

Gore District Council Decisions



APPLICATION UNDER SECTION 348

LOCAL GOVERNMENT ACT 1974

Application reference	OTHR25715
Applicant	Kowhai Trust
Proposal	Application under s348 of the Local Government Act 1974 (LGA) to create a new right of way over Section 452 Hokonui SD
Location	205 Reaby Road, Upper Charlton, Gore
Legal Description	Section 452 Hokonui SD
Activity Status	Not Applicable
Decision Date	19 January 2026

SUMMARY OF DECISIONS

1. Consent is granted pursuant to Section 348 of the LGA, subject to the conditions outlined in Appendix 1 of this decision, imposed pursuant to Section 348 (2) of the LGA. The consent only applies if the conditions outlined are met.
2. The decision to grant consent was considered by Morgan Smith, Planning Manager, under delegated authority pursuant to Section 34A of the RMA.

1. The Proposal

Consent is sought to extend the existing Reaby Road shared pathway via a Right of Way (ROW) Easement. The existing shared pathway ends at the driveway of 205 Reaby Road and the Applicant, in conjunction with Hokonui Mountain Bike Club, is seeking to extend this parallel to the property boundary, toward the west.

The desired path extension is hindered by existing powerlines and drainage issues. To remediate this the proposed easement will be accommodated by an allowance of 3 metres in width along the length of the front boundary to Reaby Road of Section 452 Hokonui SD (held in RT SL7D/947), as demonstrated in Figure 1 below.



Figure 1: Proposed Right of Way Easement and subdivision over Section 452 Hokonui SD (Source: Application Scheme Plan)

The easement is proposed to be broken down into three stages to align with the intended subdivision on 205 Reaby Road (SC23083). SC23083 is proposed to be undertaken in a staged manner and the proposed ROWs will be created to align with the staging of the proposed subdivision. Stage one will create area RA, and Stage three will create areas RB, RC, RD, and RE, as demonstrated in Figure 1 above.



Figure 2: Aerial image of 205 Reaby Road (Source: Gore DC GIS Maps)

2. Reasons For Decision

Section 452 Hokonui SD is a rural allotment, and the surrounding area is characterised by rural and rural-lifestyle properties. Properties to the north, south, and west range between 1.1 ha and 81 ha. The property located on the east boundary of the property is the Gore Golf Course.

There is no natural hazard overlays identified on the property under the Operative or Proposed District Plan or constraints that known affect the proposed easement section of the pathway. The proposed pathway is an extension of an existing pathway which is not in an identified flooding hazard area.

The current landowner of Section 452 Hokonui SD has agreed to provide 3m of land along the north boundary through a formalised easement. Section 452 Hokonui SD is the burdened land in this proposed ROW. The benefitting party is the Gore District Council.

Gore District Council's Roading Asset Manager has reviewed the proposal and has raised no concerns with the Right of Way Easement for the footpath/ cycleway.

Taking these factors into account, it is considered that the application should be approved.

3. Decision on application to create (a) new right of way(s) Pursuant to Section 348 of the LGA

Consent is **granted**, subject to conditions outlined below imposed pursuant to Section 348 (2) of the LGA, for the creation of the following ROW Easements;

Conditions:

The Gore District Council hereby consents to the granting or reserving of the following Right of Way Easements under section 348 of the Local Government Act 1974:

- Right of Way Easement RA on Lot 1 SC23083 in favour of Gore District Council
- Right of Way Easement RB on Lot 8 SC23083 in favour of Gore District Council
- Right of Way Easement RC on Lot 9 SC23083 in favour of Gore District Council
- Right of Way Easement RD on Lot 10 SC23083 in favour of Gore District Council
- Right of Way Easement RE on Lot 11 SC23083 in favour of Gore District Council

These are subject to the following conditions:

- The activity is to be undertaken in accordance with the application for the creation of the Right of Way easements, as shown on Figure 1.

4. Other Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further money is required.

If you have any enquiries please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



Abby Bell, Planning Intern

Decision made by



Morgan Smith, Planning Manager

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS

(Not shown to scale)

