

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: Strategy Planner

Resource Consent Number: 225776 and 225777Error! Reference source not found.

APPLICANT:	JO, AJ & LV Clarkson & Joynt Andrews Trustee (No.18) LTD
LOCATION:	1701 Coaltrack Road, Greendale
LEGAL DESCRIPTION:	RS 4291 12348 12627 and PT RS 12347 being 119.17ha in area more or less, as contained in Record of Title CB21F/1425.

Description of the Proposal

- The applicant is proposing to undertake a three-lot subdivision with an associated land use consent to retain a dwelling on an undersized allotment (proposed Lot 3). Lot 1 would be 28.32ha, Lot 2 80.93ha with a no build area of 10.38ha and Lot 3 of 9.91ha. Figure 1 below depicts the proposal.
- The allotments under ownership of the applicant are comprised of multiple titles within the area as seen below in Figure 2. Proposed Lot 1 contains a relocated dwelling which was consented under RC225263.

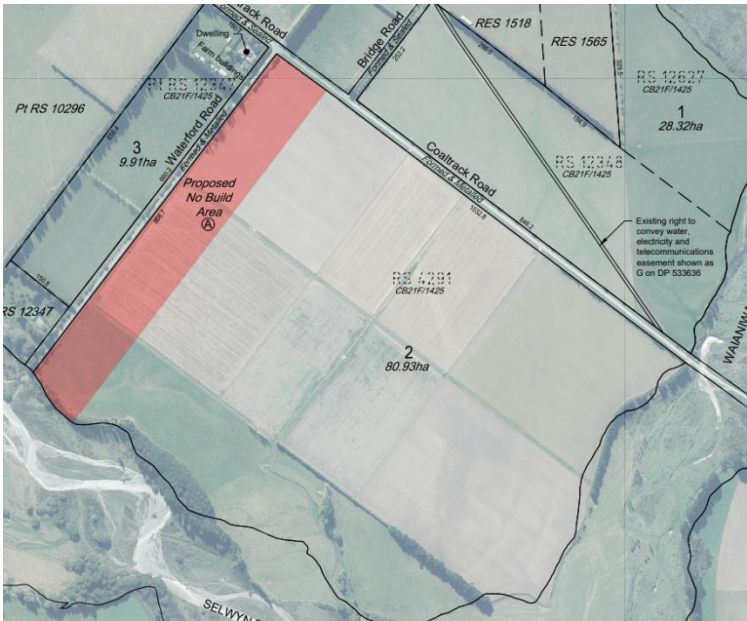


Figure 1 Application plan

Description of the Existing Environment

3. The application site is presently utilised as a large rural land holding, with one of the existing dwellings located on the corner of Waterford and Coaltrack Road and the other (relocated) dwelling located within proposed Lot 1. Proposed Lot 2 is presently used for cropping and grazing and does not contain any buildings but does contain a lineal irrigator span which runs across some of the noted water races on the site. These water races are identified as the navy-blue lines in Figure 2.

