

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC26024
Applicant	John & Penny Baynes, Andrea Robbins Attn: Shaina McMillan (Ralph Moir Limited)
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a boundary adjustment of existing undersized lots.
Location	237 Otamita Road, Knapdale
Legal Description	Part Section 13 and Section 39 Block XI Chatton SD, DP 620 (Part Section 14 Block XI Chatton SD), Lot 1 DP 5027
Zone - Operative District Plan	Rural
Zone - Proposed District Plan	General Rural
Activity Status	Non-complying
Decision Date	31 July 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 July 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.

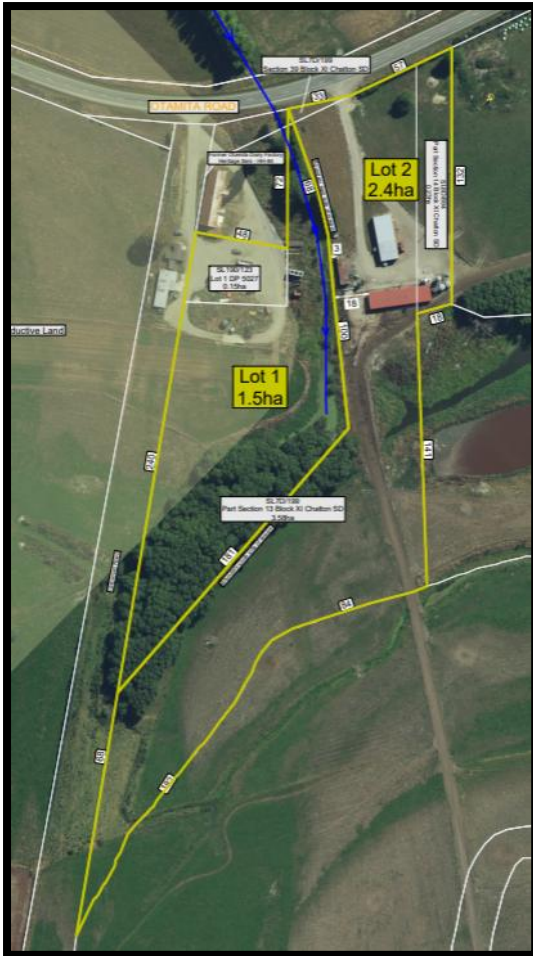


Figure 1: Proposed scheme plan

1. THE PROPOSAL

Consent is sought to undertake a boundary adjustment of 3 sites and amalgamate them into 2 Lots. Presently, the sites are rural in use, though undersize, and the applicant seeks to rationalise the lots as historically the sites have worked in unison through informal agreements by the landowner. However due to marking the land for sale, the applicant would like to keep land that has been used in conjunction with adjacent lots in a singular title to avoid confusion.

Adjusting the boundaries will see the 3 allotments become 2- proposed Lot 1 will be 1.5Ha, while proposed Lot 2 will be 2.4Ha. The proposed boundary adjustment will see Lot 1 DP 5027 amalgamated with the adjacent Part Section 13 Block XI Chatton SD, with the boundary line moved to follow the creek which runs through the site. The boundary separating the two lots will follow the stream noted on site and leave the noted heritage item located at 249 Otamita Road, as an unaffected site to the north and west. Access is proposed to be available to proposed Lot 1 via the unformed road on the western side of the subject site which has a vehicle crossing established. No additional services are proposed, nor does the applicant seek to make any changes to the sites as part of the application. The proposal will see Part Section 14 Block XI Chatton SD join Part Section 13 Block XI Chatton SD and maintain the southern pasture and farm track within the proposed Lot 2.

For clarity table 1 below has been added to show the proposed changes to lot sizes.

Table 1.

