

Sections 95 and 95A-E

Resource Management Act 1991



Decision and Planning Report

Planning Report pursuant to section 42A of the Resource Management Act 1991 recommending whether or not an application for resource consent should be:

- Publicly notified, limited notified or non-notified

APPLICATION NUMBER:	RC245697
APPLICANT:	Lifestyle Chickens Limited
BRIEF DESCRIPTION OF APPLICATION:	Land use consent RC245697 is sought to construct and operate an eight shed poultry breeder farm and two associated farm worker dwellings that do not comply with rural density, intensive production setback and building coverage standards.
SITE DESCRIPTION:	Address: 227 Hunters Road, Dunsandel Legal Description: Lot 2 DP 82576 DP Title Reference: CB47D/110 Area: 30.6890 ha
ZONING / OVERLAYS	Operative Selwyn District Plan (2016), Rural Volume Outer Plains Zone Partially Operative Selwyn District Plan (Appeals Version) General Rural Zone Electricity Transmission and Distribution (Orion 33kV to 66 kV), Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Rural Density Code: SCA-RD3 (Name: West Plains and Foothills/ Kakapō-tahi me Ngā Pākihi Whakatekateka o Waitaha)
OVERALL ACTIVITY STATUS:	Non-complying

The Application

- This application was formally received by the Selwyn District Council on 12 August 2024. Further information was received on 13 September 2024, 16 October 2024, 17 October 2024 and 31 October 2024, and this information now forms part of the application.
- The Applicant has provided a detailed description of the proposal within the AEE¹. I concur with the Applicant's description and provide the following summary.

¹ Pages 2 to 7, AEE.

3. The proposal will involve a change of use at the application site, which is currently used for pastoral farming with a single farm house. The Applicant proposes to construct and operate a poultry breeder facility. This facility will feature:
 - 8 poultry sheds organised into two clusters with a combined footprint of 14,688m². Each poultry shed will have a maximum height of 4.1m and will be clad in Coloursteel non-reflective product and poly panelling;
 - Each poultry shed will feature an egg sorting/staff area. These will be clad in the same material as the poultry sheds and have a maximum height of 7.2m;
 - LPG storage for the poultry sheds' mechanical plant;
 - Diesel storage;
 - Two staff parking areas²;
 - A new vehicle accessway; and
 - On-site wastewater treatment and discharge infrastructure.
4. The poultry sheds will house up to 80,000 birds at any one time. These birds will be raised in accordance with industry standards, with birds placed into a shed at 20 weeks old and remaining for approximately 40 weeks. Egg laying occurs from 24 weeks to 40 weeks of age, after which the birds are captured and processed at a processing plant in Hornby, Christchurch. The sheds are cleaned between poultry raising cycles.
5. The operation has up to 13 staff on-site. This includes a farm manager, who lives on-site, plus 5 to 6 staff at each shed cluster. Staff duties will include inspections of livestock, egg collection and sorting, and the removal of ill or dead birds.
6. The Applicant has also proposed to erect two new dwellings as on-site accommodation for farm staff. These two dwellings are located between the two poultry shed clusters and are a typical design for a three-bedroom dwelling with internal garaging. The exterior of both dwellings will be white brick and Ebony coloured 'Coloursteel' roofing. The joinery will be double glazed aluminium joinery in black. Each dwelling will have a west facing outdoor living area. The Applicant advises that this accommodation is a contractual requirement with their customer(s) and to ensure staff are available at all times to manage animal welfare.
7. A new accessway is proposed from Sharlands Road. This accessway will cross over a water race located on the southern side of Sharlands Road and will have a formed width of 4m. Up to 47 car equivalent movements (CEM) per day or 338 CEM per week are anticipated.
8. The arrangement of the poultry sheds, dwellings, parking and vehicle access is shown in Figure 1.

