

# Application for Subdivision Consent (Boundary Adjustment)

BROUGHTON LAND HOLDINGS  
JUDAH BROUGHTON

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# 1. APPLICATION FOR RESOURCE CONSENT

## Under Section 88 of the Resource Management Act 1991

**To:** Selwyn District Council

**From:** Broughton Land Holdings Limited, Sarah Davies, and Waireka Farming Trust apply for subdivision consents (boundary adjustment)

### ACTIVITY:

- 1.0** Subdivision (boundary adjustment) between site Lot 2 DP480018 and Lot 1 DP480018. ***Referred to as “Waireka Road Subdivision” in this document.***
- 2.0** Subdivision (boundary adjustment) between Rural Section 35830 and Lot 1-2 Deposited Plan 83202 and Lot 3-4. To enable the undersized lot to have building rights. ***Referred to as “Yeomans Road Subdivision” in this document.***

A detailed description of the proposal is contained in the attached Assessment of Environmental Effects.

### LOCATION:

Property Location	Legal Description	Certificate of Title	Appendix Reference	Area	Subdivision Description
365 Waireka Road, Darfield 7571	Lot 2 DP480018	CT670083	Appendix F	4.1300ha	Boundary Adjustment
Hacketts Road, Darfield 7571	Lot 1 DP480018	CT670082	Appendix G	22.385ha	Boundary Adjustment
Road boundaries Yeomans Road and Waireka, Darfield 7517	Lot 1-2 Deposited Plan 83202 and Lot 3-4	CB48A/629	Appendix H	44.9225ha	Subdivision (land swap - boundary adjustment with undersized lot below)
108 Yeomans Road, Darfield 7517	Rural Section 35830	CB756/11	Appendix I	3.997ha	Subdivision (undersized rural lot for a future dwelling)

### OTHER CONSENTS:

- Land Use Resource Consent for Rural Section 35830 (CB756/11).

**FOURTH SCHEDULE:**

Attached in accordance with the Fourth Schedule of the Resource Management Act 1991 assessment of the environment effects in detail that corresponds with the scale and significance of the effects that the proposed subdivision may have on the environment.

**ADDITIONAL INFORMATION:**

Attached any information required to be included in this application by the District Plan, Regional Plan, The Resource Management Act 1991 or any regulations made under the Act.

**SUBDIVISION CONSENT INFORMATION:**

As this is an application for a subdivision consent, I attach information that is sufficient to adequately define the position of the new boundaries relative to the existing boundaries.

..... Date: .....

(Signature of person authorised to sign on behalf of the applicant)

## 2. INTRODUCTION

**2.0** This report has been prepared in accordance with the requirements of Section 88 of the Fourth Schedule to the Resource Management Act 1991 (RMA) to accompany the subdivision consent application by the owners to: carry out a subdivision of the property.

**2.1** The appendices attached support, and form part of the application.

## 3. SITE DETAILS

**3.0** The details of the subject sites are as follows:

Property Location	Legal Description	Certificate of Title	Appendix Reference	Area	Subdivision Description
365 Waireka Road, Darfield 7571 <b><i>“Waireka Road Subdivision”</i></b>	Lot 2 DP480018	CT670083	Appendix F	4.1300ha	Boundary Adjustment
Hacketts Road, Darfield 7571 <b><i>“Waireka Road Subdivision”</i></b>	Lot 1 DP480018	CT670082	Appendix G	22.385ha	Boundary Adjustment
Road boundaries Yeomans Road and Waireka, Darfield 7571 <b><i>“Yeomans Road Subdivision”</i></b>	Lot 1-2 Deposited Plan 83202 and Lot 3-4	CB48A/629	Appendix H	44.9225ha	Subdivision (boundary adjustment with undersized lot below)
108 Yeomans Road, Darfield 7571 <b><i>“Yeomans Road Subdivision”</i></b>	Rural Section 35830	CB756/11	Appendix I	3.997ha	Subdivision (undersized rural lot for a future dwelling)

