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Team Leader Resource Consents
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Dear Madam

JO CLARKSON, AJ CLARKSON, LV CLARKSON & JOYNT ANDREWS TRUSTEE (No.18) LTD, and AJ CLARKSON, JO CLARKSON & JOYNT ANDREWS TRUSTEE (No.18) LTD – 1701 COALTRACK ROAD, GREENDALE

We forward herewith for the consideration, an application in terms of the Resource Management Act for subdivision consent to subdivide a rural property to create two sites containing areas of not less than 20 hectares and one site containing an area of less than 20 hectares, and land use consent to retain a dwelling on an allotment containing an area of less than 20 hectares.

1. Description

The property is described as being Rural Sections 4291, 12348, and 12627, and part Rural Section 12347 comprised in Record of Title CB21F/1425 containing an area of 119.1799 hectares. The property is subject to an easement in favour of Central Plains Water Ltd, and also subject to notification pursuant to Section 72 Building Act 2004.

2. Zoning

The land is zoned Rural Outer Plains in the Operative Selwyn District Plan and is identified on Planning Maps as being adjacent to a Wai Taonga site No. C90 and subject to a 20 metre setback from the Selwyn/Waikiriki Rivers.

The land is zoned General Rural Zone in the Proposed Selwyn District Plan, and is identified as being within the Flood Plains Management Overlay, Liquefaction Damage Unlikely Overlay and the SASM Nga Wai Overlay.(Nga Wai SASM 35)

3. Buildings

All established buildings within the property are all contained within proposed Lot 3 at the western intersection of Coaltrack Road and Waterford Road. Those buildings include a single storey dwelling, detached garage, and farm accessory buildings.

A building consent has been obtained for the relocation of a dwelling on proposed Lot 1. The concrete foundation has been constructed adjacent to the northern boundary of Lot 1, and the dwelling has subsequently been relocated and bolted to the foundation..

There are no buildings within proposed Lot 2.

4. Proposal

The proposal is to undertake a fee-simple subdivision of the existing title to create two lots containing areas of not less than 20 hectares, and a third lot containing the existing dwelling within a site containing an area of less than 20 hectares.

Lot 1 containing an area of 28.32 hectares is bounded by Bridge Road and Coaltrack Road, and to the east by the Waianiwaniwa River. Proposed Lot 2 containing an area of 80.93 hectares is bounded by Coaltrack Road and Waterford Road and to the east by the Waianiwaniwa River and to the south by the Selwyn River.

Proposed Lot 3 at the western intersection of Coaltrack Road and Waterford Road, and within which all existing established buildings are located, will contain an area of 9.91 hectares. To maintain the residential density of the zone to be not greater than 1 dwelling per 20 hectares, it is proposed that a “no build” covenant be created over a 10.09 hectare area of part of Lot 2, located along the full frontage of Waterford Road. A consent notice will be registered against the new Record of Title to issue for proposed Lot 2 to advise that the 10.09 hectare area is not to be utilised for the erection of a dwelling and that the area is not to be considered in any future calculation of the residential density of the property, or for any future boundary adjustment.

Land use consent is sought for the retention of the existing dwelling on Lot 3.

5. Assessment

The Operative Selwyn District Plan provides for subdivision to create sites within the Outer Plains Rural zone with a minimum area of 20 hectares as a controlled activity, and for subdivision as a restricted discretionary activity to create sites either containing a dwelling or for the purposes of erecting a dwelling, provided that the residential site contains an area of not less than 0.5 hectares and there is a mechanism to restrict the potential for dwellings to be erected at a density in excess of the permitted residential density for the Outer Plains Rural zone.

In respect of the proposal to create an allotments containing an area of less than 20 hectares for the purpose of erecting or retaining a dwelling, any subdivision of land which does not comply with Rule 10.1.1.12 shall be a restricted discretionary activity if:

- Any allotment created is located outside the area shown on the Planning Maps as the Inner Plains;
- The balance area of land needed to comply with the minimum area in Rule 10.1.1.12, Table C10.1, does not include: (a) The bed of any lake or river; (b) Any legal road; (c) Land which is vested in any form of reserve; or (d) Any other land which, due to its legal tenure, could not be used to erect a dwelling;
- The balance area of land required to comply with the minimum area under Rule 10.1.1.12, Table C10.1, adjoins the allotment on which a dwelling may be erected, along at least one property boundary;
- The balance area of land required to comply with the minimum area under Rule 10.1.1.12, Table C10.1, is:

- (a) included within the area of land subject to the subdivision consent application, and is subject to a mechanism (as a condition of the consent) to prevent the erection of any dwelling on that land; or
- (b) not included within the area of land subject to the subdivision consent application, and is subject to a Memorandum of Encumbrance or other mechanism to prevent the erection of any dwelling on that land.

The land within the application is located outside of the Inner Plains zone. In respect of proposed Lot 3, the balance land required to comply with the residential density of 1 dwelling per 20 hectares does not include the bed of any river, any legal road, or land which could not be used for the erection of a dwelling, but is located on the southeastern side of Waterford Road, and separated from Lot 3 by 20 metres of the roadway.

The Operative District Plan contains the following definitions:

Site: *means the area of land on which a particular activity and any ancillary activities by a person or party is/are undertaken. A site may include all or part of an allotment or more than one allotment.*

Allotment: *has the same meaning as in section 218 of the Act.*

Section 218(3) of the Resource Management Act 1991 states:

For the purposes of subsection (2), an allotment that is—

- a. subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or*
- b. not subject to that Act and was acquired by its owner under 1 instrument of conveyance—*

shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.

The balance area required to maintain the residential density is in accordance with the restricted discretionary criteria, in respect of the definition of the Section 218 definition.

The application proposes that to retain the required residential density, that a consent notice be registered against the new Record of Title to issue for proposed Lot 2, to advise that no dwelling is permitted to be erected within Area A of proposed Lot 2, and that Area A is not to be taken into consideration in any future calculation of the residential density of the Record of Title to issue for proposed Lot 2, or for any future boundary adjustment.

