

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC26027
Applicant	Chris Affleck
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a rural boundary adjustment and subdivision.
Location	Lot 1 DP 12142, Lot 2 DP 12142, 37 Robertson Road
Legal Description	Lot 1 DP 12142, Lot 2 DP 12142, Lot 1 DP 2900
Zone - Operative District Plan	Rural
Zone - Proposed District Plan	General Rural
Activity Status	Discretionary
Decision Date	31 August 2026

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Werner Murray, on 31 August 2026 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104B of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 220 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to undertake a boundary adjustment and subdivide land over existing Lot 1 & 2 DP 12142 and Lot 1 DP 2900. The proposal will see existing Lot 1 DP 12142 have 0.89ha removed as the boundary between Lot 1 DP 12142 and Lot 1 DP 2900 is adjusted which will result in Lot 1 DP 2900 gaining 0.89ha. Presently, Lot 1 and 2 DP 12142 are held together in the same Record of Title, and the subdivision will see them separated into two separate Titles. The applicant has noted that the reason behind the subdivision is due to succession planning, and they intend to maintain farming and rural activities on the site through the subdivision. Further to this, the applicant has stated that Lot 1 DP 2900 and proposed Lot 1 will be held in the same record of title to avoid undersized lots continuing to be created in the area, therefore forming a singular allotment through the National Standards definition.

The following condition proposed to amalgamate will be registered against Lot 1 DP 2900:

- *Lot 1 will be transferred to the owner of Lot 1 DP 2900 & one record of title will issue to include both parcels.*

The sizes of the resultant lots will be as follows:

Lot 1	0.89ha
Lot 2	70.54ha
Lot 3	13.98ha

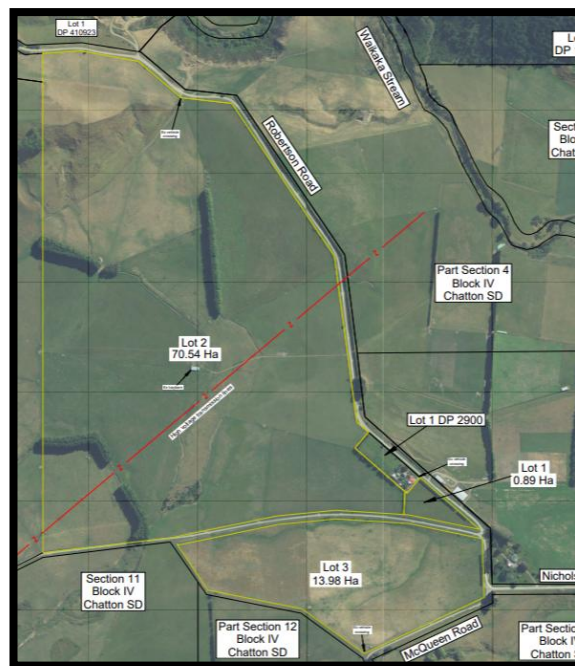


Figure 1: Proposed scheme plan (source: Applicant)

Lot 1 DP 2900 has an electrical connection which will be extended to service proposed Lot 1 in the future as it becomes part of the site. Proposed Lot 1 will be accessible via the existing vehicle access to Lot 1 DP 2900 as identified on the scheme plan. Proposed Lot 2 is accessible via an existing vehicle crossing located on the northern boundary of the site, the applicant has not proposed wastewater systems due to the lack of wastewater-producing buildings on site, and stormwater will continue to be discharged to ground. Lot 2 will retain a stock water connection through the applicant's residential site located to the north of Lot 2. Lot 3 also has an existing potable water connection through the Pyramid Rural Water scheme. As with Lot 2, Lot 3 will continue to discharge stormwater to ground, and there is no wastewater system proposed due to a lack of buildings which require it. Lot 3 will be accessed via an existing vehicle crossing on the southern end of the site. No further services have been proposed as part of the application as the activities on site will remain through the subdivision and are not intended to change, however the applicant has noted that broadband is available to the sites should they be developed in the future.

2. SITE DESCRIPTION

The subject sites comprise of two existing lots which are held in the same Record of Title and are legally described as Lot 1 & Lot 2 DP 12142, and Lot 1 DP 2900. There are no interests registered against the title.

