

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC25050
Applicant	Rob Scott
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for subdivision of land into 3 lots.
Location	0 Maxted Road, Pukerau
Legal Description	Lot 2 Deposited Plan 7133
Activity Status	Restricted Discretionary
Decision Date	14 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 Werner Murray, on 12 January 2026 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 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 carry out a three-lot Subdivision within the Rural Zone as follows:

Lot 1	55.38 ha vacant rural land will retain the existing farming land use.
Lot 2	3.7 ha vacant rural land with intention to sell.
Lot 3	3.05ha vacant rural land with intention to build a residential dwelling.

Lot 1 Contains some Lot 2 Contains some 3.17 ha of bare rural land. Lot 2 is intended to be sold to a member of the applicant's family, who plans to build a rural dwelling on that lot in future. Lot 3 Contains some 3.05 ha of bare rural land. The applicant intends to build a rural dwelling on that lot in future.



Figure 1 – Scheme Plan

The proposed site servicing and access arrangements are contained within section 2.2.3 of the application report and that description is adopted for the purpose of this report.

2. SITE DISRIPTION

The site located at 0 Macted Road, Pukerau is legally described as Lot 2 DP 7133. The site is approximately 61.5957 hectares and is accessed off Macted Road.

The site is located within the Rural Zone as identified in the Gore District Plan GIS mapping and is located approximately 16.5km east of the town of Gore. The surrounding area is largely open rural land as shown in Figure 2 below.

The site is partially within an area of medium liquefaction risk; this covers a part of the southern section of the allotment. Proposed Lots 2 and 3 are not within the medium risk area, Gore District Plan mapping shows that they are in an area of negligible risk.

There are no heritage or cultural overlays relevant to the site.

The Record of Title shows that there is a Forestry Right located on the site.