Accordingly, the application can be considered under Rule 10.11 pertaining to subdivision to create Rural lots smaller than the minimum size within the Outer Plains zone, and can be considered as a **restricted discretionary activity**.

In respect of the matters that Council shall restrict its discretion under Rule 10.10.1, we advise:

5.1 Allotment Shape

Proposed Lots 1, 2, and 3, are separated allotments as defined by Coaltrack Road, Bridge Road and Waterford Road, and the banks of the Selwyn River and Waianiwaniwa River.

Proposed Lot 1 will contain an area of 28.32 hectares, with the northern Bridge Road frontage where the dwelling platform has been established, having a road frontage of 95 metres. The allotment will have a 252 metre frontage to Bridge Street to the west, and a 846 metre frontage to Coaltrack Road to the southwest. The dwelling pad has been located at a setback of 65 metres from Bridge Road and not closer than 20 metres from the bank of the Waianiwaniwa River. That part of Lot 1 adjacent to Bridge Road has a 95 metre road frontage, and a width of 285 metres at a setback of 323 metres from that section of the Bridge Road frontage. The allotment width of 252 metres to the western Bridge Road frontage, extends for a length of not less than 760 metres to the Waianiwaniwa River. It is considered that the site has shape and measurements appropriate for the zone of influence for the sewage effluent dispersion field to be contained within proposed allotment boundaries.

Proposed Lot 2 containing an area of 80.93 hectares will have a 1032 metre frontage to Coaltrack Road and 808 metre frontage to Waterford Road, with the southeastern and southwestern boundaries defined by river banks. The shape of the site could be described as being an irregular rectangle due to the river frontages. Allowing for the 120 metre “no build” strip along the Waterford Road frontage, the allotment will have a balance 875 metre depth from Waterford Road for consideration as the possible building area. It is considered that the site has shape and measurements appropriate for the zone of influence for the sewage effluent dispersion field to be contained within proposed allotment boundaries.

Proposed Lot 3 will contain an area of 9.91 hectares and a dwelling has been erected at the Coaltrack Road / Waterford road intersection at a setback of 22 metres from Coaltrack Road and 24 metres from Waterford Road. The allotment will have a 156 metre frontage to Coaltrack Road and a Waterford Road frontage of 660 metres. The septic tank servicing the dwelling is located to the south of the dwelling and sited 20 metres setback from Waterford Road, with the field tile effluent dispersion field laid to the southwest. The location of the sewage effluent dispersion field contains the zone of influence from the dispersion field to be within the allotment and not encroaching across proposed allotment boundaries.

The bore supplying potable water to Lot 3 is located within the allotment at a 50 metre setback from Waterford Road and 75 metre setback from Coaltrack Road, such that the zone of protection of the bore is located within property boundaries.

5.2 Utilities

Overhead high voltage power lines extend along the southeastern side of Waterford Road and along the northeastern side of Coaltrack Road. The underground electrical supply to the dwelling within Lot 3, is from an overhead transformer located in Waterford Road at a setback of 100 metres from Coaltrack Road.

An underground electrical supply to an irrigation bore located within Lot 2, has been installed from an overhead electrical transformer in Waterford Road located 55 metres south of the Coaltrack Road intersection. The irrigation bore is located adjacent to the road frontage of Lot 2 at a distance of 105 metres from Coaltrack Road.

There is no electrical reticulation extending from Coaltrack Road along Bridge Road. The building consent issued for the dwelling to be erected within Lot 1, stipulates that the dwelling is to be provided with power “off grid”. The intention is that power be supplied via solar panels to be attached to the dwelling.

Underground telephone reticulation is installed along Coaltrack Road and Waterford Road, with an underground connection having been installed to the dwelling on Lot 3 from the services within Coaltrack Road. It is relevant that the Chorus Broadband Checker advises that the uptake speed of the ADSL copper network is 1MbPS, which does not allow for internet access. One of the directors of the applicant company, has an internet connection with Starlink, which supplies internet connection at speeds equal or greater, than those applicable to fibre connections.

There is no telecommunication cabling installed along Waterford Road. The dwelling to be erected on Lot 1 will be provided with an internet connection to the Starlink satellite service. Should a dwelling be erected within Lot 2, a connection to the Starlink service would also be sought, with a phone connection to a cellular network.

The potable water supply to the dwelling within Lot 3 is provided from a 150mm diameter bore sunk to a depth of 48 metres. The bore is located to the southwest of the dwelling at a setback of 50 metres from Waterford Road and 75 metres from Coaltrack Road.

There is no immediate proposal to erect a dwelling within proposed Lot 2, but a potable supply to the allotment is available from the 250mm diameter irrigation bore sunk within the allotment, to a depth of 209.5 metres.

There are no proposals to sink a bore within Lot 1. Since the re-location of the dwelling to Lot 1 in the past two weeks, the owners are re-viewing which of the farms should be providing potable water to the dwelling. Chemical analysis of the farm water supply bore located within Lot 2 adjacent to Waterford Road is being undertaken, and depending upon the results of those tests, the potable supply to the dwelling will be either to the bore within Lot 2, or alternatively to a bore within the farm property accessed off Warrens Road. The persons who have re-located the dwelling within Lot 1, are directly related to the applicant companies, and work within the farms. In the future event that Lot 1 should be sold to persons not involved with the farming activities, a new bore would be sunk within Lot 1 prior to the sale of the property.

Waterford Road is formed and metalled. Coaltrack Road is formed and sealed to a position some 20 metres to the southeast of the intersection with Bridge Road, with the remaining section of Coaltrack Road fronting Lots 1 and 2 and extending to the Waianiwanui River, being formed and metalled.

Bridge Road is formed and sealed. A vehicle entranceway to the dwelling under construction within Lot 1 has been excavated and metalled. The vehicle entranceway to the dwelling will be formed and sealed as part of the works to obtain the Code Compliance Certificate for the dwelling, to the configuration of Appendix 10 Diagram E10.C1.

The dwelling on Lot 3 is provided with a metalled vehicle entranceway off Coaltrack Road and Waterford Road. Proposed Lot 2 is provided with farm gate entranceways onto Coaltrack Road and Waterford Road. Should a building consent be sought in the future, the entranceway will be formed to the configuration of Appendix 10 Diagram E10.C1, and the standard of the road frontage, as part of the building consent works.

