

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC23042
Applicant	Peter and Tanya Copeland
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a three-lot residential subdivision.
Location	90 Wentworth Street, East Gore
Legal Description	Lot 7 DP 5880
Activity Status	Restricted Discretionary
Decision Date	01 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 01 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 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 three lot residential allotments as follows:

Lot 1	648m ² gross area (420m ² nett). The site is currently vacant with vegetation that will remain on site until further development occurs. Access is proposed onto Wentworth Street via a leg-in, right of way over Lots 2 and 3.
Lot 2	420m ² gross area. Site is currently vacant. The lot will gain access via a right of way, over Lot 1.
Lot 3	743m ³ gross area. The site contains an existing dwelling that will remain. The lot will gain access via a right of way, over Lot 1. It also contains a garage that will be removed prior to subdivision certification. A proposed garage 6m by 6m is to be built at the front of the lot. This is to be lodged through a separate building consent.

The application was updated on the 2 August 2023 and the 10 August 2023 following consultation with Council's 3Waters, building and roading department. Further information was received on the ROW formation and the proposed servicing arrangements. An updated scheme plan was provided to demonstrate the revised proposal.

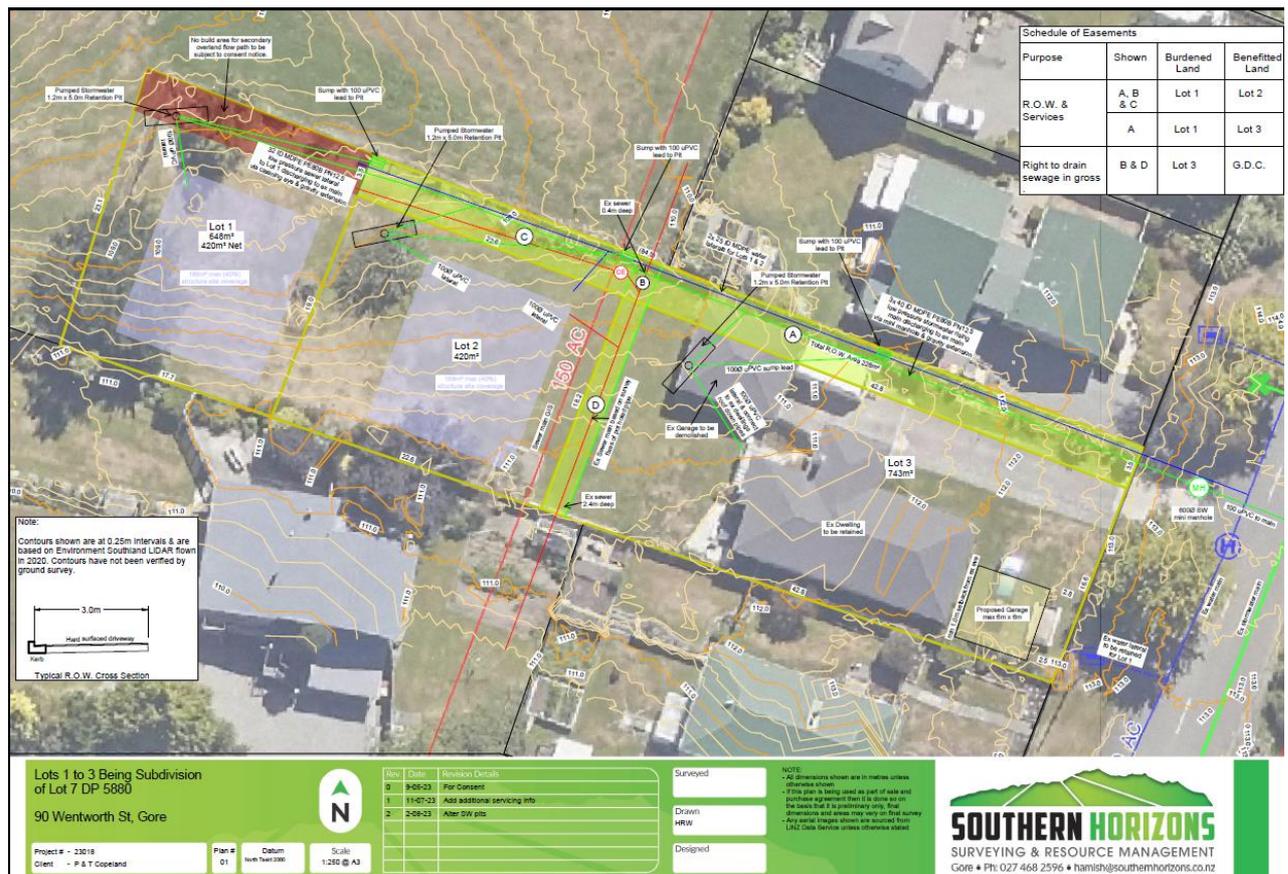


Figure 1: Scheme Plan of proposed subdivision (Source: Southern Horizons).

