

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC26033
Applicant	The Waidale Missionary Trust (c/o John Gardyne)
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a rural boundary adjustment.
Location	170 Clinker Hill Road, Wendon Valley, RD 3 & Lot 2 DP 303233
Legal Description	Section 2 Block IX Wendon SD & Lot 2 DP 303233
Zone - Operative District Plan	Rural
Zone - Proposed District Plan	General Rural
Activity Status	Non-complying
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 and D 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 rural subdivision at 170 Clinker Hill Road due to the applicant wanting to dispose of the subject land and a neighbouring landowner expressing interest in acquiring it. The subdivision will see 5.83ha, being proposed lot 1, separated from the existing allotment (Section 2 Block IX Wendon SD) and amalgamated with adjacent land to the west of the subject site as noted in the application, this being Lot 2 DP 303233. Presently, proposed lot 1 is separated from the main site by Clinker Hill Road and Kennedy Road, and the 5.83ha (proposed lot 1) to be amalgamated with Lot 2 DP 303233 is separated by a stream corridor and road corridor registered around the stream.

Given the subject site's present use as sheep farming and winter cropping land, the site is not serviced for residential use. An existing vehicle access is located off Clinker Hill Road which will be retained to allow for continued physical access to the site. The applicant has not proposed to service the site through providing potable water connections and electricity but has noted that these are both available through the overhead power lines within the Clinker Hill and Kennedy Road corridors, and potable water can be connected through the adjacent site the subject site is set to be amalgamated with following the subdivision. As no buildings are presently on site, there is no existing stormwater or wastewater infrastructure established, and due to the applicant not intending for the site to be developed as such, these are also not proposed. Telecommunications are available through wireless operators noted on the broadband map within the application.

Amalgamation is proposed to be implemented through a condition attached to the title, this being:

- *That Lot 1 be transferred to the owner of Lot 2 DP 303233 (RT 12830) & one record of title issue to include both parcels.*



Figure 1: Proposed scheme plan (source: Southern Horizons Ltd)

2. SITE DESCRIPTION

The subject site is legally described as Section 2 Block IX Wendon SD, and has no relevant interests registered to the Record of Title.

The subject site is zoned Rural/General Rural and has been developed for farming purposes. 170 Clinker Hill Road measures a total of 129.29ha, with Clinker Hill and Kennedy Road running through the western portion of the site. It is located on the northern area of Gore District in Wendon Valley, and is characterised by relatively flat, large paddocks of pasture and minimal farming buildings. Presently the subject site does not feature large areas of vegetation outside of grass, though the stream corridor separating the subject site from Lot 2 DP 303233 has been landscaped with riparian planting. The subject site features a natural hazard overlay in the form of Actual or Potential Inundation due to the stream corridor on site.