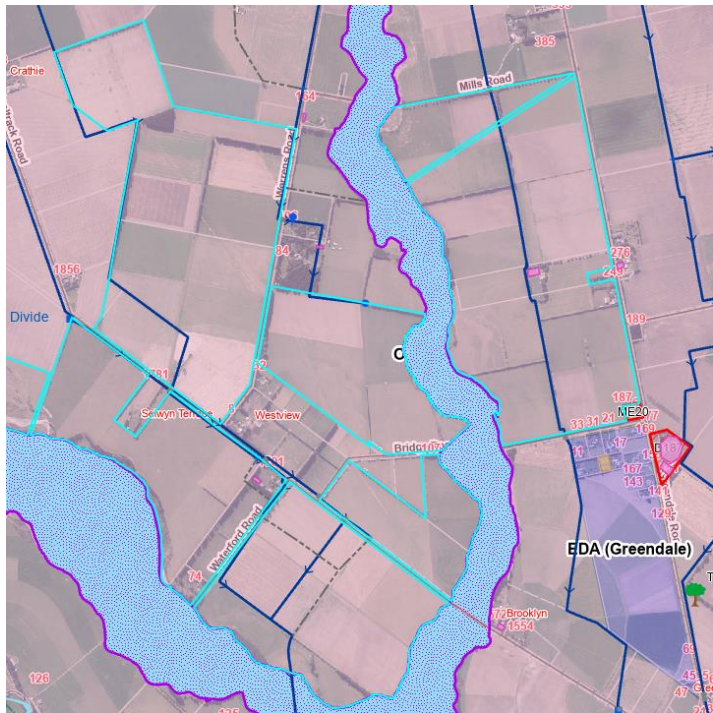


Figure 2 Application site and parcels

4. Located along the eastern and southern boundaries of the site are the Waianiwi and Waikirikiri/Selwyn Rivers. Figure 2 depicts a series of water races (navy-blue lines) that traverse through the site adjoining the existing dwelling on proposed Lot 3 and through proposed Lot 2. The above water races do not have any further downstream users and therefore the application site is the end of the line for these races.

Operative District Plan

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

RULE	TOPIC	COMPLIANCE
10.1.1.1	Natural Hazards	Complies
10.1.1.2	Outstanding Landscapes	Complies
10.1.1.3	Special Features	Does not comply
10.1.1.4	Intensive Farming	Complies
10.1.1.5	Legal Access	Complies
10.1.1.6	Access Standard	Complies
10.1.1.7	Corner Splays	Does not comply

10.1.1.8	Utilities	N/A
10.1.1.9	Transmission Lines	Complies
10.1.1.10	Esplanade Reserves	Complies
10.1.1.11	Lakes & Rivers	Complies
10.1.1.12	Allotment Size	Does not comply
10.1.1.13	Existing Mechanisms	Complies
10.1.1.14	Porters Ski Area	N/A

6. The proposal is to undertake a three-lot subdivision in the Outer Plains zoning to create Lot 1 of 28.32ha, Lot 2 of 80.93ha containing a no build area of 10.38ha and Lot 3 of 9.91ha which will contain the existing dwelling. Along the southern and eastern boundary of the site are the Waianiwa/Waikirikiriri/Selwyn Rivers which are identified as being a Silent File area and categorised as C90 under Appendix 5 of the Rural Volume of the District Plan. The activity therefore does not comply with Rule 10.1.1.3(c).
7. Rule 10.4.1 is a Restricted Discretionary activity, with the matters for discretion pertaining to consultation with the local Rūnanga. The applicant has sought consultation with the Rūnanga whom have provided their recommendations.
8. Rule 10.1.1.7 requires that the corner of any allotment at any road intersection be splayed to meet the requirements of a 6m x 6m dimension. The applicant has requested that no corner splays be required at the intersection of Coaltrack and Waterford Road. Any activity that does not comply with Rule 10.1.1.7 is a Restricted Discretionary activity under Rule 10.8.1.
9. The proposed undersized allotment is proposed to be 9.91ha in area which does not comply with Rule 10.1.1.12, as the Outer Plains zoning requires the creation of 20ha allotments. Any activity that does not comply with Rule 10.1.1.12 shall be a Restricted Discretionary activity should it comply with rules 10.11.1.1 to 10.11.1.4.
10. Proposed Lot 2 will be subject to an open space covenant of 10.38ha which is to be utilised to provide for the required density for the creation of the undersized allotment of proposed Lot 3. Rules 10.11.1.3 and 10.11.1.4 require that any open space covenants are adjoining the allotment in which the dwelling may be erected along at least one property boundary and that the balance area of land provided complies with the minimum area under Rule 10.1.1.12, Table C10.1 and is not already subject to a mechanism protecting density or preventing the erection of any dwelling. The proposed subdivision will provide for a compliant open space covenant over Lot 2.
11. The subdivision proposal is therefore a Restricted Discretionary activity under the Operative District Plan.

RULE	TOPIC	COMPLIANCE
3.10	Buildings and Residential Density	Does not comply
3.11	Buildings and Site Coverage	Complies
3.13	Buildings and Building Position	Complies
4.5	Vehicle Accessways and Vehicle Crossings	Complies

12. 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.

13. Table C3.1 sets the minimum land area in the Outer Plains zone to be 20 hectares, therefore the proposal to retain a dwelling on 9.91ha does not meet this requirement.
14. Under Rule 3.10.3.2, if the balance area of land required to comply with the minimum is provided then the application can be assessed as a Restricted Discretionary activity. As the applicant is proposing to create Lot 3 of 9.91ha with an open space covenant balance area of 10.38ha the proposal complies with Rule 3.10.3.2 of one dwelling per 20ha.
15. Overall, the proposal is a Restricted Discretionary activity under the Operative District Plan.

Proposed District Plan

16. Under the Proposed Selwyn District Plan ('the Proposed District Plan') the site is zoned General Rural Zone and is within the Plains Flood Management, Liquefaction Damage Unlikely overlays as well as the SASM Ngā Wai Overlay (SASM 35) and the EIB Mudfish Habitat overlay and contained in the East Plains/Te Waihora ki Waimakariri and West Plains and Foothills/Kakapō-tahi me Ngā Pākihi Whakatekateka o Waitaha density overlay under the provisions of the Proposed District Plan.
17. No decisions have yet been made on the Proposed Plan.
18. There are rules with immediate legal effect that apply to this proposal.

Subdivision

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

Table 3 – Proposed District Plan compliance, subdivision rules

20. 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.
21. Under R20.7, subdivision of a site containing any Site of Significance to Ngāi Tahu listed in SASM-SCHED3 – Ngā Wai is a Restricted Discretionary activity. The subject site contains Ngā Wai: SASM 35 Waikirikiri/Selwyn River. The Ngā Wai: SASM 35 overlay will affect the resultant title of proposed Lot 1 and Lot 2.
22. The subdivision proposal is therefore a **Restricted Discretionary** activity under the Proposed District Plan.

National Environmental Standards

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

23. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) 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).
24. The applicant has provided a Preliminary Site Investigation (PSI) which has been completed by Pattle Delamore Partners Ltd (PDP) and reviewed by Environment Canterbury's (ECan) Contaminated Soils Team.
25. The PSI has undertaken a desktop review of the application site where the Suitably Qualified and Experienced Practitioner (SQEP) has reviewed the site history, historical imagery and proposed activity. Section 4.1 of the PDP report discusses the review of the historical imagery of the site and notes that in 1941 *"stock pens are also evidence to the west of the dwelling, which may indicate the presence of a possible sheep dip"*. In 1968, the imagery shows *"the stock pens/suspected sheep dip structure has been removed"* and the further review of the historical imagery has not noted any further development on the site that would pertain to a sheep dip activity. Similarly with the PDP findings, the Listed Land Use Register or LLUR, held by Environment Canterbury, also notes a potential livestock dip or spray race between 1941 and 1965, also based on historical imagery. PDP also reviewed the Selwyn District Council property file for the site, and it did not indicate that there were consents or permits of interest relating to potential sources of land contamination within the site. A site walkover was completed with PDP and Rob Clarkson, whose family have owned the site since 1980. The summary of findings was that the site has predominantly comprised of general grazing activities, with the presence of sheds, silos and stockpiles of topsoil and piles of concrete and brick but that there was no evidence of the presence of HAIL or contamination sources occurring on site.
26. With regard to the suspected sheep dip site within the dwelling/farm shed area on the western portion of proposed Lot 3, regulation 5(7) of the NES-CS must be taken into consideration for the proposed subdivision. Under regulation 8(4), a subdivision can be a permitted activity if it can be *"demonstrated through the review of the site history (i.e. PSI) that it is highly unlikely that there will be a risk to human health"*. Under section 6.2, the report has concluded that it is *highly unlikely* that there will be a risk to human health. Although a subdivision is occurring, the existing residential activity, which would be contained within the boundaries of proposed Lot 3, is not changing. When viewing Figure 3 (below) the dwelling and its curtilage and accessory buildings are well established on the site and located some distance from the sheep dip area. Considering that the location of the sheep dip is not in the immediate curtilage of the dwelling, it is unlikely that the likes of raised garden beds or playing areas would be located there and it is more likely that the area where the sheep dip is located would remain farmyard/paddock and therefore the risk of potential exposure is low. There are no proposed earthworks in relation to this subdivision so there would be no disturbance of earth resulting from this consent.
27. The PDP report does however note that should there be a proposed change in land use and/or soil disturbance in the 'piece of land' where the HAIL activity has been identified, then the NES-CS would be applicable and further investigations would be required. When reviewed by ECan's Contaminated Soils Team, they were satisfied with the report findings and agreed with the comments from Council that a Consent Notice should be placed on the title to issue for proposed Lot 3 to alert any future owners that further investigations would be required, should that area be disturbed.
28. The proposal is therefore a Permitted activity in terms of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.



Figure 3 HAIL Activity

National Policy Statement for Highly Productive Land

29. 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.
30. The site and titles held under Valuation Number 2420019400 owned by the applicant are comprised of Land Use Classification (LUC) 2 and 4. The proposed subdivision and relevant Land Use Classification is LUC4 and the areas identified as river which are the Waikirikiri and Waianiwiwa Rivers respectively. As the titles described as RS 4291 12348 12627 and PT RS 12347 as contained in Record of Title CB21F/1425 and resultant titles of the proposed subdivision are contained wholly within LUC4 land and not LUC1-3, the National Policy Statement for Highly Productive Soils is not applicable to this subdivision and land use consent.



Figure 4 NPS-HPL

Public Notification

Step 1 – Mandatory public notification

31. 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

32. 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

33. 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"/>	✓

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"/>	<input checked="" 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

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

		Y	N
1.1	There are affected protected customary rights groups	<input type="checkbox"/>	<input checked="" 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"/>	<input checked="" 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"/>	<input checked="" 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

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

		Y	N
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"/>	<input checked="" 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"/>	<input checked="" 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

36. 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"/>	<input checked="" 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"/>	<input checked="" type="checkbox"/>
3.3	For other activities, are there any affected persons in accordance with section 95E of the RMA (see below for section 95E assessment)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is yes, **notify the application to each affected group/person and 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"/>	<input checked="" type="checkbox"/>

Section 95D Assessment – Environmental Effects

37. 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

38. 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

39. For the purposes of these notification provisions, I consider that “adjacent” in s.95D(a) generally refers to properties that are close by or near to an activity, in addition to those that are adjoining. Hence, the regard of adjacency should not remain constant, but rather be proportionate to the scale of the activity and the degree of anticipated effects.
40. In this instance, the potential effects are considered to be limited to the owners/occupiers of the properties adjacent to the proposed undersized allotment, as discussed below. 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 regard to a notification decision under Section 95A(8)(b).
41. The proposed subdivision will maintain the overall rural density that is anticipated by the District Plan through the use of the volunteered open space mechanism on proposed Lot 2. The proposal will not increase the total number of potential dwellings that could otherwise be established on the titles subject to the present application, and the retention of the dwelling on proposed Lot 3 is permitted in the absence of a subdivision.
42. I consider that the potential effects of the proposal will not be significant on the non-adjacent environment, and that consequently, the potential effects of the proposal will not be more than minor.

Section 95E Assessment – Affected Persons

43. 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).

44. It is firstly noted that written approval has been obtained from Andrew Jack Mahuika and Lucy Anne Mahuika of 74 Waterford Road. Therefore, these persons are not to be considered affected persons, pursuant to s 95E(3).

Discussion

45. This application proposes to undertake a subdivision to create one undersized allotment, where the zoning required 20ha, and a joint land use consent to retain a dwelling on Lot 3.
46. The Outer Plains zoning anticipates rural activities such as agriculture or horticulture but is not limited to such. The proposal is seeking to create a 9.91ha allotment where small scale grazing already occurs.

Cultural Effects

47. With regard to the Sites and Areas of Significance to Māori, the relevant assessment matters are as follows (SASM-MAT3):
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.
48. Clause SUB-R20.9 states:
9. Any application arising from SUB-R20.7. shall not be subject to public notification. Absent their written approval, the application shall be limited notified only to the relevant Rūnanga and Heritage New Zealand Pouhere Taonga.
49. The Council provided a copy of the application to Mahaanui Kurataiao for their comment, and a Cultural Advice Report was provided in response. 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, management of sediment, the fencing of water races contained in proposed Lot 2, stock fencing along the Waikirikiri River as well as the planting of indigenous biodiversity within a 10m setback along the property boundary and rivers. It is noted that the applicant has expressed that they do not wish to undertake all of the recommendations due to current farming practices that would no longer become viable with the fencing of the existing water races.
50. It is understood that the Rūnanga agree to this application on the basis that the conditions of consent that they have recommended be included, should this consent be granted. The applicant is requesting that not all recommendations be adopted by the Council. As written approval has not been supplied and the applicant is not agreeable to all recommendations listed, limited notification to Te Taumutu Rūnanga is required.

51. Heritage New Zealand Pouhere Taonga (HNZPT) have not been consulted at this stage, but they are required to be notified alongside the relevant Rūnanga as a part of the notification clause of the Proposed District Plan.

Subdivision of sites smaller than the minimum size

52. With regard to subdivision of lots that are smaller than the minimum size, the relevant assessment matters relating to this consent are as follows (10.11.2):

- 10.11.2.1 All the matters listed in Rule 10.1.2
- 10.11.2.2 Whether any allotment on which a dwelling(s) is to be erected is of a suitable size and shape to avoid reverse sensitivity effects on surrounding properties. Such effects include (but are not limited to): effects from the zoned of influence of wells or on-site effluent treatment and disposal systems; and potential 'reverse sensitivity; effects with activities on surrounding sites;
- 10.11.2.3 The maximum number of small allotments which may be located together under this rule, having regard to Rule 3.10.3.6;
- 10.11.2.4 Any effects of access from the allotment on the safety and efficiency of the road network, including cumulative effects from several allotments, and whether a shared vehicular accessway is appropriate for more than one allotment;
- 10.11.2.5 The shape and location of the balance land to be kept free of dwellings;
- ...
- 10.11.2.7 For Rule 10.11.1.4, whether the mechanism proposed to ensure that the land is free of any dwelling is appropriate considering:
 - a) the applicants understanding of the restrictions placed on future uses of the land;
 - b) Whether the mechanism is a condition by which the consent is granted;
 - c) Enforceability of the condition;
 - d) Any administrations costs to the Council; and
 - e) The ease with which any future buyer of the land can be made aware that a dwelling cannot be erected on the land; and
- 10.11.2.8 Any positive effects which may offset any adverse effects.

Density and Rural Character

53. 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 adjoins the undersized allotment proposed. 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.

54. 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

55. In terms of reverse sensitivity, the proposed undersized lot will result in a more 'rural-residential' use of the site, as its size somewhat limits the scale and type of rural activities which can feasibly occur on the site. Due to the reduced size of the proposed allotment, 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. Rural Secs 12349 BLK XIV HAWKINS SD is comprised of a title

that is approximately 14.97ha in area and is 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 this property, and they are affected persons.

Allotment shape

56. The allotment shape of proposed Lot 3 is of sufficient width and depth to contain the existing zones of influence. Proposed Lot 1 is also of sufficient width and depth to contain any services within.
57. Lot 1 will be contained on a title that is following existing boundaries to other properties. The proposed boundaries of Lot 3 will follow that of the existing fence line on the north-western and southern boundaries.

Utilities

58. The existing dwelling on proposed Lot 3 will remain connected to the telecommunication and electricity services.
59. The dwelling on Lot 1 was relocated as an 'off-grid' dwelling and so it is powered by solar energy and has sought telecommunication/Wi-Fi connections through a satellite system; Starlink.
60. Water to the off-grid dwelling on Lot 1 has been sourced from an existing bore. Questions to Environment Canterbury regarding the status of this have been raised and will be dealt with through their consenting process, should it be required.
61. With regard to the water source for the dwelling on Lot 1, the application advises (AEE, p.5): *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.* The applicant has offered to consent notice the title to issue for Lot 1 should this consent be granted, stating that the bore servicing the site is not within the property boundaries of Lot 1.
62. Lots 1 and 3 are already serviced by existing vehicle crossings.

Point strips

63. There are no point strips proposed as a part of this development.

Works

64. There are no works proposed as a part of this development.

Clustering of dwellings

65. There is no clustering of dwellings as a result of this application.

Open space covenant area and consent notice

66. The proposed open space covenant (OSC) is located along the north/north-western boundary of proposed Lot 2 and traverses the length of the road boundary to Waterford Road. The shape of the balance area is generally rectangular and is located to the immediate south/south-east of Lot 3.
67. The applicant has offered a condition to consent notice the area of OSC on Lot 2 which would result in a consent notice issued on the title of the lot should the consent be granted. This would alert any future owner or occupier of the site that the area identified as OSC cannot be used to erect a dwelling within, nor is it able to provide for future density calculations.

Roading

68. As both allotments are accessed via existing crossings, the outcome of the subdivision should it be granted would not result in any changes to the frequency in which those crossings are used therefore it would not affect the safety and efficiency of the roading network. As Lot 1 and Lot 3 are not located on the same side of the road, a shared crossing is not feasible.

Corner Splays

69. The applicants have sought to not provide the required corner splays on the intersection of Waterford Road and Coaltrack Road. As a Restricted Discretionary activity, Councils consideration is limited to the consideration of effects on the efficient functioning of any road and the safety of road users.
70. Council's Engineering Department has concluded that at this stage, corner splays are not required as they are satisfied with the visibility and limited number of vehicles that utilise the intersection. It is noted that Waterford Road is essentially a dead-end road, with the road terminating at the Waikirikiri River with no continuation on the south-western site of the river. Waterford Road is presently servicing up to two residential activities and given the location of the open space covenant on proposed Lot 2, any future dwelling on Lot 2 would need to gain access via Coaltrack Road, so it likely that the existing vehicle movements and users of Waterford Road will generally remain as status quo.

Monitoring

71. This will be considered at the substantive stage.


Conclusion

72. Limited notification to the following is required.

NAME	ADDRESS
Heritage New Zealand Pohere Taonga	PO Box 4403, Christchurch Mail Centre 8140
Te Taumutu Rūnanga	75 Main South Road, Riccarton PO Box 3214, Christchurch
Paul John Ffoulkes	8 Warrens Road, RD 1 Christchurch

Recommendation


73. It is recommended that the application be processed on a ☐ limited notified ☒ basis, to the parties listed above.

Reported and recommended by 	Date: 1 June 2023
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Eilish Robinson-Kelly, Strategy Planner Error! Reference source not found.	
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Decision

That the above recommendation be adopted under delegated authority.

 <p>Janette Dovey, Team Leader Resource Consents</p>	<p>Date: 21 June 2023</p>
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