

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC23051 & LU23052
Applicant	J Cooper
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a two-lot subdivision. Land use consent for breach of density, aggregate length of a building, and internal yards and recession plane.
Location	46 Maitland Street, East Gore
Legal Description	Lot 1 DP 4113
Activity Status	Restricted Discretionary
Decision Date	5 September 2023

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 Katrina Ellis, on 5 September 2023 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 Katrina Ellis, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to undertake a subdivision to create a two-lot residential allotment as follows:

Lot 1	422m ² area (393m ² Nett). The site is currently vacant, but future residential development is proposed. Access is proposed onto Maitland Street via the existing kerb crossing. A hard surfaced entranceway will be extended to the property boundary draining back towards the kerb.
Lot 2	458m ² area (400m ² Nett). The site is currently vacant but future residential development is proposed. Access is proposed onto Maitland Street via a right of way leg-in. The existing crossing width to Maitland Street, servicing Lot 1, will be extended to service this lot.

The application proposes to establish residential activity on both allotments and has provided building plans. Should the units be constructed prior to subdivision, the creation of the access leg-in will result in a yard and recession plane breach for the residential unit on Lot 1, and a density breach. Both proposed units further breach the aggregate length of a building parallel to an internal boundary.

Land use consent is sought for the density, bulk and location non-compliances.

The application was updated on the 21 August 2023 following consultation with Council's building and roading department in regard to the land use plans provided. The further information received updated the land use plans to shift the residential unit on Lot 1 back from the internal yard of the right of way. This resulted in the proposed building no longer encroaching into the right of way due to the height of the eaves. The updated plans also joined the vehicle access, to form one vehicle access from the existing crossing on Maitland Street.

Access:

The existing kerb crossing from Maitland Street will be retained for Lot 1. This will be sealed and widened to create access for Lot 2, forming one drop crossing from Maitland Street. This access for both proposed lots will be established in accordance with the Gore District Council Subdivision and Bylaw.

Lot 2 will be accessed by a 3m wide right of way. This includes a 2-metre leg-in (held in Lot 2 ownership) and an additional 1.0 metre (held in Lot 1 ownership) subject to an easement, in favour of Lot 2. This is shown as Area A on the scheme plan.

Wastewater:

Both lots are proposed to connect to the existing council services in Maitland Street, through separate lateral connections.

Due to the unknown location and depth of the wastewater main, there is a potential that gravity drainage from Lot 1 and Lot 2 may not be possible and instead require a pumped connection. The Applicant has agreed for a consent notice to be placed on the Record of Titles for both Lot 1 and Lot 2.

Stormwater:

The two lots will discharge stormwater to the existing council services in Maitland Street. Lot 1 is proposed to discharge via a lateral connection.

Lot 2's stormwater will be captured by a sump installed along the eastern boundary at the south end of the gravelled right of way. This will be connected to the existing Stormwater main in Maitland Street.

There is a potential that gravity drainage from Lot 1 and Lot 2 may not be possible and instead require a pumped connection. A consent notice has been recommended to be included on both Lot 1 and Lot 2 to highlight the potential need for a pumped stormwater system to connect to the Council reticulated stormwater network. The Applicant has accepted this recommendation.

Potable Water:

Two new separate lateral connections are required to connect each lot to the existing council services in Maitland Street. The lateral connection for Lot 2 will be contained within the leg-in part of the driveway.

Electricity and Telecommunications:

Separate connections will be installed to Lot 1 and Lot 2 when residential development occurs. Availability of electricity and telecommunication supply has been confirmed by the applicant.

2. SITE DESCRIPTION

The subject site is located three sites down from the western corner of Maitland Street and Hamilton Street, at 46 Maitland Street. The site is legally described as Lot 1 DP 4113 and is 811m² in area. The site is located within the Residential A zone. Access is currently provided to the site via Maitland Street. The site is vacant residential land.

The site is predominantly flat. Surrounding the site is primarily residential dwellings, while to the west of the site is vacant rural land used for sheep grazing.

This site is identified by the Council's mapping system as having 'negligible' liquefaction risk across the site. No inundation overlay applies to the site.

This site is not identified as being on the Environment Southland's Selected Land Use Register as an actual or potentially contaminated site.



Figure 1: Subject site outlined in red with surrounding area.

3. ACTIVITY STATUS

3.1 Gore District Plan

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

Subdivision

- A **restricted discretionary** activity pursuant to Rule 8.10(4)(c) to undertake a two-lot subdivision of the site, where each lot will exceed 400m² in area.