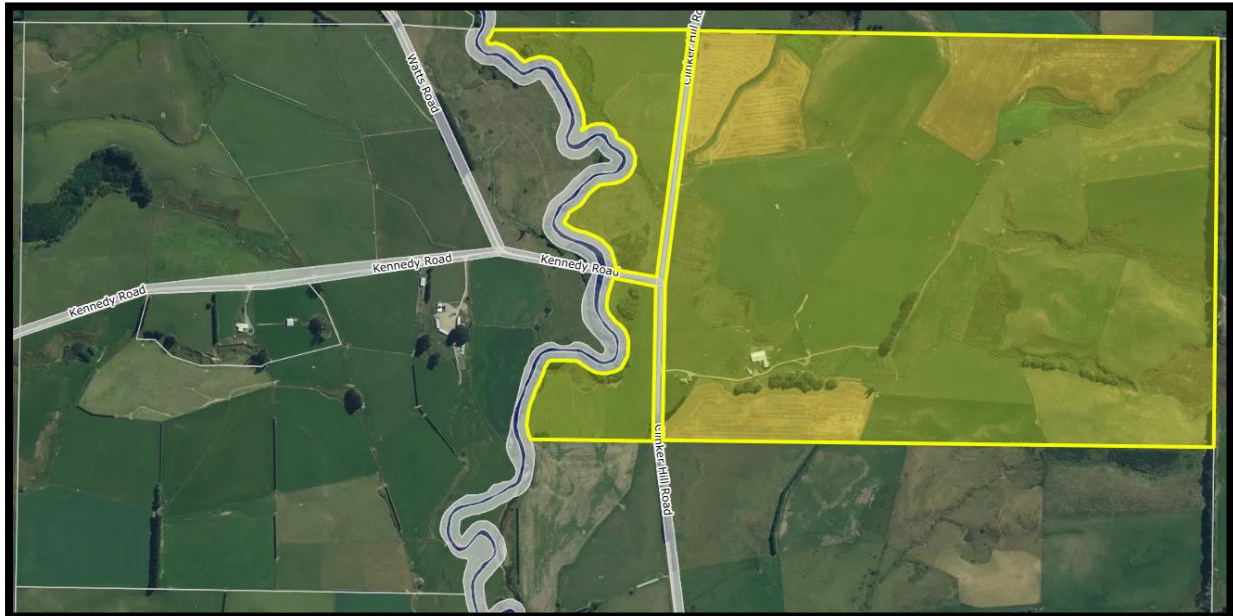


Figure 2: Subject site (source: GRIP)

3. ACTIVITY STATUS

3.1 Gore District Plan

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

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 reason:

- A **restricted discretionary** activity pursuant to Rule **8.10.4(b)** as the proposal will result in an allotment of over 2ha. Council's discretion is restricted to the following matters:
 - 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;
 - 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;
 - provision of all transport modes, including the movement of pedestrians and cyclists.
- A **discretionary** activity pursuant to Rule **8.10.3** as the proposal will see subdivision of land subject to actual or potential inundation.

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 reason:

Rules with legal effect (s86B):

- A **non-complying** activity pursuant to Rule **SUB-R7** as the proposal breaches standard **SUB-S1** in regard to the 8ha minimum lot size. The proposal will see a subdivision and amalgamation be undertaken which will result in a lot measuring 5.83ha being formed within an Actual or Potential flood hazard overlay.

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 under the ODP, and
- a **non-complying** activity under the PDP.

4. NOTIFICATION ASSESSMENT

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

4.1 Public notification – Section 95A

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

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

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

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

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

Step 3 – Public notification is required in certain circumstances

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

The following effects must be disregarded:

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

Written Approval/s

The applicant has not provided written approvals alongside 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 all subdivisions require resource consent and as such no permitted baseline applies.

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:

Suitability of allotments and land:

The proposal will see land that is presently physically separate from the main site be subdivided and then amalgamated with a neighbouring site. Presently, proposed Lot 1 is cut off from the main site by Clinker Hill Road, which runs vertically through the site on the eastern side of proposed Lot 1, and Kennedy Road, which runs horizontally through the site along the northern side of proposed Lot 1. The roads connect at the north-east corner of proposed Lot 1, and on the southern boundary is a separate allotment. As such, proposed Lot 1 is physically disconnected from the main site, and the design of the lot to be created will not change the current use of the main site, nor will it require physical works to delineate the change in ownership. The overall suitability of the lot can be considered to be designed with the existing site constraints in mind, and as such, though the lot will not be the intended lot size for the General Rural Zone in the PDP, the lot will still be able to accommodate rural activities as needed, noting once amalgamated will form part of a complying lot, exceeding 8 hectares.

Services and infrastructure:

Proposed Lot 1 is presently undeveloped as it has been used for pastoral farming and, as noted by the applicant, winter cropping. Because of this there are no existing services on site. Due to the intention by the applicant for the land to remain in use for primary production, there is no proposal to provide services, though it has been noted that there is availability for the landowner to connect to power, broadband, and potable water at development stage should this be undertaken. As such, the adverse effects, in relation to servicing and infrastructure, of the lot being formed will be no more than minor.