5.3 Works

There are no works required to be undertaken concurrent with the subdivision.

5.4 Easements

The application site is presently subject to existing easements of right to convey water, electricity and telecommunications in gross, over the Central Plains Water Company infrastructure passing through proposed Lot 1. There are no proposals to create additional easements.

5.5 Water Races

A minor water-race extends southeasterly along Coaltrack Road and crosses to the southwestern side of the Coaltrack Road at the northernmost corner of proposed Lot 3. The water race extends southeasterly within Coaltrack Road for a distance of 100 metres, and then enters Lot 3 to pass around the western and southern side of the dwelling on Lot 3, before exiting the property and into Waterford Road, at a distance of 100 metres from the Coaltrack Road intersection, heading southwesterly within the road reserve.

The water race serves no useful purpose within the application site, and the race terminates to a boulder-hole by discharge to the Selwyn River. Lot 3 is provided with stockwater from the bore located within Lot 3. Lot 2 is provided with irrigation water and stockwater from the existing 225mm diameter bore within that allotment. It is not considered to be appropriate for the creation of any easements where the water-race passes through Lot 3, as the water-race is effectively redundant.

5.6 Corner Splays

Proposed Lot 1 contains an intersection of Bridge Road with Coaltrack Road. Lots 2 and 3 contain intersections with Coaltrack Road and Waterford Road.

Rule 10.1.1.7 states:

The corner of any allotment at any road intersection shall be splayed with a diagonal line reducing each boundary by a minimum of:

- a. 6m x 6m for local roads*
- b. 10m x 10m for collector roads*
- c. 15m x 15m for arterial and State Highway roads.*

Coaltrack Road, Bridge Road and Waterford Road are not identified in the Roading Hierarchy as being arterial or collector roads. The application does not propose that a 6 metre splay be provided at the intersection of Coaltrack Road and Bridge Road, or the two corners of the intersection of Coaltrack Road with Waterford Road.

At the intersection of Coaltrack Road with Bridge Road, proposed Lot 1 is located at the eastern side of that intersection. The primary movement of traffic is to the northwest to Hororata or to the north to Greendale, with the roadway to those destinations being formed and sealed. That section of Coaltrack Road to the southeast of the Bridge Road intersection is formed and metalled, and leads to the Waianiwiwa River, which is not bridged. Traffic is discouraged from using the ford to assess the river after flooding events. The likelihood of this section of Coaltrack Road being upgraded to a sealed standard is minimal. From a safety perspective, there is no vegetation at the eastern side of the intersection which might give rise to a requirement to widen the intersection to enhance traffic safety.

At the western side of the intersection of Coaltrack Road with Waterford Road, there is a macrocarpa hedge which extends 60 metres along the Coaltrack Road frontage and 60 metres along the Waterford Road frontage, which provides screening of the dwelling located within Lot 3. Waterford Road is a metalled road leading to the Selwyn River, and services one dwelling at the end of the road adjacent to the river. It is considered that there is minimal traffic along Waterford Road, and that vesting of corner splays at the intersection is not able to be justified. The users of this section of road are aware of the need to exercise caution of entering from a metalled road onto a sealed road.

Respectfully it is requested that exemption for the provision of splays at the two road intersections be considered..

6. Further Matters

In respect of the further matters that Council shall restrict its discretion under Rule 10.11.2, we advise:

6.1 Size and Shape

Proposed Lot 1, containing an area of 28.32 hectares, is presently a vacant site for which an application for building consent was issued under BC220802, and the dwelling has subsequently been re-located to Lot 1 and bolted to the concrete foundations. The position of the dwelling is located some 65 metres setback from the northern section of the Bridge Road frontage and not closer than 20 metres from the bank of the Waianiwiwa River. The dwelling has been consented on the basis of being "off grid". In respect of power, telephone and water supply, but will be provided with solar panels enabling generation of electricity to support lighting and heating, and pump to reticulate water.

The shape of Lot 1 is determined by the existing property boundaries, with the boundaries following the road boundaries of Coaltrack Road and Bridge Road, the high bank boundary of the Waianiwiwa River, and the boundaries of the adjoining two properties to the northwest. All boundaries are fenced.

The boundaries of Lot 2, containing 80.93 hectares, are determined by the Coaltrack Road and Waterford Road boundaries, and the high bank boundaries of the Waianiwiwa River and Selwyn Rivers. All boundaries are fenced.

The shape of Lot 3, containing an area of 9.91 hectares, is determined by the road frontages of Coaltrack Road and Waterford Road, and the title boundaries with the adjoining properties to the southwest and northwest. A dwelling is erected within the allotment, with the zone of protection and the zone of influence being contained within the allotment.

The property that adjoins proposed Lot 1 on the northern side of Bridge Road adjoining the Waianiwaniwa River is a 52.2 hectare vacant site, being part of the properties owned by the applicant companies. The adjoining property on the northwestern side of Bridge Road is a 14.97 hectare property which contains a dwelling located at the western end fronting Warrens Road, some 520 metres from Lot 1.

At the northwestern corner of Bridge Road, and bounded by Lot 1, there are two vacant allotments being Reserve 1518 and Reserve 1565 containing areas of 2.02 hectares and 3.99 hectares respectively, which are owned by the Crown and which have been leased by the applicant companies as part of the farming operation.

The properties that adjoin proposed Lot 2 include the 14.97 hectare title containing a dwelling adjacent to Warrens Road, and a 2.22 hectare property containing a dwelling and located on the northwestern side of Waterford Road, to the southwest of proposed Lot 3. Horse breeding and grazing is undertaken within the adjoining 14.97 hectare property.

The properties that adjoin proposed Lot 3 include the 2.22 hectare property to the southwest fronting Waterford Road, and a 57.8 hectare vacant site owned by the applicant companies. The activities undertaken within the adjoining 2.22 hectare site include stock grazing, being land use not incompatible with the grazing and cropping activities undertaken on proposed Lots 1, 2 and 3, and which are to continue following the completion of the subdivision.

