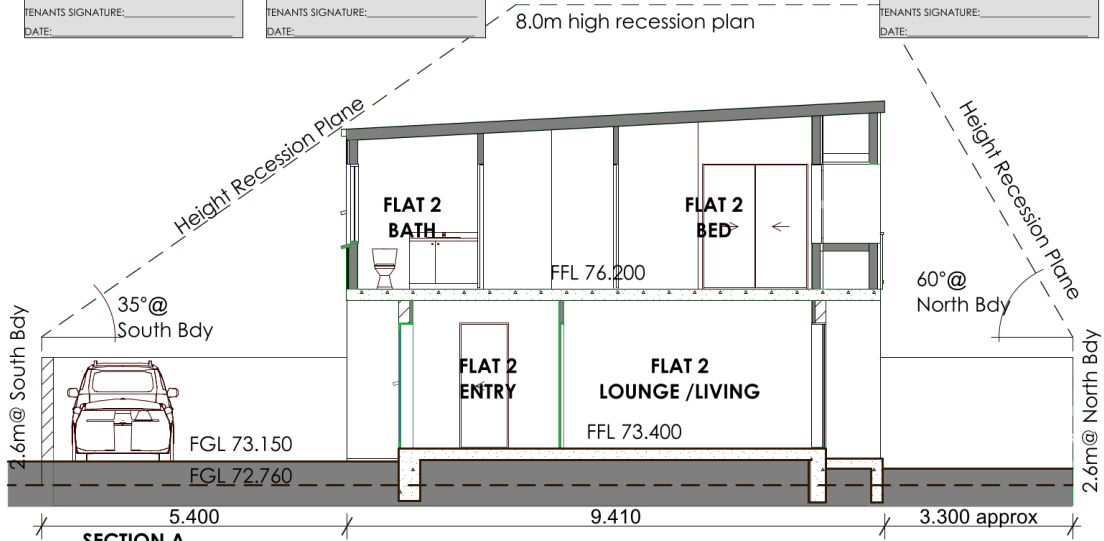


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RESOURCE CONSENT NEIGHBOURS APPROVAL
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 OWNERS SIGNATURE: _____
 TENANTS FULL NAME: _____
 TENANTS SIGNATURE: _____
 DATE: _____

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 OWNERS SIGNATURE: _____
 TENANTS FULL NAME: _____
 TENANTS SIGNATURE: _____
 DATE: _____

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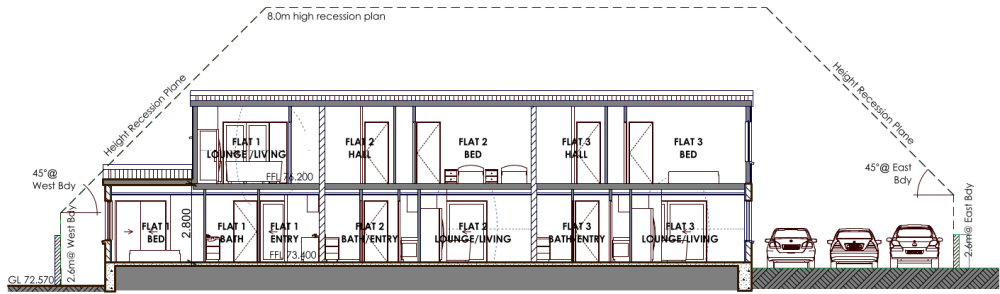
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 Email: phil@admoredesigns.co.nz



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 OWNERS SIGNATURE: _____
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 OWNERS FULL NAME: _____
 OWNERS SIGNATURE: _____
 TENANTS FULL NAME: _____
 TENANTS SIGNATURE: _____
 DATE: _____



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