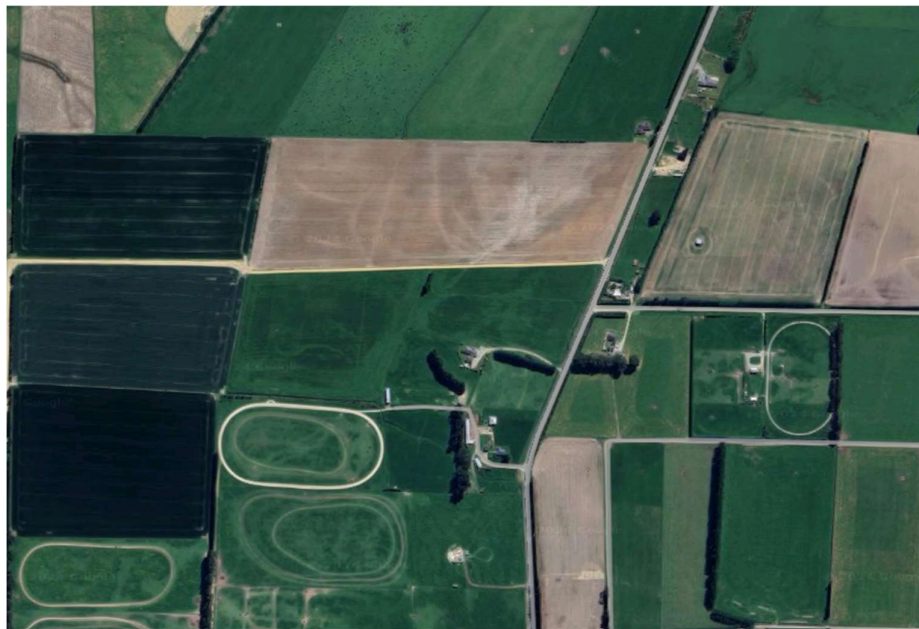


Proposed Subdivision – 1057 Knapdale Road, Chatton



**Resource Consent Application to Gore District
Council**

Resource Consent Application

1057 Knapdale Road, Chatton
Proposal for a 4-Lot Subdivision in the Rural Zone.

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1 Introduction

Applicant:	Donna Baynes
Location:	1057 Knapdale Road,
Legal Description:	Lot 3 DP 302611
Proposal:	Subdivide Lot 3 DP 302611 into four lots
Zoning:	Rural Zone
Activity Status:	Restricted Discretionary Activity

Pursuant to Section 88 of the Resource Management Act 1991 (RMA), Donna Baynes (the applicant) seeks resource consent from Gore District Council (GDC) for a four-lot subdivision at Lot 3 DP 302611.

The subject site is zoned Rural under the operative Gore District Plan (District Plan), the site is not subject to any overlays or hazards.

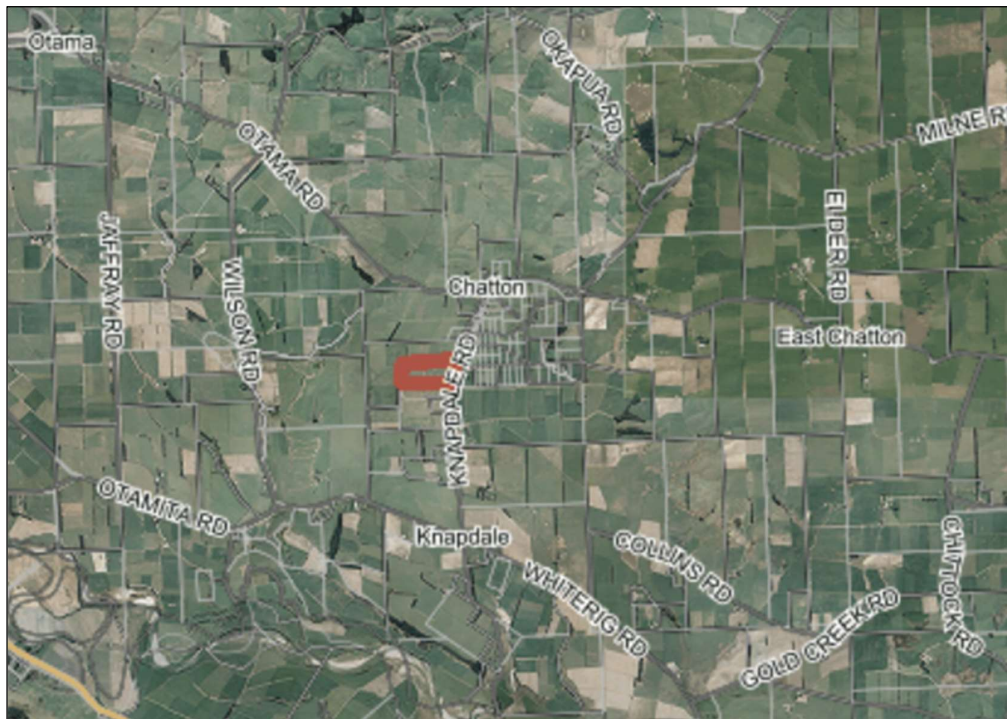


Figure 1: Location of Subject Site (red polygon)