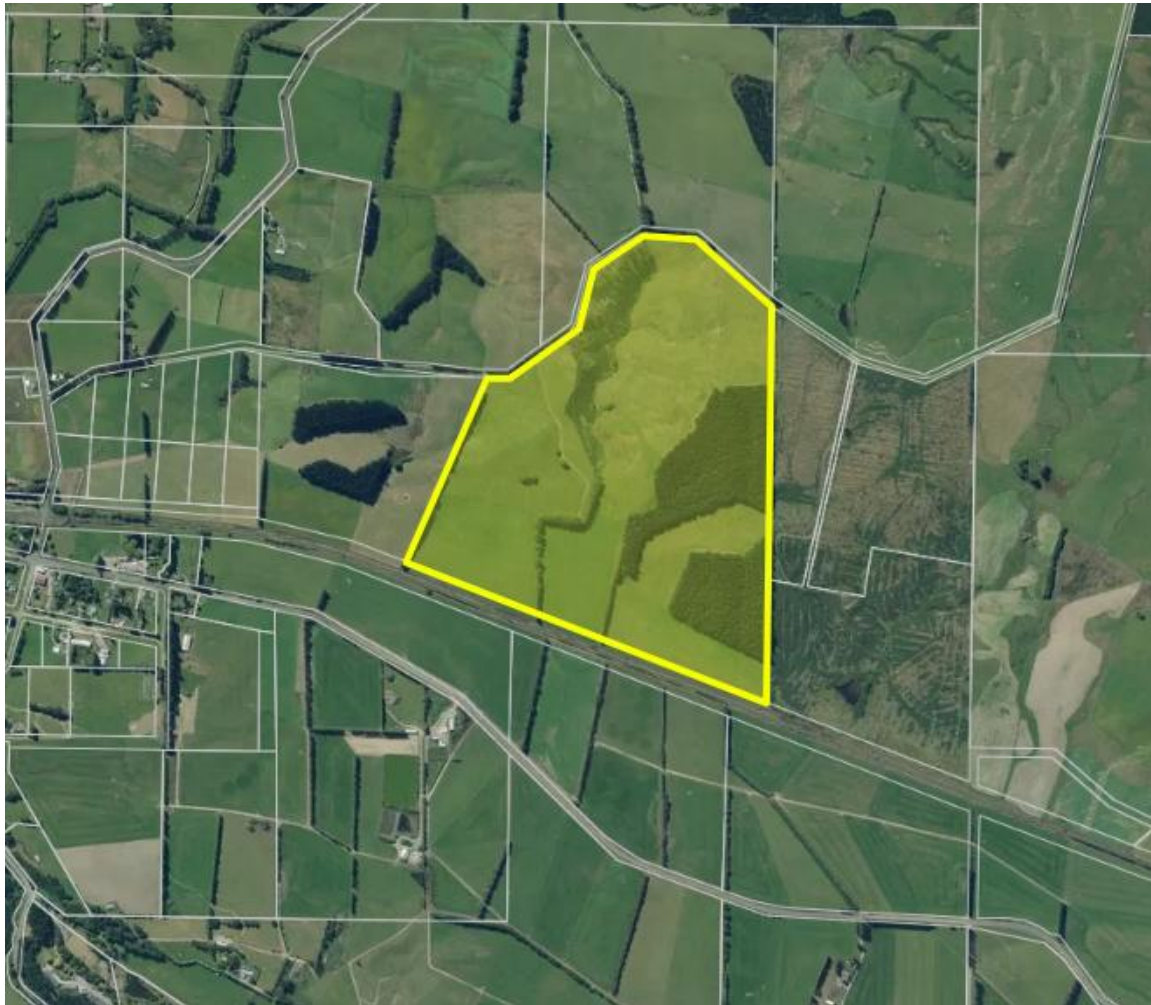


Figure 2 – Subject site highlighted in yellow, surrounded by rural land.

3. ACTIVITY STATUS

3.1 Gore Operative District Plan

The site is zoned Rural in the Gore District Plan GIS mapping of the Operative District Plan, and the proposed activity requires resource consent under the District Plan for the following reason:

- A **restricted discretionary** activity pursuant to Rule 8.10(4)(b) to undertake a three-lot subdivision of the site, where each lot will exceed 2 hectares in area.

Council's discretion is restricted to:

- (i) suitability of the allotments for activities permitted within the zone in which they are located.*
- (ii) suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;*
- (iii) ability to provide services (water, sewage, storm water, power and telecommunications);*
- (iv) impacts on the Council and other infrastructure services;*
- (v) future use of the land and the need to consider any associated resource consents;*
- (vi) within residential and rural areas lot size, dimensions and potential for future subdivision of the land;*
- (vii) within residential and rural areas the desirability of providing building platforms; and*
- (viii) provision of easements*
- (ix) impacts on any heritage or archaeological values*
- (x) impacts on natural features and landscapes, ecological or cultural values*
- (xi) impacts water quality, including groundwater*
- (xii) provision of all transport modes, including the movement of pedestrians and cyclists.*

Proposed District Plan

The Proposed District Plan was notified for public comment on 31 August 2023. The submission period closed on 27 November 2023. The further submission period closed on 12 April 2024, and the final hearing was held April 7 2025. Decisions have not yet been released.

The site is zoned General Rural Zone in the Proposed District Plan, and the proposed activity requires resource consent under the District Plan under SUB-R5 as a non-complying activity. This rule does not have legal effect and therefore, is not considered further for this application.

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

The applicant has reviewed Council records and confirmed the site is not listed as HAIL. Further, the applicant is not aware of the presence of any contaminants that could be hazardous to human health. Therefore 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 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 for 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 no 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 Approvals

No written approvals have been provided with this application

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 there is not permitted baseline as all subdivision requires consent under the Operative Gore District Plan.

Assessment of Environmental Effects

Suitability of the allotments and future land use

The subdivision is consistent with what the Operative Gore District Plan enables in the Rural zone. All of the three proposed allotments exceed the 2ha specified minimum area.

There are currently no existing buildings on the site, the applicants intend to eventually build a residential dwelling on Lot 3 and sell Lot 2 to a family member who will in turn also build a dwelling. Considering the size and shape of the allotments and their compliance with Operative District Plan Standards Lots 2 and 3 allow for future rural activities including residential.

An advice note is recommended which advises the consent holder that any future development on proposed Lots 2 and 3 will be subject to the requirements of Gore District Council Subdivision and Land Development Bylaw 2019 and the Gore District Plan and will be assessed at the building consent stage.

Overall, the proposed lots are considered to be consistent with the current anticipated type of subdivision within the Rural zone. It is considered that the size, shape and configuration of the proposed allotments are appropriate to be used for land uses currently permitted in the rural zone and that any adverse effects on the wider environment will be no more than minor.

