

Graham Fowler Consulting

PO Box 13 0053
CHRISTCHURCH 8141

1 December 2022

Resource Management Planner
Selwyn District Council
PO Box 90
ROLLESTON 7643

Attention: Eilish Robinson-Kelly

Dear Eilish

**APPLICATION FOR SUBDIVISION AND LAND USE CONSENT
LOCHLEA FARMING CO LTD – 606 RIDGE ROAD, MOTUKARARA
REQUEST FOR FURTHER INFORMATION - RC 225708/709**

We refer to the above application for subdivision consent and your letter dated 14 November 2022 seeking additional information pursuant to Section 92 Resource Management Act 1991. In respect of the matters raised, we advise

1. National Policy Statement – Highly Productive Land

That 42.41 hectare part of the application site bounded by Ridge Road and Gammacks Road is comprised of 14.92 hectares, being 35% of Category 2 and 3 soils as identified in the Land Use Capability maps. 65% of the southwestern part of the site is not categorised. The 38.2 hectare part of the application site on the southeastern side of Gammacks Road is also not categorised.

In respect of the total area of 80.6 hectares included within the application, 18.5% are Category 2 and 3 soils. That part of the 3.0 hectares included within Lots 2, 3 and 4, are categorised as Category 3 soils. Those LUC3 soils within Lots 2, 3 and 4, represent 3.7% of the total area of the 80.6 hectare property, and 20% of the soils considered to be highly productive within the property, and categorised LUC2 and LUC3.

The National Policy Statement operative from October 17 2022, contains the following Objective and Policies:

Objective

Highly productive land is protected for use in land-based primary production, both now and for future generations

Policy 1:

Highly productive land is recognised as a resource with finite characteristics and long term values for land-based primary production.

Policy 2:

The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.

Policy 3:

Highly productive land is mapped and included in regional policy statements and district plans.

Policy 4:

The use of highly productive land for land-based primary production is prioritised and supported.

Policy 5:

The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 6: *The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.*

Policy 7:

The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8:

Highly productive land is protected from inappropriate use and development.

Policy 9:

Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

As has been identified in the subdivision and land use application, Lochlea Farming Company Ltd has recently purchased the 42.41 hectare area at the intersection of Ridge Road and Gammacks Road, which contains a dwelling and farm buildings. With consideration that the applicant company owns additional land on the southeastern side of Gammacks Road, and undertakes stock grazing, there is an absolute requirement for a dwelling to provide for custodial management of the farming activity.

The land on the southeastern side of Gammacks Road is within the Lower Plains Flood area and is indicated to be subject to moderate flooding in a 1 in 200 year flood event. The combination of the flooding issues for that part of the property in the southeastern side of Gammacks Road and the requirement for a dwelling for custodial management, has resulted in the applicant company being required to pay a premium to purchase the land on the northwestern side of Gammacks Road. The additional burden of funding the premium cost of the 42.4 hectare property containing the dwelling, would be partially offset, by having the ability to on-sell three 1 hectare lots, as provided as a restricted discretionary activity under the rules of the Operative Selwyn District Plan.

The application site is zoned Rural Outer Plains, and is located 6.8 kilometres from Tai Tapu, being the closes residential township, and 10 kilometres from Lincoln. The intention of the National Policy Statement – Highly Productive Land, is to avoid the potential for highly productive land to be rezoned and to cease being highly productive land. There is no chance that the land contained within this application site, or any neighbouring land, would be rezoned for urban purposes.

The application does propose the creation of three 1 hectare lots, which would be considered as allowing for rural residential use, but the utilisation of those sites is not necessarily constrained to residential use, as the owners of those sites could undertake a land based rural activity, which utilises the productive characteristics of the soils. More importantly, the subdivision proposal layout will include only 20% of the productive soils within the property, and provide for the greater ability to utilise the property for dominant rural grazing and cropping activities.

2. Remediation Action Plan

The information provided at the time of submission of the subdivision and land use consent application, on 10 October 2022, included only part of the required information. The balance of the information, including the PSI and DSI and Remediation Action Plan, were forwarded in separate emails, immediately following the submitting of the application, as advised:

Good afternoon

Attached please find an application for subdivision and land use consent.
The Geotech report, the PSI, and DSI will be forwarded by separate emails.

Kind regards
Graham

Included with the Executive Summary, the Momentum Environmental Remediation Action Plan states:

Based on the moderate risk to human health associated with the lead contamination, it is recommended the soils adjacent to and within the vegetable garden are remediated prior to the reoccupation of the dwelling and ongoing use of the area for residential purposes. The recommended remediation option is excavation and relocation on-site into a managed bund or similar.

This is considered a logistically feasible option given the space available within the remainder of Lot 1 (outside of the residential curtilage area) and Lot 5. Offsite disposal is also an option.

At the southwestern corner of proposed Lot 1, the Detailed Site Investigation identifies an area s Shot Fall Zone. It is considered that the remediation of the vegetable garden would involve the removal of any contaminated soils, and placement of that soil in a pile or bund constructed within the Shot Fall Zone, rather than export the contaminated soil from the property.

3. Amendment to Application Plan

The application plan has been amended to show the Shot Fall Zone as being the area for placement of contaminated soil, and a note requiring the imposition of a Consent Notice.

4. Flood Zone

Rule 1.4.1 states:

EARTHWORKS AND NATURAL HAZARDS — FLOOD AREAS

Permitted Activities — Earthworks and Natural Hazards – Flood Areas

Rule 1.4.1

The following earthworks undertaken in an area shown on the Planning Maps as a flood area shall be a permitted activity:

Rule 1.4.1.1

The forming of vehicular accessways through or within properties and the forming of building platforms, provided that the existing land drainage patterns are not altered or impeded; or

Rule 1.4.1.2

Any other earthworks which do not raise the mean average level of the land subject to the earthworks or reduce the storage capacity of surface water ponding areas.

The construction of the vehicle access to the future dwellings to be erected within Lots 2, 3 and 4, will require the excavation to remove approximately 0.20 metres of topsoil, the placement of 0.20 metres of pit-run metal, and 0.1 metres of running-course metal, resulting in the driveways being elevated 0.1 metres above the existing ground levels.

The natural contours of the property along the full extent of the Ridge Road frontage, extend generally parallel to ridge Road, as can be identified from the Ecan Contour Maps. The construction of the driveways to dwelling sites within Lots 2, 3 and 4. Will not intercept natural drainage from the properties, whether such drainage be in a northeast of southwest direction. The Ecan LiDAR maps show that between the level of Ridge Road formation, and the central parts of Lots 2, 3 and 4 where dwellings are considered to be sited, include a depression of 0.2 metres which extends for a width of 20 metres adjacent to and parallel to Ridge Road. To mitigate potential for the vehicle accessways to impede natural stormwater flow, it is considered that the vehicle entranceways when constructed to Lots 2, 3 and 4, should each include the installation of a 300mm diameter culvert within the road reserve adjacent to the property frontages.

It is considered that the proposal is in accordance with Rule 1.4.1.1.

ENGINEERING

5. Corner Splay

As requested, a 6 metre corner splay has been provided on the application plan, and will vest as road upon deposit of the subdivision plan.

6. Gammacks Road

The applicant company acknowledges that Gammacks Road has not been fully formed to the standards of a Council maintained rural road. It is accepted that it would be reasonable for an advice note to be placed on the Council decision on the subdivision, that the road is not maintained by Council and that the existing vehicle entranceway to proposed Lot 1, would not be maintained by Council.

7. Flood Zone Consent Notices

The 1 in 200 year flood maps prepared by Selwyn District Council in conjunction with Ecan, have been interrogated to establish the degree of flood water in a 1 in 200 year event. Proposed Lots 2, 3 and 4 will contain a depth of 146 metres setback from Ridge Road. The 1 on 200 ARI flood map shows that from an average setback of 60 metres from Ridge Road, that there is no flooding anticipated in a 1 in 200 year ARI event. A potential flood depth ranging from 0.00 metres to 0.2 metres extends from 30 metres setback from Ridge Road frontage, to an average setback of 60 metres. Between Ridge Road frontage and the 30 metre setback, the maximum flood water depth in a 1 in 200 year ARI is 0.39 metres.

In assessing the potential for vehicles to negotiate flood water, it is generally accepted that vehicles can negotiate depths of stationary water to a depth of 0.5 metres. In the case of Lots 2, 3 and 4, the building sites within the allotments are at the southwestern side of a potential flood area, and it is not considered that the potential flooding would be other than stationary water. Further, in the response to Point 4 above, it is indicated that the driveways to the dwellings would be established 0.1 metres above natural ground levels.

The consequence of consideration of the elevation of the driveways, which is somewhat standard for most properties, is that the maximum depth of flood water to negotiate to exit the properties within a 1 in 200 year flood event, would be 0.3 metres over a very short distance. Such depths would be readily negotiated by a two wheel drive vehicle.

It is not considered reasonable that consent notices be placed on the titles to issue for Lots 2, 3 and 4, to advise that access to any future dwelling would need to be constructed so that occupants are able to leave the sites in a 1 in 200 year flood event.

8. Earthworks Matters

Taking into account the matters identified in Point 7 of this RFI response, and the advised matters in the Point 4 response, the formation of the driveways to the future dwelling sites would be very standard, as applies to the generality of accessways to dwellings.

The formation of the accessways will not alter natural drainage patterns. The construction of building platforms for the dwellings within Lots 2, 3 and 4, will be within areas located above the areas indicated on the Flood hazard map to be subject to flooding in a 1 in 200 year flood event.

9. SASM Ngā Tūranga Tūpuna Overlay

The application site is identified on the planning maps as being within the SASM Ngā Tūranga Tūpuna Overlay. It is noted that the Section 92 request for additional information, suggests that applicant company provide written approvals from the relevant Runanga and Heritage New Zealand Pouhere Taonga, as the excavation of soils in accordance with the DSI, will trigger a land use consent in a SASM area, as well as the subdivision rules being triggered.

As advised in response Point 2, the remediation of lead contamination adjacent to the dwelling within Lot 1 states:

Based on the moderate risk to human health associated with the lead contamination, it is recommended the soils adjacent to and within the vegetable garden are remediated prior to the reoccupation of the dwelling and ongoing use of the area for residential purposes. The recommended remediation option is excavation and relocation on-site into a managed bund or similar.

The Proposed Selwyn District Plan states:

Ngā Tūranga Tūpuna

Ngā Tūranga Tūpuna refers to larger extents of land within which there is a concentration and broader range of culturally significant sites for example, archaeological sites of Māori origin, silent files, sites (including remnants) of ancestral pā, kainga (settlements or homes), urupā (burials), and all of the spaces inter-connecting these places and features. In addition, Ngā Tūranga Tūpuna can be described as places of settlement or occupation in the past, which do not usually contain known physical features (excluding archaeological sites), but do provide an opportunity to incorporate Ngāi Tahu history and values into the development or redevelopment of these areas. In addition to these sites, there will be rivers, streams, springs, and wetlands within these areas. The values within a Ngā Tūranga Tūpuna are both historical and contemporary.

Ngā Tūranga Tūpuna also represent areas where mana whenua have an elevated concern with regards to the integration and effects of a wide range of land-use activities and may require notification or engagement with mana whenua as part of a planning process.

The Ngā Tūranga Tūpuna identified in the Selwyn District relates to Te Waihora/Lake Ellesmere, its margins, and associated wetlands.

Rule 2 in section SASM Earthworks, of the Proposed District Plan states that Earthworks are a permitted activity where:

1. Earthworks

Where:

The earthworks are:

- a. within land previously disturbed by previous earthworks, cultivation, plantings (trees, pasture or crops), or buildings; and
- b. to a depth no greater 200mm; or
- c. for the purposes of excavating a well or bore within the Ngā Tūranga Tūpuna overlay; or
- d. associated with interments in a burial ground, cemetery or urupa on land that is classified as Māori Land within the Māori Purpose Zone.

The Detailed Site Investigation undertaken by Momentum Environmental Ltd, identified two test sites within the vegetable garden adjacent to the dwelling within Lot 1 showing an elevated level of lead, resulting from historic use of lead paint, where the recommendations are that some 26 cubic metres of soil be removed and moved to an identified bund or stockpile within the property. The elevated contaminated levels were tested at depths of between 0.00mm and 250mm. This suggested volume of 26 cubic metres for remediation, suggests that the area of land to be remediated covers some 100 square metres.

It is contended that within the overall total site area of Lot 1 being 4.65 hectares, that the area of remediation of 0.01 hectares is not a significant part of the site, but with consideration to the silent files applicable to the locality, that it would be prudent to invoke a consent condition requiring that an Accidental Discovery Protocol be established for excavations extending to a depth greater than 0.2 metres for Lots 1 to 4.

The matter of prior cultivation depths have been discussed with the applicant company. The response received was that to allow for adequate drainage throughout the property, historic ploughing was undertaken to a depth of 600mm to break up the underlying pan. The most recent ploughing to the 600mm depth over all of the grazing and cropping land, with the exclusion of the area immediately adjacent to the dwelling and buildings within Lot 1, was some two years ago.

Considering that the anticipated earthworks within Lot 1 will be limited to the removal of contaminated soil over an area of 0.01 hectares, and the site works within Lots 2 to 4 will be the construction of a driveway and excavation of a building pad, the scale of the proposed activities is such that the suggestion that the written consent of Heritage New Zealand be obtained, would appear somewhat excessive, albeit in accordance with the rules. It would seem appropriate that the Accidental Discovery Protocol procedures would respectfully address the reasonable expectations of the Runanga.

It is acknowledged that the excavation of the contaminated soil within the garden area of Lot 1 to a depth of 250mm, would exceed the permitted activity status of Rule 2 of the SASM Earthworks rule in the Proposed District Plan.

The written consents of the relevant Runanga, and Heritage New Zealand, have been sought as requested.

Please advise if additional information is required

Yours faithfully

Graham Fowler Consulting

A handwritten signature in black ink, appearing to be 'Graham Fowler', written in a cursive style.

Graham Fowler
Registered Surveyor

Section 3 Block
IV RES 959
RT CB25B/823

Section 2
Block IV RES 959

Section 8
Block IV RES 959

Ridge Road
Formed & sealed

Duck Pond Road

Canal Road

Gamacks Road
Formed & metalled

Lot 1
DP 446830

Lot 2
DP 446830
38.207ha
(RT 563371)

NO BUILD COVENANT AREA

NO BUILD COVENANT AREA

Drain Reserve Survey
Office Plan 1318

6 To vest as
road in Selwyn
District Council
0.0018ha

1 4.65ha
Dwelling
Garage

2 1.00ha

3 1.00ha

4 1.00ha

Property Address:	606 Ridge Road, Motukarara
Registered Owners:	Lochlea Farming Co Ltd
Comprised in:	CB25B/823
Local Authority:	Selwyn District Council
Total Area:	42,4161ha
Zoning:	Outer Plains



- Existing lot boundaries shown are derived from information sourced from LINZ.
- Horizontal Datum: NZSD 2000
- Mount Pleasant Circuit
- Areas and measurements are approximate only and subject to Council approval and final survey.
- Aerial map sourced from LINZ data service taken in October and November 2020.
- Lot 5 hereon and Lot 2 DP 446830 are to be subject to **No Building** covenant.
- Area A is to be subject to a **Consent** Covenant.


NZGD 2000


3. Areas and dimensions are approximate only and subject to Council approval and final survey.

4. Aerial image sourced from LINZ data service taken in October and November 2020.

5. Lot 5 hereon and Lot 2 DP 446830 are to be subject to **No Build Covenant**.
6. Area A is to be subject to a **Consent Notice Covenant**.

LEGEND:

 No Build Covenant Area

 Shot Fall Zone
(Proposed Contaminated Soil Pile)

AMALGAMATION CONDITION
THAT LOTS 1 AND 5 HEREON BE HELD WITH
LOT 2 DP 446830 (RT 563371) AND ONE RECORD
OF TITLE BE ISSUED

Revision	Surveyed	App	Date
Designed	GF		02.12.22
Drawn	JK		02.12.22
Reviewed	GF		02.12.22
Approved	GRAHAM FOWLER		02.12.22

Verify all dimensions on site before commencing work. Prioritize figured dimensions over scaling. Refer all discrepancies to G.H. Fowler.

Client
LOCHLEA FARMING CO LTD

Project Title
606 RIDGE ROAD
SUBDIVISION

Sheet Title
LOTS 1-5
BEING A SUBDIVISION
OF SECTION 3 BLOCK IV
RESERVE 959

GRAHAM FOWLER
CONSULTING

Scale (A3 Original) 1:5000



Project No	Sheet	Revision
GF-066	V60	C