The subject site is comprised of pastureland and is presently used for grazing purposes. Lot 1 DP 2900 has been developed for residential use, and is presently undersized, measuring only 0.81ha. A vehicle access has been established on the southern side of Lot 1 DP 2900, and the north-western side of the

site has been left as pasture. Lot 1 DP 12142 measures 71.43ha and is presently comprised of pastureland with two narrow stream corridors, one being middle order and the other being low order. Trees have been established sporadically around the site along paddock-separating fences, and an existing hayshed measuring approximately 110m² is located toward the centre of the site. Lot 2 DP 12142 is already separated from Lot 1 DP 12142 by Byars Road and is similarly landscaped for pastoral farming and organised by paddocks. Lot 1 and 2 DP 12142 are both developed for farming, while Lot 1 DP 2900 has been developed residentially. The wider area facilitates rural activities with surrounding sites being used for pastoral farming.

The Planning Maps note a small amount of Highly Productive Land over proposed Lot 2, and in the north-west corner of proposed Lot 3. Furthermore, the site features Transpower lines running north-east through proposed Lot 2. Liquefaction is noted on site as being of levels negligible to low as per the Environment Southland maps. The sites are not subject to hazard overlays or historic heritage values.



Figure 1: Aerial image of subject sites (source: GRIP)

3. ACTIVITY STATUS

3.1 Gore District Plan

Gore District Council currently have an Operative District Plan (ODP) and Proposed District Plan (PDP).

Council notified decision on the PDP on 30 January 2026. There are a number of appeals on these decisions. Where there are rules in the PDP that are treated operative under s.86F of the RMA, corresponding rules in the ODP are treated as inoperative.

Consent is required under Section 9(3) of the RMA for breaches to a District Rule as defined in s43AAB, being the rules in the ODP and PDP which are listed below.

Operative District Plan

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

- A **discretionary** activity resource consent pursuant to Rule **8.10.5** for a subdivision resulting in the creation of an allotment within the Rural zone with an area less than 2ha, **8.10.2(d.i.a)** and **8.10.4(a)**.
- A **restricted discretionary** activity resource consent pursuant to Rule **8.10.4(a)** for a subdivision within the Rural zone with created lots being over 2ha in area. Being proposed Lot 3, from parent Lot 1 & 2 DP 12142. Council's discretion is restricted to:
 - suitability of the allotments for activities permitted within the zone in which they are located;
 - suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;
 - ability to provide services (water, sewage, storm water, power and telecommunications);
 - impacts on the Council and other infrastructure services;
 - future use of the land and the need to consider any associated resource consents;
 - within residential and rural areas lot size, dimensions and potential for future subdivision of the land;

- within residential and rural areas the desirability of providing building platforms; and
- provision of easements;
- impacts on any heritage or archaeological values;
- impacts on natural features and landscapes, ecological or cultural values;
- impacts water quality, including groundwater; and
- provision of all transport modes, including the movement of pedestrians and cyclists.

Proposed District Plan

The site is zoned **General Rural** in the Proposed District Plan, and the proposed activity requires resource consent under the PDP for the following reasons:

Rules with legal effect (s86B):

- A **restricted discretionary** activity pursuant to Rule **SUB-R7 – All other subdivision**. The proposal complies with the relevant standards outlined in the application, and as such the base activity status applies. Council’s discretion is restricted to the following:
 - The suitability of subdivision design, orientation, allotment sizes and dimensions;
 - Internal roading design and provision, including roading connections for future subdivision on adjoining land;
 - Site access;
 - Provision for cyclists and pedestrians;
 - The effects of traffic generation on the safe and efficient operation of the transport network;
 - Earthworks, including the alteration of contours, and retention of existing natural features;
 - The provision of esplanade reserves and esplanade strips;
 - The adequacy of measures to address the risk of natural hazards including overland flows;
 - Provision for servicing, including water supply, fire-fighting water supply, wastewater treatment and disposal, stormwater design and disposal, electricity and telecommunications;
 - The provision for, or access to, open space and recreation;
 - Effects on natural features and landscapes, ecosystems and indigenous biodiversity;
 - Easements;
 - Impacts on Ngāi Tahu cultural values listed in MW-1.2; and
 - Reverse sensitivity on adjacent land uses, airports, rail lines and State Highways.

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

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

3.3 Activity Status Summary

Overall, the application is being considered and processed as a **discretionary** activity.

4. NOTIFICATION ASSESSMENT

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

4.1 Public notification – Section 95A

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

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

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

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are 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

Written approvals have not been provided as part of this application.