Access:

The existing access from Wentworth Street will be retained for the proposed lots. A shared right of way easement is proposed over Lot 1, in favour of Lot 2 and Lot 3. The right of way is shown as area A & C on the scheme plan. The right of way will be 3.5m in width and 64.5m in length. The entire right of way will be hard sealed with a kerb along the northern boundary. Three sumps are proposed to be located throughout the right of way for stormwater management. This will be established in accordance with the Gore District Council Subdivision and Bylaw.

Wastewater:

All three lots will connect to the existing council sewer main, running through proposed Lot 3 (150 AC pipe). An easement is proposed over this in favour of the Council to protect it as a council reticulated service. This is shown as easement B and D on the scheme plan.

Lot 3 will drain wastewater to the Council's 150 AC pipe located within its lot. Easement D is shown on the scheme plan to legally protect the service connection as the easement is in Gore District Council's benefit.

Lot 2 will have the right to drain wastewater to the Council pipe located in Lot 3. Easement D is shown on the scheme plan to legally protect the service connection.

Lot 1 wastewater will be pumped through services in the right of way, connecting to the wastewater main running through Lot 3. A consent notice will recognise the need for a pump system. This will be protected legally by the easements B, C & D shown on the scheme plan.

Stormwater:

All three lots are proposed to connect to the Council's existing reticulated system in Wentworth Street.

Lot 3 will discharge stormwater to a retention pit located within Lot 3, via a 1000 uPVC. This will be pumped to a low-pressure stormwater main located in the ROW, discharged to the reticulated system in Wentworth Street.

Lot 2 will discharge stormwater to a retention pit located within Lot 2, via a 1000 uPVC. This will be pumped to a low-pressure stormwater main located in the ROW, discharged to the reticulated system in Wentworth Street.

Lot 1 will discharge stormwater to a retention pit located within Lot 1, via a 1000 uPVC. This will be pumped to a low-pressure stormwater main located in the ROW, discharged to the reticulated system in Wentworth Street.

To capture stormwater runoff from the paved surface of the right of way, three sumps will be placed down the right of way in three sections. These sumps take into account the gradient of the right of way and will be located down the north boundary of the right of way.

Until Lots 1 and 2 are developed the storage pits will collect stormwater created from the sealed right of way. Secondary flow naturally occurs over the channel in the adjacent property in rain fall events.

A secondary overland flow path has been allocated at the end of the ROW which will be subject to a consent notice restricting buildings in this area.

Potable Water:

All three lots are proposed to connect to the existing council services in Wentworth Street. The existing connection to 90 Wentworth will be retained for Lot 3. Lot 1 and Lot 2 will require a new potable water connection. The connection for Lot 1 and 2 will be contained within the leg-in right of way, legally protected by easement area A, B and C.

Electricity and Telecommunications:

Connections to the proposed lots are to be addressed at the time of building consent, noting Powernet and telecommunication supply have been confirmed by the applicant.

2. SITE DESCRIPTION

The subject site is located at 90 Wentworth Street, legally described as Lot 7 DP 5880. It is 1811m² and is located in the residential A zone. Access is currently provided to the site via Wentworth Street, a chip sealed urban local access road. The site contains an existing residential dwelling and a garage located towards the southern and eastern boundary of the site, respectively. Existing services are provided for domestic purposes to this site. The remainder of the site is vacant land.

The subject site is located at the top of a gradual rise on Wentworth Street. To the west of the street, the landscape gradually decreases downhill. A downhill gradient occurs westward from east of the subject site to the west of the section.

The site is surrounded by residential dwellings, to the east, north and south. Vacant land surrounds the back of the section to the west.

The site is identified by the Council's mapping systems as having a 'negligible' liquefaction risk across the site. No inundation overlays apply 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 2: Subject site in red and 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 reason:

- A **restricted discretionary** activity pursuant to Rule 8.10(4)(c) to undertake a three 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

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.

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 subdivision requires resource consent, there is no permitted baseline.