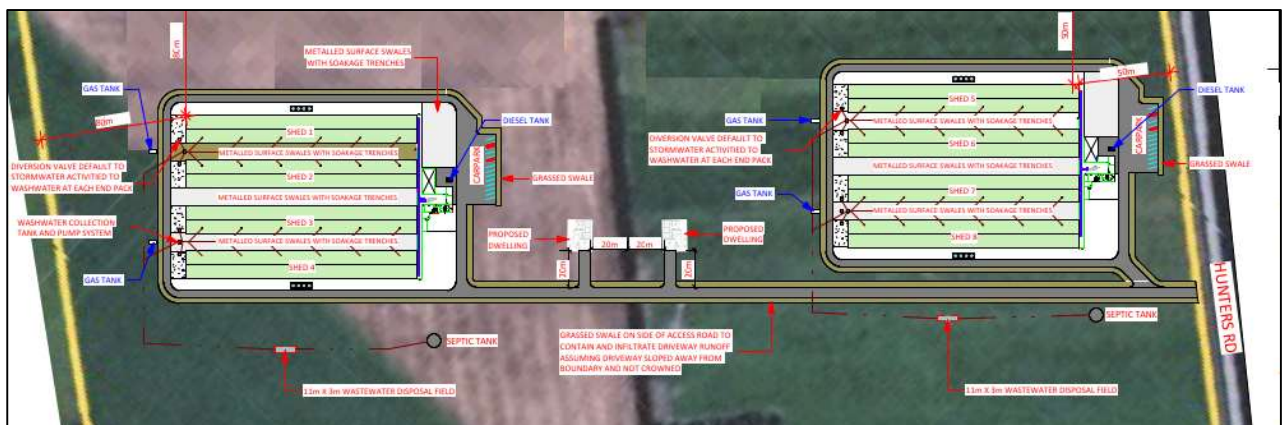


Figure 1 – Site Plan (Source: AEE).

9. The Applicant has proposed to plant a series of screen plantings around the property. This includes retention of the existing vegetation along the Eastern boundary (adjacent to 319 Sharlands Road), while pine trees will be planted along all other boundaries (Figure 2). The Applicant advises that these pine trees will reach a 4m height within 4 years and will be subject to regular maintenance to ensure their wellbeing.

² The AEE states that there are 12 parking spaces provided. However, there are 20 spaces across both parking areas.



Figure 2 – Proposed Landscaping (Source: Applicant)

10. No signage has been proposed, other than that required to meet biosecurity regulations. Those signs will be up to 9 m² in area and will be attached to security fencing at the site entrance (as well as to the new buildings).
11. The proposal will be reliant on on-site potable water, stormwater and wastewater infrastructure. These aspects of the proposal are subject to a separate resource consent application from Environment Canterbury (ECan).
12. The proposal's construction will require approximately 50,000m² of earthworks. Of this, 32,000m² is required for building platforms, while the remaining 18,000m² will establish car parking, vehicle access and services. These earthworks equate to 10,000m³ of land disturbance.
13. The main aspects of the activity are as follows:
 - Establishment of a new intensive primary production activity;
 - Establishment of two additional dwellings; and
 - Establishment of a new vehicle crossing and associated accessway.

Background

14. I have reviewed the application site's property file and note that resource consent was granted in February 2003 for a second unit. It appears that that unit was located at what is now 319 Sharlands Road.
15. The current proposal was first lodged in early June 2024 (Council Reference: RC245437) but was withdrawn on the advice of Council officers due to the identification of a rural density infringement.
16. The current application was lodged in August 2024 without the inclusion of the dwellings. A notice under section 91 of the RMA was issued on 16 August 2024 given the exclusion of the dwellings, with the notice stating:

"It is our understanding that current biosecurity and animal husbandry regulations require the farm's workers to reside on-site, as was previously detailed in RC245437. Consequently, there is an overlap between the current application and the matters for consent identified above such that consideration of one may affect the outcome of the other and it would not be appropriate to separate them. Their bundling will enable an integrated and holistic assessment of the proposal as a whole."

17. The Applicant responded by providing an updated AEE that included the two additional dwellings on 13 September 2024. This was followed by a s92 further information request on 4 October 2024 in relation to the landscape and visual assessment, several technical planning matters and Flood Assessment Certificates for the new buildings. This additional information was provided on 16 October 2024, 17 October 2024 and 31 October 2024.
18. The Applicant has also sought resource consent from Environment Canterbury (ECan) for discharges associated with the poultry farm's operation³. ECan determined on 2 October 2024 to limited notify the application to the following properties owners:
- LOT 1 DP 82576 BLKS VI SELWYN SD (319 Sharlands Road);
 - LOT 4 DP 68060 BLKS VI SELWYN SD (179 Hunters Road);
 - LOT 2 DP 64532 BLKS VI X SELWYN SD (375 Sharlands Road);
 - LOT 1 DP 366266 BLK VI SELWYN SD (391 Sharlands Road); and
 - LOT 3 DP 81234 (394 Sharlands Road).
19. It is understood that the submission period for the ECan applications closes on 7 November 2024.

The Existing Environment

20. The application site is located approximately 8.4 km from Dunsandel within cultivated farmland. The site is largely open, and presently used for pastoral farming activities. The site is also occupied by a single dwelling. This dwelling is accessed from Hunters Road and an extended accessway. Several areas of the site are screened by existing shelterbelts.
21. The surrounding area is pastoral in land use and character. The area is formed by numerous farms, with large fenced fields, farm houses, accessways and shelterbelts. The surrounding sites range in size from 2 ha through to over 90 ha. The adjoining sites include a 4 ha block occupied by a farmhouse (319 Sharlands Road).
22. Sharlands Road is a sealed carriageway, which also features a water race and a significant electricity distribution line along its southern side. The distribution is supported by a series of power poles and is operated by Orion. Hunters Road is unsealed and features a "Give Way" sign at its intersection with Sharlands Road.
23. I visited the site on 9 October 2024.

Activity Status

Operative Selwyn District Plan (2016), Rural Volume ("the Operative Plan")

24. The application site is zoned Outer Plains. The site is not subject to any overlays.
25. The Council released the Appeals Version of the Partially Operative Selwyn District Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.
26. The rules that still apply following appeals and that this proposal does not meet are as follows.

Land Use

27. The proposed land use activity does not meet the following rules⁴:

³ ECan references: CRC250040, CRC250041, CRC250042.

⁴ The AEE has identified that resource consent under Rules 3.11.1 and 3.11.2 (site coverage) is required. However, a review of the Partially Operative District Plan does not indicate that there are any remaining appeals to GRUZ-REQ1 (building coverage). As such, I have disregarded Rules 3.11.1 and 3.11.2.

RULE	TOPIC	NON-COMPLIANCE	STATUS
1.7.1.2	Earthworks and Setbacks, Volume and Site Rehabilitation	The earthworks do not exceed: (a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and (b) A maximum volume of 5000m ³ per project. 10,000m ³ of earthworks are proposed.	Discretionary
3.10.1.1	Buildings and Residential Density	Residential density allows for one dwelling per 20 ha of site area. Three dwellings (one existing, two new) are proposed on a site of 30 ha.	Non-Complying (Rule 3.10.6)

28. Therefore, the land use proposal is a Non-Complying activity under the Operative Plan.

Partially Operative Selwyn District Plan (Appeals Version) ("the Partially Operative Plan")

29. The application site is zoned General Rural. The site is also subject to Electricity Transmission and Distribution (Orion 33kV to 66 kV), Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Rural Density Code: SCA-RD3 (Name: West Plains and Foothills/ Kakapō-tahi me Ngā Pākihi Whakatekateka o Waitaha.
30. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.
31. The rules of the Partially Operative Plan that this proposal does not meet are as follows.

Land Use

32. The proposed land use activity does not meet the following rules⁵:

Operative/treated as operative:

RULE	TOPIC	NON-COMPLIANCE	STATUS
GRUZ-R18/ GRUZ-REQ8	Setbacks	All paddocks, structures, buildings and areas of paved or otherwise impervious material used to house stock, and any wastewater treatment systems associated with intensive primary production, shall be located a minimum distance of 300m from the notional boundary of any lawfully established existing sensitive activity on another site. The proposal involves an intensive primary distance within 300m of the notional boundaries the following sensitive activities (dwellings): <ul style="list-style-type: none"> • 319, 375, 394 Sharlands Road; and • 179 Hunters Road. 	Restricted Discretionary (GRUZ-REQ8.2)
GRUZ-R2 and GRUZ-R3	Building Coverage	The maximum site coverage is 5%. The proposal will have a building coverage of 5.3%.	Restricted Discretionary (GRUZ-REQ5.2)

⁵ The AEE states that the proposed earthworks trigger consent under Rule EW-R2 given the volumes proposed. However, the updated earthworks plan demonstrates that earthworks not subject to a building consent are less than 10,000m³. Consequently, consent is not required under that rule.

Has legal effect – subject to appeal:

RULE	TOPIC	NON-COMPLIANCE	STATUS
GRUZ-R5.5	Residential Unit on an Undersized Site	Residential density allows for one dwelling per 20 ha of site area. Three dwellings (one existing, two new) are proposed on a site of 30 ha.	Non-complying (GRUZ-R5.7)

33. A FAC has been issued by Selwyn District Council (Reference: C240592, which imposes the following:
- Dwelling 1: No minimum finished floor level is required to meet natural hazard rules;
 - Dwelling 2: A minimum Finished Floor Level of 300mm above the highest existing ground level immediately adjacent to the building platform;
 - Poultry Sheds 1-8: No minimum finished floor level is required to meet natural hazard rules.
34. Given the size of the application site and single-storey height of Dwelling 2, it is assumed that the proposal can comply with the FAC.
35. Therefore, the land use proposal is a Non-Complying activity under the Partially Operative Plan.

Appeals

36. Christchurch International Airport Limited has appealed GRUZ-R5 in relation to undersized lots within the 50dB Ldn Air Noise Contour. Given that the application site is not located within the noise contour, I do not consider that further consideration of this appeal is required.
37. Horticulture New Zealand Limited has appealed rules associated with structures in the General Rural zone, specifically artificial crop protection structures, which are not proposed. As such, I do not consider that further consideration of this appeal is required.
38. Dairy Holdings Limited has appealed the earthworks standards associated with irrigation works. However, no such works are proposed with the current application.
39. CSI Property Limited and iPort Rolleston Holdings Limited have appealed a rezoning of land at Rolleston, as well as the Plan's natural hazard rules. However, given that the site is not located at Rolleston I do not consider this appeal relevant to the current application.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

40. The Applicant has provided a PSI/DSI, which has been reviewed by ECan's land contamination team. ECan has confirmed that while a change of use is proposed, land use consent is not required under the NES-CS given the site's previous uses.

Written Approvals (Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii))

41. The provision of written approvals is relevant to the notification and substantive assessments of the effects of a proposal under sections 95D, 95E(3)(a) and 104(3)(a)(ii). Where written approval has been provided, the consent authority must not have regard to any effect on that person. In addition, that person is not to be considered an affected person for the purposes of limited notification.
42. The Applicant has not provided the written approval of any parties.

Notification Assessment

Assessment of Adverse Environmental Effects (Sections 95A, 95B, 95D and 95E)

Permitted Baseline

43. Sections 95D(b) and 95E(2)(a) allow that a consent authority "may disregard an adverse effect" if a rule or a national environmental standard permits an activity with that effect, a concept known as 'the permitted baseline'. The application of the permitted baseline is discretionary, as denoted by the use of the word "may". It is

understood that its intention is to identify and exclude those adverse effects that would be permitted by the Plan from consideration.

44. In this case, the Operative Plan permits the following
- One dwelling per 30 ha of site area;
 - Up to 5% building coverage for sites greater than 1 ha;
 - Shelterbelt planting; and
 - Rural land uses where they comply with development and activity standards.
45. The Partially Operative Plan permits the following:
- One dwelling per 30 ha of site area;
 - Up to 5% building coverage for sites greater than 1 ha;
 - Structures and dwellings that comply with zone requirements;
 - Vehicle access, parking and crossings;
 - Shelterbelt planting;
 - Free range poultry farming; and
 - Intensive primary production that is compliant with setback and location plan requirements.
46. In my view, it is appropriate to apply the permitted baseline to an assessment of the proposal. Both District Plans enable rural production activities, transport works and dwellings, albeit all subject to varying standards and requirements. Furthermore, there is nothing unusual or unique to the proposal that would render the permitted baseline inappropriate or fanciful. As such, I have applied this baseline to my adverse effects assessment.