Existing Lot	Size	Proposed Lot	Size
Lot 1 DP 5027	1, 543m ²	Lot 1	1.5ha
Part Section 13 Block XI Chatton SD	3.57ha	Lot1/ Lot2	1.5ha/ 2.4ha
Part Section 14 Block XI Chatton SD	2,378m ²	Lot 2	2.4ha

2. SITE DISCRIPTION

The subject sites are comprised of four existing lots, of which make up a total area of approximately 3.97Ha. All the sites relevant to the application are located within the Rural Zone under the Operative District Plan (ODP), and the General Rural Zone under the Proposed District Plan and are presently used for primary production purposes. The buildings existing on site are for production purposes, and the remainder of the site is pasture and riparian planting. To the immediate north west of the subject site, Lot 1 DP 5027 contains a laydown area south of the old dairy factory heritage item located on an unaffected site. The laydown area has been noted to be for associated farm machinery. On the eastern side of the site, the buildings are farm store sheds with an associated laydown area used for dairy.

Proposed Lot 2 is presently serviced with water and electricity connections, these being through an overhead connection for electricity from Otamita Road, and a potable water connection via a bore hole on site. As proposed Lot 1 is used for a laydown area and the portion of the site to join the proposed

Lot 1 is on the far side of the stream which cuts through the existing lot and restricts the use of it for the current activity on site, services have not been provided. As such, the sites presently feature only the services required for the activities occurring on site.

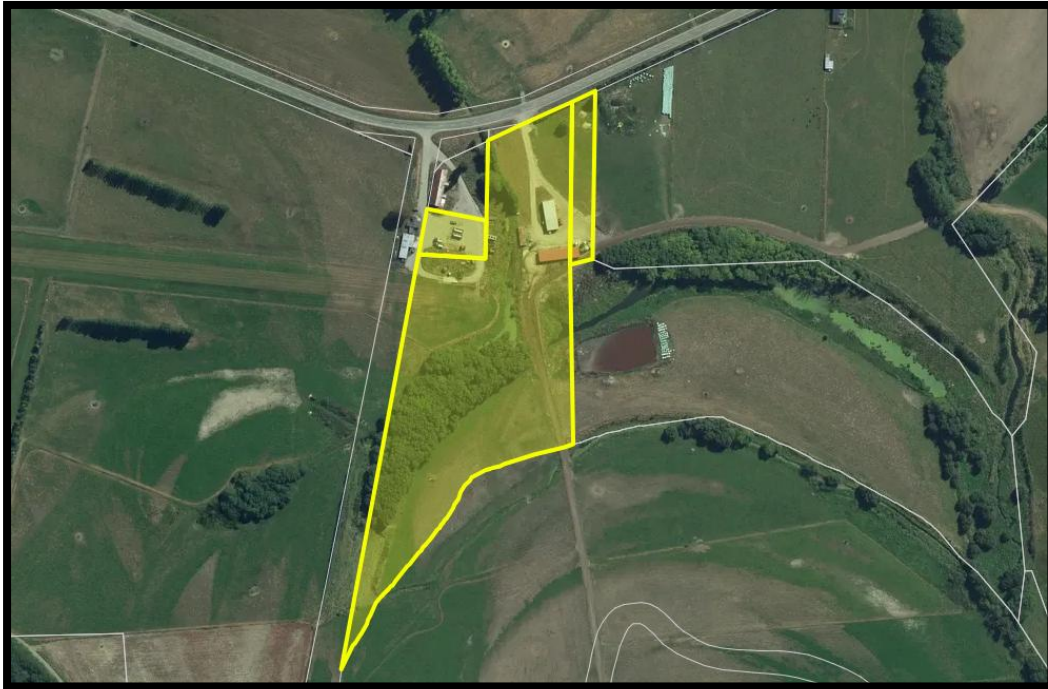


Figure 2: Subject Site (Source: GRIP)

3. ACTIVITY STATUS

3.1 Gore District Plan

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

Council notified decision on the PDP on 30 January 2026. 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 **controlled** activity resource consent pursuant to Rule **8.10.2(d.i.a)** for a boundary adjustment resulting in the creation of an allotment with an area less than 2ha. Council's control is with respect to the following:
 - The suitability of the allotments for activities permitted within the zone in which they are located
 - Granting of easements;
 - The design, location, construction and alignment of any access or road;
 - The location, design and construction of infrastructure;
 - Ensuring that the minimum environmental standards specified in this Plan can be met on any allotment that contains an existing building.
 - The protection of any heritage or archaeological values on the site.
 - Any adverse effects on natural features and landscapes, ecological or cultural values.

