

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC 25062
Applicant	Gilchrist Road Dairy Ltd
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for two lot subdivision and subsequent amalgamation.
Location	Rural Zone
Legal Description	Part Section 2 Block III Chatton Survey District
Activity Status	Restricted Discretionary
Decision Date	26 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 26 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 108 and 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 for a two lot subdivision and subsequent amalgamation to align a legal boundary with an existing fence.

The proposed new lot will be 26.91 hectares. The subdivision scheme plan is shown in Figure 1 below:



Figure 1: Proposed Subdivision Scheme Plan

The proposed Lot 1 is to be subdivided from Pt Section 2 Blk III Chatton SD and amalgamated with Pt Sec 1 Blk III Chatton SD.

There is an existing vehicle crossing to Lot 1 and haybarn which will be retained.

2. SITE DESCRIPTION

The site is located at Maitland, 13 kilometres north-east of Gore and is legally described as Part Section 2 Block III Chatton SD. It is approximately 78.0845 hectares in area and accessed off Waikaka Road.

The site is located within the Rural Zone of the Gore District Plan. The site contains areas of Class 3 soils as identified on the Manaaki Whenua Landcare Research website.

The surrounding area is largely open rural land.

There are no relevant interests on the Record of Title which will affect the proposed subdivision.

There are no Heritage or Cultural overlays relevant for the site.

The site is located within the Maitland River Catchment with a low liquefaction risk over the portion of the site that is east of Waikaka Road. The flood hazard is shown in Figure 2 below.



Figure 2: Mataura River Catchment Flood overlay

3. ACTIVITY STATUS

3.1 Gore District Plan

The site is zoned Rural in the Gore 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 two-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 submissions 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 and do not have legal effect. Therefore, the proposed Gore District Plan 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 piece of land to which this application relates is not a HAIL site according to Gore District Council’s mapping. Further, the applicant is not aware of the presence of any contaminants that could be hazardous to human health and 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 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.

Written Approval/s

No written approvals have been provided.

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, there is no 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 proposed new Lot 1 will be located within the Rural Zone and have an area of 26.91 hectares.

The lot is proposed to be amalgamated with Pt Sec 1 Blk III Chatton SD to the south.

The lot has existing access which will be retained and is proposed to be used for dairy farming purposes. The proposal creates development opportunity on the site as a permitted activity. Should this occur, the lot is of a sufficient size that wastewater, water, and stormwater could be managed onsite. There is currently no power to the site, but should this be required in future, overhead power lines are located along Waikaka Road. Telecommunications are available to the site.

Overall, it is considered that effects of the proposal on existing and future land uses are less than minor.

Suitability of land for subdivision – Natural Hazards

The Gore District Council's mapping system identifies the site as subject to the Mataura River Catchment flood hazard overlay along with a low liquefaction risk.

No development of the site is proposed with this application. There is an existing haybarn which will be retained.

Any future development of the site will be subject to the Gore District Plan Rules regarding Natural Hazard risk to the site.

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

Ability to provide services

The creation of Lot 1 is to align the cadastral property record with the existing primary production land use onsite. No development or servicing is proposed.

However, should future development be sought, it is considered the size and shape of the allotment is suitable and any water, wastewater or stormwater requirements will be managed through the building consent.

Overall, any adverse effects with respect to servicing are negligible.

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

There are no known heritage or archaeological features, or values identified on the 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 considered any impacts on water quality, including groundwater would be less than minor.

Effects on traffic

Mr. Murray Hassler, Roading Asset Manager at the Council, has reviewed the application and provided the following assessment:

The sight distances at the access meet the requirements of the Bylaw. As the access already has seal widening and there is no change to the use of the access likely to result from the subdivision the access is considered to comply with the requirements.

Given that there is no change in use and therefore traffic volumes and the current access is up to GDC standard, it is considered that effects on traffic from the proposal will be less than minor.

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.

Neighboring Properties

The neighboring properties to the subject site are listed here and shown in Figure 3 below:

- Part Sec 1 Block III Chatton SD (the Lot is to be amalgamated with this site).
- Lot 1 DP 8349
- Lot 2 DP 319727
- 509 Waikaka Road, Maitland Gore