Council's discretion is restricted to the following:

- (i) suitability of the allotments for activities permitted within the zone in which they are located.
- (ii) suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;
- (iii) ability to provide services (water, sewage, storm water, power and telecommunications);
- (iv) impacts on the council and other infrastructure services;
- (v) future use of the land and the need to consider any associated resource consents;
- (vi) within residential and rural areas lot size, dimensions and potential for future subdivision of the land;
- (vii) within residential and rural areas the desirability of providing building platforms; and provision of easements
- (ix) impacts on any heritage or archaeological values
- (x) impacts on natural features and landscapes, ecological or cultural values
- (xi) impacts water quality, including groundwater

(xii) provision of all transport modes, including the movement of pedestrians and cyclists

Land use

- A **restricted discretionary** activity pursuant to Rule 4.16.1(3) as the proposal breaches standard 4.16.1 regarding density. In the residential A zone, each residential unit shall have a site area no less than 400m².

Note for the purpose of this rule the following shall be excluded from the site area:

- i. Land set aside to provide access to another site.
- ii. In the case of a rear lot, that area designed solely to provide access to the rear.

It is proposed to establish a residential unit on Lot 1 with a nett site area of 393m² given the inclusion of the easement providing access for Lot 2.

- A **restricted discretionary** activity pursuant to Rule 4.7A.1(4) as the proposal breaches standard 4.7A.1(3) in regard to both residential units having contiguous building length. Both western boundary wall of the residential units is 16.1m exceeding the permitted length by 0.1m without sufficiently stepping back from the boundary.
- A **restricted discretionary** activity pursuant to Rule 4.7A.1(4) as the proposal breaches standard 4.7A.1(3) in regard to yards, as the proposed residential unit on Lot 1 will encroach the 1m yard, measured from the internal boundary of the right of way leg in.
- A **restricted discretionary** activity pursuant to Rule 4.7(2) as the proposal breaches standard 4.7.1(1) in regard to recession planes, as the proposed residential unit on Lot 1, will encroach the required recession plane, measured from the internal boundary of the right of way.

The matters over which the Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.

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 **restricted discretionary subdivision** and **restricted discretionary land use** activity under the District Plan.

4. NOTIFICATION ASSESSMENT

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

4.1 Public notification – Section 95A

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

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

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

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are 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

No written approvals have been provided.

The following effects may be disregarded:

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

Permitted Baseline

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

In relation to the land use, it is a permitted activity to establish two residential units on one site provided they have a nett site area of 400m² each. They must be located 4.5m from the road boundary and 1m from any internal boundary. The aggregate length of a building parallel to the boundary must be no more than 16m unless the building is setback further. A building envelope is further dictated by a recession plane standard, measured at a height 2.6m at the boundary and an angle determined by the orientation of the boundary. Of note, for the purposes of calculating yards and recession planes, the boundary of the nett site area is used. This permitted baseline is considered of relevance and applied to the land use assessment below.

Subdivision

Suitability of the allotments and future land use

The subdivision layout is consistent with what the District Plan enables in the Residential A zone. Both proposed lots meet the minimum 400m² gross area specified in the Gore District Plan and will be utilised for residential purposes.

The applicant has applied for a land use consent for various bulk and location non-compliances. As such, the application for subdivision and land use breaches can be assessed as a whole.

The Applicant has provided plans for a residential unit on each proposed allotment. The 'Site Bulk and Landscape Plan' indicates that the residential unit on Lot 1 is 0.25m from the internal boundary of the right of way, resulting in a breach of the yard setback. Due to setback distance of the residential unit, the building will encroach the recession plane along the eastern boundary. The 'Ground Floor Plan' identifies that both residential units will have an aggregate length of 16.1m. These land use breaches identified will be assessed further below, and effects concluded to be no more than minor.

The extent of the non-compliances are of a small scale. The residential units, when viewed as a complete project, illustrate compact development of a site. The proposed lots are considered to be consistent with anticipated development within the Residential Zone for residential living. The development plans show the size, shape, and configuration of the proposed allotments are appropriate for residential purposes. A rear dwelling utilising a right of way leg-in is consistent with the infill subdivision pattern in Gore.

Overall, adverse effects on the wider environment will be no more than minor.