- A **discretionary** activity resource consent pursuant to Rule **8.10.3** for the proposed boundary adjustment as the new boundaries pass through land contained within area subject to actual or potential inundation.

Proposed District Plan

The site is zoned **General Rural** with an **Actual or Potential Inundation** overlay 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 rule SUB-R1 due to a noncompliance with **SUB-R1.8** due to the inundation overlay. It is proposed to undertake a boundary adjustment of existing undersized lots and regularise two lots which are proposed to be 1.5Ha and 2.4Ha, as such neither complies with the 8Ha General Rural minimum lot size. Furthermore, the inundation overlay requires consideration under SUB-R7, and due to the non-compliance with SUB-S1 the proposal is treated as a non-complying activity.

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

Written approval has not been provided as part of 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 the permitted baseline is not considered due to the proposal being for a subdivision and having an immediate activity status.

Assessment of Environmental Effects

The Assessment of Effects provided as part of the applicant’s AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report. A further assessment is as follows:

Suitability of allotments

The proposed adjusted boundary will follow the constraints of the site and allow for separate use on either side of the stream that cuts through the middle of existing Part Section 13 Block XI Chatton SD which will allow for use of each site individually without the restriction of a waterway. Though the allotments will remain undersized, the applicant has noted that they are presently used for separate purposes through informal agreements, and the proposed alignment of boundaries has been designed with the use of the sites in mind. Furthermore, though the proposal will result in undersized lots, the resultant lots will be larger than the existing allotments, thereby reducing the existing effects caused by undersized lots and aligning closer with the standards of the District Plans. As such, having the boundary follow the stream and provide legal separation for the two uses on site is a suitable design and will allow for the continued use of the site for rural industry.

Access and infrastructure

The applicant has advised that access will not change as part of the boundary adjustment. Both of the proposed lots have respective vehicle access, with proposed Lot 1 being accessible through an unformed road on the western side of the subject site, and proposed Lot 2 being accessible via the existing formed track from Otamita Road. The applicant does not seek to change this through the application and has stated that the vehicle access will remain as existing. Due to this, Council’s Roadway Department has approved the current use of the vehicle access.

The applicant has not proposed further services to be provided to the sites. Lot 2 is serviced through an overhead electricity connection and has a bore hole providing water to the dairy shed on site. Lot 1 has an informal standing agreement for electricity access with the building on the west of the subject site.

Transport

Proposed Lot 1 presently has a laydown area on site, and as such has been formed in a manner that allows for the manoeuvring of large vehicles. The internal roading on site comprises of wide farm tracks that loop around in order to avoid limited turning space. Both sites feature wide entrances with clear sight lines to avoid congestion. Due to neither site being used for residential activity, the provision for pedestrian and cyclist access has not been made available, and the applicant has noted there is no intention to change the activity present on each site. Due to this, it is furthermore unlikely that traffic generated due to the activities on the proposed lots will increase and create further strain to the existing transport network, and as a result it is likely that any effects caused by the boundary adjustment will be less than minor.

Heritage and archaeological values

The site to the north-west of the subject site features a heritage item, however the sites themselves do not. As such, heritage and archaeological values are not relevant to the proposal.