The established water supply and the sewage effluent dispersion field servicing the dwelling on Lot 3 are established, and the protection zones are not compromised. The zones that will be applicable to Lots 1 and 2, should dwellings be erected on both lots, would be able to be located such as not to encroach over property boundaries.

The activities undertaken within the properties adjacent to proposed Lot 3, are rural based activities which are established, and would not have the potential to create reverse sensitivity effects upon the proposed “rural-residential” 9.91 hectare allotment.

7.2 Number of Small Sites

The application proposes to create one only allotment containing an area of less than 20 hectares, being less than the maximum number of three allotments permitted by Rule 3.10.3.6 in the Outer Plains zone. The balance 10.01 hectare area required to maintain the residential density of proposed Lot 3, is located on the southeastern side of Waterford Road.

7.3 Access

Proposed Lot 1 will have frontage onto both Coaltrack Road and Bridge Road, both of which are considered to be a local roads in the Roding Hierarchy. The vehicle entranceway to service the dwelling to be relocated within Lot 1, is at the northern frontage of Bridge Road, and the vehicle entranceway has been excavated and metalled with basecourse metal. The entranceway will be constructed to a sealed

standard and to the requirements of Diagram E10.C1, at building consent stage once all construction traffic associated with the building relocation have completed works, with the control over the completion being covered by the issue of the Code Compliance Certificate.

The entranceway to Lot 1 is sited 190 metres to the west of the single lane bridge over the Waianiwhi River. The bridge is single lane, and is not elevated to any extent that would restrict the view of traffic travelling in a westerly direction from sighting traffic exiting Lot 1, or from sighting the 650 metre distance to the angle in Bridge Road. Traffic exiting Lot 2 will have a clear view of traffic crossing the bridge, and where the eastbound traffic have priority.

Proposed Lot 2 will have frontage to both the metalled and sealed sections of Coaltrack Road, and the metalled formation of Waterford Road. While there are no proposals to erect within Lot 2 at this stage, it is reasonable to consider where a vehicle access to a dwelling might be sited should a dwelling be proposed in the future. The limiting factor in considering Waterford Road as an access, is the metalled formation of the road, and the “no build” covenant area extending 125 metres from Waterford Road. Additionally, the intersection of Coaltrack Road and Waterford Road is 175 metres from the eastern side of Waterford Road.

Table E10.3 in Appendix 10 of the Operative District Plan provides for vehicle entranceways to be sited not less than 60 metres from the intersection of local roads. This rule would require that the entranceway to any dwelling be located 60 metres either side of the road entranceway, depending on the preference for either a sealed or metalled road frontage.

The sealed vehicle entranceway to the dwelling erected within Lot 3 is located off Coaltrack Road in a position 30 metres from the road intersection with Waterford Road. Lot 3 also has a sealed farm building entranceway off Waterford Road sited 90 metres from the intersection with Coaltrack Road. With regard to the minimal traffic exiting from Waterford Road onto Coaltrack Road, and the existing use rights that pertain to the Coaltrack Road entranceway to Lot 3, the location of the entranceway is permitted.

The District Plan is silent on the vehicle sight distances for local roads. In respect of the established vehicle entranceway to Lot 3, the site distance to the southeast to Waterford Road intersection is 200 metres, and the minimum site distance from the entranceway to Lot 1 to the bridge, is 190 metres

7.4 Shape of Balance Land

The “open space” area required to maintain the residential density of the Outer Plains zone for Lot 3, is located on the southeastern side of Waterford Road, immediately adjacent to the 660 metre frontage of Lot 3. And will extend 125 metres into Lot 2. This will provide confidence to the owners of the 2.23 hectare site to the southwest of Lot 3, that there is no potential for a dwelling to be sited on Lot 2, immediately adjacent to that property.

The 14.97 hectare property on the northeastern side of Coaltrack Road will also adjoin the location of the “no build” covenant area located within Lot 2. This adjoining property has a 165 metre frontage opposite Lot 2 to the intersection with Waterford Road. A dwelling has been previously erected within the 14.97 hectare property, adjacent to the Warrens Road intersection.

The "no build" covenant will be registered against the new Record of Title to issue for Lot 2, and advise that no dwellings are permitted to be erected within the 10.09 hectare area, and that the area is not to be taken into account in any future calculation of the residential density of Lot 2, or for the purposes of any future boundary adjustment.

7. Hazardous Activities

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health came into effect on 1 January 2012, and requires that an assessment be made where there is a proposed change in use. The application proposes to subdivide the land, and provides the potential for a dwelling to be erected within Lots 1 and 2.

As part of the process of obtaining building consent for the relocation of a dwelling within Lot 1, the owners submitted evidence to Selwyn District Council to support the case that the allotment had not been used for practices that might have resulted in contamination that could be injurious to human health.

On the basis of Lot 3 being part of the whole of the site, the applicant companies have engaged Pattle Delamore Partners Ltd to undertake a Preliminary Site Investigation.

The Conclusion states:

The investigation comprised a review of the site history, including historical aerial photographs, council records and a site inspection and an interview with the current property owner. In summary, the site has predominantly comprised open farming paddocks used for general grazing, while a dwelling, a garage and various farm sheds were located in the western portion of the site fronting Coaltrack Road. In addition, a relocated dwelling was recently placed in the northern portion of the site fronting Bridge Road.

Through the process of this review, a potential contamination source relating to a suspected sheep dip (HAIL category A8 – Livestock dip or spray race operations) was identified within the dwelling/farm shed area in the western portion of the site (i.e. proposed Lot 3).

With regards to the NESCS, based on the identified HAIL activity relating to the sheep dip, the NESCS regulations need to be taken into consideration for the proposed subdivision of the site. However, it is considered highly unlikely that there will be a risk to human health for the proposed activity of subdividing the site into three new lots and, as such, the proposed subdivision of the site is considered to fall under the permitted activity status under the NESCS (i.e. no resource consent required).

It is important to note that if there was a proposed change in land use and/or soil disturbance proposed for the area of the site where the HAIL activity has been identified (i.e. in the vicinity of the former sheep dip located in the western portion of the site), then the NESCS will be applicable and further investigations would likely be required (i.e. soil sampling).