Suitability of the allotments and future land use

The subdivision layout is consistent with what the District Plan enables in the Residential zone. Proposed lots 1, 2 and 3 meet the minimum 400m² area specified in the Gore District Plan and will be utilised for residential purposes. The scheme plan provided shows a buildable area on Lot’s 1 and 2 demonstrating the suitability of allotments for the future land use.

Lot 1 has a no build area along the north boundary, to ensure that there is a secondary overflow path from the ROW. Although there is a no build section, this is a small section and there is still sufficient space for a residential dwelling to be built on the remainder of Lot 1.

The existing garage on Lot 3 is proposed to be removed. It is necessary to remove the garage on Lot 3 to provide access to the additional lots. The dwelling remaining on Lot 3 will be compliant with the land use bulk and location standards.

Any future development on the proposed lots is expected to comply with the Performance Standards in the District Plan for the Residential A Zone, including the yards, daylight admission and height standards. Any future development will also be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019. These will both be assessed at the building consent stage when the sites are developed.

It is noted the sites are sloping and therefore earthworks may be required to form level platforms. Further geotechnical information will be required with the building consent applications to demonstrate foundations are fit for purpose and land stability maintained.

Based on the information received the proposed garage is 6x6m and will meet the exemption for building within the setback provided by rule 4.7A(3)(a)(iii). The applicant has not sought consent for the garage and this recommendation does not amount to an approval for the garage.

There are no other resource consents that are needed to be considered with this subdivision.

Overall, the proposed lots are considered to be consistent with anticipated development within the Residential Zone for residential living. It is considered that the size, shape, and configuration of the proposed allotments are appropriate for residential purposes and that any adverse effects on the wider environment will be less 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

All three lots will connect to Council's reticulated services.

In relation to wastewater, the main pipe that runs through the proposed ROW and Lot 3 will be legally protected by an easement. The ROW is to be sealed, and a concrete armouring will be installed over this pipe providing protection from further damage.

All three lots will connect to this reticulated service. Lot 1 and Lot 2 will have a pumped wastewater connection installed if it is determined there is insufficient fall for a gravity wastewater connection. This is due to both lots being situated at a lower elevation, as gravity drainage is not achievable. A consent notice has been accepted by the applicant to place on Lot 1 and Lot 2 in this regard.

The Applicant has agreed for the Council's 3Waters Team to access the property to undertake an assessment of the wastewater pipe. If the pipe is to be found in poor condition, Council will undertake necessary maintenance. This is required to be done before construction of works occurs on the right of way and any of the proposed three allotments. The Applicant has agreed for a condition to allow Council to undertake maintenance before development occurs on any of the allotments.

Lot 3 will retain the existing water lateral to Wentworth Street. New connections are proposed for Lots 1 and 2 and will be situated in the right of way.

Stormwater for all three lots are proposed to be connected to a pipe installed in the ROW. This will be disposed to the main in Wentworth Street. Due to the gradient of the ROW, a separate

pump system is required for Lots 1 and 2. As such, a pump system is required to be installed at the time of a residential unit is constructed on the site. The Applicant has agreed to a consent notice to be registered on the titles for each lot respectively.

Each lot will have a stormwater retention pit on site until such a time Lots 1 and 2 are developed, the retention pits will manage stormwater runoff from the right of way. The retention pits in each proposed lots are required to be installed prior to subdivision certification. The Applicant has provided a stormwater report and calculation in support of this. Lot 1 in addition to this has an area set aside for secondary overland flow path in line with the existing situation on the site. A consent notice has been volunteered by the Applicant on the record of title for Lot 1, to prevent any buildings in this area.

Three sumps are located within the kerb of the ROW to capture surface runoff from the ROW and associated lots to further manage stormwater.

Council's 3 Waters Asset Manager, Mr Matthew Bayliss, has reviewed the application, stormwater report, and further information, and has confirmed the lots can be feasibly serviced. All 3Waters service connections will be installed prior to subdivision certification.

The application demonstrates that Powernet have confirmed electricity is available for the proposed lots, and additionally telecommunications are available. Powernet have advised that there is an existing low voltage pole, however connections for additional residential dwellings may not be adequate. If new connections are required in the future, the costs associated with this will sit with the Applicant.

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. The scale of the proposed activities to occur have adequate provisions in place to ensure manage the services required for each proposed lot. The right of way includes three sumps and a secondary overload flow path (in line with the existing drainage) to manage stormwater runoff.

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 Wentworth Street to access Lots 1, 2 and 3 meet the sightline distances requirements listed in Table 3.3B of the Bylaw.

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

Consultation has been undertaken with the Applicant in relation to recommended upgrades from Mr Hasler. The Applicant has agreed to undertake the upgrades.