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 the permitted baseline is not relevant as the proposal does not breach any compliance standards and is subject to the baseline activity status of the relevant rules.

Assessment of Environmental Effects

The Assessment of Effects provided at section 12 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report. A further assessment has been undertaken as follows:

The suitability of the allotments

The proposed allotments have been designed based on existing uses of the land. Proposed Lot 3 is presently separated from the main lot by Byars Road and has vehicle access off McQueen Road. Proposed Lot 1 is located on the corner of the main site, between Robertson Road and Byars Road, which allows for ease of amalgamation with Lot 1 DP 2900. Furthermore, the proposed addition to Lot 1 DP 2900 is an existing paddock which is already fenced off from the rest of the current site. Given the existing physical separation of proposed lots 2 & 3 As such, it can be concluded that the proposed design is logical and aligns with the existing character and layout of the area, and the overall effects arising as a result of the subdivision will be no more than minor.

Easements and services

No easements or services further than what are existing on site are proposed as part of the application. As the sites (bar Lot 1 DP 2900) are for rural activity, the current services have been applied in respect of the nature of the sites- therefore Lots 1 & 2 DP 12142 lack wastewater systems and electricity connections, and all stormwater is discharged to the ground. As the applicant intends to maintain this use, and the sites have been developed in accordance with rural activity rather than residential, connecting electricity has not been proposed, and further stormwater and wastewater systems have not been noted either. Though the connections have not been proposed, the applicant has noted that provision for connection is available for both proposed Lot 2 and Lot 3 through the overhead electricity lines, and each site has adequate area for septic systems. As such, the lack of services proposed will not affect the capability of the site, nor will they impact on the wider network as capacity will not be strained by additional connections.

As the proposal does not seek to provide for potential residential development other than the potential for a singular permitted development on proposed lots 2 & 3, the strain on the wider network will remain manageable. Given the zoning, and the requirements for residential activity, there is no need for connections to public water, and access to electricity is available through the existing above-ground lines. As such, a permitted residential development occurring on proposed lots 2 & 3 would not have an effect more than minor on public infrastructure, and furthermore the current pastoral farming continuing on site would keep effects as existing.

Transport

The subject sites feature existing vehicle crossings which the applicant doesn't intend to amend or upgrade as part of the application. Following circulation to Council's Roading Department, Mr Murray Hasler has confirmed that the vehicle crossings as existing are adequate for the current use. He has stated that should a Building Consent be applied for- therefore implying further development of the site, the existing vehicle accesses will need to be upgraded in order to maintain safe sightlines while entering or exiting the site. It is further noted that the roads are classified as Low Volume and Low Access, which negates the need for pedestrian and cycle access. As such, the existing vehicle access remaining in their current state will not produce effects more than minor.

Future use and development

The applicant has expressed an intention for the sites to be utilised for rural purposes as is what proposed lots 2 & 3 are presently used for. Though Lot 1 DP 2900 is developed residentially, the lot is undersized and further compliant subdivision of the site is unlikely, this is shared by proposed lot 3, which will be 13.98ha, and unable to comply with an 8ha minimum lot size should the future owner

wish to subdivide the site. Only proposed lot 2 can be further subdivided reasonably, as the site will measure 70.54ha and will be able to accommodate further lots of at least 8ha. Both proposed lots 2 & 3 will be able to adequately facilitate a permitted residential development while maintaining land for rural production. The proposal will not affect the ability of the landowner(s) to undertake zone appropriate land use activities, and the resultant lot sizes are largely adequate to facilitate rural production, with the exception of proposed lot 1 due to it being undersize, however the proposal will amalgamate the proposed lot 1 and Lot 1 DP 2900 in order to reduce the extent of both the lots noncompliance with the PDP minimum lot size. As such, the effects of future use and development will not be more than minor due to the lots being sufficient to facilitate zone-anticipated activity.

Natural hazards

The subject sites do not feature any flooding overlays or other interests registered to the property regarding natural hazards. The site does feature Transpower Lines running overhead, with two Transpower structures on what will be proposed Lot 2. With this in mind, as the applicant doesn't propose developing the site as part of the application, and due to the site being zoned Rural/General Rural, the impacts of the power lines can be considered negligible. Should residential or any further rural development occur, the lines will be considered during the development and potential application process. The liquefaction risk on site is low to negligible according to Council records, though it is noted that no detailed site assessment has been provided and this can only be an estimate. As such, the risk to people and property due to natural hazards is no more than minor, and the risk to the wider environment due to natural hazards caused by the proposal is no more than minor.