8. Assessment of Environmental Effects

8.1 Effects of Access

The application site of three separate allotments of which the boundaries have been determined by the existing formed roads at allotment frontages. The allotments are farmed as part of a cropping and stock grazing business, and farm gate entranceways have been installed to provide for the most efficient entranceways between the allotments.

The dwelling which has been consented for relocation within Lot 1, and which has subsequently been relocated, will be provided with a formed and sealed entranceway located at the northern frontage to Bridge Road. It is considered that the dwelling will generate some 6 to 10 vehicle movements per day. The entrance is sited in a position where there is unobstructed sight distance of not less than 200 metres in both directions for vehicles exiting the dwelling site.

There are no proposals for the erection of a dwelling within proposed Lot 2, with no consequential change to the use of the farm gate entranceways to Coaltrack Road and Waterford Road. Should a dwelling be erected in the future at either of the road frontages, the additional traffic generated is not likely to generate adverse effects on other road users, provided that the location of the entranceway is located at a setback of not less than 60 metres of the Coaltrack Road / Bridge Road intersection.

The entranceway to the dwelling erected within Lot 3 has been established off the Coaltrack Road frontage. Waterford Road is sealed for a distance of 100 metres from Coaltrack Road, and a sealed entranceway to the farm buildings to the southwest of the dwelling, has been installed. It is considered that the Coaltrack Road entrance generates some 8 to 10 vehicle movements per day, and with consideration to the minimal traffic volume generated from the one property along Waterford Road, the presence of the crossing off Coaltrack Road at a distance of 30 metres from the Waterford Road intersection, has minimal effect on traffic safety.

8.2 Effects on Neighbourhood

In terms of the permitted residential density rules for the Outer Plains Rural zone, the application site has a maximum potential for not more than five dwellings to be erected as a permitted activity, either with or without subdivision. The subdivision as proposed, will allow for three dwellings to be erected should the allotments be owned by different entities. With the “no build” covenant area as proposed over Lot 2 to maintain the residential density required for Lot 3, the effective area of Lot 2 is 70.94 hectares, which might be considered to provide for a maximum of three dwellings, should subdivision of the property be entertained in the future. The consequence being that the property has no greater potential for subdivision or the erection of dwellings as a permitted activity, than presently exists.

The two properties which adjoin Lot 3 to the north and south, contain areas of 14.97 hectares and 2.23 hectares, and rural grazing activities are undertaken. There is no evidence to suggest that allotment containing areas of less than 20 hectares, as presently required for the erection of dwellings as a permitted activity, have resulted in any reverse sensitivity issue within the locality. In terms of the present requirements of the District Plan, provision is made as a restricted discretionary activity, for the creation of allotments for the erection of retention of dwellings, provided that the allotments contain areas of not less than 1 hectare and a “no build” covenant maintains residential density, as proposed.

The applicant companies own land on the northern side of Bridge Road, adjoining proposed Lot 1. It is considered that the dwelling relocated onto Lot 1, will provide for additional custodial management of the properties in the company ownership.

It is not considered that the proposal would result in any adverse effects upon the existing rural amenity of existing property owners in this locality.

8.3 Visual Effects

The dwelling as relocated within Lot 1, is sited within a 28.32 hectare allotment in a position complying with the setback requirements of the District Plan. Adjacent to the Bridge Road frontage of Lot 1, adjacent to the dwelling, where is a row of established oak trees which also extend along the western boundary, and which complement the rural setting. There is no existing amenity planting adjacent to the river boundary. On the southern side of the reserve titles, there is a pinus shelter located within the reserves. There are no dwellings located on the properties on the northern side of Bridge Road but the applicant companies have planted and established a row of oak trees adjacent to the northern road frontage.

The amenity planting provides an environment where the establishment of a dwelling blends into the rural setting, without the initial stark contrast that frequently exists where dwellings are established and the softening effects of amenity planting adjacent to such dwellings has not taken effect. The visual effects of the dwelling as sited within Lot 1, will have no effect upon the community or immediate environment. The applicants advise that there has been positive feed-back from the community regarding how the dwelling fits into the landscape.

The existing dwelling erected within Lot 3 has been substantially screened by amenity shelter. A macro hedge is located along the Coalgate Road and Waterford Road frontages adjacent to the dwelling, which screens the dwelling from westbound traffic along Coaltrack Road. A row of oak trees along the southern side of Coaltrack Road both within Lot 3 and also on the applicant companies property to the north of Lot 3, and a row of macros along the northwestern boundary of Lot 3, screen the dwelling as viewed by southbound traffic along Coaltrack Road. The amenity shelter is not considered to be a requirement to screen dwellings within smaller holdings, but is a practical reality to mitigate the effects of the northerly winds.

Within the 2.23 hectare property to the southwest of proposed Lot 3, a pinus shelterbelt has been established, which screens the dwelling within that property from the pastoral use of the adjacent paddocks within Lot 3. Along the northwestern side of Waterford Road, the applicant companies have established a row of oak trees.

There is no significant amenity shelter along the roadside boundaries of proposed Lot 2. There is established poplar shelter along the southern and eastern boundary adjacent to the river boundaries. There are no additional buildings proposed to be erected within Lot 2.

The established amenity planting within the property minimises any perceived visual effects that result from either the proposed or existing buildings. The density of dwellings as proposed, is less than permitted within the zone, and the overall visual effects are considered to be less than minor.

10.4 Effects on Ecosystems

There are no identified ecosystems established within Lots 1 and 2, nor any plants or animals which will have their habitats disturbed by the application, or future uses. There is an established ecosystem of mudfish located within Lot 2, immediately to the east of the proposed “no build” area within Lot 2, adjacent to the Selwyn River.

The applicant companies presently undertake grazing and seasonal cropping within Lots 1, 2 and 3. The area where the habitat of the mudfish are located, has been fenced and excluded from farming practices. Any other previously existing habitats or ecosystems, would have been destroyed by the land use activities which have been undertaken within the property over the past hundred years.

The property is adjacent to the Waianiwaniwa and Selwyn Rivers, and any wild-fowl would likely establish nesting sites within the adjacent undisturbed riverbeds.

10.5 Effects of Discharge / Abstractions

The re-located dwelling within Lot 1, will discharge sewage to a septic tank, with discharge of sewage effluent to a sand bed dispersion field, setback 100 metres from Bridge Road and not closer than 40 metres from the western property boundary. The dispersion bed has been consent under Building Consent 220802.

The existing dwelling erected within Lot 3 discharges sanitary sewage to a septic tank located on the southern side of the dwelling with the discharge of sewage effluent to a field-tile sewage effluent dispersion field installed within the allotment extending south of the septic tank.

The zone of influence of the sewage effluent dispersion field for Lots 1 and 3, will be contained within property boundaries, and will not impact on the quality of potable water to adjacent properties.

The bore supplying the potable water to the dwelling erected within Lot 3, is 150mm diameter located within the allotment at a setback of 50 metres from Waterford Road. The piezometric contours for the locality are in a northwest to southeast direction. With the consequence being that the zone of protection of the bore is located within property boundaries.

A 250mm diameter bore sunk to a depth of 209.5 metres is located within Lot 2 adjacent to the Waterford Road frontage and some 100 metres south of the Coaltrack Road intersection. The bore supplies stockwater and irrigation water, and is being investigated as the possible source to supply potable water to the dwelling relocated within Lot 1. The zone of protection of the bore will extend across Waterford Road, but will not extend into Lot 3. The depth of the bore will mitigate potential for adverse effects from the sewage dispersion area within Lot 3. Should this bore not be considered to meet reasonable potability standards, the source of potable water to the dwelling within Lot 1, will be from a bore within the farm property, accessed off Warrens Road.

The Warrens Road bore is 300mm diameter and sunk to a depth of 124.5 metres. The bore supplies irrigation and stockwater, and also potable supply.

There are no bores on adjacent properties that would either be impacted by the effluent dispersion field on Lots 1 and 3, or the proposal to take a potable water supply from the irrigation bore within Lot 2, or alternatively the bore adjacent to Warrens Road, for potable requirements for Lot 1. The highest recorded water level of the bore within Lot 2 is 36.6 metres, and the highest water level of the Warrens Road bore is 37.4 metres..

10.6 Summary of Effects

The proposal to undertake a subdivision to create three allotments with the boundaries determined by road and river boundaries, is not considered likely to result any significant traffic, abstraction or discharge effects. It is also considered that the application will result in minimal adverse effects on the environment and adjoining properties.

11. Geotechnical Matters

The application site is located within area where the Selwyn District Council geotechnical consultant has considered that the potential for liquefaction from future earthquakes is minimal. The accepted policy resulting from the geotechnical consultant's report, is that within such localities, that a report was only required where there was proposed to be 15 or more resultant lots. There is no requirement where the application is a boundary adjustment, or where dwellings are erected.

In this case, there was potential for testing of the dwelling relocated within proposed Lot 1. As part of the process for building consent, details of the soil testing to determine foundation design was supplied to Council, and was accepted.

Accordingly, no additional geotechnical investigation is required.

12. Flood Risk Assessment

Selwyn District Council have completed modelling of rainfall runoff as part of the review of the District Plan, with the modelling based on 200 year ARI (average recurrence interval) rainfall events. In respect of proposed Lot 1, the modelling indicates that in a 1 in 200 year flood event, an overflow from the Waianiwiwa River enters the northeastern frontage of Lot 1, and passes along an historic flood channel along the western part of Lot 1, to the west of the position where the dwelling is to be relocated..

As part of the building consent process, the applicants sought a Flood hazard report from Environment Canterbury. The report included:

Selwyn District Council has recently completed rain-on-grid flood modelling for the majority of the district. This modelling includes 200 and 500 year average recurrence interval (ARI) events. Results of this modelling shows flooding at levels of 140.25

metres and 140.35 metres LVD1937 for the modelled 200 and 500 events respectively.....

Policy 11.3.2 of the Canterbury Regional Policy Statement states that development should be avoided in areas subject to inundation in a 200 year ARI flood event unless a range of conditions are met. These include a requirement for new buildings to have a floor level above the 200 year ARI design flood level.

Based on the information outlined above, a relocated dwelling at the location shown on the endorsed LiDAR map with a finished floor level of at least 140.55 metres LVD1937 would provide a standard of mitigation consistent with the Canterbury Regional Policy Statement.

Following subsequent email correspondence between Ecan and the applicant, it was acknowledged by Ecan that an alternative acceptable solution was to raise the floor level of the dwelling to be not less than 0.5 metres above natural ground level at the northeastern corner of the dwelling. This alternative solution was accepted by Selwyn District Council, and on that basis, the building consent for the relocation of the dwelling was approved.

As part of the discussions with Selwyn District Council regarding the floor level of the dwelling to be located within Lot 1, Council required that a notification under Section 72 of the Building Act 2004 be registered against the title to advise that that:

Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies inundation as a natural hazard (affects RS 12627).

Rural Section 12627, is the northern part of proposed Lot 1, which will include RS 12627 and RS 12348. It is acknowledged that the Section 72 Building Act notice should be retained on the new Record of Title to issue for Lot 1, but should not be registered against the new Records of Title to issue for Lots 2 and 3.

As part of the site levelling to confirm the levels within RS 12627 where the dwelling was to be erected, site levelling was also undertaken adjacent to the existing dwelling within Lot 3. It was confirmed that the floor level of the dwelling within Lot 3 was more than 0.3 metres above the flood hazard level for Lot 3, as identified by Ecan. The Flood Modelling undertaken by Selwyn District in conjunction with Ecan, indicates that the 200 year ARI adjacent to the western part of the dwelling on Lot 3 has a maximum depth of 0.1 metres, and that there are substantial areas within Lot 2 where there is no flood risk.

12. Consent Notice

It is proposed that a consent notice be registered against the new title to issue for proposed Lot 2 to advise that no dwellings are permitted to be erected within Area A, and that Area A is not permitted to be taken into consideration in any future calculation of the residential density of the property or for any future boundary adjustment.

9. District Plan – Objectives and Policies

QUALITY OF THE ENVIRONMENT

Objective B3.4.1

The District's rural area is a pleasant place to live and work in.

Objective B3.4.2

A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

Policy B3.4.1

Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.

Policy B3.4.3

Avoid, remedy or mitigate significant adverse effects of activities on the amenity values of the rural area.

Policy B3.4.6

Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.

Policy B3.4.18

Ensure buildings are setback a sufficient distance from property boundaries to:

- a. Enable boundary trees and hedges to be maintained;***
- b. Maintain privacy and outlook for houses on small allotments; and***
- c. Encourage a sense of distance between buildings and between buildings and road boundaries where practical.***

Policy B3.4.21

Protect existing lawfully established activities in the Rural zone from potential for reverse sensitivity effects with other activities which propose to establish in close proximity

Comment

The application site is located within an area where there has not been a significant degree of development where the residential density for the Rural Outer Plains zone is at the maximum permitted for the zone. The subdivision arises due to the proposal to relocate the dwelling within Lot 1 containing an area of 28.32 hectares, and where the owners of the home are related to the applicant companies, and one of the owners of the new home, works on the large farm property.

The application will not result in any change to the present farming activities being undertaken. The only identifiable physical change being that a dwelling is now erected within Lot 1, as could also have been erected without requirement for subdivision consent.

The subdivision to define all of the land contained within the title, which is “limited as to parcels”, results only as a consequence of the limitation, and the requirement of Land Information NZ that all of the land contained within a title “limited as to parcels”, be defined as part of an application to bring any part of the land under the Land Transfer Act. As a consequence of this requirement, Lot 3 which is defined by the road frontages, is to be shown as an allotment.

The existing dwelling within Lot 3 and the associated adjoining farm buildings, form the hub for that part of the larger property on the western side of the Waianiwaniwa River. The dwelling is well established, with amenity shelter adjacent to the road frontages. There is no evidence to suggest that the creation of the 9.91 hectare site to contain the dwelling and farm buildings, or any land use on adjacent properties, has resulted in, or has the potential to create reverse sensitivity effects on the amenity values of this rural area.

RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA OBJECTIVES & POLICIES

Objective B4.1.1

The provision of a variety of residential section sizes in the rural area, while maintaining a low overall residential density.

Objective B4.1.2

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.

Objective B4.1.3

Allotments are created which are of the appropriate size and shape and have the required utility services, for their intended use.

Policy B4.1.1

Avoid residential density greater than those shown below where these are outside the areas identified in Policies B4.1.3 to B4.1.6.

<i>Area shown on Planning Map</i>	<i>Dwellings per Hectare</i>
<i>Outer Plains</i>	<i>1:20</i>

Policy B4.1.2

Except in the Inner Plains area, allow a house to be built on any sized allotment, provided:

- a. The balance of land area needed to comply with Policy B4.1.1 is kept free of dwellings by covenant or some other method***
- b. The house allotment is of an appropriate size and shape to avoid adverse effects on adjoining properties, the road network or potential reverse-sensitivity effects; and***
- c. The number of houses clustered together on small allotments is kept small, to avoid creating new villages or settlements; and***
- d. The balance of land area adjoins the house allotment and is of a shape that maintains the sense of “open space”.***

Policy B4.1.9

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.

Policy B4.1.9

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.

Policy B4.1.10(a)

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

Policy B4.1.10(b)

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.

Policy B4.1.11

Ensure any allotment created which may be used to erect a dwelling has an adequate building square and access to sunlight.

Policy B4.1.12

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.

Policy B4.1.13

Encourage allotment boundaries to follow natural or physical features on the land, wherever practical.

Comment

The rural residential density of the property following the relocation of the dwelling within Lot 1, will be one dwelling per 59.5 hectares. Should in the future there be a requirement for a dwelling on Lot 2, then the residential density would reduce to one dwelling per 40 hectares, being half of the permitted residential density for the Outer Plains Rural zone. The proposal to provide for the “no build” covenant area over part of Lot 2, does not alter the overall residential density.

The proposed allotments are considered to be of appropriate size and shape to allow for the siting of buildings, and will have the appropriate services for the intended use. It is acknowledged that the telecommunications service provided by the Chorus copper network, lacks capacity to be upgraded to provide the level of internet usage expected in both rural and residential localities. The applicants have identified an alternative internet provider capable of providing an acceptable internet service.

The residential density proposed by the application does not exceed the Outer Plains density as permitted by Policy B4.1.1, and the maintenance of that density within Lot 2 will be maintained by the registration of a consent notice upon that title, requiring the “no build” covenant area to be registered. Open space will be maintained between the dwelling sites, and the potential for creating a cluster representing a settlement, is considered non-existent.

The natural features that define the road frontages and peripheral boundaries will be maintained by the layout of the subdivision as proposed. The buildings both existing and proposed, will be able to be maintained in positions allowing for the maintenance of existing trees and shelter.

The application does not propose that any activities to be established within the allotments, which would have the potential to create reverse sensitivity issues with established activities within the area. It is considered that the application maintains the rural character of the area, and is in accordance with the provisions of the Selwyn District Plan.

10. Proposed Selwyn District Plan

Under the Proposed Selwyn District Plan the site is zoned General Rural Zone. The site is subject to the Plains Flood Management Overlay, the Liquefaction Damage Unlikely Overlay, and the SASM Nga Wai Overlay (Nga Wai SASM 35).

No decisions have yet been made on the Proposed Plan, but rules relating to cultural areas do have immediate legal effect.

The Proposed District plan states:

Wai represents the essence of all life and is integral to tribal identity and considered to be a wāhi taonga. Ngā wai is source of mahinga kai and therefore has an intrinsic connection to the health of species harvested for mahinga kai purposes. In addition there are cultural values associated with ngā wai related places of significant events, occupation, and historic access and travel routes.

Ngā awa include the major rivers within Selwyn District and the tributaries of these rivers that in some cases may be intermittent in flow. A number of these are retained within cultural memory via ancestral place-names and tend to follow their original natural water course. In addition to the sites, places and water-bodies described, these waterways are within the kaitiakitanga of mana whenua. Many of these water-bodies were also former trails and places of mahinga kai, including nohoanga.

The Objectives and Policies of the Proposed District Plan relevant to this application include:

SAMS Objective 1

The historic and contemporary relationship of Ngāi Tahu mana whenua with their ancestral lands, water, sites, wāhi tapu, and wāhi taonga within the Selwyn District is recognised and protected.

SASM Policy 1

Recognise and protect Ngāi Tahu cultural values in identified Sites and Areas of Significance to Ngāi Tahu by:

- a avoiding any damage or disturbance to urupā except for activities associated with the identification or protection of such sites, or for interments in, such sites, which are undertaken by the relevant rūnanga;*
- b protecting identified wāhi tapu and wāhi taonga from disturbance, damage, or destruction, and ensure activities do not adversely affect them;*
- c avoiding buildings within wāhi tapu identified as a maunga;*
- d. limiting earthworks to those areas that have been previously disturbed by cultivation, building foundations or other earthworks, and controlling the depth of any excavation;*
- e enabling opportunities for enhancement of cultural and ecological values within identified Sites and Areas of Significance to Ngāi Tahu, particularly where associated with mahinga kai.*

SASM Policy 2

Recognise the cultural significance of ngā wai/water bodies and the historic and contemporary Ngāi Tahu customary uses and values associated with these water bodies by managing adverse effects of activities within riparian margins

SASM Policy 3

The Council will continue to work with Ngāi Tahu, Te Taumutu and Ngāi Tūāhuriri Rūnanga, and affected landowners to:

- a identify and confirm the presence of waipuna (springs); and*
- b determine the appropriate approach to be taken for the protection of any identified waipuna/springs.*

SASM - Matters for Control or Discretion

Matter 3

- 1. The potential adverse effects of the proposed activity on Ngāi Tahu values as identified by engagement with the relevant Papatipu Rūnanga and the appropriateness of any mitigation measures including new planting and improved access for customary use;*
- 2. The outcome of any consultation with the relevant Papatipu Rūnanga and whether the proposal responds to, or incorporates the outcomes of that consultation;*
- 3. Effects on sites of archaeological value including consideration of the need to impose an Accidental Discovery Protocol or have a cultural monitor present;*
- 4. In respect of utilities, the extent to which the proposed utility has technical or operational needs for its location.*
- 5. Whether the proposal will remove indigenous vegetation and any effects on mahinga kai and other customary uses;*
- 6. The extent to which the proposed activity will affect the natural character of the waterbody and its margins, or Te Tai o Mahaanui / the coastal environment;.*
- 7. The provision of information on Ngāi Tahu history and association with the area; and*
- 8. Whether wastewater disposal and stormwater management systems recognise the cultural significance of ngā wai, and do not create additional demand to discharge directly.*

It is considered that to meet the relevant objectives and policies, and the restricted discretionary component of SASM Matter 3, that an Accidental Discovery Protocol procedure be registered as a consent notice on the new Records of Title to issue for Lots 1 and 2. The driveway access to the building platform within Lot 1 has been excavated and metalled, and the building platform upon which the dwelling is now sited, has been constructed to a height of some 0.7 metres above ground level. The sewage and stormwater outfalls have not yet been constructed, but will be positioned to be further than 20 metres from the high bank of the river. Any additional works should be undertaken with regards to the Accidental Discovery Protocols.

Subject to the above requirement, it is considered that the SASM requirements of the Objectives and Policies of the Proposed District Plan would be met.

11. Regional Policy Statement

This proposal is not considered to be of a nature or scale that challenges the provisions of the Regional Policy Statement.

12. Development Contributions

The application proposes that RT CB21F/1425 be subdivided to create three titles containing areas of not less than 4 hectares. As a consequence of the subdivision, two additional titles are created by the application and development contributions are applicable.

In determining the value of contributions payable, it is relevant to consider that as part of the building consent application. BC22082, Development Contributions of \$3,960 for reserves, and \$656 for roading were imposed on the Building Consent dated 24 May 2022.

In respect of the Development Contributions applicable from 1 July 2022 for the creation of allotments containing areas greater than 4 hectares, the contributions are Roading \$711.85 and Reserves \$2,175.80 for each additional allotment. On the basis of the application creating two additional titles, the total value of the Development Contribution would be \$5,775.30.

The proposal is that the Development Contributions applicable to the subdivision be paid prior to such period when the contributions would be payable for the Code Compliance Certificate for the building consent. Subject to the payment of the Development Contributions for the subdivision, the payment would cancel the requirement for the payment for the building consent contributions.

13. Consultation

The applicants have undertaken consultation with owners of the properties which adjoin the northeastern and southwestern boundaries of proposed Lot 3.

Those owners of the properties are:

P Foulkes	8 Warrens Road	RD 1 Christchurch 7671
A & L Mahuika	74 Waterford Road	RD 1 Christchurch 7671

14. Conclusion

This application seeks subdivision consent to undertake a fee-simple subdivision of a 119.17 hectare property to create three resultant Records of Title which are each separated by existing formed roads. Lot 1 containing an area of 28.32 hectares is subject to a building consent for the erection of a dwelling, and that dwelling has now been re-located onto the that property. Lot 3 contains an existing dwelling, and the application seeks land use consent for the retention of the existing dwelling. Lot 2, containing the balance area of 80.93 hectares, is a vacant site and is proposed to be subject to a “no build” covenant to be registered by consent notice to maintain the residential density for the property, requiring that a 10.09 hectare area not have any dwelling erected, and that the covenant area not be taken into consideration in any future calculation of the residential density of the property.

It is considered that the application will result in effects considered to be less than minor, and that the application is not contrary to the objectives, policies and rules of the Selwyn District Plan.

We respectfully ask that the application be given due consideration.

Yours sincerely

Graham Fowler Consulting

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

Graham Fowler
Registered Surveyor

Enclosure

- » Application Plan
- Form 9
- Preliminary Site Investigation
- Ecan Flood Hazard
- Building Setout Certificate
- Flood Modelling
- Record of Title