Future use:

The minimum lot size for the General Rural Zone is 8ha. Lot 1 is less than 8 hectares, however when amalgamated with the neighbouring allotment, which measures 69.39ha- it will form a total allotment of 75.22ha. The lots are therefore held together and will operate as a cumulative site for rural activities. Overall, as the subdivision will not create an additional saleable lot which is undersized, it is considered the lots can support future permitted land use of the land, and adverse effects which might arise by adjusting the boundary will be no more than minor.

Building platforms and easements:

No building platforms or easements have been proposed due to the applicant not having constructed anything on site and not intending for the site to be developed. Should a change in landowner alter this position, the provision for building platforms is available, and there is no requirement for easements due to the site having adequate road frontage and access to services through either the road corridor or the site with which it is to be amalgamated. It is therefore reasonable to conclude that the lack of easements and building platforms proposed will not have any effect more than minor.

Heritage and archaeological values:

There are no heritage or archaeological items registered to the site. As the applicant does not intend to undertake earthworks as part of the subdivision, an archaeological discovery condition has not been included in this decision report.

Natural features and cultural values:

There are no natural features or cultural values registered to the site. As no physical works are proposed through the subdivision, it is unlikely that any external natural features or cultural values will be affected by the proposal.

Water quality:

There are currently no buildings on-site, and due to the location and size of the lot, should a building be constructed, an on-site water treatment system would be expected to be implemented. Though the site shares a boundary with a stream corridor, the proposed subdivision is not considered to increase contaminants or pollutants that may be discharged that can affect the quality of the water within the stream to a degree more than is currently occurring. The stream corridor has existing established vegetation within the riparian margin which the applicant does not propose to remove, and as such it is reasonable to conclude that the proposed boundary adjustment will not have an effect more than minor upon the water quality of the stream, or the wider water network.

Transport:

The subject site has an existing vehicle access designed to accommodate farm vehicles entering and exiting the site. The connecting road – Clinker Hill Road, is a sealed road which can facilitate vehicle movements for the purpose of accessing farmland. Due to the site being located approximately 23km from the town centre, the provision of pedestrian and cycle access is not considered a requirement and therefore the means of providing access have not been addressed. Mr Hasler from Council's Roading Department has assessed the proposal and offered the following comments:

“The proposed subdivision will have no effect on the use of the land. The sight distances from the existing vehicle access onto Clinker Hill Road meet the requirements of the Bylaw. The construction of vehicle access does not meet the standard required under the appropriate Diagram R09-1 contained in the Bylaw. As there will be no change in use of the access resulting from the subdivision it is not recommended that the applicant be required to upgrade the access in accordance with the Bylaw. However, it is recommended that the applicant be required to construct rock surfacing through the gateway to combat mud being tracked onto Clinker Hill Road from the paddock.”

The overall effects of the subdivision on the transport network are considered to be no more than minor due to the low scale of potential development, and the means of accessing the site are considered to be appropriate.

Natural hazards:

The proposal does not outline further development as part of the application, and due to the hazard overlay outlining actual or potential inundation which affects proposed Lot 1, it is considered that the subdivision will not cause a reduction in flood storage, due to any built development requiring an assessment on its own merits under the Proposed District Plan due to the overlay. Furthermore, the site the subdivided lot will be amalgamated with (Lot 2 DP 303233) has an existing dwelling established, and so further residential development may require a land use consent and an assessment on the proposal's merits. The stream corridor presently features riparian planting on land that is vested with Council, and as such a change in land ownership of the subject site is unlikely to impact upon the establishment of the landscaping along the esplanade strip. Overall, it can be concluded that though there is a flood hazard on the subject site, the subdivision will not increase the current effects of the flood hazard on the wider environment.