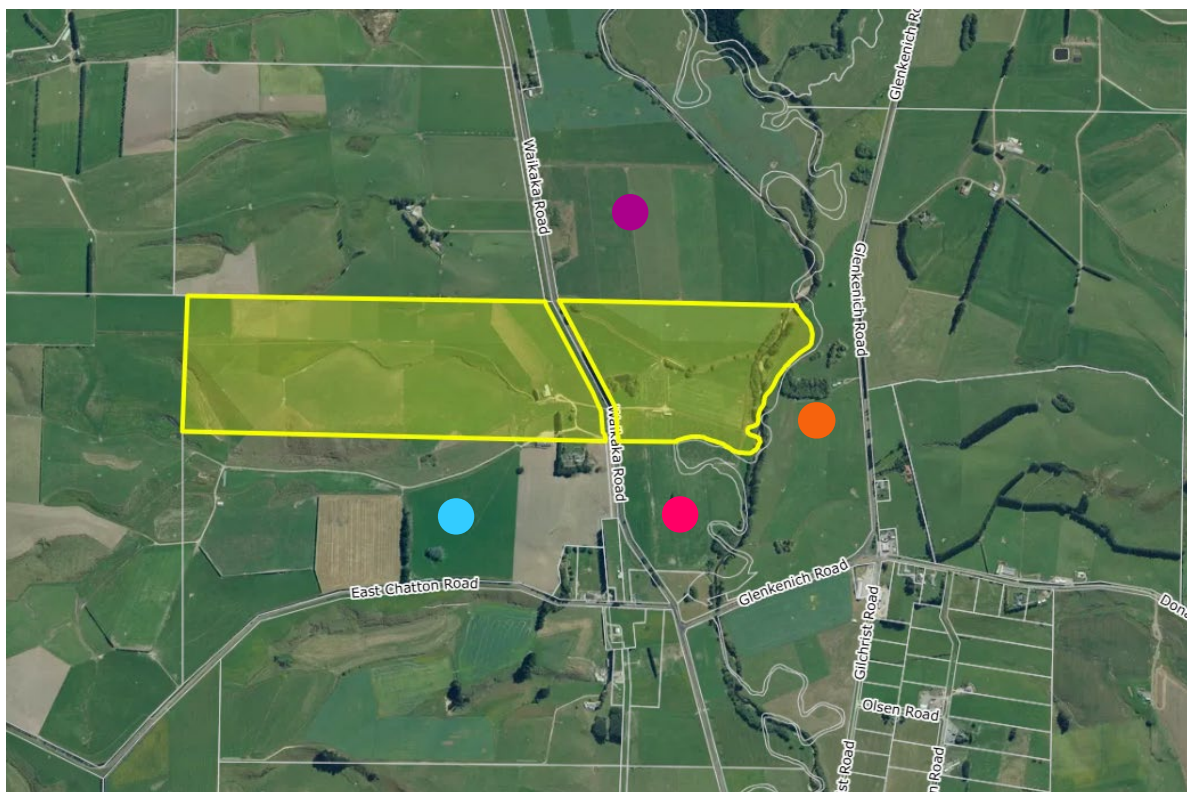


Figure 3: Adjacent properties shown in colored dots

The neighbouring properties are largely open rural area with a residential dwelling on 509 Waikaka Road.

The site is to continue to be used for rural production activities and effects on neighbouring properties relating to noise, traffic, and odours will remain unchanged. Further, given that the subdivision complies with the 2-hectare rural zone allotment size limit, any future development of the site would be able to comply with the District Plan and any breaches and potential effects on neighbours would be assessed at that time.

Overall, effects on neighbours from the subdivision will be no more 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 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

District Plan

The relevant operative objectives and policies are contained within Chapter 8 of the District Plan. The following objectives and policies are relevant to the proposal:

Chapter 8 - Subdivision of Land

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.*
- (7) To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone in which they are located.*

Policies

- (1) Control the subdivision of all land.*
- (2) Avoid the adverse effects of subdivision on the functioning of existing services, infrastructure and roading.*
- (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.*

In this case, the subdivision will create a 26.91 hectare lot within the rural zone. This allotment is proposed to be amalgamated with an existing 11.47 hectare allotment to the south. The lot is intended to continue to be used for rural production uses and the existing access complies with the Gore District Council Subdivision and Land Development Bylaw 2011.

Overall, the proposed subdivision is considered to be 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 26 October 2023. The further submission period closed on 12 April 2024. 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.

National Policy Statement for Highly Productive Land (NPS-HPL)

The NPS-HPL came into force on 17 October 2022. The objective of the NPS-HPL is that highly productive land is protected for use in land-based primary production, both now and for future generations. As the proposal is for a restricted discretionary activity subdivision, the matters of discretion do not provide scope for the consideration of highly productive land. No further assessment of the NPS-HPL is required.

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, the site is located within an inundation area but the proposal will not accelerate material damage from the hazard risk and physical access for the proposed Lot 1 is existing and will be retained.

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 ensure the natural and physical resources of the rural land is protected for future generations. As assessed above, the adverse effects of the proposal can be avoided, remedied or mitigated.

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, nor an area of significant indigenous vegetation. It is considered the future land use is appropriate within this rural landscape.

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(f)). The amenity of the land and surrounding area will be maintained, and the subdivision will not have adverse effects on the quality of the environment.

Section 8 – Treaty of Waitangi

This site is not within any known heritage 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 a two lot subdivision and amalgamation subject to the following conditions imposed pursuant to Section 108 and Section 220 of the RMA:

Consent Conditions

1. The subdivision must be undertaken generally in accordance with the application made to the Council on 21.12.2026 and the following plan:
 - Lot 1 Being Pt Sec 2 Blk III Chatton SD. Prepared by Southern Horizons Surveying & Resource Management. Dated 16.12.2025. Revision 0.

This plan is attached as Appendix A.

Amalgamation Condition

2. Prior to Council signing the survey Plan for the subdivision pursuant to section 223 of the Resource Management Act 1991, the following amalgamation shall be shown on the survey plan pursuant to s220(1)(b)(iii):

X. That Lot 1 will be held with Part Section 1 Block III Chatton Survey District & one Record of Title issue to include both parcels.

(See Land Information New Zealand CSN: 1968707)

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.

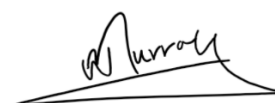
If you have any enquiries please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



Nicole Burgess – Planning Consultant
Appendix A: Approved Plans

Decision made by



Werner Murray, Delegate