## 4. PROPOSAL

### Waireka Road Subdivision

- 4.0 The applicants propose to carry out a boundary adjustment subdivision involving their property and the adjacent property at Waireka Road, Darfield.
- 4.1 The site was originally subdivided in 2014 under DP480018 and created lot 1 about an existing house at 4.13ha. The lot 1/2 DP480018 boundary was close to the house and of odd shape. The owners wish to amend the boundaries slightly, to retain the same lot areas, but move the boundary slightly further away from the house on lot 1 into the adjoining paddock, which is, has been, and will continue to be used for general grazing.
- 4.2 No intensive horticulture practices have been carried out on the altered area of lot 1.
- 4.3 The existing access and services remain unaltered to the house on proposed lots 1 & 2.
- 4.4 Subdivision is sought for a **Controlled Activity**.

### Yeomans Road Subdivision

- 4.5 The applicants propose to carry out a boundary adjustment subdivision involving their property and the adjacent property at 108 Yeomans, Darfield.
- 4.6 Currently there is an existing building (farm shed) on the corner of Yeomans Road and the unnamed road to northeast (Title: CB756/11).
- 4.7 It is intended to adjust the boundaries between RS35830 & Lot 3 DP70245 (per Appendix A: 108 Yeomans Rd Proposed Subdivision Plan ), to create a small site of 0.77ha to include the farm shed and a balance area. Please note title CB48A/629 is made up of lots 1 & 2 DP83202 and lots 3 and 4 DP70245 in Appendix A .
- 4.8 With reference to the Proposed Plan (Appendix A ), the proposal is to create Lot 1 (0.77ha), with Lot 2 (3.2ha) being amalgamated to Lot 3 (36.96ha), with a new Open Space Covenant being created over them (19.27ha plus Lot 1 of 0.77ha). Therefore, we request Lot 2 to be transferred to the owner of Lot 3 DP 70245 (Part RT CB48A/629) and one certificate of title to be issued for both these parcels. Resulting in a new title area of 48.1225ha (44.9225ha CB48A/629 plus 3.2ha in Appendix A Lot 2).
- 4.9 Lot 3 in Appendix A is to be amalgamated with Lot 2 to allow for the effective utilization of a center pivot irrigator.
- 4.10 Preliminary Site Investigation Report (PSI) has been preformed by Malloch Environmental Limited (refer to Appendix D).
- 4.11 Subdivision is sought for a **Restricted Discretionary Activity**.

## 5. RELEVANT DISTRICT PLAN MATTERS

### Yeomans Road Subdivision

#### Part C – Rural Zone Standards

\*Please note, all references to “Lot 1, 2 & 3” are in relation to those drawn in Appendix A: 108 Yeomans Rd Proposed Subdivision Plan

##### **Rule 10.1.1.2 - Landscape Area**

*Any allotment created is not located within an area shown on the Planning Maps as an Area of Outstanding Landscape, except the Visual Amenity Landscape on the Port Hills;*

The proposed lots are not located within an Outstanding Landscape area. **Complying Activity**

##### **Rule 10.1.1.3 - Heritage**

*Any allotment created does not contain any of the following features:*

- (a) Any site listed as a heritage site in Appendix 3;*
- (b) Any tree listed as a protected tree in Appendix 4;*
- (c) Any site listed in Appendix 5 and shown in the Planning Maps as a Silent File area, a Wahi Taonga site, a Wahi Taonga Management Area, or a Mahinga Kai site;*
- (d) Any site which meets the criteria in Appendix 12 as being a significant ecological site which is worthy of protection.*

Not applicable -the site is not listed in any of the above appendices. **Complying Activity**

##### **Rule 10.1.1.4 - Intensive Livestock Production**

*Any allotment created is not located within 300 metres of any existing lawfully established intensive livestock production activity, except that the 300 metres restrictions shall not apply to any allotment created in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738.*

The site is not located within 300m of an intensive livestock production activity. **Complying Activity**

##### **Rule 10.1.1.5 - Road Access**

*Any allotment created has legal access to a formed and maintained legal road, other than a road listed in Appendix 9 as a State Highway, or listed as an Arterial Road and the speed limit is 70km/hr or greater.*