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

- 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.
- 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
- The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.
- The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

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

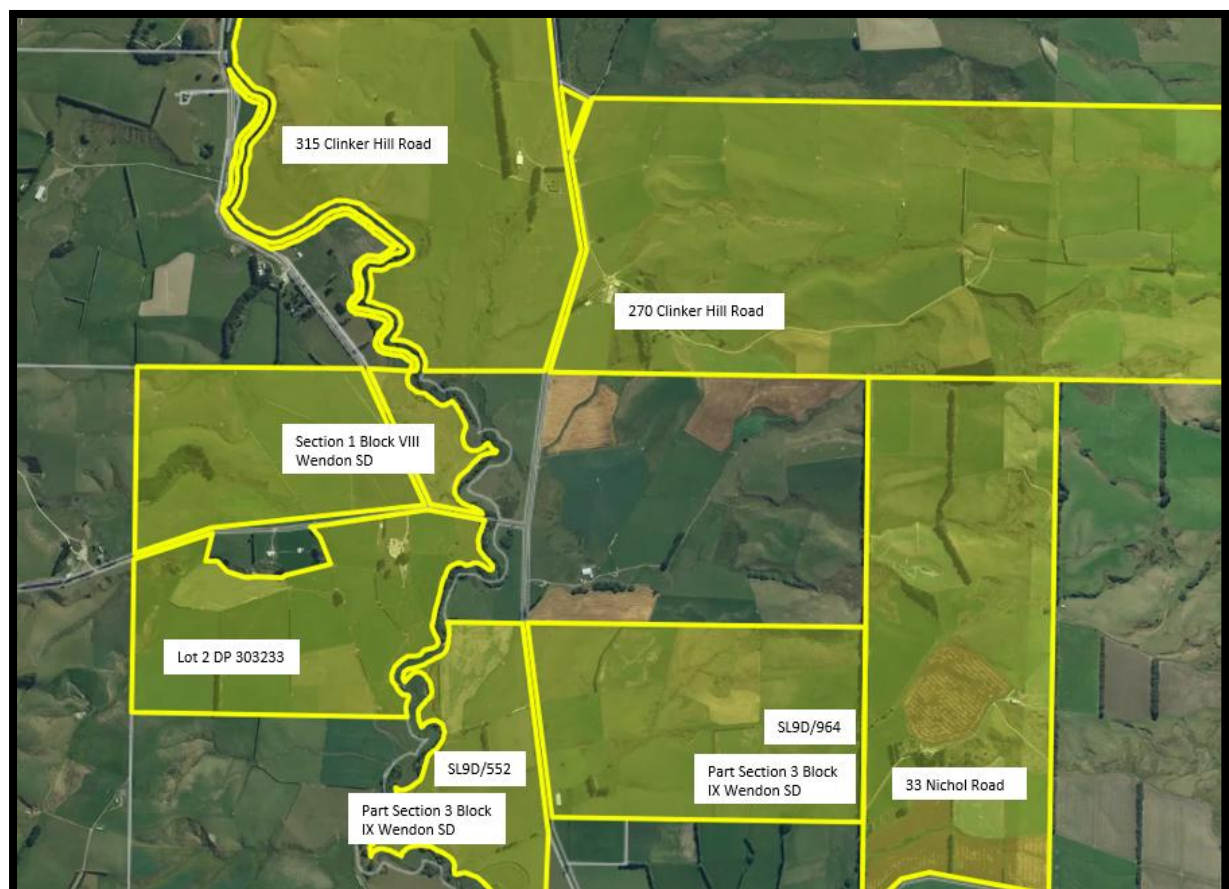


Figure 3: Adjacent sites (source: GRIP)

Part Section 3 Block IX Wendon SD (SL9D/552)

Part Lot Section 3 Block IX Wendon SD (SL9D/552) is located on the southern boundary of proposed Lot 1. Access to the Part Section 3 Block IX Wendon SD (SL9D/552) is located approximately 304m from the boundary to the subject site. Due to the distance, should any physical development occur on the subject site, an increase in vehicle movements is unlikely to impact upon the landowner(s) of Part Section 3 Block IX Wendon SD (SL9D/552). Furthermore, both sites are undeveloped save a farm shed located on Part Section 3 Block IX Wendon SD (SL9D/552), though both have the capacity to facilitate permitted residential development, the setback requirements and the actual or potential inundation overlay will require any development to be separately assessed on its own merits. Due to this, it is reasonable to infer that as no development is proposed on the subject site, and any physical works will have to comply with the District Plan and the natural hazards provisions, the effects of the subdivision on the landowner(s) of Part Section 3 Block IX Wendon SD (SL9D/552) will be less than minor.