Highly productive land

The subject site features only a small portion of land considered to be highly productive, this being located largely within a singular allotment and is not proposed to be subdivided bar a small portion. The current layout of the sites sees two lots to be subdivided separated by a road, and as such, though the presence of Highly Productive Land on site is recognized, and the overall proposal is unlikely to have an impact upon the availability of Highly Productive Land.

Reverse sensitivity

Lot 1 DP 2900 currently facilitates residential activity, however with the amalgamation proposed, and each allotment being permitted to have one dwelling per site, the increase in size for Lot 1 DP 2900 reduces the availability of land to be developed for residential purpose. As the wider site is actively used for rural activities, reducing the availability of rural residential-style activities which might compromise the existing environment and anticipated land use of the General Rural Zone. Though proposed Lots 2 and 3 will be separated and as such this will enable a permitted dwelling per site, the current allotment containing both Lot 1 DP 12142 and Lot 2 DP 12142 measures over 80ha- allowing for two permitted dwellings on site as per the ODP Rural Zone standards permitted one dwelling per 40ha. As such, the risk of reverse sensitivity effects arising as a result of the proposal is unlikely due to the risk remaining as existing, and further to this any adverse effects that may arise would be no more than minor.

Landscape, heritage, archaeological, and cultural values

There are no heritage, archaeological, or cultural items registered to or identified on the site, and as such there are no matters to consider as part of this application. Furthermore, as there are no physical works proposed, and the site is not located within an Outstanding Natural Landscape overlay or similar, there are no further landscape effects to consider.

Earthworks

No earthworks or physical works are proposed as part of this application. As such, there are no considerations surrounding the change in land formation to consider

Esplanade reserves

The sites do not feature a qualifying stream and as such there are no esplanade reserve considerations to be had while assessing this application.

Open space/recreation

The applicant does not propose further residential development as part of this application, as such the provisions for open space and recreation area are not relevant in this instance.

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.

Part Section 4 Block IV Chatton SD

The proposed subdivision will take place on the southern portion of the subject site, separating Lot 1 and 2 DP 12142 legally as they are already separated by Byar Road. As such, there won't be any visible effects for the landowner(s) of Part Section 4 Block IV Chatton SD. Furthermore, given the size of the resultant lots, permitted development will have little visual impact on the landowner(s) of Part Section 4 Block IV Chatton SD as any buildings will still maintain a low-density built environment, and with the zone being rural it is anticipated that rural activity will occur. Furthermore, with the subdivision creating proposed Lot 1 which will be amalgamated with existing Lot 1 DP 2900, the opportunity for further development decreases due to zoning standards surrounding the density of built form and setbacks. The applicant has not proposed further vehicle crossings as part of the application, and as such the existing crossing through which the landowner(s) of proposed Lot 2 can access the site will remain in use. The overall effects of the proposal upon the landowner(s) of Part Section 4 Block IV Chatton SD will remain as existing or be less than minor.

176 Robertson Road

As with Part Section 4 Block IV Chatton SD, the area affected by the subdivision proposal is on the southern side, while 176 Robertson Road is located on the northern side of Lot 1 DP 12142. It is unlikely the landowner(s) will experience any visual effects from the proposal, nor will they experience increased road usage as a result of the subdivision. Any development arising from the subdivision of proposed Lots 2 & 3 or the amalgamation of proposed Lot 1 and Lot 1 DP 2900 will need to comply with the requirements in the District Plan, otherwise it will be assessed based on any arising noncompliance. As such, it is considered that the overall effects of the proposal on the occupant(s) of 176 Robertson Road will be less than minor.

Lot 1 DP 3756

As with the above assessments, Lot 1 DP 3756 is located on the northern side of the subject site, due to this it is unlikely the landowner(s) of Lot 1 DP 3756 will note any arising effects due to the distance between the area to be subdivided and Lot 1 DP 3756. An increase in road usage may be identified, however given the distance between vehicle crossings, it is unlikely to affect the landowner(s) of Lot 1 DP 3756's access to their site. Due to this, it is considered that the overall effects of the proposal on the landowner(s) of Lot 1 DP 3756 will be less than minor.