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 right of way is proposed to allow access to all proposed lots, this is in favour of Lot 2 and 3 as indicated by area A, B and C on the scheme plan.

An easement is proposed over Lot 3 for the right to drain wastewater from Lot 2 and Lot 1. This easement is in favour of Gore District Council. This is shown by area B & D 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.

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 3: Neighbouring properties to the subject site, indicated by green dots (Source: Intramaps)

It is considered that the proposed subdivision will maintain the character of the residential area given the proposed lot sizes. Existing amenity values will not be altered beyond what is anticipated under the District Plan. The proposed three lots are of a size and shape that can accommodate a future residential unit. 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.

Minor construction works will be required to install services and remove the existing garage from site. The works will be temporary in nature and will not result in minor effects on persons residing at the neighbouring properties.

Any adverse effects on owners and occupiers' adjacent properties 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:

1. *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 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.*

It is considered that the subdivision is of a suitable size and shape to accommodate future development on proposed Lots 1, 2 and 3. All lots are above the minimum required 400m² lot size for the residential A zone and can accommodate future residential activity. The proposed lots will help provide additional residential lots in the Gore residential area. There is sufficient space on each lot to ensure compliance with the rules and standards of the Gore District Plan when building is to occur. In addition, the scheme plan provided shows a buildable area on Lots 1 and 2 demonstrating compliance with yards and building coverage.

Reticulated service connections can be provided adequately, and it is considered that the subdivision can occur without resulting in adverse effects on Council's reticulated services. All works will be required to be undertaken in accordance with the Gore District Subdivision and Land Development Bylaw.

There are no potential adverse effects on water quality and groundwater from this proposed three lot subdivision.

Overall, the proposed is considered to be consistent with the objective and policies of the Gore District Plan.

Southland Regional Policy Statement 2017

The proposed three lot subdivision is in accordance with the Southland Regional Policy Statement 2017 (RPS). The application is compliant with the minimum lot sizes of the District Plan for residential zones, maintaining sustainable urban development anticipated by the RPS. The additional three lots provides positive environmental, social, economic, and cultural outcomes in the Gore District, accommodating residents in the district. The overall subdivision is not sporadic and reads in the residential zone as being appropriate for urban growth and development.

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

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

In this case there is sufficient provision for a physical and legal access to each of the three proposed lots under the application. The proposed lots will have a new access formed in accordance and with the standard as outlined in the Gore District Council Subdivision and Land Development Bylaw. The lots will be serviced by a right of way, using the existing access from Wentworth Street.

The subject site is not located in an inundation area, and there are no known natural hazard risks to the site. 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 and therefore, this recommendation is not inconsistent with the principles of the Treaty of Waitangi.

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

9. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, consent is **granted** to undertake a three-lot residential subdivision of the site subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

1. The subdivision shall be undertaken generally in accordance with the application made to the Council on 05.07.2023 and the further information received on 02.08.2023 and 10.08.2023 and held electronically by the Council under file reference SC23051 and the following plan(s):
 - 'Lots 1 to 3 Being Subdivision of Lot 7 DP 5880, Plan # 1, Rev 2, drawn by Southern Horizons, dated 02/08/2023'.

Prior to works starting:

2. Prior to starting the construction works, the applicant shall liaise with the Council 3Waters Department to confirm the preferred approach for the existing wastewater main passing through proposed Lot 3 to determine if either:
 - a. a full replacement of the main is required; or
 - b. concrete capping of the existing pipe, where the right of way crosses the wastewater pipe.

Note: Any cost associated with the maintenance and replacement of the wastewater main will be covered by the Council.

3. Prior to construction works starting, the consent holder shall confirm the sizing and design of the retention pits located in Lot 1, 2 and 3 with the Council 3Waters and Building Department.

Note: A building consent is required for all stormwater, water and wastewater services, sumps and pipelines to be installed in the ROW, and into each proposed lot, prior to ROW being completed and certification.

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

Prior to s223 approval

5. 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.

6. The consent holder shall meet the costs for the preparation, review and registration of any easement instrument(s) on the relevant Records of Title.
7. 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.
8. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the cadastral survey dataset must identify the 'no build area' on Lot 1 as shown on the Scheme plan approved in Condition 1.

Prior to s224c approval

9. 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. Remove the existing garage on proposed Lot 3.
 - b. Stormwater from the existing buildings on proposed Lot 3 shall be separated from the existing wastewater connection and discharged to the Councils stormwater network.
 - c. Extend the existing vehicle crossing on Wentworth Street to serve Lots 1, 2 and 3, in accordance with the standards contained in Diagram R03 in the Gore District Council Subdivision and Land Development Bylaw 2019.
 - d. Form the 3.5m right of way from Wentworth Street to Lot 1. The right of way shall be hard surfaced with kerb running along the northern boundary and contain three sumps as depicted on the scheme plan approved in condition 1.
 - e. The provision of a water supply to the property boundary of Lot 1 and Lot 2 that extends the entire length of the right of way / easement area A, B, C shown on the scheme plan approved in condition 1, as necessary, or at an alternative location as agreed to by the Council's 3 Waters Operations Manager. The connections require an Acuflo CM2000 manifold installed in a blue box outside of the boundary for servicing.
 - f. The provision of a foul sewer connection to the property boundary of Lot 1 that extends into easement area B and C shown on the scheme plan approved in condition 1, to the Council sewage pipe, or at an alternative location as agreed to by the Council's 3Waters Operations Manager. All Wastewater property connections are to have a cleaning eye brought to the surface approximately 1 m from the Council main with a Council approved cover with a red lid for servicing.
 - g. The provision of a foul sewer connection to the property boundary of Lot 2 that extends the easement area D shown on the scheme plan approved in condition 1, to Council sewage pipe, or at an alternative location as agreed to by the Council's 3Waters Operations Manager. All Wastewater property connections are to have a cleaning eye brought to the surface approximately 1 m from the Council main with a Council approved cover with a red lid for servicing.

- h. Undertake the works to the existing wastewater main passing through proposed Lot 3 that are agreed and approved under condition 2.
 - i. The provision of stormwater reticulation to the boundary of Lot 1 and Lot 2 that extends the entire length of the right of way / easement area A, B, C shown on the scheme plan approved in condition 1, or at an alternative location as agreed to by the Council's 3 Waters Operations Manager.
 - j. Stormwater retention pits (excluding the pumps) are to be installed in Lots 1, 2 and 3. Sizing and design of the retention pits shall be confirmed with the Council's 3 Waters Department prior to construction works starting.
 - k. The consent holder shall 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.
10. 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. If it is determined that there is insufficient fall for a gravity wastewater connection, a pumped wastewater connection is required to be installed at the time of development at the cost of the owner.
 - b. A pumped stormwater system from Lot 1 will be required to connect to the Council's reticulated stormwater network.
 - c. No buildings shall be located within the within the 'No build area' as shown as Covenant Areas X as shown on Land Transfer Plan XXXXX.
 - d. At the time a building is constructed on lot 1 provision shall be made for vehicle turning such that vehicles can exit the lot in a forward-facing manner
11. 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. If it is determined that there is insufficient fall for a gravity wastewater connection, a pumped wastewater connection is required to be installed at the time of development at the cost of the owner.
 - b. A pumped stormwater system from Lot 2 will be required to connect to the Council's reticulated stormwater network.
 - c. At the time a building is constructed on lot 2 provision shall be made for vehicle turning such that vehicles can exit the lot in a forward-facing manner

Advice Notes

1. A building consent is required for all stormwater, water, and wastewater services, sumps and pipelines to be installed in the ROW, and into each proposed lot, prior to ROW being completed and certification.
2. Consultation with Powernet will be required to determine the required changes to the network prior to installation of electricity being completed. The cost of any upgrades will lie with the developer.
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 Lots 1, 2 and 3 will be subject to the requirements of the Gore District Council 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 3Waters Infrastructure to be vested into Council ownership will need to be completed by one of the Council's approved 3Waters 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 Officer's 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



Schedule of Easements		
Purpose	Shown	Burdened Land / Benefitted Land
R.O.W. & Services	A, B & C	Lot 1 / Lot 2
Right to drain sewage in gross	A	Lot 1 / Lot 3
Right to drain sewage in gross	B & D	Lot 3 / G.D.C.

Project # - 22018
Client - P & T Copeland
Part # - 01
Drawn - [Name]
Scale - 1:250 @ A4

Drawn	Date	Revision/Details
[Name]	15/05/23	For Consent
[Name]	29/05/23	Add additional servicing info
[Name]	29/05/23	Amend SWP file

NOTE:
 - dimensions shown are in meters unless otherwise stated
 - finish floor is being used as part of site and the base line is to permanent only. Note any aerial images shown are not to scale
 - LIDAR data source unless otherwise stated

Southern Horizons
 SURVEYING & RESOURCE MANAGEMENT
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