Suitability of land for subdivision – Natural Hazards

The Gore District Council's mapping system identifies that under the Proposed Gore District Plan the site is partially located within an area of 'medium' liquefaction risk. Proposed Lots 2 and 3 are not located within the section of the allotment included in the medium risk area they have been classed as having a negligible risk. While the Proposed Gore District Plan has not yet been legally adopted, it likely will be by the time the applicants begin development of the Lots and should be considered accordingly.

The subject site is not identified as a HAIL site.

Overall, any adverse effect with respect to natural hazards, on the wider environment will be less than minor.

Ability to provide services

The applicants have provided their own assessment of the subject site's ability to provide services, this assessment has been adopted for the purposes of this report.

The site is currently not served by any electricity supply, the applicants have proposed that this can either be achieved through extending the PowerNet network, PowerNet have confirmed this, or alternatively the applicants are proposing off-grid solar power. How the Lots will be powered is suggested to be up to the owner at the time of development. This is deemed acceptable and the implementation of consent notices will be attached to this resource consent informing future owners of their responsibility to bring the site up to servicing standards in order for development to happen.

Russell Paterson, Senior Building Control Officer at Gore District Council, has recommended the application be suitable from a building perspective subject to the submission of a suitable design

for potable water supply, firefighting water storage (meeting FENZ requirements) in addition to on-site stormwater management and site-specific water treatment system.

The applicant has proposed that foul water and storm water be dealt with on site for all three lots. Potable water is expected to be collected through rainwater for Lots 2 and 3, Lot 1 will retain supply from the Glenkenich Rural Water Scheme. Further assessment and detail will be required at a building consent stage should the owners of the Lots want to build future dwellings on site as is suggested in this application.

The applicant has provided feasible proposals for the provision of services on the Lots, adverse effects in terms of services are considered less than minor.

Impacts on heritage, archaeological values, natural features, landscapes and water quality

There have been no identified heritage or archaeological features on site. It can be considered that the impacts of the proposed subdivision will be nil with respect to these features and values.

The subject site is located outside of any mapped significant natural features and landscapes, or any areas shown as having identified ecological or cultural values.

If any future development were to occur on the new allotments, stormwater and wastewater disposal will be assessed at the time of building consent. It is considered any impacts on water quality, including groundwater, would be less than minor.

Effects on traffic

Murray Hasler, Roading Asset Manager at the Council, has reviewed the application and provided the following comments.

“Access standards contained in the Gore District Council Subdivision and Land Development Bylaw (the Bylaw) apply to this situation.

The applicant proposes to use the single existing accesses from each of the proposed lots onto Maxted Road. The sight distances in both directions at both accesses meet the requirements of the Bylaw. The access to proposed Lot 1 currently meets the requirements of diagram R09-1 contained in the Bylaw. As suggested by the applicant it is recommended a consent notice be imposed for access onto proposed Lots 2 and 3 that they be upgraded in accordance with diagram R09-1 when an application for Building Consent for a dwelling is made.

On this basis, Mr Hasler recommended that the application be approved from the transportation perspective.”

Overall, any potential impacts of development on traffic and accessibility to the site have been deemed to be less than minor so long as access to proposed Lots 2 and 3 are upgraded at the time of development.

Conclusion: Effects On The Environment

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed activity will

not have adverse effects on the environment that are more than minor.

Step 4 – Public Notification in Special circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

In accordance with section 95B, the following steps have been followed to determine whether to give limited notification of the application:

Step 1 – Certain affected groups or persons must be notified

- There are no protected customary rights groups or customary marine title groups affected by the proposed.
- The proposal is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgment.

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.
- The application is not for a controlled activity (other than for a subdivision of land) under a district plan.

Step 3 – Certain other affected persons must be notified

- Under Step 3, if the proposal is a boundary activity, only the owner/occupier of the infringed boundary can be considered. The activity is not a boundary activity.
- For any other activity, a consent authority must notify an application on any person, if notification is not precluded by Step 2, and the consent authority decides, in accordance with s95E, that the proposed activity will have or is likely to have adverse effects on that person that are minor or more than minor.

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.

- d) The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

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

Neighbouring properties

The adjacent persons assessed below are all of the owners of the properties that share a common boundary with the subject site and those that are located opposite the site, as shown in Figure 2 below.