Suitability of land for subdivision – Natural Hazards and other Hazards

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

Any adverse effects, with respect to natural hazards and other hazards on the wider environment will be less than minor.

Ability to provide services

Both lots will connect to reticulated services.

Council's 3Waters Asset Manager, Mr Matthew Bayliss, has reviewed the application and has confirmed the lots can be feasibly serviced.

In relation to wastewater, it is proposed both lots will connect to the existing main located in Maitland Street. There is a risk that the wastewater main is shallow and does not extend as far as the GDC maps indicate to support gravity drainage. Due to this, pumped connections may need to be installed for both Lot 1 and Lot 2. The applicant has accepted a consent notice on both lot record of titles to highlight the potential need for a pumped wastewater system to connect to the Council's reticulated wastewater network.

All wastewater connections will require a cleaning eye brought to the surface approximately 1m from the Council wastewater system with a council approved cover red lid for servicing.

In relation to stormwater, Lot 1 will connect to the stormwater main within Maitland Street. Lot 2 will have on-site disposal via gravel soakage although a sump is located at the southern end of the driveway, connecting to the stormwater main located in Maitland Street.

Mr Bayliss has recommended a consent notice to be included on both Lot 1 and Lot 2 to highlight the potential need for a pumped stormwater system to connect to the Council reticulated stormwater network. The Applicant has accepted this recommendation.

Both lots will connect to the existing water main located in Maitland Street. An Acuflo CM2000 manifold is to be installed in a blue box outside the boundary for servicing.

The application demonstrates that Powernet have confirmed electricity is available for the proposed lots, and additionally telecommunications are available.

Following consultation, the Applicant has agreed to the servicing solutions recommended by Mr Bayliss. Based on the above, the adverse effects on the environment from the proposed servicing of the subdivision will be less 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. It can be considered that the impacts of the proposed subdivision will be nil with respect to these features and values. The subject site is located outside of any mapped significant natural features and landscapes, or areas shown as having identified ecological or cultural values.

The proposed subdivision will not have noticeable effects on the water quality in the surrounding area as all services will be connected to the reticulated network. The scale of the proposed activities to occur have adequate provisions in place to manage the services required for each proposed lot.

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

Effects on traffic

The Council's Senior Roading Operations Officer, Mr 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 existing vehicle crossing from Maitland Street to access Lot 1 meets the sightline distance requirements listed in Table 3.3B of the Bylaw.

Mr Hasler advised this crossing will need to be upgraded in accordance with the Vehicle Crossing Residential diagram R03 contained in the Bylaw. This will include construction with reinforced concrete extended to the property boundary, perpendicular to the road.

A new vehicle crossing is proposed for Lot 2. Mr Hasler advised that the crossing will need to be constructed in accordance with the diagram R03 'Vehicle Crossings Residential' contained in the Bylaw. This will include construction with reinforced concrete extended to the property boundary, perpendicular to the road.

Due to the two proposed drop crossings being located close to each other, Mr Hasler recommended that these should be extended to create one crossing. The applicant has accepted this as reflected by the updated scheme plan 'Lot 1 & 2 Being Subdivision of Lot 1 DP 4113' Rev 1, drawn 15-08-2023.

On this basis, Mr Hasler recommended that the application be approved from the transportation perspective. Effects on the wider environment are therefore considered to be less than minor.

Provisions of easements

A leg-in driveway is proposed to allow vehicle access to Lot 2, this includes a 1m wide right of way over Lot 1, in favour of Lot 2 as indicated by area A on the scheme plan.

At the time of survey, all necessary easements will be confirmed and registered onto the relevant Record of Titles. Adverse effects on the wider environment are considered to be less than minor.

Land Use

Density Breach

The proposed residential unit on Lot 1 will result in a non-compliance with the District Plan standards with respect to density. The Applicant has applied to include the density breach, should the construction of the units occur ahead of the subdivision.

A land use breach for density results for Lot 1 due to the 3m width of the driveway required for Lot 2. The driveway requires a 1m right of way over Lot 1's developable land, recognised as Area A on the scheme plan. The area of the right of way is 28.57m², resulting in a nett site area of 393m², which is 7m² smaller than the minimum 400m² nett area required per residential unit under the District Plan.

The applicant has provided development plans for the dwellings proposed on Lot 1 and Lot 2. As such, the future built form can be assessed. The dwelling on Lot 1 contains 3 bedrooms and a combined kitchen/living area. Outdoor space is provided at the rear of the property as well as the within the front yard. It is considered adequate onsite amenity is provided for future occupants. The breach in density will not result in adverse effects from over-development of the site or negatively affect the streetscape and wider area.

