Gore District Council Decisions

NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	SC26031
Applicant	Gore District Council
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) for a boundary adjustment subdivision to create a 5415m² network utility allotment for future Council stormwater management and a 1.0834ha balance allotment containing St Peter's College, including easements and an amalgamation condition. Application under Section 221(3) of the Resource Management Act 1991 (RMA) to cancel consent notice instrument 9825422.6.
Location	4 and 6 Pukaki Street, and 129 Kakapo Street 8 and 10 Pukaki Street
Legal Description	Lot 1 DP 471474 and Lot 4 DP 471474
Zone - Operative District Plan	Residential A Zone
Zone - Proposed District Plan	General Residential Zone
Activity Status	Restricted Discretion
Decision Date	7 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 7 October 2026 under delegated authority pursuant to Section 34A of the RMA.

2. Pursuant to Section 104 and Section 104C of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 and 220 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

Consent is sought for a boundary adjustment subdivision involving Lot 1 DP 471474 (4 and 6 Pukaki Street, and 129 Kakapo Street) and Lot 4 DP 471474 (8 and 10 Pukaki Street).

Proposed Lot 1 will comprise 5,415m² and will be formed by incorporating existing Lot 4 DP 471474 together with part of existing Lot 1 DP 471474. The existing internal boundaries of Lot 4 will therefore be altered or extinguished and Lot 4 will not remain as a separate allotment. Proposed Lot 1 will comprise generally undeveloped land with frontage to Pukaki Street. There is an agreement for Gore District Council (Council) to purchase proposed Lot 1 for stormwater management purposes, with a future stormwater retention facility anticipated. The design and construction of that stormwater facility is not part of this application and would remain subject to any separate approvals that may be required.

Proposed Lot 2 will comprise the balance of existing Lot 1 DP 471474 and will be approximately 1.0834ha. It will contain the existing St Peter's College buildings and facilities, remain with the Roman Catholic Bishop of the Diocese of Dunedin, and retain the existing access arrangements. The applicant proposes that Lot 2 be held together with Part Lot 11 DP 408 (balance Record of Title (RoT) 664834), with one Record of Title issued for both parcels.

The existing Record of Title 664834 is subject to an amalgamation condition pursuant to section 241(2) of the RMA, which relates to Lot 1 DP 471474 being held together with Part Lot 11 DP 408. As Lot 1 DP 471474 will cease to exist as a result of the proposed subdivision, that existing amalgamation arrangement will need to be replaced to reflect the resultant allotments.

Accordingly, pursuant to section 220(1)(b)(ii) of the RMA, the applicant proposes that the amalgamation condition applying to the subdivision be updated as follows:

Existing amalgamation arrangement:

Lot 1 DP 471474 is held together with Part Lot 11 DP 408 in Record of Title 664834.

Proposed amalgamation condition:

"That Lot 2 hereon be held together with Part Lot 11 DP 408 (Balance Record of Title 664834) and that one Record of Title be issued to include both of those parcels."

The purpose of the revised amalgamation is to retain the balance St Peter's College land in a single title while allowing proposed Lot 1 to be separately acquired by Gore District Council for future stormwater management purposes. The existing section 241(2) amalgamation will therefore need to be cancelled or replaced as necessary through the subdivision certification and title registration process.

LINZ reference: 1998235

The scheme plan contains easements in gross in favour of Gore District Council over proposed Lots 1 and 2 for rights to drain sewage and water. Proposed Lot 1 does not have a formed vehicle crossing. The Applicant proposes that the access location be determined when the future stormwater infrastructure is designed, with access to be constructed to Council standards at that time. Council's Senior Roading Engineer has reviewed this approach and confirmed that it is acceptable for the future vehicle crossing requirement to be secured by a consent notice on proposed Lot 1.

Section 221(3) – Cancellation of Consent Notice Instrument 9825422.6

Record of Title 639858 containing Lot 4 DP 471474 is subject to registered Consent Notice Instrument 9825422.6 pursuant to section 221 of the RMA. The consent notice was registered in 2014 and contains continuing requirements applying to Lot 4 DP 471474 relating to vehicle access and underground servicing.

The consent notice wording is as follows:

(a) The location and design of the vehicle access directly onto Pukaki Street shall require the approval of the chief executive of the Gore District Council

(b) All infrastructural services installed, including electricity and telephone, shall be located underground.

Under the proposed subdivision, the whole of Lot 4 DP 471474 will be incorporated into proposed Lot 1, together with part of existing Lot 1 DP 471474. Lot 4 DP 471474 and its existing Record of Title will therefore cease to exist as separate parcels following completion of the subdivision.

The Applicant's AEE identifies that Consent Notice 9825422.6 could either remain in place or be cancelled and replaced, noting that its requirements generally reflect Council's requirements for access and servicing. The Applicant has left the appropriate treatment of the consent notice to Council.

For the purposes of this decision, it is considered appropriate for Council to review and cancel Consent Notice Instrument 9825422.6 pursuant to section 221(3)(b) of the RMA and replace it with a new consent notice registered against proposed Lot 1. Section 221(3)(b) enables a territorial authority to review a condition specified in a consent notice and vary or cancel that condition. This approach avoids retaining an instrument referring to the former Lot 4 DP 471474 and avoids duplication between the existing access condition and the new consent notice required by this subdivision.

Proposed Consent Notice Cancellation and Replacement Arrangements

Consent Notice Instrument 9825422.6 is proposed to be cancelled in full as part of the subdivision and title registration process. As the instrument applies to Lot 4 DP 471474, which will be wholly incorporated into proposed Lot 1, there is no need to retain the existing instrument against a successor title.

The continuing requirements relevant to proposed Lot 1 will instead be secured through the new consent notice imposed by this subdivision consent. The replacement consent notice will:

- require the location and design of the future vehicle crossing from proposed Lot 1 to Pukaki Street to be approved by Gore District Council and require the crossing to be constructed to the applicable Council standards when vehicular access is required for the future stormwater/network utility development; and
- retain the requirement that any new infrastructural services installed to proposed Lot 1, including electricity and telecommunications, are located underground.

Council's Transport/Roading Engineer has confirmed that it is appropriate for the future vehicle crossing requirement to be secured by consent notice. The cancellation and replacement therefore update the existing continuing requirements so that they apply appropriately to proposed Lot 1 and its intended Council stormwater/network utility use, without removing the relevant access or servicing controls contained in the existing instrument.

Submitted Plan

The proposal is shown on the following scheme plan prepared by Clark Fortune McDonald (refer to Figure 1).

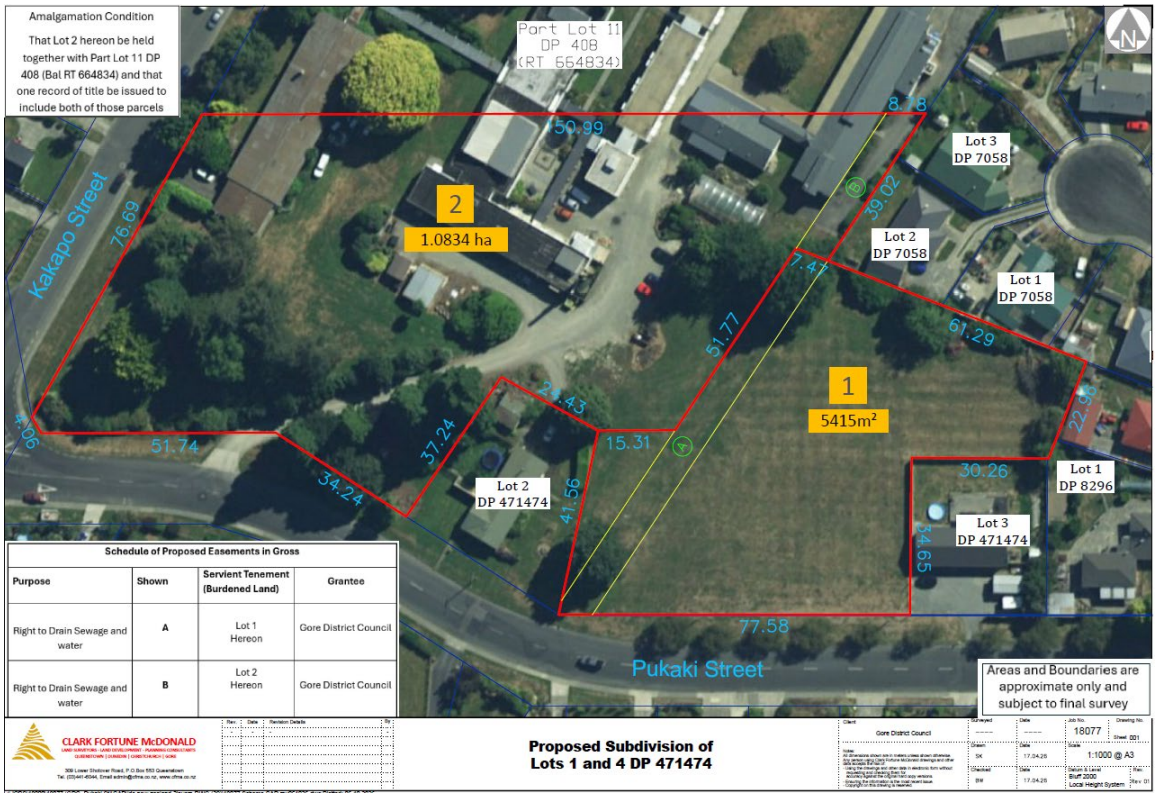


Figure 1 Scheme Plan

2. SITE DISCRIPTION

The subject site is located on 4-10 Pukaki Street and 129 Kakapo Street, Gore. Lot 1 DP 471474 is 1.544ha and is held in RT 664834 together with Part Lot 11 DP 408. Lot 4 DP 471474 is 813 m² and is held in RT 639858. Both titles are registered to the Roman Catholic Bishop of the Diocese of Dunedin.

The land forms part of the St Peter's College campus. The northern and western portions contain school buildings and facilities, while the proposed utility allotment is predominantly open grassed land. The site has frontage to Pukaki Street and Kakapo Street. Existing vehicular access to the school is from Pukaki Street, with additional access available through the wider school land. Pukaki Street and Kakapo Street are identified in the application as Urban Access Roads.

Existing Council stormwater and wastewater mains pass through the land, and water, electricity and telecommunications infrastructure is available in the adjoining road corridor.

The Proposed District Plan identifies the site within the General Residential Zone. The Operative District Plan zoning is Residential A.

There are two groups of notable/significant trees on the school site. The subdivision boundary is shown clear of these trees and no works to the trees are proposed.

The site is identified as a HAIL site SLUS-00000999 (HAIL category A17 - storage tanks or drums for fuel, chemicals or liquid waste) on the western part of the wider school land.



Figure 2 Aerial Image of Subject Site

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. The appeals period for the PDP is currently open. SUB-R1 (Boundary Adjustments) and SUB-R6 (Subdivision of land solely to create an allotment for network utilities) are not identified as being under appeal and are treated as operative under section 86F of the RMA. On that basis, SUB-R1 and SUB-R6 is treated as operative under section 86F of the RMA.

Proposed District Plan Rule SUB-R12 (Subdivision of notable trees) is identified as subject to appeal and has legal effect. However, it is noted that there is no corresponding rule within the ODP.

The proposal is a boundary adjustment. Proposed Lot 1 incorporates existing Lot 4 DP 471474 together with part of existing Lot 1 DP 471474, while the balance of existing Lot 1 DP 471474 forms proposed Lot 2. The proposal does not create an additional separately saleable allotment; rather, the existing boundaries between Lots 1 and 4 are reconfigured, with Lot 4 ceasing to exist as a separate allotment.

The Applicant's request under section 221(3) of the Act to vary and cancel consent notice instrument 9825422.6 is a separate statutory matter and does not alter the District Plan activity status of the subdivision.

Proposed District Plan

The site is zoned General Residential Zone in the Proposed District Plan and the proposed activity requires resource consent under the PDP for the following reason/s:

A **Restricted Discretionary** Activity resource consent pursuant to:

- Rule SUB-R1 (Boundary Adjustments) applies because the proposal reconfigures the boundaries between existing Lots and 4 DP 471474 without increasing the number of separately saleable allotments. The resultant allotments comply with the General Residential Zone minimum allotment size and are immediately adjoining. However, SUB-R1.5 is not met because the site contains notable tree groups TREE-67 and TREE-68. SUB-R1 therefore directs the proposal to SUB-R7 and SUB-R12.
- Rule SUB-R6 is also relevant because proposed Lot 1 is to be used solely for Council stormwater/network utility purposes and no additional non-utility site is created. SUB-R6 would otherwise provide for this component as a Controlled Activity. It does not displace the more restrictive activity status arising from SUB-R1.5 and SUB-R12.
- Rule SUB-R7 (All other subdivision) applies as directed by SUB-R1.5. The relevant standards SUB-S1, SUB-S2 and SUB-S3 are met or not applicable. The proposal is therefore a Restricted Discretionary Activity under SUB-R7.
- Rule SUB-R12 (Subdivision of notable trees) also applies because the land being subdivided contains notable tree groups identified in TREE-SCHED. The proposal is a Restricted Discretionary Activity under SUB-R12. Although the proposed boundary is well clear of the identified trees and no works to the trees are proposed, the rule is triggered by the presence of the notable trees on the land being subdivided.

Council's discretion is therefore restricted to the matters identified in SUB-R7, SUB-R12, together with the applicable matters of control under SUB-R6. These include subdivision design, allotment configuration, access and traffic, servicing and infrastructure, natural hazards, easements, reverse sensitivity, and effects on the integrity, ongoing viability, health and values of the notable trees.

Operative District Plan

Under the ODP Rule 8.10(2), the proposal would be a Controlled Activity as both a boundary adjustment and a subdivision for an unmanned utility not requiring water and sewage services, subject to the listed exceptions. The Applicant also expressly describes the proposal as a "Boundary Adjustment Subdivision for Unmanned Utilities". As the corresponding PDP boundary adjustment and network utility rules are treated as operative under section 86F. Furthermore, as outlined above, whilst PDP rule SUB-R12 is not treated as operative, there is no corresponding rule under the ODP. As such, the relevant ODP rules are treated as inoperative pursuant to section 86F of the RMA. The ODP objectives and policies remain relevant to the section 104 assessment.

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

Local and Regional Authority information has been searched and shows a small HAIL listing SLUS-00000999 (HAIL category A17. Storage tanks or drums for fuel, chemicals or liquid waste) on the western part of the site.

Under Regulation 5(5) of the NES-CS, subdivision includes land where all or part of a HAIL piece of land is contained within the land being subdivided. As the subdivision includes part of the identified HAIL land, the NES-CS applies. No preliminary or detailed site investigation has been provided and, accordingly, the subdivision does not meet the permitted, controlled or restricted discretionary provisions and is a Discretionary Activity under Regulation 11.

The proposal is not being undertaken to create allotments that will contain activities that are different to those that occur now; the proposal will not therefore result in a change in land use. Soil is not proposed to be disturbed as part of the application. The proposal will therefore not result in the increased risk of human exposure to contaminants present in soil, if contaminants were present. Any future physical works for the stormwater facility will be subject to the applicable approvals at that time.

3.3 Activity Status Summary

As the application was lodged prior to 30 January 2026, following notification of Council's decisions on the PDP on 30 January 2026. Accordingly, the previous reference to section 88A(1A) preserving an activity status applying before 30 January 2026 is not applicable.

Under the District Plan, the subdivision is a Restricted Discretionary Activity, principally because SUB-R12 applies to subdivision of land containing scheduled notable trees.

The subdivision is also a Discretionary Activity under regulation 11 of the NES-CS, as the subdivision includes land containing part of an identified HAIL piece of land and no preliminary or detailed site investigation has been provided to enable reliance on the permitted, controlled or restricted discretionary pathways under regulations 8–10.

3.4 Resource Management Act - Consent Notice Instrument 9825422.6

The subdivision is assessed as a Restricted Discretionary Activity under the District Plan, while the proposed cancellation and replacement of the conditions in Consent Notice Instrument 9825422.6 is considered separately under section 221(3) of the RMA in the manner of a discretionary activity.

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 precluded as follows:

- There are 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, subdivision could not be undertaken as a Permitted Activity under the Gore District Plan. Therefore, consideration of the permitted baseline test is not relevant in this instance.

Assessment of Environmental Effects

The Assessment of Effects provided at section 2.2 of the Applicant's AEE, is generally accepted, however it is supplemented by the assessment below.

The effects under the ODP and PDP are considered the same and are therefore assessed together below. Under the ODP, relevant guidance includes the suitability of the resultant allotments, easements, access, infrastructure, compliance of existing buildings, heritage and archaeological values, and effects on natural, ecological and cultural values. Under the PDP, relevant matters include access, infrastructure and servicing, easements, consent notices, stormwater and overland flows, reverse sensitivity, and the specific matters of discretion applying to subdivision involving notable trees. SUB-R12 directs consideration to the subdivision layout and whether future development could compromise the integrity, health or values of scheduled trees, whether the subdivision protects or maintains those values, and potential effects on cultural values.

Subdivision Design, Character and Amenity

The proposal rearranges the existing legal boundaries without increasing the overall intensity of development. Proposed Lot 1 will comprise 5,415m² and will be acquired by Gore District Council for future stormwater/network utility purposes. Proposed Lot 2 will retain the established St Peter's College buildings and facilities and will be amalgamated with Part Lot 11 DP 408.

No new residential allotment, building, earthworks or physical development is approved through this subdivision consent. The anticipated stormwater facility is not part of this application and will remain subject to the applicable approval requirements when its design is finalised.

The resultant lot configuration reflects the intended future use of the land, retains the existing school activity in a coherent balance allotment, and separates the future Council utility land from the established school buildings. The new boundaries do not result in an appreciable physical change to the wider environment.

Accordingly, effects on the existing character and amenity of the wider locality arising from the subdivision itself will be no more than minor.

Notable Trees and Vegetation

The wider school site contains scheduled trees. Under the ODP these are identified as Heritage Trees 'T89', while the PDP identifies the relevant notable tree groups as 'TREE-67' and 'TREE-68'. This is the matter which results in the additional PDP subdivision trigger.

The proposed subdivision boundary is well separated from the identified trees and no vegetation removal, pruning, earthworks or other works affecting the trees form part of the application. The Applicant similarly identifies that the proposed new boundary is well clear of the scheduled trees and will not adversely affect them.

Having particular regard to the SUB-R12 matters of discretion, the subdivision layout does not isolate the trees within an inappropriately configured allotment or create an immediate development pressure affecting their root systems, canopies or ongoing viability. The trees will remain within the established school land on proposed Lot 2. The subdivision itself therefore does not compromise their integrity, ongoing health or identified values.

No effects on cultural values associated with the scheduled trees have been identified as arising from the cadastral boundary adjustment. Any future physical development that could affect a scheduled tree would remain subject to the applicable District Plan provisions at that time.

Accordingly, adverse effects on the scheduled trees arising from the subdivision are assessed as no more than minor.

Access and Transport

Proposed Lot 2 will retain the existing physical and legal access arrangements serving St Peter's College. Proposed Lot 1 has legal frontage to Pukaki Street but does not presently have a formed vehicle crossing.

The appropriate location of a crossing to proposed Lot 1 will depend upon the final design of the future stormwater infrastructure. Council's Transport representative has reviewed the proposed approach and is satisfied that the crossing can be deferred and secured through a consent notice requiring a compliant vehicle crossing to be constructed to the applicable Council standards when vehicular access is required.

The subdivision itself will not generate additional school traffic or day-to-day traffic movements associated with proposed Lot 1. No new road is proposed and the future stormwater facility is not approved by this consent.

With the future access requirement secured by consent notice, effects on the safety and efficiency of the wider transport network will be no more than minor.

Servicing Effects

Proposed Lot 2 contains established school buildings and will retain its existing servicing arrangements. Existing Council wastewater and stormwater mains traverse the land and the scheme plan provides easements in gross in favour of Gore District Council to protect this infrastructure.

Proposed Lot 1 is being created specifically for acquisition by Council for an unmanned stormwater/network utility purpose. Conventional residential water, wastewater and stormwater connections are therefore not necessary at subdivision stage. Existing stormwater and wastewater infrastructure is already present through the proposed utility allotment and further infrastructure requirements will depend on the eventual design of the stormwater facility.

The proposed easements provide appropriate legal protection for Council's existing networks, and no reduction in existing infrastructure capacity or servicing of surrounding development will result from the boundary adjustment.

Infrastructure and servicing effects arising from the subdivision are therefore assessed as no more than minor.

Natural Hazards

The site is not mapped in the District Plan as being subject to actual or potential inundation, although proposed Lot 1 is understood to experience localised surface ponding. The Applicant

notes that this makes the land less suited to residential use and suitable for the intended future stormwater management function.

The proposal does not introduce residential occupation, habitable buildings or other sensitive development onto proposed Lot 1. Nor does the subdivision itself involve earthworks or construction that could alter existing overland flow paths.

The boundary adjustment will therefore not increase the exposure of people or property to natural hazard risk or exacerbate existing flooding or overland flow effects. Any detailed stormwater effects associated with the future retention facility will be assessed through the relevant design and approval processes when that facility is progressed.

Adverse natural hazard and stormwater effects arising from the subdivision are therefore less than minor.

Existing Buildings

The existing St Peter's College buildings will remain within proposed Lot 2. The Applicant has identified that the new boundary provides sufficient clearance for the existing buildings to continue to comply with relevant setback and recession-plane requirements.

The subdivision does not necessitate alteration or relocation of existing buildings and does not create an inappropriate relationship between the new boundary and established development.

Effects from the location of existing buildings relative to the adjusted boundaries are therefore less than minor.

Contaminated Land

Hail site SLUS-00000999, associated with HAIL category A17 – storage tanks or drums for fuel, chemicals or liquid waste – is identified on the western portion of the wider school land.

The proposed boundary adjustment and subdivision activities do not extend into the identified HAIL area. The Applicant has demonstrated the new boundary as approximately 80m from the HAIL area and confirms that the future stormwater area does not incorporate the identified HAIL site.

No soil disturbance or change in land use within the identified contaminated land area is approved by this subdivision. The subdivision will therefore not increase the potential for human exposure to contaminants or result in the mobilisation of contaminated soil.

Furthermore, no changes to the existing land uses are proposed or enabled through the proposed subdivision on the land containing the HAIL activity.

Adverse contaminated-land effects associated with the subdivision are therefore considered no more than minor when considered in context of the existing environment.

Heritage, Ecological and Cultural Effects

No historic heritage item, archaeological site, Significant Natural Area, Outstanding Natural Landscape or Feature, waterbody or identified area of significant indigenous vegetation is

affected by the proposed boundary adjustment. The notable trees are addressed separately above.

No physical works or disturbance of habitats are proposed, and the land is already modified as part of the existing school environment.

Accordingly, adverse heritage, ecological, landscape and cultural effects will be less than minor.

ODP/PDP and Appeal Context

The relevant ODP and PDP provisions have both been considered in assessing the anticipated environment. While the two planning frameworks differ in the activity status pathway and the PDP contains specific provisions for subdivision involving notable trees, the environmental effects of the proposal are the same under each framework.

In particular, the PDP's additional focus on notable trees does not change the effects conclusion because the new subdivision boundary is well separated from the scheduled trees, the trees remain with the established school land, and no physical works affecting them are proposed. Accordingly, there is no different effects conclusion under the ODP and PDP that would alter the public-notification assessment

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.



Figure 3 Neighbouring Properties identified in blue and properties owned by Roman Catholic Bishop of the Diocese of Dunedin in yellow

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.

2 Pukaki Street, 1, 2 and 3 Robertson Place, 55, 56 and 57 Robertson Street

- The properties adjoin or are in close proximity to the eastern side of Lot 1.
- The subdivision will create Lot 1 as a 5,415m² allotment for acquisition by Gore District Council for future stormwater management purposes. The subdivision itself does not approve construction of the proposed stormwater facility, buildings, earthworks or any change in the intensity of land use.
- The proposed allotment is of sufficient size and configuration for its intended network utility purpose, and the new boundary is separated from the existing school buildings.
- Existing Council stormwater and wastewater infrastructure crossing proposed Lot 1 will be protected by easements in gross. There is no proposed vehicle access from the eastern boundary and any future access to Lot 1 will be from Pukaki Street.
- Accordingly, the subdivision will not result in noticeable adverse effects on the amenity, access, servicing or use of the adjoining eastern properties. Any adverse effects on the owners and occupiers of these properties are considered to be less than minor.

3, 5, 7, 9, 11, and 13 Pukaki Street, and 133 Kakapo Street

- These properties are separated from the subject site by the Pukaki Street road corridor. Proposed Lot 1 will retain legal frontage to Pukaki Street but does not presently have a formed vehicle crossing. The application proposes that the final location and formation of access be deferred until access is required in association with the future stormwater facility.
- Council's Transport representative has reviewed this arrangement and is satisfied that access can appropriately be addressed through a consent notice requiring any future vehicle crossing to be constructed to the relevant Council standards. The subdivision itself will not generate additional day-to-day vehicle movements and does not approve construction or operation of the future stormwater facility.
- Given the separation provided by Pukaki Street, the absence of physical development as part of this consent and the consent notice controlling the future formation of access, adverse effects relating to access, traffic safety, amenity and subdivision layout on the owners and occupiers of these properties are considered to be less than minor.

1 and 15 Belmont Place, and 106 108 110 112 114 Kakapo Street

- These properties are separated from the subject site by Kakapo Street. The western portion of the site will remain within Lot 2 and continue to form part of St Peter's College. Proposed Lot 2 will retain the existing school buildings and facilities and its existing access arrangements and will be amalgamated with Part Lot 11 DP 408.
- The subdivision does not change the nature, scale or intensity of the existing school activity, introduce additional buildings or development, or create a new access toward Kakapo Street as part of this application.

- Existing servicing of proposed Lot 2 will also be retained. The proposal therefore represents a change in the legal boundaries rather than a physical change that would be perceptible from these properties.
- Having regard to the road corridor and the continuation of the existing school activity and access arrangements, adverse effects on the owners and occupiers of these properties arising from subdivision layout, access, servicing or adjoining land use are considered to be less than minor.

Conclusions: Effects on Persons

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

Step 4 – Special Circumstances for Limited Notification

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

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

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

6. SECTION 104 ASSESSMENT

6.1 Matters for consideration

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

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

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of:

- *(i) A national environmental standard;*
- *(ii) other regulations;*
- *(iii) a national policy statement;*
- *(iv) a New Zealand coastal policy statement;*
- *(v) a regional policy statement or proposed regional policy statement;*
- *(vi) a plan or proposed plan; and*

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

6.2 Effects on the Environment

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

Positive Effects

The proposal will result in positive effects by facilitating Gore District Council's acquisition of proposed Lot 1 for future stormwater management purposes. While the design and construction of the future stormwater facility is not approved by this consent, creation of a separate utility allotment provides an appropriate landholding arrangement to enable Council to progress that infrastructure through any subsequent approval processes. The Applicant identifies the anticipated future stormwater retention facility as providing important stormwater mitigation infrastructure for Gore.

The subdivision also provides for the efficient use and management of the existing landholding. Proposed Lot 2 retains the established St Peter's College buildings and activities and will be held together with Part Lot 11 DP 408, while proposed Lot 1 consolidates the land intended for the Council utility purpose. Existing Council stormwater and wastewater infrastructure crossing the site will also be legally protected through easements in gross.

Overall, the proposal has positive effects by facilitating future public stormwater infrastructure, providing a logical and efficient subdivision pattern, protecting existing Council infrastructure, and retaining the established school land in a coherent allotment.

Conclusion

For the reasons outlines above, the actual or potential effects on the environment are considered to be less than minor.

6.3 Relevant District Plan Provisions

Operative District Plan

The relevant operative objectives and policies are contained within Chapter 8 - Subdivision of Land, together with the land use framework objectives and policies identified by the Applicant (Refer to Appendix A). The proposal is consistent with the direction to facilitate orderly subdivision, ensure allotments and access/infrastructure are suitable for their future use, require development and servicing to Council standards, avoid adverse effects on Council infrastructure, and ensure allotments are suitable for activities anticipated in the zone. The balance school allotment remains functional, while the utility allotment is specifically intended for a Council infrastructure purpose.

Policies relating to offsite effects, reverse sensitivity, future subdivision potential and Council infrastructure are also satisfied because the proposal creates no additional residential development, retains the existing school use, and provides easements for Council networks

Proposed District Plan

The relevant operative objectives and policies are contained within Subdivision and General Residential Zone Chapters of the Proposed District Plan. The relevant PDP provisions, as identified by the Applicant (Refer to Appendix B) are SUB-O1 to SUB-O4; SUB-P1 to SUB-P10, SUB-P16, SUB-P19 and SUB-P21; and

GRZ-O1 to GRZ-O4, with particular relevance to GRZ-P7, GRZ-P8 and GRZ-P10. The proposal provides an orderly subdivision pattern that responds to the intended future use of each allotment. It does not create an additional residential lot, retains the existing school land in a coherent allotment, and enables a separate utility allotment for future stormwater management.

The subdivision is appropriately integrated with existing infrastructure:

- existing Council mains are recognised through proposed easements,
- the school allotment retains existing servicing; and
- the future servicing/access requirements for the Council utility lot can be addressed in a manner proportionate to its unmanned infrastructure use.

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.

6.4 Other Relevant Statutory Documents

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

Council and Regional Authority information identifies HAIL site SLUS-00000999 (HAIL category A17 - storage tanks or drums for fuel, chemicals or liquid waste) on the western part of the wider school land. The proposed adjusted boundary and subdivision activities do not extend into or affect the identified SLUR/HAIL area. No soil disturbance or change in land use is approved by this subdivision consent. Accordingly, the NES-CS is not triggered, and no resource consent is required under the NES-CS. The proposal will not increase the risk of human exposure to contaminants in soil.

National Policy Statement for Natural Hazards 2025

The NPS-NH requires natural hazard risk associated with subdivision, use and development to be considered using a risk-based and proportionate approach.
In this case, there is no mapped inundation hazard but there is localised surface ponding on Lot 1. The subdivision does not enable habitable development on that lot and does not alter the established school activity on Lot 2. It therefore does not increase exposure of people or property to the known ponding risk and will remain low. The future stormwater infrastructure is not approved by this consent and will be subject to its own design and approval requirements.

On this basis, the subdivision is consistent with the risk-management direction of the NPS-NH.

6.5 Other Matters

Consent Notice Instrument 9825422.6

Consent Notice 9825422.6 is registered on the Record of Title 639858 and applies to Lot 4 DP 471474. The instrument was lodged on 5 September 2014 and was imposed pursuant to section 221 of the RMA.

The Applicant's AEE identifies that Consent Notice 9825422.6 could be retained or cancelled and replaced, and leaves the appropriate approach to Council. The consent notice contains two continuing requirements relating to:

- The location and design of vehicle access directly onto Pukaki Street; and
- the undergrounding of infrastructural services.

It is considered appropriate to cancel the existing consent notice and replace the continuing requirements with a new consent notice applying to proposed Lot 1. This avoids duplication and ensures the ongoing controls are expressed in terms of the new allotment and its intended stormwater/network utility use.

Section 221(3) of the RMA provides for conditions specified in a consent notice to be varied or cancelled after deposit of the survey plan. In particular, section 221(3)(b) enables the territorial authority to review a consent notice condition and vary or cancel it. Sections 88-121 and 127(4)-132 apply, with the necessary modifications, to a review under section 221(3).

Vehicle Access Requirement

The existing consent notice provides that:

"The location and design of the vehicle access directly onto Pukaki Street shall require the approval of the chief executive of the Gore District Council."

The need to appropriately control vehicle access to Pukaki Street remains relevant. However, proposed Lot 1 does not presently require a formed vehicle crossing, and the appropriate location of the crossing will depend on the final design of the future stormwater infrastructure.

Council's Transport/Roading Engineer has reviewed the proposed arrangement and confirmed that it is appropriate for formation of the vehicle crossing to be deferred until vehicular access is required, subject to a consent notice requiring the crossing to comply with the applicable Council standards.

The existing access requirement will therefore be cancelled and replaced through condition 6(a) of this subdivision consent with an updated requirement applying to proposed Lot 1. The replacement condition will require the location and design of the future Pukaki Street crossing to be approved by Council and the crossing to be constructed to the applicable Council standards before vehicular access associated with the future stormwater/network utility development is used.

This approach maintains the substance of the existing access control while providing clearer requirements appropriate to the proposed allotment and its intended use.

Underground Servicing Requirement

The existing consent notice also provides that:

"All infrastructural services installed, including electricity and telephone, shall be located underground."

The purpose of this requirement remains relevant. While no conventional residential servicing of proposed Lot 1 is required as part of the current subdivision, utility services may be installed in association with its future development for stormwater/network utility purposes.

It is therefore appropriate that the underground servicing requirement continues to apply. Rather than retain the existing consent notice solely for this purpose, the requirement will be carried forward into condition 6(b) of the new consent notice applying to proposed Lot 1, with the terminology updated to refer to electricity and telecommunications services.

Accordingly, cancellation of the existing consent notice will not remove the substantive servicing control applying to the land.

Section 221(3) Conclusion

It is considered appropriate to cancel Consent Notice Instrument 9825422.6 in full as it applies to Lot 4 DP 471474 and the successor title for proposed Lot 1.
The cancellation is appropriate because:

- the existing Lot 4 DP 471474 will cease to exist as a separate allotment upon completion of the subdivision;
- the continuing requirement for Council approval and appropriate formation of vehicle access to Pukaki Street will be replaced by an updated requirement under condition 6(a);
- the requirement for infrastructural services to be located underground will be retained through condition 6(b); and
- replacing the existing instrument with a single new consent notice avoids overlapping or duplicated consent notice requirements and ensures the conditions are expressed in terms of proposed Lot 1 and its intended stormwater/network utility use.

The new consent notice registered against proposed Lot 1 will therefore consolidate the continuing access and underground servicing requirements within a single instrument.

7. 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.

In this case both allotments have legal frontage to Pukaki Street. Lot 2 retains existing physical access. Proposed Lot 1 does not presently have a formed vehicle crossing, however, its Pukaki Street frontage provides a practicable means of access. Council Transport has reviewed the proposed deferred approach and confirmed that it is acceptable for the requirement to provide a compliant vehicle crossing to be secured by a consent notice on proposed Lot 1. The consent notice will require the crossing to be designed and constructed to the applicable Council standard when required for the future stormwater/network utility development. Given the legal road frontage, the intended Council utility ownership and use, and the consent notice requirement, sufficient provision is considered to have been made for legal and physical access for the purposes of section 106.

In relation to natural hazards, the site is not mapped as subject to actual or potential inundation. Localised surface ponding is known on proposed Lot 1. The proposed subdivision does not create or enable residential occupation on that lot. It is to be acquired by Council for future stormwater management. Lot 2 retains the existing school use. As such, there is no basis to conclude that the subdivision will cause or worsen material damage from natural hazards.

With the access requirement secured by consent notice as accepted by Council Transport, there are no grounds to refuse consent under section 106.

8. PART 2 OF THE RMA

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

The proposal is consistent with this purpose. The subdivision will facilitate the efficient use of land by enabling Lot 1 to be acquired by Gore District Council for future stormwater management purposes, while retaining the existing school activities on proposed Lot 2.

The assessment above has identified no matters of national importance under section 6 that would be adversely affected. In terms of section 7, the proposal represents an efficient use of the land and existing infrastructure and will maintain the amenity values and quality of the surrounding environment. No particular Treaty of Waitangi matters under section 8 are identified as being affected by the subdivision.

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

9. DECISION ONE – SUBDIVISION CONSENT

The Gore District Council grants resource consent, for the reasons stated in this decision report, under sections 104, 104C, 108 and 220 of the Resource Management Act 1991 for the subdivision of Lots 1 and 4 DP 471474 at 4–10 Pukaki Street and 129 Kakapo Street, Gore, to create proposed Lot 1 for future Council stormwater/network utility purposes and proposed Lot 2 containing the balance St Peter's College land, including associated easements and amalgamation:

The application is granted on a non-notified basis as a Restricted Discretionary Activity, subject to the conditions in Section 10 below.

10. CONDITIONS

In accordance with s108 and s220 of the Resource Management Act, Resource Consent has been granted subject to the following conditions:

General

1. The subdivision must be undertaken generally in accordance with the application made to the Council on 30/07/2026 and the following plan:
    a. Proposed Subdivision of Lots 1 and 4 DP 471474, prepared by Clark Fortune McDonald, Job No. 18077, Drawing No. 001, dated 17 April 2026

2. 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.

    Advice 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.

All 3 Waters Infrastructure to be vested into Council ownership shall be completed by one of the Council's approved 3 Waters Contractors – refer to the following link for further details regarding this - https://www.goredc.govt.nz/services/3-waters/approved-contractors

Prior to certification under section 223 of the RMA

3. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder must provide to Council a written statement from a Licensed Cadastral Surveyor, accompanied by any necessary evidence, to the effect that all services are confined to their respective lots or provision has been made for suitable easements to be granted and reserved in the Land Transfer Plan where appropriate.

4. The survey plan shall provide for the following amalgamation condition:

   "That Lot 2 hereon be held together with Part Lot 11 DP 408 (Balance Record of Title 664834) and that one Record of Title be issued to include both of those parcels"

   LINZ reference: 1998235

Prior to certification under section 224(c) of the RMA

5. Prior to certification pursuant to section 224(c) of the RMA, all easements required by Condition 3, including easements in gross in favour of Gore District Council for existing Council infrastructure, must be duly created and shown on the Land Transfer Plan.

Consent Notice

6. Pursuant to s221 the following consent notice condition shall be prepared for registration on Lot 1 prior to s224c of the Resource Management Act 1991:

   a. At such time as vehicular access to Lot 1 is required in association with the development or use of the allotment for network utility/stormwater infrastructure purposes, a vehicle crossing to Pukaki Street shall be designed and constructed in accordance with the applicable Gore District Council standards in force at that time and to the satisfaction of Gore District Council. The vehicle crossing shall be completed prior to that vehicular access being used.
   b. All infrastructural services installed on Lot 1, including electricity and telecommunications services, must be located underground.

11. DECISION TWO – CANCELLATION OF CONSENT NOTICE

For the reasons set out in this decision report, the Gore District Council, pursuant to section 221(3)(b) of the Resource Management Act 1991, cancels the conditions contained in Consent Notice Instrument 9825422.6 as they apply to Lot 4 DP 471474, currently contained in Record of Title 639858. The cancellation of consent notice 9825422.6 may only be given effect to at the time the Subdivision Consent SC 26031 is completed.

Advice Notes

1. This consent approves the subdivision of the land only. It does not approve the construction or operation of the anticipated stormwater retention facility on proposed Lot 1. Any future works must comply with the relevant statutory and regulatory requirements applying at the time they are undertaken.
2. Lot 2 is to retain its existing servicing arrangements. No new conventional residential servicing is required for Lot 1 as part of this subdivision, having regard to its intended acquisition and use by Gore District Council for stormwater/network utility purposes. Existing stormwater and wastewater mains are present within proposed Lot 1 and are to be protected by the required easements

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.

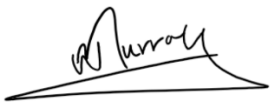
If you have any enquiries please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



Steven Ramanlal, Planning Consultant

Decision Made by



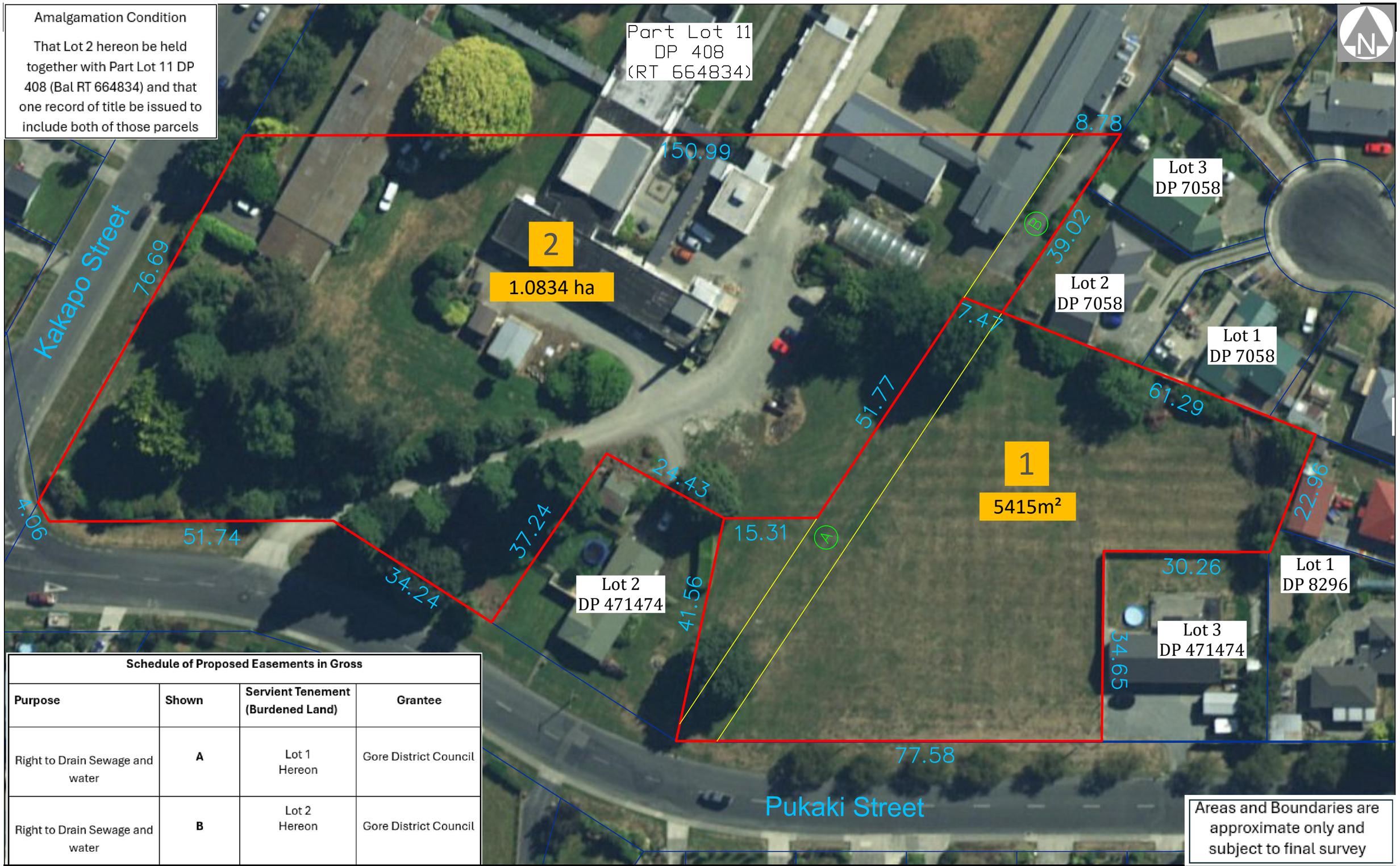
Werner Murray, Delegate

Appendix A: Approved Plans

APPENDIX A – APPROVED PLANS

Amalgamation Condition

That Lot 2 hereon be held together with Part Lot 11 DP 408 (Bal RT 664834) and that one record of title be issued to include both of those parcels



Schedule of Proposed Easements in Gross			
Purpose	**Shown**	**Servient Tenement (Burdened Land)**	**Grantee**
Right to Drain Sewage and water	**A**	Lot 1 Hereon	Gore District Council
Right to Drain Sewage and water	**B**	Lot 2 Hereon	Gore District Council

Areas and Boundaries are approximate only and subject to final survey

CLARK FORTUNE McDONALD
LAND SURVEYORS - LAND DEVELOPMENT - PLANNING CONSULTANTS
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Rev.	Date	Revision Details	By
-	-	-	-

Proposed Subdivision of Lots 1 and 4 DP 471474

Client: Gore District Council	Surveyed: ----	Date: ----	Job No.: 18077	Drawing No.: Sheet 001
Notes: All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of: - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. - Ensuring the information is the most recent issue. - Copyright on this drawing is reserved.	Drawn: SK	Date: 17.04.26	Scale: 1:1000 @ A3	
	Checked: BW	Date: 17.04.26	Datum & Level: Bluff 2000 Local Height System	Rev.: Rev 01

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