Natural features and landscapes

The subject sites are not located within a natural features and landscapes overlay, and though they are within the rural zone and have a stream corridor present, the boundary adjustment does not involve proposed development which might threaten any features. Furthermore, the boundary adjustment will recognise the stream corridor and has been designed accordingly to avoid unnecessary stream crossings or cross-stream rural industry. As such, the overall proposal will not have any adverse effects on the natural features of the site, and as the adjustment is legal only and will not see any physical changes to the site.

Cultural values

There are no noted cultural features on site and as such the proposal is considered to align with tangata whenua values.

Esplanade reserves

The applicant has stated that the requirement for an esplanade reserve is not considered necessary for this site. Noting the river bed is less than 3m wide and therefore does not qualify.

Natural hazards

The subject sites are subject to a flooding overlay- this being actual or potential inundation. Though the hazard is present on site, they largely comprise of permeable area with minimal buildings and no active proposal for residential development. As the applicant has not proposed further construction of buildings, or the removal of any existing vegetation, the hazard risk is relatively low and is unlikely to risk the safety of people. Any risk to property is existing, and further development of the site will require consent through which mitigation can be implemented.

The proposed boundary adjustment from four lots to two does not alter the existing flood risk, as the hazard characteristics affecting the site remain unchanged. However, the overall level of potential future development is reduced, meaning the scale and intensity of any future built form within the flood-affected area is inherently lessened. With larger individual lots, there is greater flexibility to locate building platforms in areas of comparatively lower flood susceptibility, enabling more effective avoidance or mitigation of flood effects. As a result, while the flood hazard itself is unchanged, the

potential adverse effects associated with future development are reduced due to both the decrease in development rights and the increased ability to optimise building placement.

Reverse sensitivity

As the subject sites have been developed for rural industry, which is an anticipated use of land within the Rural zones, reverse sensitivity effects are unlikely to arise.

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.

0 Otamita Road (Lot 2 DP 485942)

Lot 2 DP 485942 is located on the opposite side of the road, and as the boundary adjustment won't see a change in the current vehicle crossings to the subject sites, the overall proposal is unlikely to be visible to the landowner. Though the proposal will produce 2 undersized lots, they will be adjustments of 4 existing undersized lots which will ultimately increase the size of the two lots. Any effects caused by the undersized allotments are already existing, and the proposal will instead see the land separated by topography and the use of the site, rather than held in 3 differing titles. As no change in topography is proposed, and the increase in lot size and decrease in lot numbers will lower the density of development, it is unlikely that the proposal will increase flooding effects. Due to the nature of the proposal, and considering the existing layout of the site, any adverse effects caused by the proposal on Lot 2 DP 485942 will be less than minor.

217 Otamita Road

Currently, 217 Otamita Road is accessible via a vehicle crossing from Otamita Road, and through the subject site. The dwelling on site at 217 Otamita Road is located approximately 200m from the shared boundary with the subject site, which provides ample distance for rural activities to occur on site without affecting the resident(s) of 217 Otamita Road. Though the proposal will see undersize lots formed, as assessed above, the lots will be formed out of 3 existing titles, and as a result, will increase the minimum lot size over the subject site. The occupant(s) of 217 Otamita will not be affected by the subdivision, as it will not cause further disturbance, nor will it allow for high-density development through its approval. As no change in topography is proposed, and the increase in lot size and decrease in lot numbers will lower the density of development, it is unlikely that the proposal will increase flooding effects. The overall effects of the proposal on the occupant(s) of 217 Otamita Road will be less than minor.

249 Otamita Road

Proposed Lot 1 will be accessible through the adjacent road which contains a formed vehicle crossing and access up to the entrance of the subject site. 249 Otamita Road is also accessed via the adjacent vehicle crossing and has further access to the subject site around the historic heritage-registered dairy shed. As no change in topography is proposed on the subject site, and the increase in lot size and decrease in lot numbers will lower the density of development, it is unlikely that the proposal will increase flooding effects.