Both Lots will have access to formed roads. **Complying Activity**

##### **Rule 10.1.1.6 - Vehicle Access**

*Any road, right of way or other vehicle accessway is designed and formed to comply with Rules 4.4 and 4.5 for permitted activities (for State Highway they have to comply with the design criteria in Appendix 10);*

Lot 1 has access at the southwest corner. Lot 2 (proposed amalgamation with Lot 3) will obtain access via the neighboring property. **Complying Activity**

#### **Rule 10.1.1.12 - Lot Size**

*Any allotment created complies with the minimum allotment areas set out in Table C10.1. The minimum allotment sizes set out in Table C10.1 do not apply to any allotment used solely for access, utilities, as a reserve or to house a community facility(ies).*

Lot 1 is 0.77ha. New title area of 48.1225ha (44.9225ha CB48A/629 plus 3.2ha in Appendix A Lot 2). **Restricted Discretionary Activity**

#### **Rule 10.1.1.13 - Consent Notice Area**

*If any land is subject to any Consent Notice, Covenant, Memorandum of Encumbrance or other legal mechanism restricting the number of dwellings which may be erected on the allotment, then any allotment created is:*

- (a) Of sufficient size to comply with the minimum area set out in Table C10.1, excluding any area which cannot be used to erect a dwelling; and*
- (b) Capable of having at least one dwelling erected on it as a permitted activity, taking into account any legal mechanisms restricting the number of dwellings or houses, on the Certificate of Title.*

A 'no dwelling' consent notice area of 19.27ha is being created over Lot 3 to retain the required dwelling density (0.77ha + 19.27 = 20ha). The open space covenant area is not directly adjacent to Lot 1.

#### **1. Complying Activity**

## **Part C 3 – Rural Rules – Buildings**

#### **Rule 3.10 - Buildings And Residential Density**

*3.10.1 Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the following conditions are met:*

*3.10.1.1 The minimum land area required to erect any dwelling:*

- (a) Complies with the minimum land area per dwelling shown in Table C3.1; and*
- (b) Is held in one, separately saleable allotment which is the same allotment on which the dwelling(s) are to be erected.*

**Table C3.1 — Minimum Land Area to Erect One Dwelling**

<b>In Other Areas</b>	<b>Legal Description</b>	<b>Land Area</b>
Inner Plains	-	4ha Minimum
Outer Plains	-	20ha Minimum

The area of Lot 1 is less than that required by the District Plan. A 'Open Land Area' is provided adjacent to the site. **Restricted Discretionary Activity**

#### **Rule 3.11.1 – Site Coverage**

*3.11.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following*



conditions are met:

3.11.1.1 The maximum area of any allotment covered by buildings shall be:

- (a) 35% or 500m<sup>2</sup> whichever is the lesser, for allotments less than 1ha in area.
- (b) 5% for all other allotments.

Lot 1 meets this requirement. All other relevant lots are currently vacant. **Complying Activity**

### **Rule 3.13 - Buildings And Building Position**

3.13.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:

3.13.1.1 Any building complies with the relevant setbacks from property boundaries and road boundaries as shown in Table C3.2:

**Table C3.2 – Setbacks from Boundaries**

Setbacks from Boundaries (Greater than 1ha)			
Building Type	Property Boundary	Arterial Road or Strategic Road	Other Road
Garage or Accessory	5m	10m	10m
Dwelling or Principal Building	5m	20m	10m

The existing buildings on Lot 1 meets this requirement. **Complying Activity**

### **Rule 10.1.1.5 – Vehicle Access**

10.1.1.5 Any allotment created has legal access to a formed and maintained legal road, other than a road listed as a Strategic Road in Appendix 9;

Lot 1 has access at the southwest corner. Lot 2 (proposed amalgamation with Lot 3) will obtain access via the neighboring property. **Complying Activity**

## Services

### **Sewage**

The Lots being created comply with the General Authorization(GA) for sewage tank effluent disposal approved by the Regional Authority.

### **Stormwater**

The sites are rural and stormwater discharges to ground

### **Power**

There is existing power supply to all land parcels.

### **Water Supply / Races**

Lot 1 water supply is via a well. The amalgamated Lot 3 water supply is from Melvern Hills water scheme. There is a water race that that supplies stock water that flows through Lot 1 and amalgamated Lot 3.

# Waireka Road Subdivision

## Part C – Rural Zone Standards

### **Rule 10.1.1.2 - Landscape Area**

*Any allotment created is not located within an area shown on the Planning Maps as an Area of Outstanding Landscape, except the Visual Amenity Landscape on the Port Hills;*

#### **Complying Activity**

### **Rule 10.1.1.3 - Heritage**

*Any allotment created does not contain any of the following features:*

- (e) Any site listed as a heritage site in Appendix 3;*
- (f) Any tree listed as a protected tree in Appendix 4;*
- (g) Any site listed in Appendix 5 and shown in the Planning Maps as a Silent File area, a Wahi Taonga site, a Wahi Taonga Management Area, or a Mahinga Kai site;*
- (h) Any site which meets the criteria in Appendix 12 as being a significant ecological site which is worthy of protection.*

Not applicable -the site is not listed in any of the above appendices. **Complying Activity**

### **Rule 10.1.1.4 - Intensive Livestock Production**

*Any allotment created is not located within 300 metres of any existing lawfully established intensive livestock production activity, except that the 300 metres restrictions shall not apply to any allotment created in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 in respect of the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738.*

The site is not located within 300m of an intensive livestock production activity. **Complying Activity**

### **Rule 10.1.1.5 - Road Access**

*Any allotment created has legal access to a formed and maintained legal road, other than a road listed in Appendix 9 as a State Highway, or listed as an Arterial Road and the speed limit is 70km/hr or greater.*

Both Lots will have access to formed roads. **Complying Activity**

### **Rule 10.1.1.6 - Vehicle Access**

*Any road, right of way or other vehicle accessway is designed and formed to comply with Rules 4.4 and 4.5 for permitted activities (for State Highway they have to comply with the design criteria in Appendix 10);*

#### **Complying Activity**

#### Rule 10.1.1.13 - Consent Notice Area

*If any land is subject to any Consent Notice, Covenant, Memorandum of Encumbrance or other legal mechanism restricting the number of dwellings which may be erected on the allotment, then any allotment created is:*

- (c) Of sufficient size to comply with the minimum area set out in Table C10.1, excluding any area which cannot be used to erect a dwelling; and*
- (d) Capable of having at least one dwelling erected on it as a permitted activity, taking into account any legal mechanisms restricting the number of dwellings or houses, on the Certificate of Title.*

Lot 2 DP480018 (Appendix F) already has an existing open space covenant attached to it and lot sizes are not changing. **Complying Activity**

## 6. OBJECTIVES & POLICIES

### Chapter 4 Subdivision of Land

## Objectives

- 6.0** The provision of a variety of residential section sizes in the rural area, while maintaining a low overall residential density.
- 6.1** Residential density is low enough to maintain the character of the rural area and to avoid adverse effects on natural and physical resources or reverse sensitivity effects.
- 6.2** Allotments are created which are of the appropriate size and shape and have the required utility services, for their intended use.

## Policies

- 6.3** Ensure any allotment created is of sufficient size and shape for its intended use, including the avoidance of reverse sensitivity effects on existing lawful uses and has provision for a complying access to an adjacent road.
- 6.4** Ensure any allotment created has connections to the reticulated utility services it requires, available at the boundary of the allotment when it is created; or
- 6.5** If utility connections are not needed when the allotment is created, a notation is placed on the Certificate of Title to alert people that utility connections are not available at the boundary of the allotment.
- 6.6** Ensure any allotment created which may be used to erect a dwelling has an adequate building square and access to sunlight.

- 6.7 Ensure subdivisions do not create separately saleable allotments which due to their size, shape, location or legal restrictions on the Certificate of Title, cannot be used to erect a dwelling as a permitted activity, unless that allotment shall be used as a utility lot or for some other specified purpose; and that purpose is unlikely to result in the need to erect a dwelling at some stage.
- 6.8 The existing access and services remain unaltered to the house on proposed Lots 1 and 2.
- 6.9 Subdivision is sought for a **Controlled Activity**.

## 7. ASSESSMENT OF ENVIRONMENTAL EFFECTS

### Yeomans Road Subdivision

- 7.0 The district plan allows for one dwelling to be erected on an allotment of 20ha or more, thereby setting the residential density. The proposed subdivision is to create a lot of 0.77ha (downsize CB756/11 which is currently 3.997ha), amalgamate remaining area (CB48A/629), and create an open space covenant over 19.23ha of the adjacent block which will mean outer plains density is maintained as per the district plan.
- 7.1 This proposal reduces the number of undersized inefficient lots in the Outer Plains zone that are unable to be effectively farmed, built on, or maintained. As is well known, such undersized inefficient lots result in a range of undesirable outcomes, from untidy pastures through to the spread of weed species, pests, and heightened fire risk.
- 7.2 The proposed 19.23ha of land with an open space covenant will continue to be farmed with adjacent large blocks.
- 7.3 The nearest dwellings to the subject site are 500m away and well screened from the road. Allowing a dwelling to be built on Lot 1 will not change the rural amenity as observed from formed public roads.
- 7.4 The amenity of the area will remain rural in nature.
- 7.5 The amalgamation of the remaining area (CB48A/629) (which are currently production land, and will remain as production land following this subdivision) allows a greater area to be farmed effectively.
- 7.6 This proposal does not increase the potential number of dwellings which may be erected on those lots.
- 7.7 It is proposed that a 'No Dwelling' consent notice area of approximately 19.27ha be created over Lot 2 and 3 in Proposed Pan noted in Appendix A (CB48A/629). The consent notice area of Lot 3 is 19.27ha (leaving 28.8525ha). As a result of the proposed amalgamation the new Lot 3 title will be 48.1225ha of which 19.27ha will be subject to the consent notice.

**7.8** In summary, we do not consider that the application will have any adverse effects on the rural amenity values in this area and that the lot is of a suitable shape and size to contain the effects of a rural based activity within the bounds of the property. The approval of this application will not establish any adverse effects on the surrounding environment. This proposal reduces the number of undersized inefficient lots in the Outer Planes zone that are unable to be effectively farmed, built on or maintained. The nature of this application is not out of character of other rural developments in the Outer Plains zone.

## Waireka Road Subdivision

**7.9** The subdivision (boundary adjustment) complies with the relevant provisions of the District Plan. It is simply a boundary adjustment that does not alter the size of any of the lots, but rather just the shape of them.

**7.10** The proposed changes will reduce the number of properties in different ownership along the river.

**7.11** The sites will continue to be used for existing activities and rural production and therefore no further assessments are required per National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES). This was confirmed by discussions with the Duty Planner Charlotte on 1 December 2020. Please refer to Appendix G for the completed PLG1 form requested.

**7.12** There are to be no changes to the existing use, and no new building platforms proposed. The existing dwelling and services will remain on Lot 2 DP480018 (Appendix F) and the balance of the site will remain for rural production land.

**7.13** In conclusion, the subdivision complies with the District Plan and the Resource Management Act 1991 (section 11) and will not have any adverse effects on the environment.

## 8. OTHER MATTERS

- 8.0 Easements:** No additional easements will be required as a result of this application. A 'No Dwelling' consent notice area is shown on Lot 3 of approximately 19.27ha (Appendix A).
- 8.1 Natural & Other Hazards:** Please refer to PSI (Appendix D).

## 9. CONCLUSION

- 9.0** In general terms the layout and design of the proposals are consistent with the rules and policies of the Proposed Plan. The overall effect of the subdivisions are considered to be minor.
- 9.1** The Yeomans Road Subdivision proposal reduces the number of undersized inefficient lots in the Outer Plains zone that are unable to be effectively farmed, built on or maintained. The nature of this application is not out of character of other rural developments in the Outer Plains zone.
- 9.2** Accordingly, we request that Council approve these applications in terms of the Resource Management Act 1991.
- 9.3** Should any additional information be required, please do not hesitate to contact us ([judahandnooshin@gmail.com](mailto:judahandnooshin@gmail.com) ).