Gore District Council Decisions

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC26017
Applicant	Brett and Lisa Heslip
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a five lot subdivision.
Location	115 McKinnon Road, Gore
Legal Description	Lot 4 Deposited Plan 359123 held in record of title 240987 and Lot 3 Deposited Plan 359123 held in record of title 240986
Zone - Operative District Plan	Rural
Zone - Proposed District Plan	Rural Lifestyle
Activity Status	Discretionary
Decision Date	6 October 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 6 October 2026 under delegated authority pursuant to Section 34A of the RMA.

2. Pursuant to Section 104 and Section 104A, B, C 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.

1. THE PROPOSAL

Consent is sought to subdivide two existing properties into five allotments.

The proposed subdivision is as follows:

Lot 1	1.502 Hectares (ha)	Vacant lot, New access proposed from Wentworth Street
Lot 2	1.503 ha	Contains an existing residential unit, onsite servicing, accessed via existing vehicle crossing from McKinnon Road and proposed right of way
Lot 3	1.002 ha	Vacant lot, accessed via existing vehicle crossing from McKinnon Road and proposed right of way
Lot 4	1.021 ha	Vacant Lot, accessed via existing vehicle crossing from McKinnon Road and proposed right of way
Lot 5	3.648 ha	Contains an existing residential unit, onsite servicing, existing access from Wentworth Street

Access

Physical works proposed include upgrading the access from McKinnon Road in accordance with the following diagram shown in Figure 1. The accessway will be sealed to the property boundary. A new access will be constructed for Lot 1 from Wentworth Road.

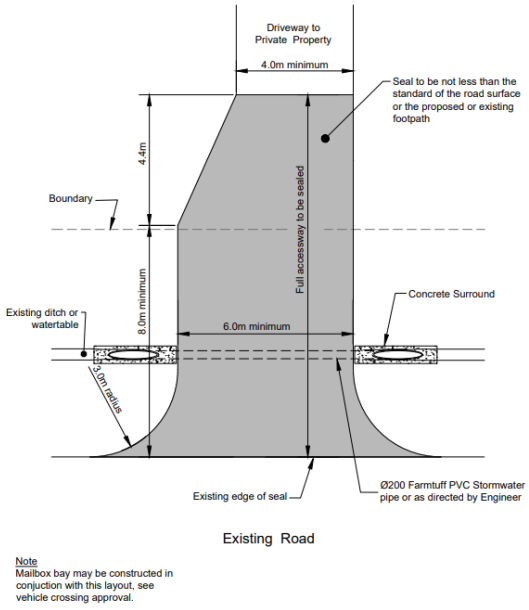


Figure 1: Proposed Right of Way access

Servicing

Potable water will be provided to future dwellings by rainwater tanks. Static storage will be required for firefighting.

The existing dwellings on Lots 2 and 5 have their own standalone wastewater systems. Lots 1, 3 and 4 will dispose to ground in compliance with NZS1547:2012. Stormwater will be disposed of to ground and will be assessed at the time of building consent.

The existing electricity line can be extended to service Lots 1, 3 and 4, if required. There is an existing electricity line servicing Lots 2 and 5. The lots are located such that access to telecommunications via wireless technology is available.

Easements

The existing Otama Water Scheme easement is proposed to be removed from the titles as it is no longer in service. The existing polythene pipe in the easement has been cut at both ends so is no longer current. The new proposed easement is the current alignment of the Otama Water Scheme pipework. The existing easement should have been removed from the title by Otama Water Scheme owners at the time of the realignment and the new easement created. This proposal will rectify the situation to remove the redundant easement crossing the site.

The applicant has provided a detailed description of the proposal, the site and locality in Section 2 of the report entitled "Resource Consent Application to Gore District Council", dated 10 June 2026, prepared by LandPro, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2).

2. 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 **discretionary** activity resource consent pursuant to Rule 8.10(2) for the creation of Lots in the rural zone less than 2 hectares in size.

Proposed District Plan

The site is zoned Rural Lifestyle in the Proposed District Plan and the proposed activity requires resource consent under the PDP for the following reason:

- A **restricted discretionary** activity pursuant to Rule SUB-R7. Council's discretion is restricted to:
  - The suitability of subdivision design, orientation, allotment sizes and dimensions.
  - Internal roading design and provision, including roading connections for future subdivision on adjoining land.
  - Site access.
  - Provision for cyclists and pedestrians.
  - The effects of traffic generation on the safe and efficient operation of the transport network.
  - Earthworks, including the alteration of contours, and retention of existing natural features.
  - The provision of esplanade reserves and esplanade strips.
  - The adequacy of measures to address the risk of natural hazards including overland flows.
  - Provision for servicing, including water supply, fire-fighting water supply, wastewater treatment and disposal, stormwater design and disposal, electricity and telecommunications;
  - The provision for, or access to, open space and recreation.
  - Effects on natural features and landscapes, ecosystems and indigenous biodiversity.
  - Easements.
  - Impacts on Ngāi Tahu cultural values listed in MW-1.2. *Note: this matter of discretion is under appeal.*
  - Reverse sensitivity on adjacent land uses, airports, rail lines and State Highways.

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

Based on the applicants 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 **restricted discretionary** activity under the PDP.

3. 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, as all subdivision proposal require resource consent, there is no applicable permitted baseline.

The receiving environment is the actual character and pattern of development that exists on the ground. In this case, the surrounding allotments already display a rural lifestyle character in terms of lot size, built form, and the way sites are used and experienced. That existing pattern establishes an environment that differs from a traditional working rural landscape. It is spacious, low-intensity, with a high onsite amenity. It is appropriate to assess the proposal against the receiving environment and consider if the subdivision will read as a natural extension of the established pattern, maintaining the same level of low-density rural living qualities within the locality.

Alongside this, the anticipated environment under the Proposed District Plan is also relevant. The appeal period has closed, and the Rural Lifestyle zoning for the site has not been appealed. Furthermore, the minimum lot sizes for the Rural Lifestyle Zone and the General Rural Zone have not been appealed. That PDP rural lifestyle zoning anticipates 1-hectare sites and rural lifestyle living.

Assessment of Environmental Effects

The matters of discretion provide coverage for the relevant considerations of the subdivision under both the Operative and Proposed District Plan, but for, the minimum lot size breach under the Operative Plan.

Proposed District Plan Assessment

The Assessment of Effects provided at Section 4 of the applicant's AEE, is considered accurate. It is therefore adopted for the purposes of this report along with the following assessment.

- *The suitability of subdivision design, orientation, allotment sizes and dimensions.*

The size of the proposed lots is in keeping with the anticipated lot size in the Rural Lifestyle Zone. The minimum allotment size is 1ha, the proposed lots range between 1.002ha and 3.6ha. There are no provisions for minimum dimension requirements in the Rural Lifestyle Zone.

Residential development is anticipated within the Rural Lifestyle Zone on sites larger than 1 ha. Whilst there are no buildings proposed with this application, the lots are considered an appropriate size, shape and orientation to support this future land use.

Overall, it is considered that the potential adverse effects of the proposed subdivision in relation to design, orientation, size and dimension are considered less than minor.

- *Site access and internal roading design and provision, including roading connections for future subdivision on adjoining land. Provision for cyclists and pedestrians and the effects of traffic generation on the safe and efficient operation of the transport network.*

Matters of discretion 2 - 5 have been combined for the purposes of this assessment.

Gore District Council's Senior Roading Engineer, Murray Hasler, has assessed the application and provided comments regarding site access. Mr. Hasler comments are as follows:

> *Lot 1*
> *The applicant proposes constructing a new access from Wentworth Street onto proposed Lot 1. Sight distances at the proposed location are acceptable. The access shall be constructed in accordance with diagram R09-1 "Private Rural Access" contained in the Bylaw. The accessway shall be sealed to the property boundary and the gate, if installed, shall be at least 9m from the edge of the existing sealed carriageway. If a rural letterbox is required, then the accessway for this shall be constructed in accordance with diagram R13 "Rural Letterbox Accessway Layout". Prior to construction, which must be carried out by a Gore District Council approved roading contractor, the contractor shall submit the required documentation including a traffic management plan.*
>
> *Lot's 2, 3 and 4*
> *The applicant proposes using an existing Right of Way (RoW) access from McKinnon Road for these lots. Sight distances at the proposed location are acceptable. As the RoW will provide access to more than 2 lots it will need to be upgraded in accordance with diagram R09-2 "Primary Commercial Rural Access" contained in the Bylaw. The accessway shall be sealed to the property boundary and the gate, if installed, shall be at least 9m from the edge of the existing sealed carriageway. If a rural letterbox is required, then the accessway for this shall be constructed in accordance with diagram R13 "Rural Letterbox Accessway Layout". Prior to construction, which must be carried out by a Gore District Council approved roading contractor, the contractor shall submit the required documentation including a traffic management plan.*
>
> *Lot 5*
> *Proposed Lot 5 will be using an existing vehicle accessway. There are no significant issues with the existing accessway or changes to its use proposed. The existing access is considered acceptable without upgrading.*

Taking into account the comments made by Mr. Hasler, the new access proposed to be installed from Wentworth Street will need to constructed in accordance with diagram R09-1 "Private Rural Access" contained in the Subdivision and Land Development Bylaw 2019 (hereby referred to as the Bylaw). The applicant has accepted a condition in this regard.

The existing Right of Way from McKinnon Road providing access to more than 2 lots requires the access to be upgraded in accordance with diagram R09-2 "Primary Commercial Rural Access" contained within The Bylaw. A rural letter box, if needed, should be constructed in accordance with diagram R13 "Rural Letterbox Accessway Layout" of the Bylaw. The Applicant disagrees that the "Primary Commercial Rural Access" is appropriate for the scale of use of the right of way access. The Applicant has provide expert comment from Carriageway Consultants in support of this view. Mr Murray has reviewed the expert advice and is supportive of an access design in accordance with that in Figure 1. The applicant has accepted a condition in this regard.

There is no provision for cyclists or pedestrians within this application. Given the rural nature of the area, it is not considered necessary for the Applicant to have specific provisions in place for cyclists and pedestrians

Overall, with the inclusion of the above the potential adverse effects are considered less than minor.

- *Earthworks, including the alteration of contours, and retention of existing natural features.*

There are no earthworks included within this subdivision consent. Overall, It is considered the potential effects are nil.

- *The provision of esplanade reserves and esplanade strips.*

There are no esplanade reserves or strips required for this application. They are not applicable to this application. Overall, it is considered that the potential adverse effects are nil.

- *The adequacy of measures to address the risk of natural hazards including overland flows.*

The site is not identified as being within any natural hazard overlays. The liquefaction risk is recorded as negligible.

Overall, It is considered that the potential effects are less than minor.

- *Provision for servicing, including water supply, fire-fighting water supply, wastewater treatment and disposal, stormwater design and disposal, electricity and telecommunications;*

The applicant has addressed how the sites will be serviced. Stormwater will be dealt with on site through rainwater collection overflow is to be directed to existing drains on site.

Water supply is intended to be provided on-site (rainwater tanks).

Lots 2 and 5 will have their own standalone wastewater systems, while 1, 3 and 4 will have their own area for the wastewater system and associated disposal field.

There is an existing static fire-fighting reserve on Lot 2. At the time of construction of additional dwellings on Lots 1, 3 and 4 the lot owners are to ensure fire-fighting provision is provided in accordance with SNZ PAS 4509 and the Subdivision and Land Development Bylaw 2019.

Lot 2 and 5 have existing electricity connections. Connection is available for Lot 1, 3 and 4 through existing power poles on the north side of McKinnon Road. Telecommunications are available via reticulated in ground infrastructure or wireless connection.

Overall, it is considered that the potential adverse effects are considered less than minor.

- *The provision for, or access to, open space and recreation.*

In a rural context, the relevance of this matter is limited. The proposed 1 ha allotments maintain generous on-site open space, with ample room for outdoor living, planting, and low-intensity rural activities. The flat topography further supports high usability of each site, ensuring that residents can establish outdoor areas that provide the same level of amenity and informal recreation.

Under the Rural Lifestyle Zone, open-space outcomes are primarily delivered through spacious private lots rather than public reserves, and the proposed allotments comfortably achieve that.

The lot sizes are sufficient to accommodate a dwelling, meet built-form standards, and still retain substantial open areas for outdoor use, landscaping, and rural-living amenity.

Overall, it is considered that the potential adverse effects are less than minor.

- *Effects on natural features and landscapes, ecosystems and indigenous biodiversity.*

The site is not identified as being within any Outstanding Natural Feature or Landscape. There are no identified ecosystems or indigenous biodiversity overlays on site.

Overall, it is considered that potential adverse effects are less than minor.

- *Easements.*

Existing easements over 115 McKinnon Road and 185 Wentworth Street, which provide for the conveyance of water in favour of the Gore District Council, are proposed to be cancelled and replaced with a new easement. The Applicant states that any additional easements will be created through the section 223/224 certification process as necessary.

- *Impacts on Ngāi Tahu cultural values listed in MW-1.2.*

There are no heritage or archaeological assets located on the application site. Overall, It is considered the potential effects are nil.

- *Reverse sensitivity on adjacent land uses, airports, rail lines and State Highways.*

Considering the site's location within the Rural Lifestyle Zone and surrounding rural lifestyle properties the potential adverse effects in this case are considered less than minor.

Operative District Plan

- *Suitability of the allotments for subdivision.*

Within the Rural Zone it is anticipated that lot sizes be a minimum of 2ha. This application proposes lots ranging between 1.002ha and 3.6ha. Lots 1 to 4 are below the anticipated size. In this case, it is important to consider the land use pattern that has emerged in the surrounding area, particularly Whiterigg, which has seen a steady increase of lots created less than 2 ha. AS the ODP does not differentiate between General Rural and Rural Lifestyle living, areas of Rural Lifestyle Living have formed over the life of the Operative Plan.

The land is flat, highly usable, and already utilised as part of a rural-lifestyle environment rather than a working rural landscape. Amenity values, such as openness, privacy, and low-intensity use, are maintained because the allotments retain generous separation distances and ample space for future buildings, landscaping, and rural-living activities. It is considered, the reduction in lot size does not generate effects that undermine the rural character anticipated by the ODP; the proposal aligns with the existing pattern of development surrounding the site, which is already dominated by lifestyle-scale properties.

The proposed 1 to 1.5ha lots are comfortably able to accommodate a dwelling and comply with the PDP's built-form standards, meaning the subdivision establishes sites that are fit for purpose in the planning environment that will govern their development.

As such, whist below the size required by the operative district plan, the lots are not considered to be out of character such that more than minor adverse effects would result.

Undersized lots can hinder future land use development, due to site constraints which may hamper building design. An assessment of the suitability of this reduced lot size by considering natural hazards, provision of services and access is undertaken below.

As the lots are already below the minimum lots size under the ODP, future subdivision is not anticipated for the new lots.

Overall, when viewed through the ODP receiving environment, the allotments are suitable, maintain amenity and rural-lifestyle character, and represent an appropriate and coherent pattern of subdivision.

Natural Hazards

The site is not identified as being within any natural hazard overlays, the liquefaction risk is negligible. Overall, the potential adverse effects in relation to natural hazards are considered less than minor.

Services Provision

Service provision has been addressed in the PDP assessment above. Overall, potential adverse effects are considered less than minor.

Access

Provision of access has been addressed in the PDP assessment above. Overall, potential adverse effects are considered 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.

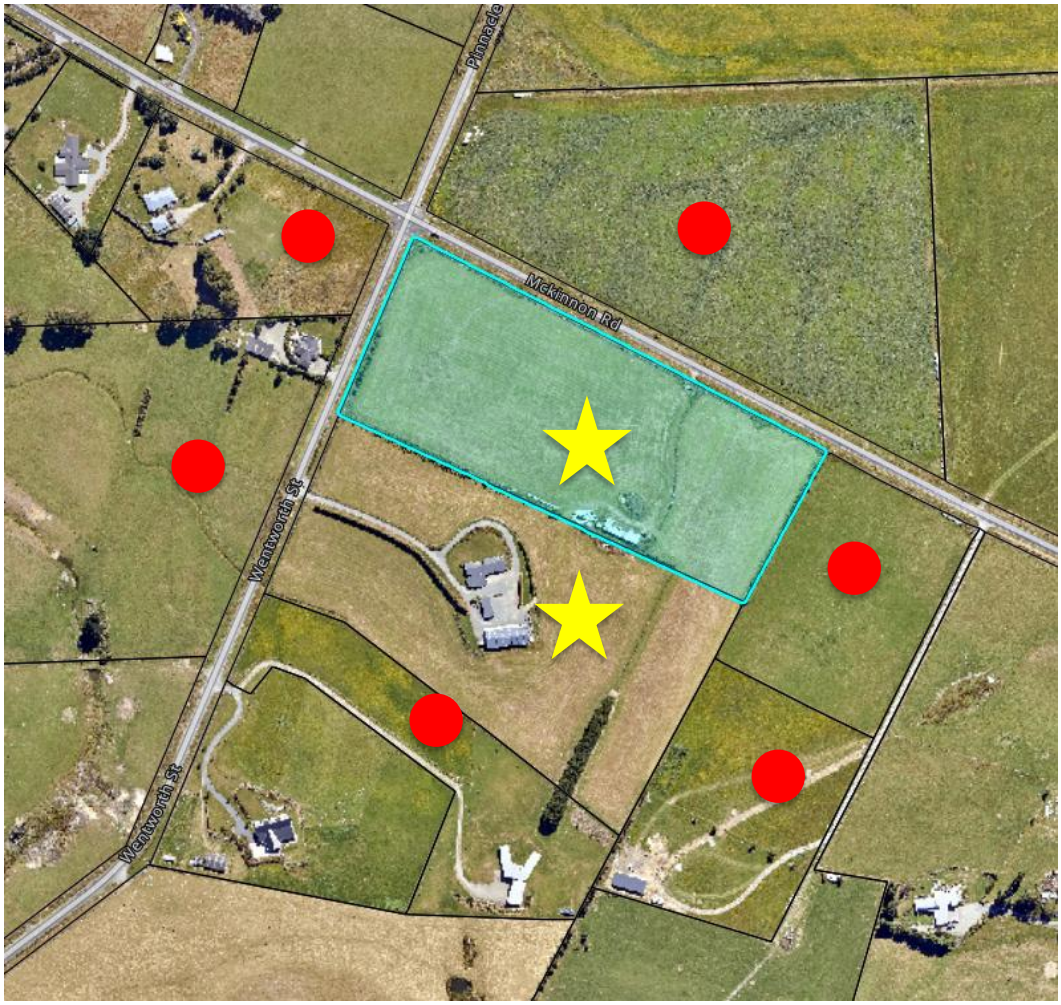


Figure 2 – Neighbouring Allotments. Subject site shown with yellow stars

Surrounding owners and occupiers of neighbouring lots include 171A Wentworth Street, 192 Wentworth Street, 89A McKinnon Road, 89B McKinnon Road, 185 Wentworth Street and Legally Described sites Lot 6 DP 359123 (Directly north over McKinnon Road).

Each proposed lot can accommodate a dwelling, access, servicing, and landscaping without generating boundary effects such as dominance, shading, or loss of privacy. Servicing and access can be provided in a manner that avoids adverse effects on neighbours, and no constraints exist that would force development into locations or forms that would compromise amenity.

The key consideration is whether the increased density results in perceptible changes to rural character or the experience of people residing on adjoining lots. In this case, the shift to 1 ha lots remains within the established rural-lifestyle pattern and does not introduce an urban or intensive residential character. The spaciousness, openness, and low-intensity use that define the locality are retained, and the subdivision does not introduce activities or built form that would alter how neighbours use or enjoy their properties. The anticipated PDP environment, which will guide future land use, expects development at this scale, and the proposed lots are sufficiently large to meet built-form standards without creating effects beyond what is planned for. Overall, while the proposal represents a higher density than the ODP minimum, it does not generate minor adverse effects on persons and is consistent with both the existing and future character of the area.

Adverse effects on these owners and occupiers will be less than minor.

No other persons are considered effected.

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.

4. 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.

5. 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 District Plan Provisions

Operative District Plan

The relevant operative objectives and policies are contained within Chapter 3 Land Use Activities – A Framework and Chapter 8 Subdivision of Land of the District Plan.

Chapter 3 Land Use Activities – A Framework
Objectives
(1) Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area.
(2) Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality
(7) Ensure that the effects of earthworks and other land disturbance are avoided, remedied or mitigated.
(8) Avoid where practical the adverse effects of land use activities upon infrastructure.

Policies
(1) Establish zones that reflect the characteristics and amenity values of the area.
(2) Control the adverse effects of land use activities on the environment.
(10) Recognise that earthworks and disturbance of the ground is a necessary part of undertaking many activities.
(11) Ensure that the effects of earthworks and other land disturbance are avoided, remedied or mitigated.
(12) Require any adverse effects of land use activities upon infrastructure to be rectified.

Chapter 8 Subdivision
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.
The lots are able to be serviced 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.
The proposed subdivision ensures that while they are below the required minimum 2ha, the future residential land use is able to be fully provided for and will suit the location in which it is located. Especially considering the anticipated minimum lot sizes within the PDP.
(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 is consistent with the objectives and policies of Chapter 3 and Chapter 8 of the Operative District Plan. While the size of the allotments is below what is anticipated for the Rural zone it is considered that this breach in size is acceptable given the scale and nature of the surrounding rural lots and their residential activities on site as well as when considering the proposal and future planning policy.

Overall, it is considered that the subdivision will have less than minor effects on the amenity and character of the rural area avoiding any other off-site effects. The proposal will be consistent with the objectives and policies of the Operative District Plan.

Proposed District Plan

The relevant operative objectives and policies are contained within the Rural Lifestyle Zone Chapter and the Subdivision Chapters of the Proposed District Plan.

Rural Lifestyle Zone RLZ

Objectives

RLZ-O1 The Rural Lifestyle Zone primarily provides for residential activities and compatible rural activities on larger lots within rural environments, zoned for such use.

RLZ-O2 The character and qualities of the Rural Lifestyle Zone comprise;

1. *residential development that integrates with the natural and rural character of the area;*
2. *a generally high level of amenity; and*
3. *the operation of compatible primary production activities;*

while responding to Ngāi Tahu cultural values listed in MW-1.2.

RLZ-O3 To enable rural lifestyle living opportunities whilst protecting existing lawfully established and anticipated activities from adverse effects, including reverse sensitivity effects.

RLZ-O4 The purpose and predominant character of the Rural Lifestyle Zone is not compromised by incompatible activities.

Policies

RLZ-P1 Limit the range, scale and siting of activities and buildings within the Rural Lifestyle Zone to protect its rural-lifestyle character, and impacts on Ngāi Tahu cultural values listed in MW-1.2.

RLZ-P2 Where reticulated services are not available, require activities within the Rural Lifestyle Zone to be self-sufficient with regard to potable water supply and treatment and disposal of sewage.

The proposed subdivision provides for permitted residential activity on lots meeting the anticipated site size for the Rural Lifestyle Zone. The rural-lifestyle character is considered to be maintained. No impact is considered to occur on Ngāi Tahu cultural values listed in MW-1.2, given the compliant lot size.

Provision of services has been suitably addressed in the application and assessed in the above report.

Subdivision SUB
Objectives
SUB-O1 To facilitate the orderly subdivision and development of land.
SUB-O2 Ensure subdivision achieves patterns of land development that are compatible with the purpose, function, character and qualities of each zone.

The proposed subdivision allows for allotments that are in keeping with the patterns of allotments surrounding the site. They are large in nature and allow for the continuation of purpose, function and character of the Rural Lifestyle Zone.

SUB-O3 Infrastructure required to serve the subdivision of land is provided in an integrated, efficient and co-ordinated manner.

Servicing has been suitably addressed in the Application and assessed in the report above. Outstanding servicing matters will be addressed via consent notice and managed at the Building Consent stage.

SUB-O4 Subdivisions are designed and developed in a way that:
1. protects significant, physical resources, natural, ecological, historical and cultural features and values;
2. maintains or enhances mahinga kai values, indigenous vegetation, wetlands and taonga and protects wāhi tapu from inappropriate access or disturbance; and
3. responds to the physical characteristics and constraints of the site and surrounding environment.

The proposed subdivision has been designed and developed in a way that does not impact any of the requirements set out in this objective.

Policies
SUB-P1 Enable subdivision that creates allotments that can accommodate anticipated land use and are consistent with the purpose, character and qualities of the applicable zone.
SUB-P2 Require size and shape of new allotments created, and the provisions for access and infrastructure, to be suitable for the location and future use of the land.

The size and shape of the proposed lots can accommodate the continued land use and is consistent with the purpose, character and qualities of the Rural Lifestyle Zone. There will be legal and physical access to the lots, there is no need for additional infrastructure.

SUB-P3 Design and layout subdivisions to avoid, remedy or mitigate any constraints on the ability for allotments created to be developed.

No built form development is proposed as a result of this subdivision; however the lots are suitably sized to accommodate future development.

SUB-P4 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.

There are no identified natural hazards risks involved in this proposal.

SUB-P5 Avoid, remedy or mitigate reverse sensitivity effects from subdivision on adjacent land uses, including critical infrastructure.

No reverse sensitivity effects are anticipated as the proposed residential land use is a permitted activity in the Rural Lifestyle Zone. The proposal subdivision does not encourage rural lifestyle development which can result in reverse sensitivity effects.

SUB-P6 Require works associated with subdivision to be carried out in conformity with Council's standards.

The upgrading of the access way will be carried out in accordance with the Council's standards as required by the agreed conditions within this decision report.

SUB-P9 Require the undergrounding of all services associated with the development of subdivided land, except

1. *Telecommunications in the General Rural and Rural Lifestyle zones where suitable alternative unreticulated options are available; and*
2. *Electricity in the General Rural zone, where it is not feasible or practical to underground these services.*

There are existing telecommunications services (ADSL copper) available within the McKinnon Road corridor but mobile network coverage is also readily available for the entire site. The site is located within the Rural Lifestyle Zone, there is suitable alternative unreticulated options which are available to the site (mobile wireless network) which does not involve the undergrounding of telecommunication infrastructure.

SUB-P19 Recognise that there is an expectation by future landowners that the key effects of and resources required by anticipated land uses will have been resolved through the subdivision approval process.

The Applicant has shown that the site can be adequately serviced, Lots 2 and 5 are already connected to electricity with availability for Lot 1,3 and 4 through existing power poles to the north of the site. Stormwater and foul water will be addressed on site as is common for rural sites.

SUB-P21 Discourage non-compliance with minimum allotment sizes.

The proposed allotments meet minimum allotment sizes. The proposed subdivision is consistent with the with the objectives and policies in the subdivision and Rural Lifestyle Zone, allowing for an allotment size that is expected for the zone and fitting with the surrounding area.

Overall, it is considered that the proposed development is considered to have acceptable effects on the character and amenity of the rural area and is consistent with the objective and policies set out in the relevant PDP chapters.

Weighting

In this case, as the conclusions reached in the above assessment lead to the same conclusion under both the ODP and PDP, no weighting assessment is required. However, considering the breach in lot sizes under the ODP more weight is being given to the PDP in regards to suitability of the subdivision.

6. SECTION 106 REQUIREMENT FOR SUBDIVISON

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. there is legal and physical access to the proposed lots however this does require upgrading for the anticipated use of the lots.

7. PART 2 OF THE RMA

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

Section 5 – Purpose
The proposed 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.

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104B of the RMA, consent is **Granted Subject to Conditions** for a five-lot subdivision subject to the following conditions imposed pursuant to Section 220 of the RMA:

Consent Conditions

1. The proposed subdivision must be undertaken generally in accordance with the application made to the council on 4th May 2026 and further information provided on June 10th, 2026, and the following plans:

   - Proposed Subdivision of LOTS 3 AND 4 DP 359123 Job. No. 23510 Dwg. No. 01_03. Prepared by Landpro dated 09/06/2026.

   This plan is attached as Appendix A.

2. Prior to Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, all necessary easements for shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved as necessary.

3. Easement Instrument 6721687.4 may be surrendered and new easements to be created along the northern boundaries of Lots 1, 2 and 3.

4. The consent holder must meet the costs for the preparation, review and registration of any easement instrument(s) on the relevant Records of Title.

Servicing

5. 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 drafted for issue against the relevant Record[s] of Title for Lots 1, 3 and 4 to record that:

   a. At the time of lodging a building consent for a residential unit, the lot is to have a specifically researched, designed and verified system for stormwater disposal.

   b. At the time of lodging a building consent for a residential unit, or other associated buildings where sanitary plumbing is proposed, the lot is to have a specifically researched, designed and verified system for wastewater and will be required to demonstrate compliance with AS/NZS 1547:2012.

   c. At the time of lodging a building consent for a residential unit, 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).

   d. At the time of lodging a building consent for a residential unit, each application is to include a firefighting water supply and site services design approved by Fire and Emergency New Zealand (FENZ) to comply with SNZ PAS 4509 and the Subdivision and Land Development Bylaw 2019.

   e. Lot 1, 3 and 4 has not been provided with a physical connection to power services or telecommunication service. The cost of such connections is the responsibility of the landowner.

Roading

6. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991, the consent holder, shall, to the satisfaction of the Chief Executive of the Gore District Council, complete the following:
    a. Upgrade the existing Right of Way (RoW) access from McKinnon Road in accordance with Diagram appended to Resource consent decision SC26017 at Appendix B.
    b. Construct a new vehicle crossing access from Wentworth Street to Lot 1, in the location shown on the Scheme plan referenced in condition 1, in accordance with Diagram R09-1 "Private Rural Access" contained in the Gore District Council Subdivision and Land Development Bylaw 2019. The existing accessway shall be sealed to the property boundary.

Advice Notes

1. 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.

    Note: The document is available on Council's website via the following link: Subdivision and Land Development Bylaw 2019.pdf (goredc.govt.nz)

    Refer to the following link for details of the process to be followed for installing new connections to the Council's 3 Waters networks.
2. Should a rural letterbox be required as part of development, then the accessway shall be constructed in accordance with Diagram R13 "Rural Letterbox Accessway Layout" in the Gore District Council Subdivision and Land Development Bylaw 2019
3. Any future development will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 (or successor) and the relevant Gore District Plans and will be assessed at the building consent stage.
4. 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.
5. At the time of subdivision, no power or telecommunication servicing provision has been physically provided. Should these services be required in the future, these may require prior approval from council and will need to be installed at a cost to the owner.

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
Consultant Planner

Decision made by



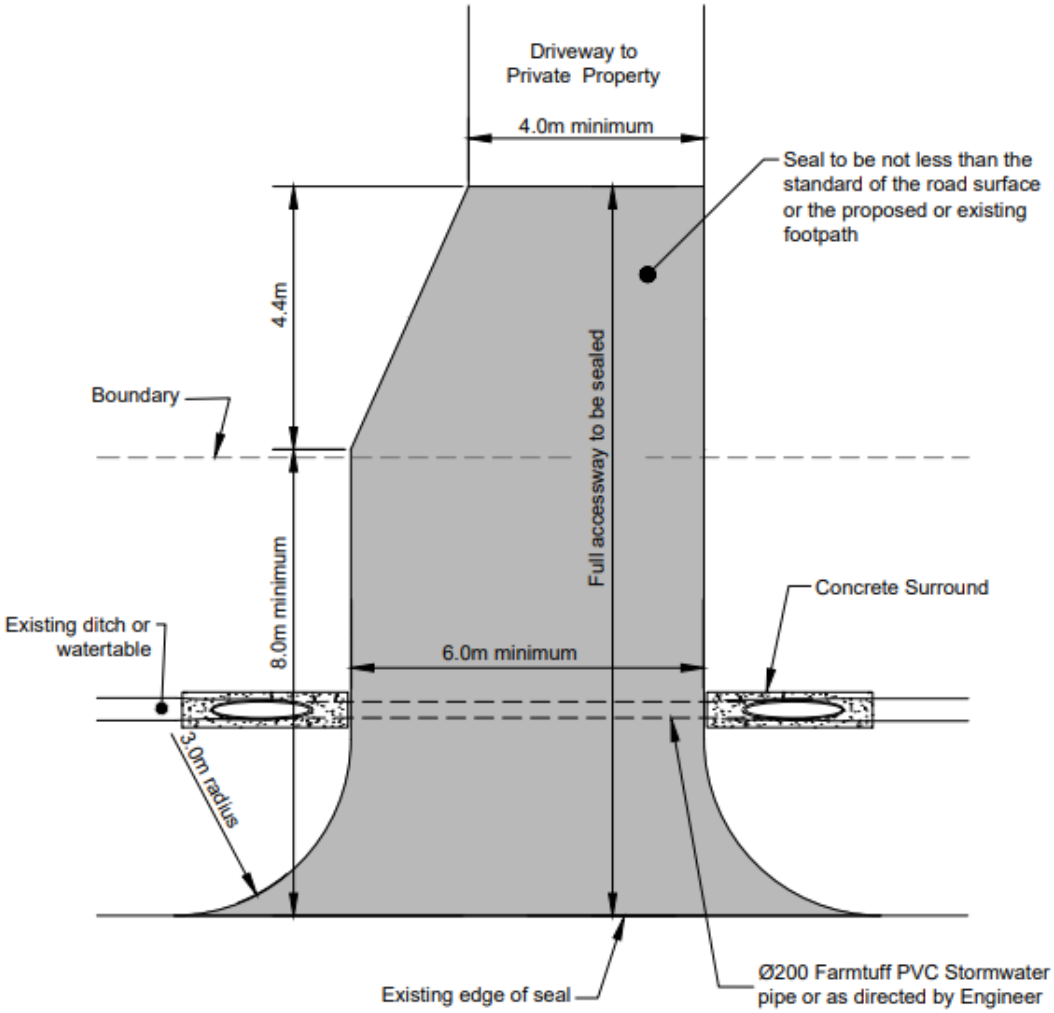
Werner Murray
Delegate

Appendix A: Approved Plans
Appendix B: Right of Way Access Design

APPENDIX A – APPROVED PLANS



APPENDIX B – RIGHT OF WAY ACCESS DESIGN



Existing Road

Note
Mailbox bay may be constructed in conjuction with this layout, see vehicle crossing approval.