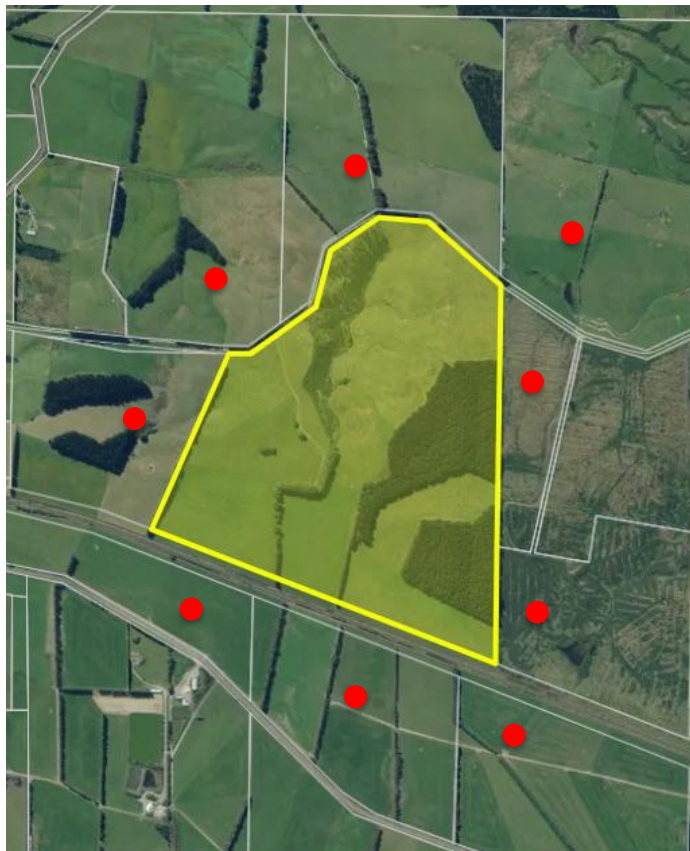


Figure 2 – Adjacent Properties shown by red dots

The subdivision meets the standard for minimum lot size in the Rural Zone. The Operative District Plan has therefore anticipated the adverse effects associated with existing and future development of this density.

There site is entirely vacant rural land, there are no existing buildings. Development right is gained for Lots 1-3 as part of this proposal. Proposed Lots 2 and 3 are generally smaller than surrounding Lots in the area. However, in the district plan a Lot of this size is anticipated within the Rural Zone therefore any character and amenity effects are anticipated and will be less than minor on neighbouring properties.

Given the rural nature of the subject sites and their surrounding environment, and that any additional traffic generation for future permitted activities will be relatively low, any effects relating to traffic generation are considered to be less than minor on any person.

Overall, it is considered that the proposed subdivision will not create lots or future uses that will be out of character with the surrounding area or detract from the existing amenity values. Therefore, the adverse effects are considered to be less than minor and there are no persons that would be adversely affected by the proposed subdivision.

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 specific 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 8 – Subdivision of Land of the District Plan.

Objectives

- (1) To facilitate the orderly subdivision and development of land.*
- (2) To ensure that the size and shape of new allotments created, and the design standards for access and infrastructure, is suitable and appropriate for the location and future use of the land.*
- (3) To ensure that developers pay all reasonable costs associated with the subdivision and subsequent development of land.*
- (5) To ensure land development and servicing is undertaken to Council's standards.*
- (7) To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.*
- (8) Avoid adverse effects on water quality, including groundwater, from the development of subdivided land.*

Policies

- (1) Control the subdivision of all land.*
- (2) Avoid adverse effects of subdivision on the functioning of existing services, infrastructure and roading.*
- (3) Require works associated with subdivision to be carried out in conformity with Council's standards.*
- (5) Avoid any off-site effects of development of subdivided land.*
- (9) Require land development to be undertaken in compliance with the Gore District Council Subdivision and Land Development Bylaw 2011*
- (10) Have regard to the potential for the land subject to any subdivision consent, and other land in the locality to be further subdivided in the future.*
- (13) Have regard to the potential impacts arising from the subdivision and future use of land on water quality, including groundwater.*

The proposed subdivision in this application is consistent with the objectives and policies of Chapter 8. The size and layout of the allotments are considered suitable and appropriate for the Rural zone and its anticipated activities. There are no anticipated adverse effects inflicted on the site by the proposed subdivision in regards to water quality. The provision of services on site subject to further information at the building consent phase

Proposed District Plan

The site is identified as being in the General Rural Zone within the Proposed District Plan (PDP). In the PDP General Rural Zone, sites are proposed to have a minimum of 8 hectares. The relevant policies and objectives are located within the Subdivision and General Rule chapters of the PDP.

As the rules that have immediate legal effect are not relevant to this proposal, it is unnecessary to undertake a detailed assessment against the Proposed District Plan or apply any weight to the Proposed District Plan at present time.

Southland Regional Policy Statement 2017 (SRPS)

The SRPS has been considered with this application and the proposal is consistent with this document

7. SECTION 106 REQUIREMENT FOR SUBDIVISION

A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that the land is or is likely to be subject to, or is likely to accelerate material damage from natural hazards, or where sufficient provision for legal and physical access to each allotment has not been made. In this case, a section along the southern border of the site is subject to medium liquefaction risk as identified in the Council's PDP mapping. The proposed lots are located along the northern border of the subject site and are not included within the medium risk area. There is a suitable distance between Proposed Lot 2 and 3 and the section of medium risk to avoid any negative impacts.

8. PART 2 OF THE RMA

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

Section 5 – Purpose

The proposed subdivision takes into account section 5 of the RMA as the proposed lots will continue to ensure that the physical resources of the land for agricultural purposes is sustainably managed. This enables people and communities to provide for their social, economic and cultural well being which in turn benefits the community.

Section 6 – Matters of national importance

Attention has been given to matters of national importance. This site does not contain any outstanding natural features or landscapes, any historic heritage nor an area of significant indigenous vegetation.

Section 7 – Other matters

Regard has been given to the maintenance and enhancement of amenity values (section 7(c)) and quality of the environment (section 7(f)). The amenity of the land and surrounding area will be maintained, and the subdivision will not have any adverse effects on the quality of the environment.

Section 8 – Treaty of Waitangi

The site is not within any known cultural sites or statutory acknowledgement areas and therefore, this recommendation is not inconsistent with the principles of the Treaty of Waitangi.

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

9. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, consent is **granted** for three-lot subdivision subject to the following conditions imposed pursuant to Section 220 of the RMA:

Consent Conditions

1. The proposed subdivision must undertaken generally in accordance with the application made to the council on 28/11/2025 and the following plans:
 - Proposed subdivision of Lot 2 DP 7133 (RT SLA2/1054). Prepared by Clarke Fortune McDonald & Associates dated 24/10/2025.

Prior to s223

2. Prior to Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, any necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved as necessary.
3. The consent holder must meet the costs for preparation, review and registration of any easement instrument(s) on the relevant Records of Title.

Servicing

4. Prior to the certification of the subdivision pursuant to section 224(c) of the Resource Management Act 1991; a consent notice, in accordance with Section 221 of the Resource Management Act 1991, shall be issued and registered against the relevant Record[s] of Title for Lots 1 to 3 to record that:
 - a) At the time of lodging a building consent for a dwelling, the lot is to have a specifically researched, designed and verified system for wastewater and stormwater disposal.
 - b) At the time of lodging a building consent for a dwelling, a rainwater collection system must be verified as being potable; this shall include provision for UV filters or UV treatment or alternative treatment provision and shall be submitted with the building consent application(s).
 - c) At the time of lodging a building consent for a dwelling, each application is to include an approved firefighting water supply and site services design by Fire and Emergency New Zealand (FENZ) to comply with SNZ PAS 4509 and the Subdivision and Land Development Bylaw 2019.
 - d) At the time of lodging a building consent for a dwelling on Lot 2 or Lot 3 the existing vehicle access on Maxted Road to that lot must be upgraded, in accordance with the Diagram R09-1 access standard in the Gore District Council Subdivision and Land Development Bylaw 2019.
 - e) At the time of this subdivision, a power connection was not provided. Should a future connection be sought the land holder at the time should be aware that HV extension would be required from the corner of Landslip Valley and Maxted Roads, in order to be able to supply power to Lots 2 and 3.

Advice Notes

1. Any future development will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 and the relevant Gore District Plan/s and will be assessed at the building consent stage.

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



Molly O'Sullivan
Planning Consultant

Decision made by



Werner Murray
Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS