

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	LU25058
Applicant	Angela Cleaver
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to construct an attached double garage.
Location	83 Robertson Road, Gore
Legal Description	Lot 4 DP 5263
Activity Status	Restricted Discretionary
Decision Date	15 January 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 Morgan Smith, Planning Manager, on 15 January 2025, under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 and Section 104C of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Morgan Smith, Planning Manager, under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought to build a 61m² double garage addition on the east side of the existing dwelling. The site is located in Residential Zone A. An addition to the driveway to connect the garage and existing driveway is also proposed.

The proposed double garage is 8.10m in length adjacent to the road boundary and 7.34m wide. The garage is proposed to have a maximum height of 4.25m above the ground level. The proposed location of the garage is 0.51m from the front boundary, including the eaves, 1.21m from the road boundary (east boundary), as demonstrated in Figure 1 below.

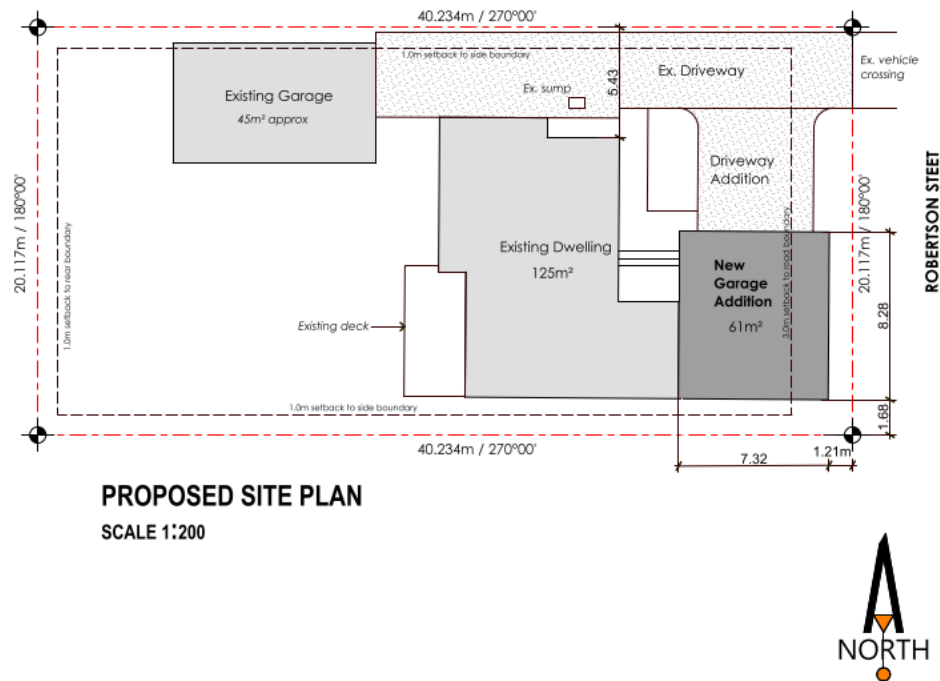


Figure 1: Location of proposed garage (Source: Applicant's architectural plan)

2. SITE DISCRIPTION

The site at 83 Roberston Street, Gore is legally described as Lot 4 DP 5263 and is held in Record of Title SL197/169. The site is approximately 809m² in area. The site is zoned as Residential A.

The site is currently used for residential purposes and contains a residential dwelling, and an existing garage located to the north-west of the dwelling.

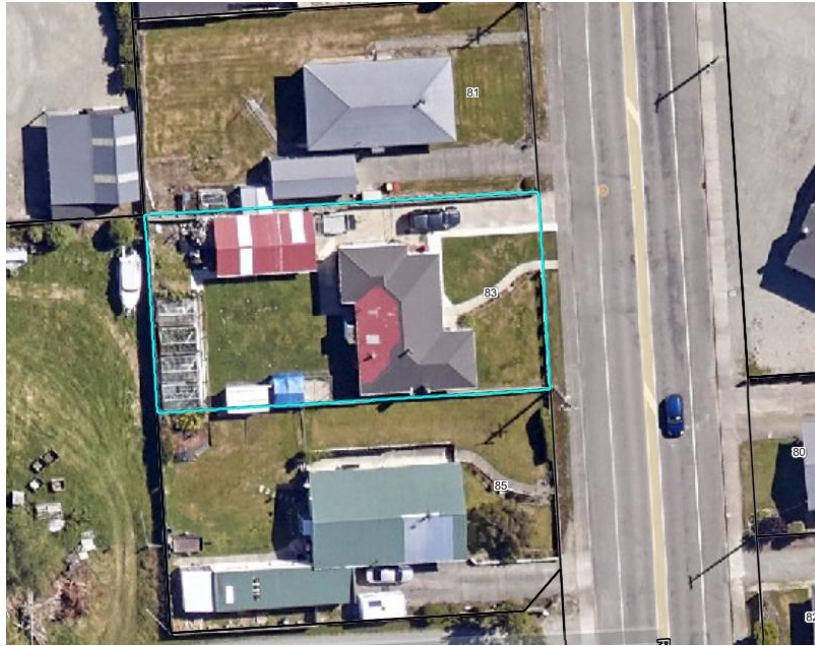


Figure 2: Subject site, outlined in blue (Source: GoreDC GIS Maps)

3. ACTIVITY STATUS

3.1 Gore District Plan

Operative District Plan

The site is zoned Residential A in the Operative Gore District Plan. The site is not subject to any District Plan hazard overlays.

The proposed activity requires resource consent under the Operative District Plan for the following reason:

- A **restricted discretionary** activity pursuant to Rule 4.7A.1[4T] to construct a 61m² double garage that is located 0.51m from the front boundary. The proposal breaches Rule 4.7A.1[3](a) which requires a 4.5m yard be provided from the front yard, including all eaves, guttering and downpipes, in Residential Zone A.

Council's discretion is restricted to the adverse environmental effects of the matters with which there is a non-compliance.

Proposed District Plan

The Proposed District Plan was notified for public submissions on 31 August 2023. The submission period closed on 27 November 2023. The further submission period closed on 12 April 2024. Hearings have concluded, but the decisions have not been notified.

The site is zoned General Residential in the Proposed District Plan. There are no other notations under the Proposed District Plan relevant to the proposal. There are no rules with immediate effect that impact this application.

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

Based on the review of the Council planning record, the piece of land to which this application relates is not a HAIL site and no change of land use is proposed. Therefore, the NES-CS does not apply.

3.3 Activity Status Summary

Overall, the application is being considered and processed as a restricted discretionary activity under the Gore District Plan.

4. NOTIFICATION ASSESSMENT

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

4.1 Public notification – Section 95A

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

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

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

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

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

Step 3 – Public notification is required in certain circumstances

- There are no rules in a plan or National Environmental Standard that require notification.
- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely

to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

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

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.

Rule 4.7A.1[3](a) requires all buildings to be set back at least 4.5m from the front boundary in Residential Zone A. Rule 4.7A.1[3](a)(iii) provides for a garage, either standalone or attached and inclusive of all eaves, gutters and downpipes, to be located up to 500mm from the property boundary, provided that the maximum length of the building adjacent to the property boundary does not exceed 6m. In this case, the garage is proposed to be setback 0.51m from the front boundary (including all eaves, guttering and downpipes) and 1.21m from the external wall for a length of 8.1m. In this instance, the 3.99m front yard setback for a length of 2.1m. is the permitted baseline of relevance.

Effects on the neighbourhood character and locality

The neighbourhood is characterised by low density residential development on the immediately adjoining properties and surrounding environment. Adjacent the property to the east is a recreational reserve area and associated recreation facilities with similar styled low density residential development to the south-east. The wider environment includes residential buildings which are generally appropriate setback from the front boundary, with established landscaped yard areas.

The existing 1.2m in height corrugated fence with sectional timber posts along the street boundary is proposed to be retained and will provide a visual break by covering the lower section of the garage. The prominence of the garage will be further reduced as the ground level of the site is approximately 300mm lower than the footpath and fence level.

The garage has been designed to match the existing dwelling roofline utilising long run coloursteel corrugate, with painted fibre cement weatherboard exterior cladding. No windows along the front boundary elevation are proposed. The effects on the neighbourhood will be less than minor.

Transportation network

The garage is proposed to be located 0.51m from the front boundary which adjoins Robertson Street. Robertson Street is an urban collector road, which is chip sealed with an existing concrete footpath and kerb and channel on both sides of the carriageway. Robertson Street has a 50kph speed restriction and the access to the property is flat and straight.

The proposal has been assessed by Council's Roading Manager, Mr. Murray Hasler, who confirmed that the proposed garage is compliant with the Gore District Council Subdivision and Land Development Bylaw. Mr. Hasler also commented that the garage door will be constructed perpendicular to the street, so vehicles exiting from the garage or parking in front will be onto the existing driveway, so there would be no risk of vehicles parking in front of the garage and encroaching on the street. Mr Hasler noted that the application has stated any stormwater management will be compliant with the District plan requirement, although no details were provided of the specific management details. Mr Hasler recommends an advice note be included in regard to the need for a corridor access request to be obtained, should drainage be required within the road corridor. Mr Hasler raised no further concerns in regard to the proposal on the transportation network.

The proposed garage is not located near any intersections or corners. The proposed garage is located on the western side of the street, resulting in limited effects on the shading footpath or the street.

The garage will be used as an addition to the existing residential dwelling on the site. There will be no changes to traffic from the proposal.

Overall, the proposal will have a less than minor effect on the transportation network.