Section 2 Block XI Chatton SD

The subject site's proposed Lot 1 is accessible via an unformed road which separates the two sites. The applicant has noted that this is the current access to the subject site and does not intend to make any changes to this. As such, the change in boundary will likely not affect the landowner of Section 2 Block XI Chatton SD as the use of the site will remain as existing and appropriate for the zone. Proposed Lot 1 features a laydown area for large vehicles and accommodates this through the wide turning areas established on the site. Should the site change ownership and be developed in a residential manner, any development would need to comply with the provisions of the District Plans otherwise further resource consent will be required through which the effects of any proposal on the surrounding environment will be assessed. As the applicant doesn't propose new buildings or uses of the site through the boundary adjustment, it is reasonable to infer that the risk of flooding will remain as

existing, rather than being increased by new building footprints or a change in topography. Given the current use and present state of the site, it is unlikely the effects of the proposal on the landowner of Section 2 Block XI Chatton SD will be more than minor.

Section 31 Block XI Chatton SD

The boundary shared between Section 31 Block XI Chatton SD will not be changed by the subdivision, as the portion of land along the shared boundary will not be subdivided. Though the lots will be undersize, as the boundary between the sites will be unaffected the change- noted to be amalgamating and adjusting the boundaries of 4 lots into 2 and therefore increasing the lot sizes, will not be noticeable to the landowner(s) of 31 Block XI Chatton SD. Furthermore, as the lot sizes are proposed to increase, the risk of flood hazards increasing upon adjacent properties will reduce due to the limited permitted development available within the zone. The boundary adjustment will occur further north of the shared boundary and as such the potential effects of the boundary adjustment on the landowner(s) of Section 31 Block XI Chatton SD will be less than minor.

Lot 2 DP 10897

Lot 2 DP 10897 shares a boundary with 2 lots proposed to be joined as part of the boundary adjustment. The lots will become singular, as noted by the applicant to be of a further singular use. Given the proposed joining of the two lots Lot 2 DP 10897 shares a boundary with, it is unlikely the landowner(s) will experience any adverse effects, this being due to the singular activity on site which is intended to continue. As noted in previous assessments, the risk of flood hazards increasing as a result of the proposal is less than minor as the number of lots reducing lessens the risk of development which might reduce flood storage.

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;*
 - (ii) *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 Chapter 8 of the Operative District Plan.

Operative District Plan Objectives & Policies:

8.3.1	<i>To facilitate the orderly subdivision and development of land</i>
8.3.2	<i>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.</i>
8.4.1	<i>Control the subdivision of all land</i>
8.4.11	<i>Have regard to potential reverse sensitivity effects from the use of subdivided land and the means by which any such effects can be avoided, remedied or mitigated</i>

Though the final size of the proposed lots are undersized according to the Operative District Plan, and therefore at face value does not necessarily align with the intention for the zone. The parent sites which will be amalgamated as part of the boundary adjustment are currently undersize, and creating 2 lots out of 4 existing ones will increase their size and will see the final allotments align closer with the zone standards. The applicant has stated that the purpose of the subdivision is to regularise the use of land and to allow for the respective sites to continue the established activities- one being a laydown area and the other hosting a herringbone milking shed. As both sites currently undertake intended rural activities, and neither are residential, in adjusting the boundary to accommodate the use of the land the proposal aligns with the intention for the zone, and furthermore the objectives and policies within 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.

Subdivision Objectives & Policies:

SUB-01	<i>To facilitate the orderly subdivision and development of land</i>
SUB-04	<i>Subdivisions are designed and developed in a way that:</i> <i>1. Protects significant, physical resources, natural, ecological, historical and cultural features and values;</i> <i>2. Maintains or enhances mahinga kai values, indigenous vegetation, wetlands and taonga and protects wāhi tapu from inappropriate access or disturbance; and</i>

	<i>3. Responds to the physical characteristics and constraints of the site and surrounding environment.</i>
SUB-P2	<i>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.</i>
SUB-P8	<i>Recognise there will be certain subdivision activities, such as boundary adjustments, that will not require the provision of services.</i>

The proposal will align with the objectives and policies of the Subdivision chapter as the proposed boundary adjustment will protect the existing environment through the design of the new boundaries and the recognition of the stream corridor on site. As the boundary adjustment is being undertaken to further facilitate the legal use of each site for the current use- this being rural industry rather than residential, the applicant has not sought to service the sites further than what is currently established. The proposal has adequately responded to the topography of the subject sites, designing the boundary adjustment in line with not only the existing uses for each site, but also in alignment with the natural features- this largely being the stream which runs through the subject sites. As such, though the proposal maintains undersize lots within the General Rural Zone, it can be considered that the boundary adjustment aligns with the intentions for subdivision as laid out in the Subdivision Objectives and Policies within the Proposed District Plan.

General Rural Zone Objectives & Policies:

GRUZ-O1	<i>Recognise the importance of primary production and rural industry to the social, economic and cultural well-being of the District.</i>
GRUZ-O2	<i>The character and qualities of the General Rural zone continues to comprise:</i> <i>1. A variety of primary production activities; and their attributable noise, odour, dust, and traffic consistent with a rural working environment;</i> <i>2. A sparse built form, well setback from other properties, the rail corridor and roads;</i> <i>3. High levels of open space and open pasture or crops;</i> <i>4. High levels of rural amenity; and</i> <i>5. Areas of significant landscape and ecological value, including indigenous biodiversity</i>
GRUZ-P1	<i>Enable existing and future primary production.</i>
GRUZ-P12	<i>Require activities and development to maintain rural character, rural amenity and the underlying Ngāi Tahu relationships with the natural environment by:</i> <i>1. Ensuring that buildings and structures are of a scale and height which is compatible with the rural character and amenity of the zone; and</i> <i>2. Requiring appropriate setbacks to waterways to maintain and enhance amenity values and natural character.</i>

The site as existing is used for dairy farming, with proposed Lot 2 having an existing herringbone milking shed, and proposed Lot 1 having a laydown area for farming machinery. The proposed boundary adjustment has been applied for in order to formally separate the two activities and ensure they can be undertaken under separate ownership. The proposal does not include residential development as part of regularising the two lots but instead encourage the primary production to continue within formal sites as separate activities. As such, it can be considered that the boundary adjustment, though it will see undersized lots continue to be undersized, will align with the intention of the zone and anticipated use of the land as zoned General Rural.

Natural Hazard Objectives & Policies

NH-O2	<i>The risks associated with natural hazards and their impact on people, property and the environment are recognised and avoided or mitigated, including the likely long-term effects of climate change.</i>
NH-P3	<i>Within areas mapped as subject to Actual or Potential Inundation Areas:</i> <i>1. As part of any subdivision require assessment of the flood risk identifying and providing for areas where future development should be:</i> <i>a. Avoided;</i> <i>b. Managed, including the location of suitable building platforms; and</i> <i>c. Enabled;</i> <i>2. Require hazardous substance storage to be resilient to inundation;</i> <i>3. Have regard to the ability of people within buildings to evacuate safely and in a timely manner in the event of a natural hazard event;</i> <i>4. Require a minimum floor level above the 0.5% AEP design flood level for buildings used for sensitive activities;</i> <i>5. Locate and design buildings to avoid significant damage in a flood event;</i> <i>6. Consider the off-site effects of any development or change in ground level, including:</i> <i>a. On the functioning of the flood plain;</i> <i>b. The impact of displacing or diverting water onto other land or into waterways; and</i> <i>c. Potential risks to the safe and efficient operation and function of critical infrastructure; and</i> <i>7. Limit the extent and location of any future development to avoid the need for new or upgraded public hazard mitigation works to mitigate the natural hazard.</i>

Though the sites feature a flooding overlay and are subject to a natural hazard, none of the subject sites current propose residential activity, and the provision for evacuation is appropriate and suitable due to the wide road and clear exit. The applicant has not sought to construct further buildings which might decrease the available flood storage or encourage sensitive activities to occur on site, nor have they sought to seal any of the permeable land or remove existing vegetation. The site as existing does not require further development to undertake the activities intended for the site, and any future development proposed for the site will require a flood survey and assessment. Furthermore, with the 4 lots becoming 2 through the amalgamation, the availability for building platforms to be established in areas which experience less overland flow and inundation increases. Due to the existing rules and standards within the District Plans, the increase in number of lots will lead to a decrease in the density of potential development, which, in turn, will reduce the risk of development which might alter flood pathways and storage availability. As such, it is considered that the proposal aligns with the intention of the Natural Hazards chapter in regard to inundation as while no development is proposed as part of the boundary adjustment any potential development will be lessened than what is currently available, and therefore the incidental risks are mitigated.

Weighting

In this case, as the conclusions reached in the above assessment led 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

Though there is a portion of the site featuring LUC 3, this section is minimal and through the proposal will be amalgamated into a singular site. The presence of Highly Productive Land is recognised and

proposed to be retained within a singular lot, as opposed to being located over two undersized lots, and as such the impact on the productive potential is minimised and, through the amalgamation of the current affected area, reduced.

Resource Management Act (1991) – s229 Esplanade Reserves

The applicant has confirmed that the stream corridor on site does not have an average width of 3m, and as such does not qualify as a stream which might require the need for an esplanade reserve to be taken. The applicant has further stepped through the purpose of s229 and concluded that an esplanade reserve is not necessary within the subject site as they do not seek to alter the stream in any way, nor are there any earthworks or change in land use intended for the area- the effects will remain as existing. The applicant has further assessed the public access matters and concluded that as the land is presently private, and is intended to remain so, the need for public access and recreation area is not relevant in this instance.

As such, the need for an esplanade reserve along the stream corridor on the subject site is not considered necessary due to the average width of the corridor, and furthermore the lack of requirement outlined through the applicant's assessment of the purpose of s229.

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.

Legal and physical access

The sites have existing legal access through a formed vehicle crossing on proposed Lot 2, which will remain in service of the activities on site. Proposed Lot 1 is accessible through an unformed road which runs parallel to proposed Lot 1. Though the extent of the road is unformed, there is an established vehicle crossing through which the site can be accessed, of which has been approved to remain as existing by Council's roading department, and the applicant has stated in the application that they intend to continue using it to access the laydown area on proposed Lot 1.

Natural Hazards

The site is subject to an inundation overlay which indicates actual or potential flood hazards. The applicant has advised that neither site are intended for residential use, and though they may be developed as such in the future, at this stage they are used for primary production. Should the future landowner(s) wish to develop the site for residential use, a flood survey and raised floor level will be required in order to comply with the Natural Hazard standards in the District Plan. As no residential development is proposed at present, it is fair to state that the current status of the site is adequate, and any potential natural hazards impacts will remain as existing.

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. Matters of national importance have been considered, however with none identified on site, it is considered that the proposal is appropriate within the residential zoning.

Section 7 – Other matters

The site does not contain any features which might require assessment. Matters of national importance have been considered, however with none identified on site, it is considered that the proposal is appropriate within the residential 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 undertake a boundary adjustment of existing undersized lots 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 24/06/2026:
 - a. Proposed Boundary Adjustment 237 & 249 Otamita Road, KNAPDALE, Drawing: 260618, Ralph Moir Limited, Ref: 26A47, dated 18/06/2026

And the application as submitted, with the exception of the amendments required by the following conditions of consent

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.
9. As all allotments are vacant, the Council expects that a dwelling complying with the District Plan will be designed for the site which will be confirmed at time of building consent.

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.

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