Section 6 Block IV Chatton SD

Section 6 Block IV Chatton SD is presently undeveloped and used for rural activities, the same as the subject site. Both sites are large and are accessible via different points of Robertson Road. It is unlikely the separation of proposed Lots 2 & 3 will impact the landowner(s) of Section 6 Block IV Chatton SD, as the lot sizes are consistent with the minimum lot size prescribed in the General Rural zone and the lots are physically separated by Byars Road. As such, rural character, rural amenity, transport generation and the ability to undertake permitted activities will not be adversely affected. The proposed boundary adjustment portion of the proposal will result in proposed Lot 1 being amalgamated with the existing undersized Lot 1 DP 2900, which will increase the overall size of this title. It is considered this will reduce the impact of the existing undersized lot by providing more land and lowering the density of the area.

Due to this, it can be concluded that the effects of the proposal on the landowner(s) of Section 6 Block IV Chatton SD will be less than minor.

Section 11 Block IV Chatton SD

As with the subject site, Section 11 Block IV Chatton SD is undeveloped and is used primarily for rural activity. Given the current use, and the physical separation of proposed Lots 2 & 3, the subdivision into two separate allotments which maintain compliant lot sizes for the zone is unlikely to have any impact upon the landowner(s) of Section 11 Block IV Chatton SD. Further to this, the potential increase in vehicle movements created by subdividing will be minimal, as noted by Council's Roading Department, the vehicle access has long been established, and the road will be able to facilitate vehicle movement within a rural setting. It is considered that due to the current use and proposed size of the sites, the effects of the proposal on the landowner(s) of Section 11 Block IV Chatton SD will be less than minor.

27 McQueen Road

27 McQueen Road shares a boundary with what will become Lot 3 and does not connect to the larger subject site. As such, the impacts of the subdivision on the landowner(s) of 27 McQueen Road are likely to be less than minor due to the existing site constraints which have separated proposed Lots 2 & 3 and the distance between 27 McQueen Road and the amalgamation between proposed Lot 1 and Lot 1 DP 2900.

105 Nicholson Road

105 Nicholson Road is accessible through a driveway off Nicholson Road, located approximately 850m from the boundary of proposed Lot 3. As such, it is unlikely that the landowner(s) of 105 Nicholson Road will be impacted by the subdivision in regard to transport effects. Furthermore, the proposed subdivision will follow the pattern of existing use, which sees proposed Lot 3 already separated from the site, and proposed Lot 1 separated from the main site by a large hedge. Through the subdivision, the applicant is not creating allotments which are incompatible with the zone, but reducing the existing effects of the existing undersized allotment (being Lot 1 DP 2900) by amalgamating with proposed Lot 1, and maintaining the independent use of proposed Lots 2 & 3. As such, it can be considered that the overall effects on the landowner(s) of 105 Nicholson Road will be less than minor.

192 Nicholson Road

192 Nicholson Road has two separate vehicle crossings, one on Nicholson Road and the other opposite the vehicle access for Lot 1 DP 2900. Due to the subdivision leading to Lot 1 DP 2900 having a larger allotment through amalgamation, the opportunity for higher density decreases and the site will likely continue with the current use. Furthermore, proposed Lots 2 & 3 are presently undeveloped, and should residential development occur, only one dwelling is permitted per site which will not significantly impact the current transport network. The overall development aligns with the intentions for the zone, maintaining low-density sites which are large and able to accommodate rural activity. It is unlikely that development will occur which might compromise the current activities occurring at 192 Nicholson Road, and therefore it can be considered that the overall effects on the landowner(s) of 192 Nicholson Road 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 District Plan Provisions

Operative District Plan

The relevant operative objectives and policies are contained within Part 8 of the Operative District Plan.