Part Section 3 Block IX Wendon SD (SL9D/964)

Part Section 3 Block IX Wendon SD (SL9D/964) is located on the southern boundary of the main site on the east side of Clinker Hill Road and is not affected by the flood hazard noted on the subject site. As such, due to the lack of built development which could reduce flood storage proposed, it is unlikely that the subdivision will exacerbate the existing hazard and actively impact upon the wellbeing of the people and property of Part Section 3 Block IX Wendon SD (SL9D/964). Any future development will be required to comply with the provisions of the district plan, through which any potential amenity or character effects can be addressed. Vehicle access from Part Section 3 Block IX Wendon SD (SL9D/964) is located approximately 673m² from the boundary to the subject site, and as such it can be concluded that the distance between the sites will reduce any immediate traffic effects. Due to this, the effects the proposal on the landowner(s) of Part Section 3 Block IX Wendon SD (SL9D/964) will be less than minor.

33 Nichol Road

33 Nichol Road is located on the eastern side of the subject site and as such the proposal and any development that arises due to the subdivision will not be visible to the landowner(s) of 33 Nichol Road. Due to the land mass separating the subject site from 33 Nichol Road, it is unlikely the proposal will exacerbate the existing flood hazard noted on the subject site. Furthermore, 33 Nichol Road is accessed through a different road carriageway, and as such adverse effects are considered less than minor.

270 Clinker Hill Road

270 Clinker Hill Road is located on the northern side of the subject site, and as it does not share a boundary with the area to be subdivided and amalgamated, it is unlikely that the landowner(s) will experience any noticeable effects. As such the effects of the subdivision will be less than minor.

315 Clinker Hill Road

315 Clinker Hill Road is located on the western side of the subject site, on the north side of Kennedy Road. The noted flood hazard on the subject site is also located at 315 Clinker Hill Road as it also shares a boundary with a stream corridor. As mentioned previously, the proposed subdivision on the subject site does not involve a land use development aspect, and any future development will require an assessment against the district plan and consider the flood hazard overlay. As such, it is considered that the potential effects of the proposed subdivision on the landowner(s) of 315 Clinker Hill Road will be less than minor.

158 Kennedy Road

As with 315 Clunker Hill Road, the flood hazard noted on the subject site is also located at 158 Kennedy Road. Under the previous assessments it has been noted that no development is proposed as part of the subdivision, and that any future development will need to be designed in line with the flood hazard so as to not increase the risk to adjacent sites and the wider environment. Due to this, and general control of the potential built form provided by the district plan, the effects of the proposal on the landowner(s) of 158 Kennedy Road will be less than minor.

Lot 2 DP 303233

The lot which will be formed through the subdivision will be amalgamated with Lot 2 DP 303233 and as such there will be no effects upon the landowner(s) of Lot 2 DP 303233.

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.

Subdivision Objectives:

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

8.3.2 *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.*

Subdivision Policies:

8.4.1 *Control the subdivision of land.*

8.4.8 *Within areas shown as “Subject to Actual or Potential Inundation” on Figure 3.1 – 3.2:*

- a) The Gore District Council will, with the exception of the urban area of Gore shown as lime green on Figure 3.1, refer all subdivision consents to Environment Southland for comment prior to determining whether to approve that consent.*
- b) In respect of rural subdivision, the Gore District Council will encourage the inclusion of high ground in each lot for stock to be moved to in the event of a flood.*
- c) For any site likely to have a building erected on it for the accommodation of people, that an area suitable for such a building is located on the site.*

8.4.10 *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.*

The proposed subdivision aligns with the objectives and policies for the zone due to the subdivision being largely intuitive with new boundaries following the existing topography and site constraints- these being the road and stream corridors. Due to this, and the intention to amalgamate the site with the neighbouring allotment in order to avoid having an undersized lot held in a singular record of title, the proposal recognises the character and use of the zone and surrounding area and intends to maintain this through enabling land transfer without also reducing the lot size in the zone. Though there is a flood hazard on site, the physical boundaries are not changing, and due to the amalgamation condition proposed, it is unlikely that the use of the site will either. As such it is considered that the proposal aligns with the Objectives and Policies of the District Plan.

Proposed District Plan

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

SUB – Subdivision Objectives and Policies:

SUB-O4 *Subdivisions are designed and developed in a way that:*

- 1. Protects significant, physical resources, natural, ecological, historical and cultural features and values;*
- 2. Maintains or enhances mahinga kai values, indigenous vegetation, wetlands and Taonga and protects wāhi tapu from inappropriate access or disturbance; and*
- 3. Responds to the physical characteristics and constraints of the site and surrounding environment.*

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-P4 *Avoid natural hazard risk that creates a danger to people and property and for other natural hazard risk managed and mitigated that risk through mitigation measures such as compliance with allotment density and minimum floor levels.*

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

Although the subdivision will create an undersized lot, that lot will be amalgamated with the adjacent site and will therefore form part of the neighbouring allotment with the overall lot size complying. The proposed amalgamation ensures the subdivision does not encourage undersized lots in the zone and enables the land to continue being used for rural purposes. The on-site natural hazard will remain unchanged and unaffected because no development is proposed, with any future landuse to be addressed on its merits. Overall, the proposal is considered to align with the subdivision intentions set out in the District Plan objectives and policies.

GRUZ – General Rural Zone Objectives and Policies:

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-P2 *Enable rural industry activities while maintaining, and where practicable enhancing, rural character, rural amenity, the mauri of whenua, wai and ecosystems and productive capacity of the rural zone by managing the nature, scale and location of such activities.*

GRUZ-P11 *Avoid activities that are incompatible with the character, qualities and purpose of the General Rural Zone, unless there is an operational or functional need for it to be located in the General Rural Zone.*

The proposed subdivision will see a lot which is currently physically separated from the parent site be amalgamated with another rural site on the west. Though residential development is available to be undertaken on the site, it is presently used for pasture farming, and the lot within which it will become amalgamated is used for further farming purposes. As such, though the lot is undersize, it will be immediately amalgamated and as a result, be able to continue to undertake rural activity within the zone without encouraging the establishment undersize lots for incompatible activities.

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 Policy Statement – Highly Productive Land

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into force on 17 October 2022 and was amended on the 18 December 2025. The NPS-HPL seeks to protect highly productive land from inappropriate use and development in order to maintain the availability of favourable soils.

Though there is a portion of the site featuring LUC 2, the HPL is spliced by the carriageway of Clinker Hill Road. The presence of Highly Productive Land is recognised and proposed to be retained within a larger site rather than being subdivided to reflect the physical constraints of the site. It is considered that through the application the Highly Productive Land is not affected and will remain available for rural use. 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 technically create an undersized allotment; however, that allotment is being amalgamated with a larger farm parcel and will function as part of an integrated rural holding rather than as an independent, saleable lifestyle lot. The land will continue to be farmed as part of the wider operation, and no change in land use or rural-lifestyle pattern is enabled by the proposal.

Given this, it is appropriate to assess the proposal under 3.8(1)(a). The amalgamation ensures there is no loss of productive land, nor any potential for reverse-sensitivity effects. The subdivision does not seek to create a standalone undersized allotment; instead, the proposal maintains the functional extent of land available for productive use.

National Policy Statement – Natural Hazards

The National Policy Statement for Natural Hazards 2025 (NPS-NH) came into force on 15 January 2026. Clause 1.3(1) identifies the natural hazards to which it applies, being flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunami.

As the site is subject to a flooding hazard, as mapped on both the Gore District Council GIS Planning maps, and the Environment Southland hazard maps. Because of the flood hazard, an assessment against the NPS-NH is required, however, due to the risk to buildings and use of land being low given the proposed amalgamation of the subject site to Lot 2 DP 303233 which restricts the opportunity to construct further buildings and as such maintains the existing use of land and does not change the threat caused by the flood hazard. Under Figure 1: Risk Matrix, the risk remains low due to the lack of development opportunity or proposal.

Without resiling from the above conclusion, and out of an abundance of caution, the objective and policies of the NPS-NH are assessed below.

Objective 2.1

The objective seeks to ensure that natural hazard risk to people and property associated with subdivision, use and development is managed using a risk-based and proportionate approach.

As assessed above and through the application assessment of effects, the proposed amalgamation will reduce the risk to people and property due to the reduced allowance of permitted development. Any dwelling will require a consent application be lodged with Council through which the potential effects and risk on people and property can be assessed at its merits. Given the restrictions on permitted development caused by the Zone, the risk is considered to be managed.

Policy 1

Policy 1 requires natural hazard risk to be assessed using the NPS-NH risk matrix.

The risk matrix notes the potential risk of flooding as Low, due to the lack of built form existing and proposed. As assessed above, the opportunity to develop the site is restricted and resource consent will likely be required for any sensitive development. Under the NPS-NH risk matrix, any probability of flooding considered against the existing site constraints will produce a Low natural hazard risk.

Policy 2

Policy 2 requires natural hazard risk to be managed using an approach proportionate to the level of risk.

Due to the site constraints, the risk is managed through the requirement of further assessment for individual development proposals. Further development can be appropriately addressed through the requirements that ordinarily apply through resource consent conditions and Building Code processes. No additional measures are required under the NPS-NH.

Policy 3

Policy 3 requires very high natural hazard risk to be avoided. The proposal is not subject to very high natural hazard risk. This policy is therefore satisfied.

Policy 4

The proposal will not create or increase significant natural hazard risk on any other site. Development of the site will not materially alter the underlying flood risk or expose adjoining land to an increased risk of flooding. Policy 4 is therefore satisfied.

Policy 5

The assessment draws on the existing site constraints and considers the provisions of both the ODP and PDP which are contextually relevant to the proposal. The AEP level is not publicly available, and so the hazard risk has been assessed given the context of the site and current use, which has concluded the risk in this instance is considered under the NPS-NH to be Low.

Policy 6

Climate change may exceed the AEP level of the current inundation mapped over the subject site, however as per the risk matrix, the lack of built form on the subject site and the restrictions around permitted development maintain the Low risk level. Should future landowners develop the site for residential purposes the potential risk to people and property will be assessed against the existing and future flood risk.

Conclusion

Due to the proposal being considered to have a Low risk level as no built development is proposed and any sensitive activity requiring an independent consent and assessment, the NPS-NH is considered to be complied with. Risk caused by the proposed subdivision is appropriately managed through the proposed amalgamation which has an established residential dwelling on site, and as such the potential for sensitive development which may increase the risk to people and property caused by the flood hazard is restricted. Future development will be controlled at such time as a consent is lodged through the ordinary flood assessments, resource consent conditions and Building Code processes.

Given the above assessment, the primary conclusion is that the proposal satisfies the requirements laid out within the NPS-NH, and the overall risk caused by the proposal on people and property is Low.

6.5 Section 104D Restrictions for Non-Complying Activities

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

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

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

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

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

Legal and physical access:

The subject site has existing legal and physical access to Clinker Hill Road as it is presently separated from the main site by Clinker Hill Road. The applicant has not proposed to change this and Council's Roading Department has confirmed that the current access is acceptable.

Natural hazards:

Though there is a natural hazard listed on site which stems from the stream corridor along the western boundary of the subject site, the site is undeveloped and presently used for rural purposes, - as is the surrounding area. The proposal does not involve additional built form, or create additional permitted

build right for residential development, and therefore does not accelerate or exacerbate the existing hazard.

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. The stream corridor along the western boundary of the site has an established public access corridor which can be accessed through Kennedy Road. 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, as have the amenity values and the quality of the environment, 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 104B of the RMA, consent is granted to for a rural boundary adjustment 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 Being Subdivision of Sec 2 Blk IX Wendon SD, 170 Clinker Hill Rd, Gore, Southern Horizons, Project # - 26033, Rev 0, dated 22/07/2026And the application as submitted.
2. Lot 1 will be transferred to the owner of Lot 2 DP 303233 (RT 12830) and 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 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



Alex Hall
Planning Consultant

Decision made by



Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS

