

Section 95A-E Resource Management Act 1991



Report pursuant to section 42A of the Resource Management Act 1991 recommending whether an application for resource consent should be publicly notified, limited notified or non-notified

Decision pursuant to section 95A-E

Author: Eilish Robinson-Kelly

Position: Resource Management Planner

Resource Consent Number: 225708 & 225709

APPLICANT:	Lochlea Farming Co Limited
LOCATION:	606 Ridge Road, Motukarara
LEGAL DESCRIPTION:	SEC BLK 3 IV RES 959 being 42.41 <i>ha</i> in area more or less, as contained in Record of Title CB25B/823 Lot 2 DP 446830 being 38.20 <i>ha</i> in area more or less, as contained in Record of Title 563371.

Description of the Proposal

1. The applicant has proposed to undertake a subdivision to create Lots 2-4 being 1 *ha* allotments along Ridge Road which would be currently vacant of any buildings and a title of 77.6 *ha* which will comprise, Lot 1 of 4.65 *ha*, which will contain the existing dwellings and ancillary buildings, Lot 5 of 34.75 which will be covered by an open space consent notice and Lot 2 DP 446830 being 38.207 *ha* in area which will also be covered with an open space consent notice. Lot 1, Lot 5 and Lot 2 DP 446830 will be held together by amalgamation. For the purpose of this report, as Lot 1 is to be held together with other larger allotments, the 'allotment' has been considered to be the collective parcels of land equating to 77.6 *ha*, and not just the 4.65 *ha*.
2. The applicant is also seeking a joint land use consent to erect a dwelling on Lots 2-4, a consent to retain a dwelling on proposed Lot 1 and a consent is also sought under the National Environmental Standards for Contaminated Soils for a Restricted Discretionary Activity.



Figure 1 Application plan (source: Application Documents)

Description of the Existing Environment

3. The application site is presently a large rural land holding, which is presently utilised for rural production purposes. The site is presently grassed, with mature vegetation located along the boundaries of the property as well as clustered around the existing dwelling.
4. Surrounding the property to the north is another large land holding that appears to operate a rural activity. To the northeast are smaller land holdings, centred around the Motukarara settlement and racecourse.

Operative District Plan

5. The application site is zoned Outer Plains within the Rural volume of the Operative District Plan.

Subdivision

RULE	TOPIC	COMPLIANCE
10.1	Subdivision General	Does not comply
10.1.1.12	Allotment size	Does not comply
10.2	Subdivision in Flood Areas	Complies

10.3	Outstanding Landscapes	Complies
10.4	Special sites	Complies
10.5	Intensive Livestock Production	Complies
10.6	Road Access	Complies
10.7	Vehicle Accessway	Complies
10.8	Corner Splays	Complies
10.9	Transmissions Lines	Complies
10.10	Esplanade Reserves and Strips	Complies
10.11	Undersized Allotments	Complies
10.12	Boundary Adjustment	Complies

Table 1 – Operative District Plan compliance, subdivision rules

6. The proposal is to undertake a subdivision that will create 3 vacant, undersized allotments, as well as an allotment that will retain the existing dwelling. Additionally, the application also includes an open space consent notice registered over proposed Lot 5 and Lot 2 DP 446830. As the proposal is to create 4 undersized allotments, it does not comply with 10.1.1.2 which provides for the creation of lots that comply with the minimum allotment size of 20ha. Under Rule 10.11.1, any subdivision that does not comply with Rule 10.1.1.12 shall be a Restricted Discretionary activity if it complies with Rules 10.11.1.1-10.11.1.4. The applicant has proposed an open space covenant of approximately 72.957ha where 72.37ha is required to comply with Rules 10.11.1.1-10.11.1.4 and therefore a Restricted Discretionary activity as per Rule 10.11.1.
7. Overall, the proposal is a Restricted Discretionary activity under the Operative District Plan.

Land Use

1. Erecting a dwelling is a permitted activity in the Outer Plains zone where the following relevant criteria are met:

RULE	TOPIC	COMPLIANCE
1.2	Earthworks and Contaminated Land	Complies
3.1	Buildings and Natural Hazards	Complies
3.5	Buildings and Contaminated Land	Complies
3.9	Buildings and Access and Parking	Complies
3.10	Buildings and Residential Density	Does not comply
3.10.3.6	Total number of dwellings	Complies

Table 2 – Operative District Plan compliance, land use rules

8. For completeness, it is noted that the contaminated material located within proposed Lot 1 is to be excavated from around the curtilage of the dwelling on the site. As the contaminated soils are not being removed from the allotment, the proposal complies with this rule.
9. There is an existing vehicle crossing which services proposed Lot 1 of the subdivision. Although this crossing would not comply with the intersection setback requirements, Council has consistently applied

an existing use status to such situations and as a result, the crossing servicing the dwelling for proposed Lot 1, has not been included as a non-compliance.

10. Rule 3.10.1 states that erecting any buildings or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the conditions in Rule 3.10.1.1 are met. Rule 3.10.1.1 states that the minimum land area required to erect any dwelling must comply with the minimum land area per dwelling shown in Table C3.1, and be held on one, separately saleable allotment which is the same allotment on which the dwelling is to be erected.
11. Table C3.1 sets the minimum land area in the Outer Plains zone to be 20 hectares, therefore the proposal to erect a dwelling on 1 ha does not meet this requirement nor does the retention of a dwelling on proposed Lot 1 of 4.65 ha .
12. As the applicant has proposed to provide a balance area of 72.957 ha where 72.36 ha is required to comply with the density requirements of one dwelling per 20 ha , the proposal complies with Rule 3.10.3.2.
13. For clarity, it is noted that the number of vacant undersized allotments is a total of three, with the fourth parcel being part of a proposed larger title. Council has consistently applied the interpretation that the size of an allotment is determined by combining all parcels amalgamated within the one title. As proposed Lot 1 is to be amalgamated with proposed Lot 5 and Lot 2 DP 446830, proposed Lot 1 is not to be considered an undersized allotment due to the parcels area.
14. The proposal is therefore a Restricted Discretionary activity under Rule 3.10.3 of the Operative District Plan.

Proposed Selwyn District Plan (Notified 05 October 2020)

2. Under the Proposed Selwyn District Plan ('the Proposed District Plan') the site is zoned General Rural Zone. The site is also subject to the Plains Flood Management and Tsunami Policy Overlays, as well as the Sites and Areas of Significance to Māori – Ngā Tūrangā Tūpuna (SASM30).
3. No decisions have yet been made on the Proposed Plan.
4. There are rules with immediate legal effect that apply to this proposal.

Resource Management (Enabling House Supply and Other Matters) Amendment Act 2021

5. A variation (Variation 1) to the Proposed District Plan was notified on 20 August 2022 in response to the Resource Management (Enabling House Supply and Other Matters) Amendment Act 2021, which requires the Council to adopt Medium Density Residential Standards (MDRS) in Rolleston, Lincoln and Prebbleton.
6. This variation introduced the Medium Density Residential Zone in the Proposed District Plan which allows up to three residential units, each up to three storeys high (11 metres) to be built on a site within the Medium Density Residential Zone without a resource consent. The objective, policies and rules of the Medium Density Residential Zone have immediate legal effect from the date of notification (20 August 2022).
7. The application site is not within a Medium Density Residential Zone (MRZ).

Subdivision

8. The following rules of the Proposed District Plan are relevant to the proposal and have immediate legal effect or have been deemed operative following the close of submissions:

RULE	TOPIC	COMPLIANCE
SASM-R1 – SASM-R6	SASM Rule List pertaining to new buildings and structures, earthworks, primary industry, intensive	Complies

	primary production, mineral extraction and plantation forestry	
SUB – R20	Subdivision and Sites and Areas of Significance to Māori	Does not comply

Table 3 – Proposed District Plan compliance, subdivision rules

9. Rules SUB-R1 to SUB-R15 refer to different types of subdivision in each respective zoning of the Proposed District Plan. Rules SUB-R16 to SUB-R27 are additional provisions for subdivision, where relevant, in specific areas of the District. SUB-R20 is the relevant rule regarding applications that are subject to Sites and Areas of Significance to Māori. With regards to this application, SUB-R20 is applicable to the proposal as the other subdivision rules do not have legal effect from notification of the Proposed Plan.
10. Under R20.7 subdivision of a site containing any Site of Significance to Ngāi Tahu listed in SASM-SCHED2 – Ngā Tūranga Tūpuna is a Restricted Discretionary activity. The subject site contains Sites and Areas of Significance to Māori – Ngā Tūranga Tūpuna (SASM30). The Ngā Tūranga Tūpuna: SASM 30 overlay will affect the resultant title of proposed Lots 1-5 and Lot 2 DP 446830.
11. The subdivision proposal is therefore a **Restricted Discretionary** activity under the Proposed District Plan.

Land Use

RULE	TOPIC	COMPLIANCE
SASM-R2	Earthworks	Does not comply

Table 4 – Proposed District Plan compliance, land use rules

12. For the avoidance of doubt, a non-compliance relating to earthworks within the SASM 30 overlay has been included in the list of non-compliances under the Proposed District Plan. There is a potential for soil to be disturbed to a depth greater than 200mm when constructing a dwelling, accessory building or accessway, excavation of contaminated soils, and any other associated earthworks relating to construction and occupation.
13. Furthermore, it is also noted for clarity that the Proposed District Plan remains silent on the Ngā Tūranga Tūpuna and this is intentional as the District Plan seeks to only manage the construction of new buildings or structures or extensions to in the Wāhi Tapu and Wāhi Taonga Overlays. Therefore, the construction of a dwelling on proposed Lots 2-4 and the retention of a dwelling on proposed Lot 1, has not been considered under SASM-R1.

National Policy Statement for Highly Productive Land

14. The National Policy Statement for Highly Productive Land (NPS-HPL) was approved under section 52(2) of the RMA on 12 September 2022 and came into force on 17 October 2022.
15. The subject site is comprised of LUC2, 3 and 4 as seen in Figure 2 below. By way of an RFI, the applicant was asked to provide an assessment of the proposal under the NPS-HPL. The summary of assessment provided is that land involved in the proposed subdivision would consist of 18.5% category 2 and 3 soils. With respect to the proposed allotments 2, 3 and 4, the land would utilise only 20% of the total of productive land of the site. Additionally, it concludes that with the size of proposed allotments 1-4 not limiting the occupants of these sites to just residential use and that activities such as grazing or market gardens could be established on each site. With respect to proposed Lot 1, this dwelling would act as a custodial dwelling for the remaining farming operation on the site. The farming operation presently consists but not limited to, grazing and cropping.

16. Since the receipt of both the application and s.92 response, the Ministry for the Environment released a NPS-HPL Guide to Implementation in December 2022. The guide was developed to “help stakeholders understand and implement the National Policy Statement for Highly Productive Land 2022 (NPS-HPL)” (*National Policy Statement for Highly Productive Land: Guide to implementation (Part 1)*).
17. Contained within Part One of the guidance document, is the breakdown of the impact of activity status when considering the NPS-HPL. As the activity is for a Restricted Discretionary activity, the document stipulates that the “*relevance and impact of the NPS-HOL will be determined by the matters of discretion*” (NPS-HPL: Guide to implementation (Part 1). Pg. 11). The Operative and Proposed District Plan matters for discretion in relation to the non-compliances of this application, do not relate to the consideration of highly productive land and its use or development.
18. It is noted that of the NPS-HPL, the proposal is considered inconsistent with policy 7, which seeks to avoid the subdivisions of highly productive land, except where provided for in this NPS. This is because the applicant has not demonstrated that the proposed lots will retain overall productive capacity of the subject land (Section 3.8(1) of the NPS-HPL). The proposal seeks to create undersized allotments largely within Class 3, and some Class 2 soils of the application site, with the remaining land in an Open Space Covenant containing the Class 2, 3 and 4 soils. Although the proposal is inconsistent, given the status of activity as well as the matters of discretion not considering productive soils, little weight is given to the NPS-HPL.



Figure 2 Application plan overlay on NPS-HPL

National Environmental Standards

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

15. The NES manages activities which involve the disturbance of land which may be contaminated. This is determined by whether activities have or are likely to have occurred on the site, which are listed in the Hazardous Activities and Industries List (HAIL).
16. The applicant has provided a DSI report which was completed by Momentum Environmental Ltd. The executive summary of the DSI concludes that a consent is required under the National Environmental Standard for Contaminated Soils as a Restricted Discretionary activity.
17. As a part of the PSI, 7 locations of interest for potential sources of contamination as per the HAIL list were identified. These included but not limited to a sheep dip or race operation, storage and use of pesticides, storage tanks and drums for fuels and chemicals and a portion of the property being included in a shot fall zone for the Waihora Clay Target club. Due to the number of sites of interest, a DSI was undertaken for proposed Lot 1, as it was concluded that no potentially contaminated activities have occurred on proposed Lots 2-4. As Lot 5 will remain as rural production land, the NESCS does not apply.
18. Soil samples around the curtilage of the dwelling on proposed Lot 1 were found to contain lead, with a sample collected exceeding the 10% guideline. It was concluded that based on the moderate risk associated with lead contamination, recommendation to remediate the area prior to the reoccupation of the dwelling and ongoing use of the curtilage for residential activities should be undertaken.
19. The application has now included in the updated site plan, a consent notice area where the excavated material will be located and an appropriate consent notice would be placed on the title to issue, should this consent be granted.
20. The proposal is therefore a Restricted Discretionary activity in terms of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Public Notification

Step 1 – Mandatory public notification

21. Does the application meet any of the following criteria?

		Y	N
1.1	The applicant has requested public notification	<input type="checkbox"/>	✓
1.2	Public notification is required under section 95C RMA (no response or refusal to provide information or agree to the commissioning of a report under section of the 92 RMA)	<input type="checkbox"/>	✓
1.3	The application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act	<input type="checkbox"/>	✓

If the answer is yes, **public notification is required**

If the answer is no, continue to **Step 2**.

Step 2 – Public notification precluded in certain circumstances

22. Does the application meet either of the following criteria?

		Y	N
2.1	All activities in the application are subject to one or more rules or national environmental standards that preclude public notification	<input type="checkbox"/>	✓
2.2	The application is for one or more of the following, but no other types of activities		
	▪ A controlled activity	<input type="checkbox"/>	✓
	▪ A restricted discretionary, discretionary or non-complying activity that is a boundary activity	<input type="checkbox"/>	✓

If the answer is no, continue to **Step 3**

If the answer is yes, continue to **Step 4**

Step 3 – Public notification required in certain circumstances

23. Does the application meet either of the following criteria?

		Y	N
3.1	Any activity in the application is subject to a rule or national environmental standard that requires public notification	<input type="checkbox"/>	✓

3.2	The activity has, or is likely to have, adverse effects on the environment that are more than minor in accordance with section 95D of the RMA (<i>complete section 95D assessment, section 5 to this report</i>)	<input type="checkbox"/>	✓
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If the answer is yes, **public notification is required**

If the answer is no, continue to **Step 4**

Step 4 – Public notification in special circumstances

		Y	N
4.1	Do special circumstances exist in relation to the application that warrant public notification?	<input type="checkbox"/>	✓

If the answer is yes, **public notification is required**

If the answer is no, continue to **Step 5**

Limited Notification

Step 1 – Certain affected groups and affected persons must be notified

24. Does the application meet any of the following criteria?

		Y	N
1.1	There are affected protected customary rights groups	<input type="checkbox"/>	✓
1.2	There are affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)	<input type="checkbox"/>	✓
1.3	The proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with the Act specified in Schedule 11 of the RMA; and the person to whom that statutory acknowledgement is made in accordance with an Act specified in Schedule 11 of the RMA; and the person to whom the statutory acknowledgement is made is affected under s95E of the RMA	<input type="checkbox"/>	✓

If the answer is yes, **notify the application to each affected group/person and continue to Step 2**

If the answer is no, continue to **Step 2**

Step 2 – Limited notification precluded in certain circumstances

25. Does the application meet either of the following criteria?

	Y	N
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2.1	The application is for a resource consent of 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification	<input type="checkbox"/>	✓
2.2	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).	<input type="checkbox"/>	✓

If the answer is yes continue to **Step 3**

If the answer is no continue to **Step 4**

Step 3 – Certain other affected persons must be notified

26. Are any of the following eligible persons affected under section 95E of the RMA?

		Y	N
3.1	In the case of a boundary activity, an owner of an allotment with an infringed boundary	<input type="checkbox"/>	✓
3.2	A person prescribed in regulations made under section 360H (1)(b) of the RMA (if any) in respect to the proposed activity	<input type="checkbox"/>	✓
3.3	For other activities, are there any affected persons in accordance with section 95E of the RMA (<i>complete section 95E assessment, attachment 2 to this report</i>)	✓	<input type="checkbox"/>

If the answer is yes, **notify the application to each affected group/person and continue to Step 4**

27. If the answer is no, continue to **Step 4**

Step 4 – Limited notification in special circumstances

		Y	N
4.1	Do special circumstances exist in relation to the application that warrant notification to any persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E of the RMA as not being affected?)	<input type="checkbox"/>	✓

Section 95D Assessment – Environmental Effects

28. Section 95D sets out the relevant considerations for determining whether adverse effects on the environment are likely to be more than minor for the purposes of making a decision on notification.

95D Consent authority decides if adverse effects likely to be more than minor

A consent authority that is deciding, for the purpose of section 95A(8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

- (a) *must disregard any effects on persons who own or occupy—*
 - (i) *the land in, on, or over which the activity will occur; or*
 - (ii) *any land adjacent to that land; and*

- (b) *may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*
- (c) *in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and*
- (d) *must disregard trade competition and the effects of trade competition; and*
- (e) *must disregard any effect on a person who has given written approval to the relevant application.*

Discussion

29. Section 95A(8)(b) states that if the consent authority decides, in accordance with 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor the application will need to be publicly notified.

Effects upon the wider environment

30. The proposal is not considered to have effects on the wider environment which are more than minor, as the effects are considered to be limited to the adjacent properties and are not considered to extend beyond this for the following reasons as explained below.
31. The application site is located down a rural road which connects to other sealed and unsealed roads nearby. The location of the application site is not considered to be a busy thoroughfare and is more likely to be utilised for access by other rural properties within the area. Due to this, it is considered likely that occupants of properties within the vicinity will be offered views to the application site, however as they are not directly adjacent, these views are temporary and are not considered to be of a scale that would impact on the overall character and amenity of the area.
32. Effects are considered to be no more than minor and limited to the owners/occupiers of the properties adjacent to the site. Therefore, under Section 95D(a)(ii) the consent authority is to disregard the effects on these parties when deciding if effects are more than minor with regards to a notification decision under Section 95A(8)(b).

Section 95E Assessment – Affected Person

33. Section 95E sets out the relevant considerations for determining whether a person is an affected person in relation to the application.

95E Consent authority decides if person is affected person

- (1) *For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*
- (2) *The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*
 - (a) *may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*
 - (b) *must, if the activity is a controlled activity or a restricted discretionary activity, 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) *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- (3) *A person is not an affected person in relation to an application for a resource consent for an activity if—*
- (a) *the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or*
- (b) *the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.*
- (4) *Subsection (3) prevails over subsection (1).*

NAME	ADDRESS/LEGAL DESCRIPTION	REASON	AFFECTED PARTY APPROVAL PROVIDED?
[REDACTED]	Sec 38 BLK Secs 2 8 BLK IV RES 959	Reverse Sensitivity, Rural Character and Visual Amenity	<input type="checkbox"/>
[REDACTED]	SEC 40 BLK II RES 959 BLK XIV HALSWELL S D	Reverse Sensitivity, Rural Character and Visual Amenity	<input type="checkbox"/>
[REDACTED]	Lot 1 DP 446830	Reverse Sensitivity, Rural Character and Visual Amenity	<input type="checkbox"/>
Heritage New Zealand Pohere Taonga	PO Box 4403, Christchurch Mail Centre 8140	Heritage and Cultural matters	✓
Wairewa Rūnanga	226 Antigua Street, PO Box 2845, Christchurch, 8011	Sites and Areas of Significance to Māori	<input type="checkbox"/>
Te Taumutu Rūnanga	75 Main South Road, Riccarton PO Box 3214, Christchurch	Sites and Areas of Significance to Māori	<input type="checkbox"/>

Affected Parties

34. With regards to the Sites and Areas of Significance to Māori, affected parties have been required to satisfy the notification clause of the Proposed District Plan. By way of consultation documents, a Cultural Advice Report has been undertaken by Mahaanui Kurataiao and provided to Council. The Cultural Advice Report summarises the viewing of the application and processing documents, proposal and consents sought as well as considering the applicable Mahaanui Iwi Management Plan 2013 (IMP), policies. The matters identified in the report relate to the potential unearthing of culturally significant material, the management of contaminated soil as well as the planting of indigenous biodiversity. It is by way of recommendations, that the Rūnanga have agreed to this application, on the basis that the conditions of consent that they have recommended be included, should this consent be

granted. As this would constitute a conditional approval, it cannot be accepted as written approval. As written approval has not been supplied, limited notification to Te Taumutu Rūnanga and Wairewa Rūnanga is required.

35. Similarly, Heritage New Zealand Pouhere Taonga (HNZPT) have also been consulted as a part of the notification clause of the Proposed District Plan. In the letter provided, it states that HNZPT has received the application and s.92 documentation for review and that it concludes that the letter provided by HNZPT constitutes affected party approval pursuant to s.95E of the Resource Management Act 1991.

Discussion

36. This application proposes to undertake a subdivision to create 4 undersized allotments, where the zoning required 20ha, a joint land use consent to erect a dwelling on Lots 2-4, retain a dwelling on Lot 1 as well as a consent sought under the National Environmental Standards for Contaminated Soils.
37. The rural Outer Plains zoning anticipates lots of 20ha. The zoning anticipates rural activities such as agriculture or horticulture but not limited to such. The proposal is seeking to create 'rural-residential' allotments of 1ha and 4.65ha with an amalgamation and an open space covenant totalling 72.957ha.

Effects upon adjoining properties

38. Adjoining properties are considered affected to at least a minor degree discussed below.

Density and Rural Character

39. The District Plan anticipates 1 dwelling per 20ha in area and the residential density of 1 dwelling per 20ha will be retained on the site due to the provision of an Open Space Covenant (OSC). The OSC directly adjoins all the undersized allotments created. This will ensure that the area of land surrounding these lots remains free from dwellings, which is consistent with the requirements of the District Plan in relation to Open Space.
40. Although visually when viewed from Ridge Road, proposed Lots 2-4 will appear as a cluster, the District Plan does provide for a cluster of three dwellings on separate but adjoining allotments as a Restricted Discretionary Activity.
41. With regards to proposed Lot 1, it is to be amalgamated with proposed Lot 5 and Lot 2 DP 446830. Lot 5 and proposed Lot 2 DP 446830 will contain the Open Space Covenant providing the required density for Lots 1-4. The proposed boundaries of Lot 1 generally follow existing fence lines and therefore shelterbelts and other mature vegetation.
42. As the overall density of the subdivision is achieved and is a Restricted Discretionary activity, the rural character and amenity is reflective of development provided for by the District Plan provisions and the effects pertaining to density and rural character are considered to be less than minor.

Reverse Sensitivity


43. In terms of reverse sensitivity, the 4 proposed undersized lots will result in a rural-residential use limiting the scale and type of rural activities which can occur on the proposed sites. Due to the limited size of the proposed allotments, future owners/occupiers may anticipate a residential type character and amenity within the immediate area and fail to appreciate the types of activities that can occur within the rural environment, as well as any actual or potential effects associated with rural activities. This impacts on the adjoining properties as future owners/occupiers of the undersized lots may complain about the effects created from lawfully established rural activities or operations being undertaken on site.
44. The two adjoining properties; SEC 38 Block II SECS 2 8 Block IV RES 959 comprised of approximately 141.78ha and SEC 40 Block II RES 959 Block XIV of approximately 14.83ha, are considered to be of a size that may generate reverse sensitivity effects. I conclude that there are at least minor adverse effects on the owners/occupiers of these properties.

Waihora Clay Target Club

45. Located to the south-east of the application site is the Waihora Clay Target Club. The club was established in 1947 and plays host to 4 main disciplines of clay target shooting. It is noted on the Waihora Clay Target Club that they host both small social events as well as large competitive shoots, some that are in excess of 100 participants. The proposal to create 3 additional, rural-residential vacant allotments increases the number of occupants in the area that may be subject to the scope of the shooting activity. The proposal has the potential to create reverse sensitivity effects not too dissimilar from those that can arise from the rural environment and activities that occur in the rural area, however with the addition of events with gun and other loud noises sounding from the site of the Waihora Clay Target Club.


Recommendation

46. It is recommended that the application be processed on a ☐ limited notified ☒ basis.

Reported and recommended by  Eilish Robinson-Kelly, Resource Management Planner	Date: 13 February 2023
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Decision

That the above recommendation be adopted under delegated authority.

 Rosie Flynn, Team Leader Resource Consents	Date: 21 March 2023
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