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 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.

85 Robertson Street – Owner/Occupier

The residents of 85 Robertson Street (the neighboring persons on the south boundary) have raised concern that the proposed garage and the potential that it will block their view of Newman Park (78 Robertson Street). As outlined in the permitted baseline assessment in Section 4.1 above, a garage (or carport) could be constructed 0.5m from the front boundary, for a length of 6m.

The garage has been designed in a similar style to the existing dwelling on site, with the extended length within the front yard required to ensure the garage can be practically used by the applicant’s vehicles. The garage door and access are located on the northern elevation to provide access via the existing vehicle crossing on the site.

The neighbor’s driveway at 85 Robertson Street is located on the southern side of the site, which means no safety issues should obscure the view angles when the occupiers of 85 Robertson Street access or exit their driveway.

Overall, the effects on the persons at 85 Robertson Street will be less than minor.

81 Robertson Street – Owner/Occupier

The persons located at 81 Robertson Street are not likely to experience adverse effects that are minor as a result of the proposed garage. The proposed garage will utilise the existing vehicle crossing and driveway area located along this common boundary area, and no additional traffic is proposed to site. The garage is sufficiently setback from the northern site boundary. Overall, the effects on the persons at 81 Robertson Street will be less than minor.

Conclusions: Effects on Persons

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Step 4 – Special Circumstances for Limited Notification

- There are no special circumstances that warrant limited notification of the application.

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

For the reasons set out above, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

6. SECTION 104 ASSESSMENT

6.1 Matters for consideration

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*

- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

6.2 Effects on the Environment

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

6.3 Relevant Provisions

Operative District Plan

The relevant operative objectives and policies are contained within Chapter 3 Land Use Activities – A Framework of the Operative District Plan.

Objectives

- 3.3(1) *Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area.*
- 3.3(2) *Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality.*

Policies

- 3.4(1) *Establish zones that reflect the characteristics and amenity values of the area.*
- 3.4(2) *Control the adverse effects of land use activities on the environment.*

Overall, the proposed garage is consistent with the objectives and policies in Chapter 3 Land Use Activities – A Framework. The proposed garage is compatible with the characteristics in the area, with residential garages being common. A condition of consent is recommended to ensure the fence (or similar styled fencing or landscaping), is retained for the length of the proposed garage to provide some visual screening and softening of the garage and retain the streetscape character of the surrounding environment.

Furthermore, as determined by Mr Hasler, the proposed garage will not have adverse effects for Robertson Street. Mr Hasler has recommended an advice note be included which flags the need for a Corridor Access Request, should any works be required within the road reserve.

Overall, the activity is considered consistent with the objectives and policies of the Operative District Plan.

Proposed District Plan

The Proposed District Plan was notified for public submissions on 31 August 2023. The submission period closed on 27 November 2023. The further submission period closed on 12 April 2024, hearings have been completed, and a decision is still pending. As the rules that have immediate legal effect are not relevant to this proposal, it is unnecessary to apply any weighting to the Proposed District Plan at present time.

7. PART 2 OF THE RMA

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

Section 5 – Purpose

The proposed garage takes into account Section 5 of the RMA as the location of the activity will ensure that the natural and physical resources of the site will be protected for future generations. As has been assessed above, adverse effects of the proposal can be avoided, remedied, or mitigated.

Section 6 – Matters of National Importance

Particular regard has been given to Section 6(b) in relation to the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. While the site is not an outstanding natural feature or landscape, activity will not detract from the landscape character or values of the residential zone.

Section 7 – Other Matters

Particular regard has been given to the maintenance and enhancement of amenity values (section 7(c)) and maintenance and enhancement of the quality of the environment (section 7(e)). The amenity of the land and surrounding area will be maintained, and the proposed garage will not have adverse effects on the quality of the environment.

Section 8 – Treaty of Waitangi

This recommendation has taken into account the principles of the Treaty of Waitangi noting that the site is not within any known heritage site or statutory acknowledgment areas.

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

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, consent is **granted** to construct a double garage within the front yard subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

1. The land use activity must be undertaken in accordance with the application made to Council on 20/11/2025, reference LU25058.
2. The existing fence at the front of the property (or same height fence or landscaping with similar transparency) should be maintained along the front boundary for the length of the garage.

Advice Notes

1. A Corridor Access Request (CAR) is required to be obtained from Gore District Council if any works are proposed within the road reserve, including any stormwater management.