Objectives and Policies:

8.3.1 *To facilitate the orderly subdivision and development of land*

8.3.7 *To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located*

8.4.1 *Control the subdivision of all land*

8.4.11 *Have regard to potential reverse sensitivity effects from the use of subdivided land and the means by which any such effects can be avoided, remedied or mitigated*

8.4.11 *Have regard to potential reverse sensitivity effects from the use of subdivided land and the means by which any such effects can be avoided, remedied or mitigated*

The proposal aligns with the relevant objectives and policies given the appropriate design and the intention of maintaining rural activity. Of the three affected lots, only one decreases in size, this being

Lot 1 DP 12142 which will decrease by 0.89ha in order to allow Lot 1 DP 2900 to increase by 0.89ha. As Lot 1 DP 2900 and proposed Lot 1 are both undersize, the applicant has proposed an amalgamation to reduce the effects of undersized lots within the Rural zone. Furthermore, both proposed Lots 2 & 3 will be able to adequately undertake rural activities with the resultant lot sizes, both of which are well over the minimum lot size for the zone. None of the lots propose further connections to public infrastructure, nor does the applicant propose further development through the subdivision. It is considered that the overall application will align with the intentions for the Rural Zone and will continue to allow and encourage the use of land within the Rural Zone to be used for rural activities.

Proposed District Plan

The relevant operative objectives and policies are contained within Chapters SUB – *Subdivision*, and GRUZ – *General Rural Zone* of the Proposed District Plan.

Subdivision Objectives and Policies:

SUB-O1 *To facilitate the orderly subdivision of land*

SUB-O2 *Ensure subdivision achieves patterns of land development that are compatible with the purpose, function, character and qualities of each zone.*

SUB-P1 *Enable subdivision that creates allotments that can accommodate anticipated land use and are consistent with the purpose, character and qualities of the applicable zone.*

SUB-P13 *Subdivision and development in the General Rural Zone protects the productive capability of rural land and high value soils.*

The proposal will see the subdivision and amalgamation of sites to reflect the way in which they are presently used. Proposed Lot 1, while being undersize and remaining undersize through the amalgamation, will reduce the overall effects of the current undersized allotment (being Lot 1 DP 2900) through enlarging an existing allotment and aligning closer with the intention for the wider zone. Proposed Lots 2 and 3 are presently physically separated by Byars Road. Though both will remain within the permitted allotment sizes, the subdivision will not see an incompatible pattern of land development occur. The high value soil located on site will not be segregated through the subdivision and instead will see soil of Land Use Capability classes 2 & 3 maintained within proposed Lots 2 & 3 which are of a scale to continue facilitating rural activities. As such, the overall design and proposed implementation of the subdivision and boundary adjustment is considered to be consistent with the zone.

General Rural Zone Objectives & Policies:

GRUZ-O1 *Recognise the importance of primary production and rural industry to the social, economic and cultural well-being of the District.*

GRUZ-O2 *The character and qualities of the General Rural zone continues to comprise:*

- 1. A variety of primary production activities; and their attributable noise, odour, dust, and traffic consistent with a rural working environment;*
- 2. A sparse built form, well setback from other properties, the rail corridor and roads;*
- 3. High levels of open space and open pasture or crops;*
- 4. High levels of rural amenity; and*
- 5. Areas of significant landscape and ecological value, including indigenous biodiversity*

GRUZ-P1 *Enable existing and future primary production.*

GRUZ-P12

Require activities and development to maintain rural character, rural amenity and the underlying Ngāi Tahu relationships with the natural environment by:

- 1. Ensuring that buildings and structures are of a scale and height which is compatible with the rural character and amenity of the zone; and*
- 2. Requiring appropriate setbacks to waterways to maintain and enhance amenity values and natural character.*

The proposal maintains large allotments which are able to facilitate rural activities. Due to the proposed design of the subdivision, which takes into account the existing site constraints, the subdivision will allow for the continued use of land for rural purposes, while negating potential development effects on the surrounding environment. Furthermore, though proposed Lot 1 is undersized, the amalgamation proposed with Lot 1 DP 2900 will increase the overall size of Lot 1 DP 2900 rather than encourage additional undersized subdivision in the area. As the District General Rural zone purpose is to enable rural production by ensuring adequate area for rural activities, maintaining a low-density environment comprised of large allotments is important for the wellbeing of the overall environment. The proposed subdivision does not seek to reduce the overall allotment size, nor does it seek to accommodate a higher density of built development. The design of allotments recognises the existing site constraints- being Byars Road intersecting the current site and has proposed an increase in land mass for the existing undersize lot. This maintains the established use of proposed Lots 2 & 3. It is considered that the proposal aligns with the intention for the zone and is not contrary to the objectives and policies.

Weighting

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the ODP and PDP, no weighting assessment is required.

6.4 Other Relevant Statutory Documents

National Environmental Standard – Highly Productive Land

The subject site features only a small portion of land considered to be highly productive, this being located largely within a singular allotment and is not proposed to be subdivided bar a small portion. The current layout of the sites sees two set to be subdivided separated by a road, and as such, though the presence of Highly Productive Land on site is recognized, and the overall proposal is unlikely to have an impact upon the availability of Highly Productive Land. A further assessment has been undertaken of the implementation and Objective and Policies of the National Policy Statement below:

3.8 Avoiding subdivision of highly productive land

- 1. Territorial authorities must avoid the subdivision of highly productive land unless one of the following applies to the subdivision, and the measures in subclause (2) are applied:*
 - a. the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term;*
 - b. the subdivision is on specified Māori land;*
 - c. the subdivision is for specified infrastructure, or for defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990, and there is a functional or operational need for the subdivision.*
- 2. Territorial authorities must take measures to ensure that any subdivision of highly productive land:*
 - a. avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
 - b. avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.*
- 3. In subclause (1), subdivision includes partitioning orders made under Te Ture Whenua Māori Act 1993.*

4. *Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.*

The outlined definition of productive capacity within the National Policy Statement is as follows:

Productive capacity, in relation to land, means the ability of the land to support landbased primary production over the long term, based on an assessment of:

- a. physical characteristics (such as soil type, properties, and versatility); and*
- b. legal constraints (such as consent notices, local authority covenants, and easements); and*
- c. the size and shape of existing and proposed land parcels*

The subdivision will create an undersized allotment; however, that allotment is being amalgamated with an existing undersized lot that already contains an established residential activity. The amalgamation does not generate any additional building rights or intensification potential and therefore does not increase the risk of reverse-sensitivity effects. Lot 2 and Lot 3 retain sufficient size, form, and functionality to continue supporting rural activities. Given this it is considered the proposal aligns with 3.8(1) of the NPS.

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.

Legal and physical access

Each allotment has legal and physical access through an independent vehicle crossing from either Robertson Road or Byars Road. The applicant has not proposed any change in use of the land and as each lot will be accessible either from the street or through a lot an amalgamation condition is proposed for, the requirement for legal and physical access has been met.

Natural Hazards

Due to there being no mapped flood risks, the risk of natural hazards occurring on or near the subject site is low, and as a result the risk to property and life as a result of natural hazards is low. The overall site is flat, with similar topography featured in the surrounding sites. As there is a lack of noted natural hazards affecting the site, it is unlikely that further development will accelerate, worsen or result in any material damage caused by natural hazards.

8. PART 2 OF THE RMA

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

Section 6 – Matters of national importance

The site does not contain any features which might require assessment. Matters of national importance have been considered, however with none identified on site, it is considered that the proposal is appropriate within the general rural zoning.

Section 7 – Other matters

The site does not contain any features which might require assessment. Matters of national importance have been considered, however with none identified on site, it is considered that the proposal is appropriate within the general rural zoning.

Section 8 – Treaty of Waitangi

The site is not located within any known heritage sites or statutory acknowledgement areas and therefore the proposal 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 104D of the RMA, consent is granted for a rural boundary adjustment and subdivision, subject to the following conditions imposed pursuant to Section 220 of the RMA:

Consent Conditions

1. That the proposed activity must be undertaken/carried out in accordance with the following plans and application as received on 03/07/2026:
 - a. Lots 1 to 3 Being Subdivision of Lots 1 & 2 DP 12142, 176 Robertson Rd, Gore, Horizons, Project # - 26026, dated 19/06/2026

And the application as submitted.

2. Lot 1 will be transferred to the owner of Lot 1 DP 2900 & one record of title will issue to include both parcels.

Advice Notes

1. Under section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
2. This consent must not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. This consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.
4. It is the consent holder's responsibility to comply with all conditions imposed on this resource consent.
5. Site development is not to adversely affect the overland flow of surface water or cause ponding of surface water on neighbouring properties.
6. 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 2019.
7. Any work carried out on the legal roadway requires the prior approval of the Council and the consent holder must consult with the Council's Roading Department to ensure the appropriate processes are being followed and the work is being carried out to the correct standard. The work itself must be undertaken by a Council approved contractor.
8. 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 any subdivision or constructing of 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.

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

A handwritten signature in black ink, appearing to read 'Alex Hall', with a stylized, cursive script.

Alex Hall
Planning Consultant

Decision made by

A handwritten signature in black ink, appearing to read 'Werner Murray', with a stylized, cursive script.

Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS