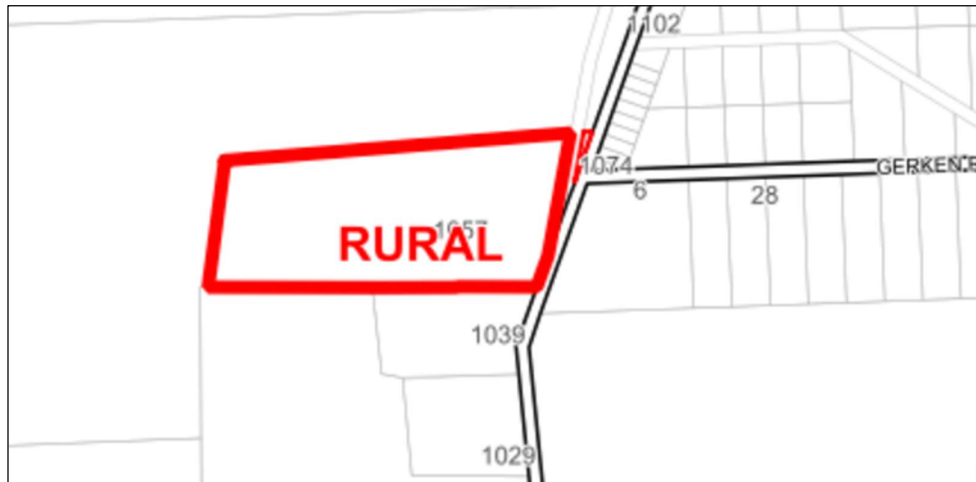


Figure 2: Site Zoning (Subject site in Red Polygon)

The proposed subdivision constitutes a restricted discretionary activity in the Rural Zone. This is in accordance with Rule 8.10(4)(b) of the District Plan, as it meets the subdivision standard requirements, specifically the 2-hectare minimum lot size.

2 Description of Site

2.1 Site Description

An application for a resource consent must include a description of the site in accordance with Clause 2(1)(b) of Schedule 4 to the RMA. The subject site has a total area of 11.75 ha and held on title Lot 3 DP 302611.

The site is located on the western side of Knapdale Road and is accessed via an existing vehicle crossing located along the eastern boundary, leading westward until it meets the dwelling. The existing dwelling is located in the southeastern portion of the site, setback over 100m from Knapdale Road. The dwelling meets all relevant standards, has been legally established and has existing use rights. A copy of the Record of Title is attached in **Appendix I**.

The property features a generally flat topography with extensive cleared pasture used for grazing. Farm fencing divides the site into five paddocks while a five-bay shed is situated along the mid-south boundary. It is noted that this shed is located within 6m of the side boundary, this boundary is not changing as a result of the proposal and the shed is existing. Aerial imagery indicates that the shed has been in situ since circa 1970 as seen in Appendix IV. Therefore, consent under yard infringements is not sought or required.

There are no naturally occurring wetlands across the site, protected vegetation, or sites of cultural significance. The site has not been identified by Southland Regional Council as subject to any flood hazards, fault lines, shaking amplification or liquefaction risk.

2.2 Surrounding Area

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent) and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of the application must be assessed.

The receiving environment in this instance encompasses larger productive properties and smaller properties, some of which are vacant or utilised for lifestyle and residential purposes. Specifically, Knapdale Road tends to have a scattering of residential buildings located adjacent to the roadside with large rural sections to the rear.

The site and surrounding environs are shown on the aerial photograph in Figure 2 and 3.

2.3 Immediate Environment

- Lot 1 DP 302611 (north / east)
- Lot 1 DP 563062 (south)
- Lot 1 DP 522750 (south)
- Section 24 Block XI Chatton SD (west)
- Section 1 - 3 Block XV Chatton SD (west)

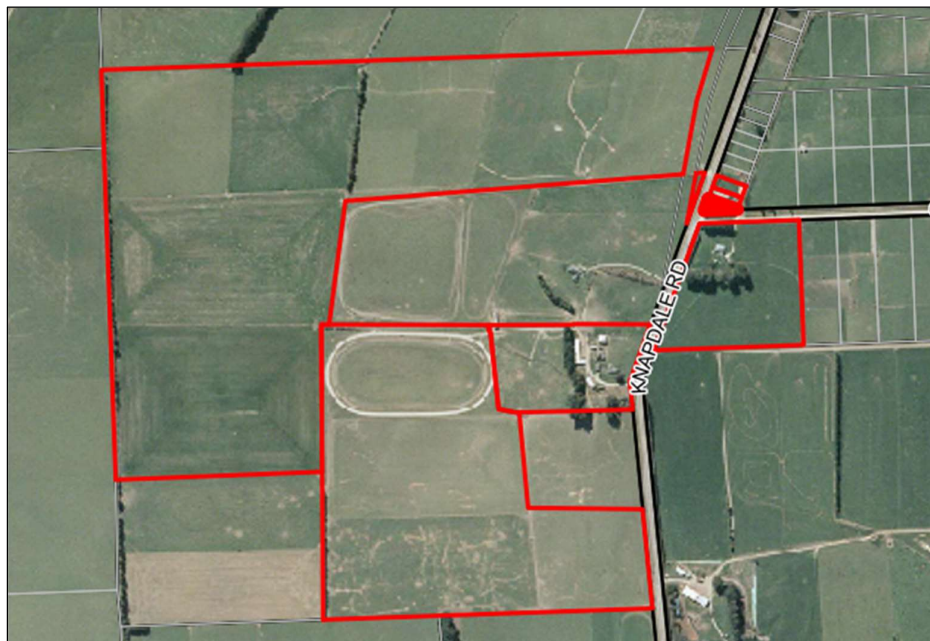


Figure 3 – Adjacent sites

3 Description of Proposal

3.1 Activity

The applicant is proposing a four-lot subdivision. The proposed lot areas will comprise of the following:

- Lot 1: 3.7 ha
- Lot 2: 2.0 ha
- Lot 3: 2.9 ha
- Lot 4: 3.1 ha

These lots will be formed by subdividing the land currently held under title LOT 3 DP 3026. The existing dwelling and access will be encompassed by proposed Lot 1 whilst the additional 3 lots will remain vacant for future on sale. The proposed configuration can be seen below in Figure 4. Additionally, there are no rivers 3m wide and no lots less than 4ha to be created as part of this proposal therefore under s230(3) of the RMA an esplanade reserve 20m in width is not required.

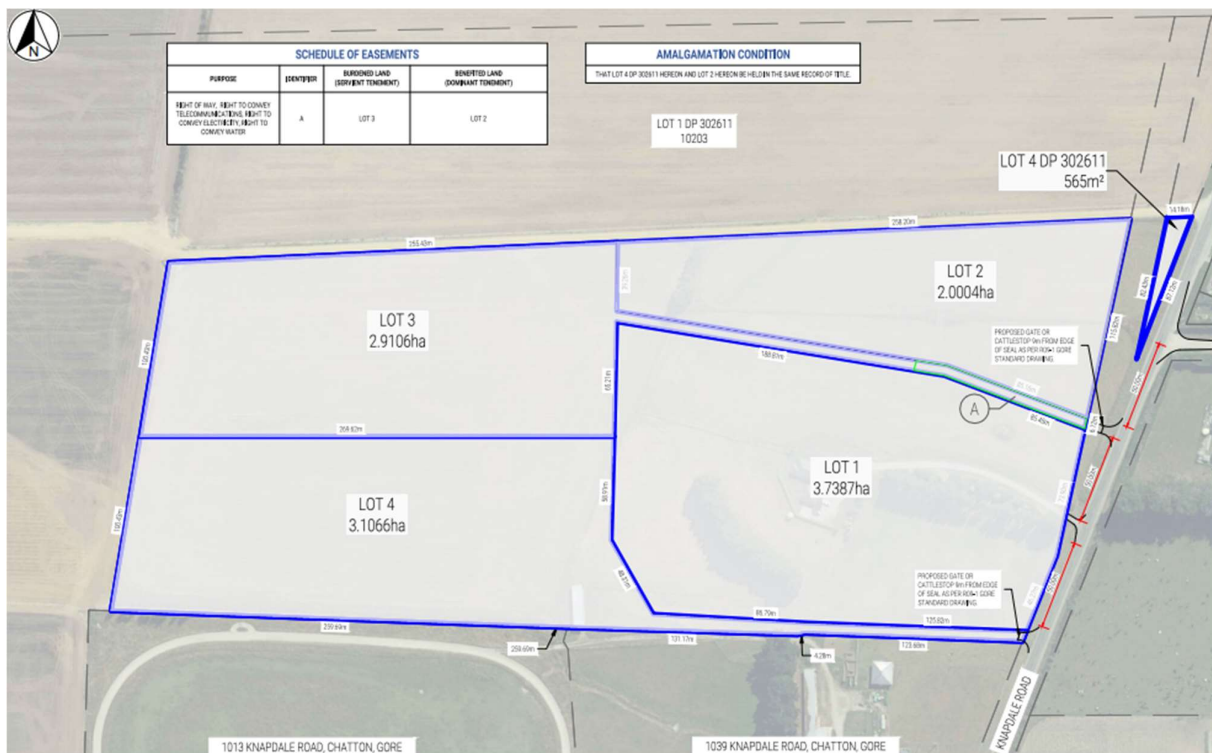


Figure 4 – Proposed Subdivision

3.1.1 Access

The proposed lots are all provided with legal access. Lot 1 will retain its existing access point with no proposed changes. Lots 2 and 3 will share an access, which will define the southern boundary of proposed Lot 2. Lot 4 is provided with independent access along the southern boundary.

The proposed crossings comply with all relevant standards outlined in the Gore Council Subdivision, Land Use and Development Bylaw 2019. Specifically, proposed crossings are separated by one another and all other crossings by 50m. Vehicle crossings will consist of a gate, or cattle stop 9m from the edge of road seal as per R09-1 Gore Standard Drawing.

3.1.2 Infrastructure

The existing dwelling on Proposed Lot 1 is provided with onsite wastewater, stormwater, and potable water services. There are no proposed changes to this as part of the subdivision and the dwelling will continue to be provided with adequate servicing within the proposed boundaries.

Proposed Lots 2, 3 & 4 are all generously sized and lack contours as to accommodate future internal services whilst meeting permitted standards. Whilst it is also unknown who will purchase the future blocks which may remain rurally productive with no required servicing. Notwithstanding, should development occur within these Lots in the future, the consenting and regulatory processes will ensure that the development is provided with suitable services.

4 Reasons for the application

4.1 Gore District Operative Plan 1998

Chapter 8 Subdivision

- Subdivision of land within the Rural Zone meeting minimum lot sizes under 8.10 (4)(b) is provided as a restricted discretionary activity.

The following rules and standards are applicable to this application:

Rule/ Standard	Status in Plan	Comment
<i>Chapter 8 – Subdivision</i>		
Rule 8.10 (4) - Except as provided for in (2) or (3) above, any subdivision of land is a restricted discretionary activity: (b) Within the Rural Zone, provided that any new lot created has a minimum area of 2ha.	Restricted Discretionary Activity	The subdivision will create four lots within a parent site that has an area of 11.75 ha. All proposed lots meet minimum required allotment sizes with the smallest being 2ha.
4.13 Earthworks	Permitted	Any earthworks required for the new vehicle access will comply with this standard, earthworks to create the access will take less than 12 months.
<i>5. Transportation</i>		
5.9.1.(1) Access	Complies	Access is not onto a state highway or arterial road
5.9.2.(5) On site manoeuvring	Complies	Each lots have sufficient areas to accommodate onsite manoeuvring as to prevent reversing on to the road. As future land uses of Lots 2 - 4 manoeuvring curves have not been provided for the subdivision scheme plan.

4.2 Proposed Gore District Plan

The Proposed Gore District Plan (PDP) was notified on 31 August 2023. Rules in a Proposed Plan have legal effect once the council makes a decision on submissions relating to that rule and publicly notified

this decision, unless the rule has immediate legal effect in accordance with section 86(3) of the Resource Management Act 1991 (the Act).

The submission period on the PDP has closed as has the further submissions period. Only rules in the PDP with immediate legal effect are relevant. These rules are identified with a 'hammer' in the plan. Rules that do not have immediate legal effect do not trigger the need for a resource consent under the PDP.

An assessment of the proposal against the rules with immediate legal effect has been undertaken. In this instance SUB-R8 Subdivision and Historic Heritage, SUB-R9 Subdivision of notable trees and SUB-R11 Subdivision including any area of an Outstanding Natural Landscape, Outstanding Natural Feature or Significant Natural Area have immediate legal effect. The subject site does not contain any historic heritage, notable trees nor significant natural areas therefore neither rule is of relevance for this application.

There are no other rules with immediate legal effect which are relevant to the application.

4.3 Overall activity status

Consent is required as a restricted discretionary activity.

Clause 2(1)(d) of Schedule 4 of the RMA requires applicants to identify other activities of the proposal with the intention of capturing activities which need permission or licensing under other enactments.

In this instance, no other authorizations are required from Southland Regional Council, or through any local Bylaws.

5 Notification assessment

5.1 Public Notification Assessment (Sections 95A, 95C-95D)

Section 95A specifies the steps to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: Mandatory public notification in certain circumstances		
S95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
S95A(3)(b)	Is public notification required under section 95C?(after a request for further information)	No
S95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	No
Step 2: if not required by step 1, public notification precluded in certain circumstances		

S95A(5)(a)	Is the application for a resource consent for 1 or more activities and each activity is subject to a rule or national environmental standard that precludes public notification?	No
S95A(5)(b)	Is the application for a resource consent for 1 or more of the following, but no other, activities; a controlled activity; a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;	No
Step 3: if not precluded by step 2, public notification required in certain circumstances		
S95A(8)(a)	Is the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification?	No
S95A(8)(b)	The consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.	No
Step 4: public notification in special circumstances		
S95A(9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified?	No

- In this case, the activity requiring resource consent is associated with a rural subdivision. Therefore, public notification is not precluded.
- The adverse effects on the environment have been assessed in detail below and it is concluded that these will be less than minor. Therefore, public notification is not required.
- There is nothing special, unusual or out of the ordinary with this activity being a subdivision that is complementary and anticipated within the rurally zoned environment. As such, it is considered there are no reasons to warrant public notification of the application.

5.1.1 Adjacent Land

When assessing whether an activity will have, or is likely to have adverse effects on the environment that are more than minor, Section 95D states that the consent authority must disregard effects on persons who own or occupy the land in, on or over which the activity will occur and any land adjacent to that land. In this instance, the following properties are 'adjacent' as they adjoin the subject site.

5.1.2 Effects that may be disregarded

Permitted baseline

The permitted baseline refers to the effects of permitted activities on the subject site. The permitted baseline may be taken into account and the council has the discretion to disregard those effects where an activity is not fanciful.

In regard to the proposed subdivision, there is no relevant permitted baseline as all subdivision activities (with the exception of applications for the certification of allotments on an existing Survey Plan under section 226(1)(e)(ii)) require resource consent under the Gore District Plan. Notwithstanding it is noted that the proposed subdivision meets the minimum lot size requirements and required standards outlined within the subdivision chapter.

5.1.3 Assessment

Receiving Environment

The receiving environment is made up of:

- the existing environment and associated effects from lawfully established activities;
- effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- the existing environment as modified by any resource consents granted and likely to be implemented; and
- the environment as likely to be modified by activities permitted in the plan.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered. In this case:

- The subject site contains a residential dwelling and associated manoeuvring areas.
- The site is situated in an area characterised by extensive and established rural productivity activities and falls within the Rural Zone.

5.1.4 Adverse Effects on the Wider Environment

Having consideration to the nature of the proposal and any mitigation proposed the adverse effects of the proposal on the wider environment are addressed below.

Matters of Discretion

The activity is a restricted discretionary activity, only those effects that relate to matters that are within the council's discretion are considered in this assessment. These matters are limited to the following matters:

- (i) suitability of the allotments for activities permitted within the zone in which they are located.
- (ii) suitability of the land for subdivision, including presence of any natural or other hazards, including contaminated land;

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

Subdivision

The subject site falls within the Rural Zone of Chatton which is characterised by a mix of larger rural parcels dedicated to extensive agricultural operations and smaller lots combining productive activities with rural lifestyle living. The proposed subdivision meets minimum lot size standards and plans to align with the zoning's intent, accommodating both productive rural activities and elements of rural lifestyle living within the specified land size parameters.

Although the proposed subdivision layout deviates somewhat from the general pattern of surrounding development, it does meet the minimum lot size requirements. This indicates that there is an acceptance for subdivisions like the one proposed within the Rural Zone. Any future subdivision of these sites would be subject to resource consenting requirements and potential considerations under the NPS-HPL. Consequently, it is deemed that the proposed lots cannot be further subdivided in the future. This approach serves to preserve the existing rural character of Chatton while ensuring that any development remains low density.

The creation of the proposed subdivision will not erode the established character of the surrounding rural area. Despite being subdivided with the anticipation of rural living this cannot be guaranteed. While adjacent neighbours may seek to expand farming operations and purchase one of the proposed lots. Notwithstanding, should each lot accommodate a future dwelling the lots are large enough to meet all relevant land use standards which ensures an acceptable development in the setting. In addition, Lots 3 and 4 are setback over 200m from the road reserve therefore any dwellings within these sections will be obscured by distance.

It's worth noting that Knapdale Road already features a scattering of buildings near the road reserve, so adding another building in this area would not be out of character for this area. Noting that any building in proposed Lot 2 will be separated by the existing dwelling by over 70m maintaining the low-

density character of the surrounding area. It is therefore considered that the creation of lots, meeting minimum lot size for rural living is not out of character for this area.

The subject site's predominantly flat terrain and absence of natural hazards or contaminated soils makes it suitable for subdivision. This also means that services needed for potential future development on proposed Lots 2 - 4 can be easily provided within permitted standards, with underground placement minimising disruption to vegetation and landform. Additionally, each lot has sufficient area to choose servicing locations, ensuring that the most suitable spot is selected without impacting the surrounding environment. Email correspondence is provided at Appendix V from Fraser Neil of PowerNet confirming that there is capacity available within the network to service an additional 3 domestic lots. It is also assumed that internet can be provided to the new lots based on existing internet connections to the dwelling in proposed Lot 1.

The proposed lots will be provided with appropriate vehicle access. Lots 2 and 3 will share an access which will also accommodate servicing easements for telecommunications and power conveyance. Additionally, an easement for right of way will be situated above this access, ensuring legal access rights for both lots. Lot 4 will be provided with independent access along the southern boundary. There are no pedestrian paths along Knapdale Road therefore pedestrian movement is not anticipated and catered for in this proposal.

Southland Regional Council, and Gore District Council have not identified any archaeological or hazards sites within the site boundaries. Notwithstanding, no construction or earthworks are proposed as part of the subdivision. Therefore, any unidentified archaeological sites will not be affected by the subdivision, no hazards will be exasperated as a result of the proposal.

5.1.5 Summary

Overall, it has been demonstrated in the above assessment that adverse effects on the environment will be less than minor and therefore public notification is not required.

5.2 Limited Notification Assessment (Sections 95B, 95E)

As with the amendments to Section 95A, Section 95B also entails a number of steps that must be followed to determine whether an application should be subject to limited notification.

Step 1: certain affected groups and affected persons must be notified		
S95B(2)(a)	Are there any affected protected customary rights groups?	No
S95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	No
S95B(3)(a)	Is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	No

S95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	No
Step 2: if not required by step 1, limited notification precluded in certain circumstances		
S95B(6)(a)	the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:	No
S95B(6)(b)	the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land)	No
Step 3: if not precluded by step 2, certain other affected persons must be notified		
S95B(7)	In the case of a boundary activity, determine in accordance with section 95E is an owner of an allotment with an infringed boundary is an affected person?	N/A – not boundary activity
S95B(8)	In the case of any other activity, is any other person affected in accordance with section 95E.	No
Step 4: further notification in special circumstances		
S95B(10)	Do any special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification	No

5.2.1 Affected Person Determination

As the proposed activity does not trigger mandatory limited notification, nor is it precluded, an assessment of potential affected persons must be undertaken.

The consent authority has discretion to determine whether a person is an affected person. A person is affected if an activity's adverse effects are minor or more than minor to them. The effects of the proposal on adjacent landowners have been undertaken in section 5.2.3 below.

5.2.2 Written Approvals Received

No written approvals have been sought or provided.

5.2.3 Adversely Affected Persons Assessment (sections 95B(8) and 95E)

The effects of the proposal on adjoining persons will be less than minor as per the following assessment.

Subdivision Effects

- The proposed subdivision will maintain the open nature of the site and adjacent parcels. The newly sized parcels can still lend themselves to productive uses (market gardens, small scale cropping and grazing), albeit with residential living. This maintains the immediate environment and ensures that any effects regarding amenity is less than minor.
- The proposed subdivision has been configured to ensure that adequate space has been allowed for to achieve generous amounts of outdoor area for each Lot ensuring small scale productive activities can occur following subdivision, while maintaining the privacy of neighbouring properties in the surrounding environment. This also enables the future construction of dwellings which are well set back from all boundaries and can readily comply with Rural Zone standards.
- Residents on the opposite side of Knapdale Road may observe a subtle change to the subject site if Lot 2 is developed with a residential dwelling in the future. Given the existing scattering of low-density dwellings in the surrounding area, the addition of one dwelling in this lot would not be incongruous. Any future dwelling must adhere to the underlying regulations, unless consent is obtained, this ensures the construction of a suitable, unobtrusive dwelling that is aligned with the Rural Zone. Furthermore, proposed Lots 3 and 4 are set back over 200 meters from these residents, thus will be obscured by distance.
- Persons located to the south of the subject site will also notice a subtle change to the subject site. Notwithstanding persons on this rural residential site will be separated by over 100m to any future dwelling on proposed Lot 2, 200m from Lot 4 and 300m from Lot 3. This separation between lots / residents maintains the existing rural amenity afforded to these persons.
- The proposed subdivision can be facilitated internally with all required services, being electricity, telecommunications, wastewater, water, and stormwater. These services, specifically wastewater will be provided well within the boundaries of each respective stie and away from adjacent persons.
- Persons to the north and south of the site appear to be part of a larger rural operation, therefore reverse sensitivity effects of the proposal are considered. The Environment Court states that:

"Reverse sensitivity is the legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for the land. The "sensitivity" is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as not to adversely affect the new activity."

The proposed subdivision is being created for residential end use. The use of this site for residential living is considered to be low impact in terms of noise, visual and discharge effects which have been discussed as having less than minor effects on these persons. Therefore, the proposal will not impede the existing rural operation of the adjacent sites and vice versa. Overall, it is considered that any reverse sensitivity effects of the proposal will be avoided or mitigated.

- Effects to tangata whenua are considered less than minor, with no sites of significance identified. Plus, there is no proposed construction at this stage and only minimal earthworks required for vehicle crossings.

5.2.4 Summary of Effects

The above assessment has concluded that no persons are adversely affected as adverse effects are less than minor.

5.2.5 Special Circumstances

It is not considered that there are any special circumstances that would warrant limited notification as the proposal is for a residential subdivision which is common within rural areas and is of scale that is anticipated in the zone.

5.2.6 Notification Conclusion

Overall, it is considered that this application satisfies the relevant provisions of S95A, 95D, 95B and 95E and can lawfully be assessed without notification or the requirement for written approvals from any persons.

6 Section 104 Assessment

Section 104(1) states that, subject to Part 2, when considering an application for resource consent, any submissions received, and deciding whether to grant consent for an application, the consent authority must have regard to:

- Any actual and potential effects on the environment of allowing the activity under Section 104(1)(a);
- Any relevant provisions of a national, regional or district planning document under Section 104(1)(b); and
- Any other relevant matters under Section 104(1)(c).

6.1 Actual and Potential Effects Section – Section 104(1)(a)

6.1.1 Subdivision effects

- Preservation of existing access ensures that practical and legal access and manoeuvring is provided for the existing dwelling / proposed Lot 1.
- Practical and legal access is provided for the subdivision along with ample area for future on-site manoeuvring for all proposed lots. The proposed vehicle access's provide legal and physical access to all lots which is acceptable.
- The design and layout of the subdivision demonstrates that a sufficient level of onsite amenity will be provided for each lot while maintaining the established rural character of the area.

- The proposed subdivision creates three additional Lots while placing an existing residential dwelling within its own lot. The generous size of the lots allows for future residential opportunities with small scale rural activities such as market gardens, grazing or small orchards. The division of this section also provides opportunities for adjacent farming enterprises to slightly expand.
- It has been demonstrated that there is ample area within each respective lot to provide the required services such as waste disposal, stormwater collection and potable water. It is also anticipated that a consent notice will be implemented to ensure that these services are provided in conjunction with the construction of any residential dwelling or building that shall require such servicing.
-

6.1.2 Positive Effects

The adverse effects arising from the proposal have been discussed above and were found to be less than minor, and no persons would be adversely affected. When establishing the actual and potential effects of any activity in terms of S104(1)(a) it is important to also consider any positive effects of the activity.

The proposal provides for economic and social wellbeing for the current site owner and also introduces additional vacant Lots for housing or productive opportunities which is beneficial to the local and wider community. At 2ha the proposal meets minimum lot sizes for the underlying zone this ensures the rural character is maintained. Sufficient amounts of land are provided for each lot hereby ensuring future dwellings can be provided with adequate outdoor living areas so future residents have good amenity.

The proposal aligns well with the intent of the Gore District Plan and the purpose of the Rural Zone of allowing for ongoing widespread rural activities while ensuring that they do not adversely affect the physical and natural resources upon which they rely.

The subdivision is considered, integrated, and well planned as to ensure that anticipated future land uses is considered. As such, the adverse effects in this case are of a scale where the proposal represents an acceptable form of subdivision on the environment.

6.2 Relevant Statutory Documents – Section 104(1)(b)

6.2.1 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land (NPS-HPL) seeks to ensure the availability of New Zealand's most favourable soils for food and fibre production, now and for future generations. The policy provides direction to improve the way highly productive land is managed under the RMA. This policy will be achieved via the identification of highly productive lands which will be protected from inappropriate land use and development.

In this case, the NPS-HPL is not relevant to this application, and Gore District Council does not have the authority to consider this policy statement as detailed in their practice note for the NPS-HPL:

Currently the District Plan does not provide scope to consider highly productive land for certain controlled and restricted discretionary activities, including subdivision under rules 8.10(1), 8.10(2) and 8.10(4).

As this application is assessed as restricted discretionary pursuant to rule 8.10(4) no assessment is provided against the NPS-HPL.

6.2.2 National Environmental Standards for Soil Contamination 2011

The NES seeks to manage actual and potential adverse effects of contamination in soil on human health from particular activities that have occurred on the site. The NES includes a Hazardous Activities and Industries List (HAIL) that sets out which activities may have potentially contaminated the soil. The NES applies when a person wants to undertake an activity described in Regulation 5 subclauses (2) to (6) on a piece of land described in Regulation 5, subclause (7) or (8).

The Gore District Council mapping services has identified that the site is not subject to HAIL while Appendix IV confirms this, therefore no further assessment of the NES for Soil Contamination is necessary.

6.2.3 Southland Regional Policy Statement 2017

The Regional Policy Statement (RPS) for Southland establishes a number of high-level principles that the lower-level plans must achieve in terms of meeting the purpose of the RMA, National Policy Statements and the vision of the Southland area. These principles set the broad direction and framework for managing the region's natural and physical resources. It identifies significant resource management issues for the region and sets out how resources such as land, water, soil, minerals, plants, animals, and structures will be managed.

It The RPS is broad in its influence, however for the purposes of this application Chapter 5: Rural Land/Soils is most relevant. The provisions of the RPS are interlinked and cannot be considered in isolation, as such by adhering to the provisions of one section will help ensure that objectives set out in other sections of the RPS are met. In particular, the following shall be achieved and applied:

- Subdivision, use and development activities need to be carried out in a sustainable manner as to maintain or enhance the productive capacity of the rural land resource to avoid or mitigate adverse effects on soil, water, amenity values, tangata whenua cultural values.
- Recognise that the use and development of rural land resources is important to provide for the wellbeing of people and communities within Southland. Such use and development must be undertaken in a manner that promotes the sustainable purpose of the act.
- Management of subdivision as to ensure land use change and land development within rural areas maintain or enhance the rural amenity values and character of the areas within which these activities occur.
- Avoid land use change, subdivision and land development activities in rural areas which may lead to reverse sensitivity issues.

- Avoid the loss of high value soils through inappropriate subdivision.

In this case the proposal represents an appropriate subdivision of a site within the Rural Area of Chatton. The scale of activity resulting from the proposal is appropriate for the site's context area. The overall subdivision is consistent and respectful of the RPS's direction and the local context in which the subdivision will sit. As such, the proposal meets the intent of the RPS and reflects the nature of subdivision envisaged within the rural areas of Chatton.

6.2.4 Operative Gore District Plan 2018

An assessment of the proposal against the relevant objectives, policies and assessment criteria of the AUP(OP) follows:

Chapter 8 Subdivision

- Objectives: SUB.1 and SUB.2
- Policies: SUB.1, SUB.2, SUB.4 and SUB.6

The objectives and policies of the subdivision chapter seek to ensure that subdivision is facilitated in an orderly manner while ensuring new allotments are designed to ensure that future land uses, and development is considered. Subdivision should also ensure that land subdivision results in allotments that are suitable for activities anticipated by the underlying zone in which they are located. Subdivision which may give rise to reverse sensitivity effects shall be avoided. Subdivision must also be undertaken in accordance with the Gore District Council Subdivision and Land Development Bylaw 2011 to ensure there is a consistent approach to subdivision across the district.

This subdivision prioritises both residential development and ongoing rural productivity. The proposed lot sizes are designed to accommodate essential services internally, minimising potential negative cumulative effects on the surrounding environment. Additionally, it is anticipated that the vacant lots will have a consent notice requiring future owners to ensure adequate services and efficient infrastructure utilisation. Safe and convenient access will also be provided to all new lots via a new ROW with suitable easements.

The development respects existing and future lawful rural activities. The proposed lots are large enough to ensure no future residential development will not encroach upon nearby agricultural operations.

Overall, the proposed subdivision aligns with the objectives and policies outlined in Chapter 8 of the Gore District Plan, ensuring an efficient and environmentally sensitive use of the land while maintaining suitable access and respecting existing land use patterns.

6.2.5 Proposed Gore Plan

16 Subdivision

- Objectives: SUB-01 – SUB-03

- Policies: SUB-P1 – SUB-P3, SUB-P5 – SUB-P7, SUB-P18

This chapter seeks to ensure that subdivisions are designed to protect significant natural ecological historical and cultural features while providing for Ngai Tahu's relationship with the environment and responding to site constraints and the surrounding environment. Subdivision should as accommodate anticipated land use and are consistent with the purpose, character, and qualities of the applicable zone. The size and shape of allotments must also have ample area for future infrastructural services.

The proposed subdivision is not entirely consistent with these objectives and policies. Notwithstanding, the subdivision prioritises a balance between creating new opportunities for rural living and maintaining the area's established agricultural character. The proposed development is designed to minimise its environmental impact. The lot sizes themselves are planned to be self-sufficient, meaning they will have the space for essential services to be located on-site. This minimises potential negative effects on the surrounding environment. Additionally, a consent notice will ensure future landowners are responsible for maintaining adequate services and using infrastructure efficiently. Convenient and safe access will be provided to all new lots through a dedicated right-of-way with appropriate easements in place.

The well-being of existing and future agricultural activities is a key concern. The proposed lots are designed to be large enough to prevent any future residential development from encroaching on nearby farms. This helps to mitigate potential conflicts often referred to as "reverse sensitivity" issues.

Although the proposed activity does not entirely align with the relevant objectives, policies, and assessment criteria of the Proposed District Plan, it's important to consider the provisions of both an operative and any proposed plan for this resource consent application. Weighting becomes relevant if different outcomes arise from assessments of objectives and policies under both the operative and proposed plans. The RMA does not distinguish between the weight that should be accorded to the objectives and policies of an operative plan as compared to those in a plan change.

Given that the outcomes sought are dissimilar under the operative and proposed plan frameworks, weighting is necessary. However, for this resource consent application, the relevant provisions of both an operative and any proposed plan must still be considered. As the Operative Plan is more favourable towards the proposal, it is given greater weighting in this instance.

6.3 Section 106 – Subdivision Considerations

In terms of section 106, the sites will be adequately serviced with access and infrastructure. The site is not subject to instability or flooding. As such, there are no reasons to exercise section 106 in this case.

6.4 Other Matters – Section 104(1)(c)

No other matters require consideration.

6.5 Conclusion

Overall, the proposal is consistent with the relevant provisions of the Gore District Plan and provides for the subdivision of land for future on sale. Overall, the proposal reflects the intent and purpose of the underlying zoning and is acceptable overall.

7 Resource Management Act – Part 2 Assessment

Section 5 of Part 2 states the purpose of the Resource Management Act 1991 as the 'sustainable management of natural and physical resources.' This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of eco-systems, and avoiding, remedying or mitigating adverse effects on the environment.

The proposal delivers adequate provisions for access, infrastructure, and Lots sizes, to allow for both future development and production within the area.

Given the characteristics of the site and the surrounding area, it is therefore considered that the proposed activity utilises the site in an effective and sustainable manner. A certain level of environmental impact is inevitable when any activity is proposed at a scale necessary to provide for production growth. The proposal is within the extent for growth envisaged under current Rural Resource Area limits.

The assessment of effects demonstrates that the effects arising from the subdivision will be adequately mitigated, managed, or avoided, so that they are within the parameters envisaged by the relevant statutory requirements.

Section 6 of the Act sets out a number of matters of national importance, including the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. The subject site does not contain any significant natural or landscape features. As such, these matters are not considered relevant to the proposal.

Section 7 of the Act identifies a number of "other matters" to be given particular regard to by the Council in the assessment of resource consents, including the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values and the intrinsic value of ecosystems. The proposed subdivision is an efficient use of a site identified for rural activities, and is compatible with the zoning of the site,

Section 8 requires Council to consider the principles of the Treaty of Waitangi. The proposal is not considered to conflict with the principles of the Treaty.

8 Conclusion

The overall adverse effects of the subdivision are anticipated to be less than minor, and no persons are considered to be adversely affected.

The proposal has been assessed in terms of the relevant statutory documents and is considered to be consistent with the assessment criteria in the Gore District Plan.

An assessment in terms of Part 2 of the Act has been made, and it has been concluded that the proposal is consistent with the purpose and principles of the Act. Furthermore, taking into consideration the notification 'tests' set by sections 95A and 95B of the Act, it is considered that the application can be processed by Council without notification.

Accordingly, it is concluded that the proposal satisfies all matters that consent authorities are required to address under the Resource Management Act 1991 and that the subdivision consent sought can be granted.

Report prepared by,

A handwritten signature in dark ink, reading "Courtney Tovell-Soundy". The signature is written in a cursive, flowing style.

Courtney Tovell-Soundy – Consultant Planner

9 Appendices

9.1 Appendix I: Record of Title

9.2 Appendix II: Scheme Plan

9.3 Appendix IV: Historical Imagery

9.4 Appendix V: Power Connection Confirmation