Given that two houses could be built on the existing site as a permitted activity, and given the scale of the density breach, adverse effects on the environment are considered to be indiscernible.

Aggregate Building Length

The proposed residential units on Lot 1 and Lot 2 will result in non-compliance with the District Plan standards with respect to having a contiguous building length of 16.1m, which is 0.1m more than what is permitted under the District Plan. Both residential units are setback over a 1m from the western boundary that the building has a contiguous length. This additional space between the boundary to the neighbouring property mitigates the additional length of 0.1m.

Given the scale of the breach, any potential adverse effects of the activity are considered to be no different in character, intensity, or scale than the surrounding residential environment.

The adverse effects of this breach on the environment are considered to be indiscernible.

Internal Yard and Daylight Breach

A land use breach will result for the proposed residential unit on Lot 1 due to the location of the building within the 1m yard requirement. By definition, the yard is measured from the inside boundary of the right of way. The proposed residential unit will also encroach into the recession plane along the eastern boundary.

The right of way leg in will be utilised by the future occupants of Lot 2 for access only. The effects of the location of the proposed dwelling will be negligible on the streetscape and wider residential area, given the building is appropriately setback from the road boundary. The location of the building will not hinder the future residential use of either lot, or the amenity experienced by future occupants.

Conclusion: Effects On The Environment

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

Step 4 – Public Notification in Special Circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

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

Step 1 – Certain affected groups or persons must be notified

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

Step 2 – Limited notification precluded

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

Step 3 – Certain other affected persons must be notified

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

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

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

Assessment: Effects on Persons

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

Neighbouring Properties

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 the subject site.



Figure 2: Subject site outlined in red and surrounding neighbouring properties, indicated by yellow dots.

Subdivision

The proposed subdivision will achieve the standard for minimum lot size for the residential A zone. The proposed lots are of a size and shape that can accommodate a future residential unit. The District Plan has therefore anticipated the adverse effects associated with future development of this density on such lots and deemed it appropriate. The consequent increase in density, and associated effects such as noise and traffic generation will be less than minor given the scale of the subdivision is in line with the District Plan.

The subdivision would maintain the safe and efficient function of the Council's roading network, any effects relating to traffic generation are considered to be less than minor for any adjacent owners and occupiers.

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

Overall, it is considered the subdivision will not create lots or uses that are out of character for the residential area or detract from the existing amenity values. Therefore, the adverse effects are considered to be less than minor, and no persons would be adversely affected by the proposal.

Land Use

Should the buildings be constructed prior to subdivision, the nett site area of lot will be 393m². Given the extent of the breach (7m²) and that two compliant residential units could be built on site, adverse effects on persons residing at properties to the north, will be less than minor. Maitland Street and the wide grass verge will provide sufficient separation distance.

The effects on persons residing at the east and south properties will be less than minor due to the separation distance created by the right of way. Potential adverse effects from proximity or shading will be less than minor.

The effects of both proposed buildings on Lot 1 and Lot 2 having contiguous building length exceeding 16m will be less than minor on the owners and occupiers that share the western boundary. The aggregate length of both buildings is exceeded by 0.1m along the western boundary. Both residential units are setback over a 1m from the western boundary, establishing additional space between the boundary to the neighbouring property mitigates the additional length of 0.1m. A breach of 0.1m will not be apparent to the owners and occupiers of the property to the west.

Overall, adverse effects on persons in respect to bulk and location of the building on Lot 1 and Lot 2 will be less than minor.

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 the below chapters 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 are suitable to accommodate future development for the residential zone, as indicated by the land use plans provided with this application. The proposed lots will help provide additional residential lots in the Gore residential area. Overall, it is considered that the subdivision is considered to have no 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.

Policies

(1) Establish zones that reflect the characteristics and amenity values of the area.

(2) Control the adverse effects of land use activities on the environment.

The land use is appropriate and will not lead to adverse effects on the amenity and character of the surrounding area. The proposed building on a smaller net area than anticipated by the District Plan still maintains the character and amenity value of the Residential Zone. A residential unit is able to be built on the site as indicated by the residential plans provided by the Applicant.

The internal yard breach and recession plane breach is of small scale and occurs along the right of way leg in used for accessing Lot 2. This allows the amenity and characteristics of the residential character of Maitland Street to be maintained.

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

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 both allotments will have legal and physical access.

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

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

8. PART 2 OF THE RMA

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

Section 5 – Purpose

The proposed subdivision takes into account Section 5 of the RMA as the proposed lots will enable additional residential lots and 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, as there are a number of existing residential lots in the surrounding area of similar size.

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

Decision A – Subdivision

Pursuant to Section 104C of the RMA, consent is granted to subdivide 46 Maitland Street into two allotments, subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

Consent Conditions

1. The subdivision shall be undertaken generally in accordance with the application made to the Council on the 25.07.2023 and the following plan:
 - ‘Lot 1 & 2 Being Subdivision of Lot 2 DP 4113, Plan #1, Rev 1, drawn by Southern Horizons, dated 15.08.2023’.

Prior to works starting:

2. No less than two weeks prior to starting the installation of the 3Waters Services, the consent holder shall provide a detailed engineering plan showing the depth and gradients of the wastewater main to be approved by the Council's 3Waters Asset Manager.

Note: If it is determined that there is insufficient fall for gravity wastewater connections to the proposed dwellings on Lot 1 & 2 then a consent notice shall be applied to the titles for the relevant lots as per conditions 8 & 9.

3. No less than two weeks prior to starting the installation of the 3Waters Services, the consent holder shall provide a construction program for the proposed works to the Council's 3Waters Asset Manager and provide fortnightly updates of the program during the construction process.

Prior to S223 Certification

4. 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.
5. The consent holder shall meet the costs for the preparation, review, and registration of any easement instrument(s) on the relevant Record of Title.
6. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder must provide to Council a written statement from a Licensed Cadastral Surveyor, accompanied by any necessary evidence, to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted and reserved in the Land Transfer Plan where appropriate.

Prior to S224c Certification

7. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder shall, to the satisfaction of the Chief Executive Officer of the Gore District Council, complete the following, in accordance with the details provided in the resource consent application and the Council's standards:
 - a. The provision of water supply to the property boundary of Lot 1. The connections require an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
 - b. The provision of water supply to Lot 2, running the length of the leg-in detailed on the scheme plan referenced in condition 1. The connections require an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
 - c. The provision of wastewater connection to the property boundary of Lot 1. All wastewater property connections are to have a cleaning eye brought to the surface approximately 1m from the Council main with a Council approved cover with a red lid for servicing.

- d. The provision of wastewater connection to Lot 2, running the length of the leg-in detailed on the scheme plan referenced in condition 1. All wastewater property connections are to have a cleaning eye brought to the surface approximately 1m from the Council main with a Council approved cover with a red lid for servicing.
 - e. Widen the existing vehicle crossing on Maitland Street to serve both Lot 1 and 2, in accordance with the standards contained in Diagram R03 in the Gore District Council Subdivision and Land Development Bylaw 2019.
 - f. Construct the 3m leg-in providing access to Lot 2, in accordance with the standards contained in Diagram R03 in the Gore District Council Subdivision and Land Development Bylaw 2019 standard 3.3.16.
 - 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
8. If deemed necessary by condition 2, then prior to the certification 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 1991, shall be issued for Lot 1 to record that:
- a. A pumped wastewater connection is required to be installed at the time of development at the cost of the owner.
 - b. A pumped stormwater connection is required to be installed at the time of development at the cost of the owner.
9. If deemed necessary by condition 2, then prior to the certification 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 1991, shall be issued for Lot 2 to record that:
- a. A pumped wastewater connection is required to be installed at the time of development at the cost of the owner.
 - b. A pumped stormwater connection is required to be installed at the time of development at the cost of the owner.

Advice Notes

- 1. A building consent is required for all stormwater, water and wastewater services and pipelines to be installed in the ROW and into each proposed lot, prior to ROW being completed and certification.
- 2. The location and depth of the existing wastewater main will need to be confirmed – as the proposed connections are close to the end of the network there is a risk that the existing wastewater main may be quite shallow and not extend as far as shown on the Council plans. If the existing wastewater main is not deep enough a consent notice may need to be included on the titles of some or all the proposed lots under this subdivision

consent highlighting the potential need for a pumped wastewater system to connect to the Council's reticulated stormwater network.

3. All engineering works shall be carried out in accordance with the standards in the Gore District Council's Subdivision, Land Use and Development Bylaw 2019.
4. Any future development on Lot 1 and 2 will be subject to the requirements of the Gore District Council's Subdivision and Land Development Bylaw and the Gore District Plan.
5. Any work carried out on the legal roadway require the prior approval of the Council and consent holder must consult with the Roading Department to ensure the appropriate processes are being followed and the work is being carried out to the correct standard. The work itself must be undertaken by a Council approved contractor.
6. 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>

Decision B – Land Use

Pursuant to Section 104C of the RMA, consent is granted to enable two residential units that will breach density, aggregate length of a building, an internal yard and recession plans, subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

1. The proposal must be undertaken generally in accordance with the application as submitted to the Council and the following plans:
 - Site Bulk and Location Plan, prepared by Bauhaus, dated 20/08/2023
 - Ground Floor Plan, prepared by Bauhaus, dated 20/08/2023
 - Elevations, prepared by Bauhaus, dated 20/08/2023
 - Elevations, prepared by Bauhaus, dated 20/08/2023

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. The Gore District Plan and Gore District Council Subdivision and Development Bylaw 2019 sets out standards and requirements, which are required to be met in constructing any buildings.

Administrative Matters

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

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
Graduate Planner

Decision made by



Katrina Ellis
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS

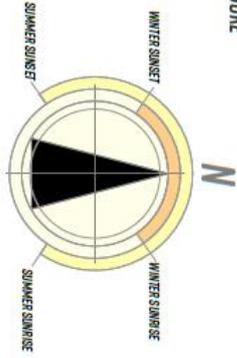


SITE BULK & LOCATION PLAN

SCALE 1:200 @ A3

PROPERTY INFORMATION

46 MAITLAND STREET EAST GORE
 PARCEL ID: 3222984
 APPELLATION: LOT 1 DP 41/3
 LOCATION: EAST GORE
 CLIMATE ZONE: 6
 EARTHQUAKE ZONE: ZONE 1
 EXPOSURE ZONE: ZONE B
 LEE ZONE: ND
 RAINFALL RANGE: 50 - 80
 WIND REGION: A
 WIND ZONE: HIGH



BH 2308
 SITE PLAN & DEVELOPMENT
 WORKING DRAWINGS A3
 27/06/23
 ISSUE 02 - RESOURCE CONSENT
A101

COOPER TOWN HOUSES
 46 MAITLAND ST
 GORE

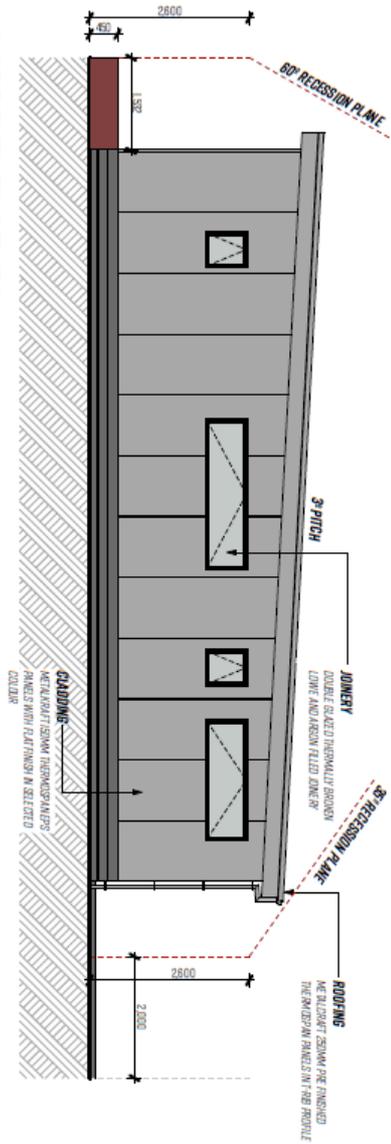
OFFICE: 5 ANDYTON STREET (GORE)
 PHONE: 0800 428 080
 MAILING: BAUHAUSARCHITECTURAL.COM
 LAND: 27/06/23 08:38:52
 DRAWING: A101
 DRAWN: J. SMITH
 CHECKED: J. SMITH
 DATE: 27/06/23

DO NOT SCALE FROM THIS DRAWING.
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APZ
 Professional Member
 PROFESSIONAL ARCHITECT
 FROM Taranaki

WEST ELEVATION

SCALE 1:75 @ A3



SOUTH ELEVATION

SCALE 1:100 @ A2