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

AB

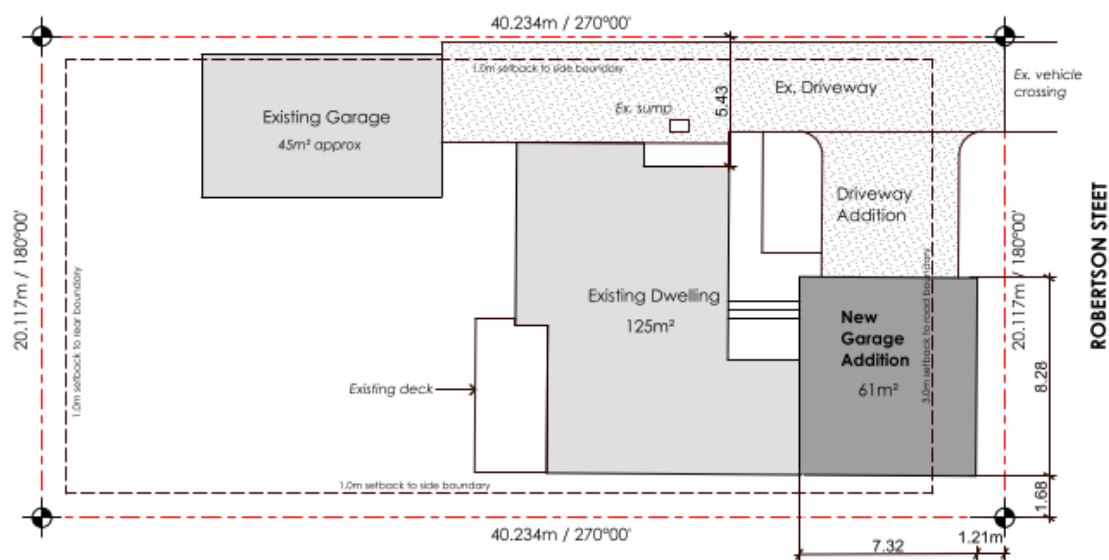
Abby Bell, Planning Intern

Decision made by

M Smith

Morgan Smith, Planning Manager

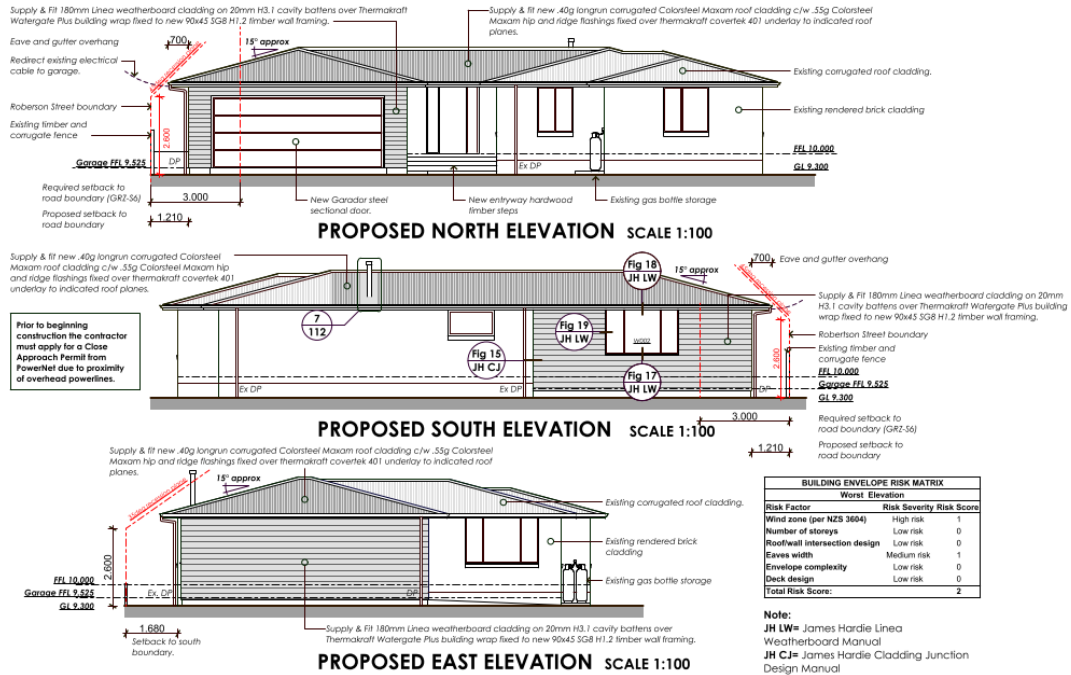
APPENDIX A – APPROVED PLANS



PROPOSED SITE PLAN

SCALE 1:200





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Project name and Client:

CLEAVER GARAGE ADDITION

83 ROBERTSON ST, GORE

Drawing Title:

ELEVATIONS

Design:	Checked:	Date:
MJD	PCC	Dec 2025
Job Number:	Revision:	Original Drawing size:
25044	0	A3 Sheet
Drawing Sheet:	Scale:	
3.4	AS SHOWN	

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All dimensions and levels shall be measured and confirmed on site prior to commencement of work. Do not scale off drawings. Read in conjunction with specification.