Assessment

47. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment is a rural location featuring pasture based rural production, farm houses and shelterbelts. Also present is an electricity distribution line (along Sharlands Road) and a water race. The location is typical of rural locales on the Canterbury Plains.
48. The status of the activity is **non-complying**. As such, the Council's discretion is unrestricted, and all adverse effects must be considered. The objectives, policies, reasons for rules and assessment matters in the Plans provide useful guidance when considering the adverse effects of the proposal, and these are discussed where relevant below.
49. The adverse effects that might be considered relevant to this proposal are landscape and visual amenity, noise, transport, cultural and rural amenity effects.

Landscape and Visual Amenity Effects

50. The proposal involves the construction of two new dwellings and eight poultry sheds that do not comply with the maximum building coverage standard. Consequently, the Applicant has provided a landscape assessment report prepared by Greenwood Associates (Greenwood) which has been peer reviewed by Council's Consultant Landscape Architect Jeremy Head. Greenwood Associates have broken down their landscape assessment to the following:
- Physical landscape effects;
 - Visual amenity effects from:
 - Public viewing points; and
 - Private sites.
51. Turning first to physical landscape effects, Greenwood Associates highlight that a negligible amount of land modification is required to construct the proposal given the application site's flat topography. Furthermore, they consider that any such effects will be screened by the proposed shelterbelts once they mature. Given these factors, Greenwood Associates have concluded that the physical landscape effects will be very low.
52. Regarding visual amenity effects from public viewing points, Greenwood Associates have undertaken an assessment based on eight views from three locations along Sharlands Road and Hunters Road. To summarise, they consider that the visual amenity effects from these viewing points will be very low at the time the activity is

established and will continue to be very low upon the shelterbelts reaching maturity. The very low magnitude of these effects is a result of:

- A limited viewing audience, in particular a lack of pedestrians);
- The proposed site layout, including the setbacks employed from road boundaries;
- Screening of the dwellings provided by the poultry sheds;
- The external treatment of the proposed buildings, in particular the green colour scheme of the poultry sheds;
- The backdrop of shelterbelts, including those proposed, which the proposed poultry sheds will blend into;
- Dwellings whose external appearances are similar to existing dwellings in the surrounding area;
- The rural building characteristics of the poultry sheds; and
- Screening from shelterbelts, including those proposed by the Applicant.

53. Lastly, Greenwood Associates have assessed the visual amenity effects on 179 Hunters Road and 375 Sharlands Road. In their opinion, the magnitude of effects will be very low for both properties. This low magnitude is based on:

- The use of a recessive colour scheme for the exterior of the poultry sheds;
- The separation distances between the proposed buildings and the dwellings at these two sites;
- The screening that will be provided by the boundary shelterbelts and other vegetation; and
- The rural building characteristics of the proposed poultry sheds.

54. Consequently, Greenwood Associates conclude that the overall landscape and visual effects of the proposal will be based, in part, on the Applicant's proposed mitigation (i.e. shelterbelts).

55. Mr Head has reviewed Greenwood Associates' assessment, as well as their related RFI response. With regard to landscape and visual effects, Mr Head advises that, in his view, that the dominance of large structures is incongruous in a rural setting, with the landscape effects associated with the poultry shed structures aggravated by the presence of an additional two dwellings on what is an undersized lot. I concur with Mr Head in this regard.

56. As detailed by Mr Head, the proposal's landscape effects are further increased by the presence of the related accessway, parking and associated development. Mr Head has also identified that these landscape effects will be highest at the time the proposal is constructed, reducing as the proposed shelterbelts mature and provide screening. However, in the interim (i.e. at least four years from planting), there will be landscape effects with a greater than 'very low' magnitude.

57. Mr Head has also considered possible 'transient' views for local residents who regularly travel along Sharlands Road. In his view, such effects would be very low in magnitude. I concur with Mr Head's commentary on landscape effects, including that there will be less than minor effects on viewers from the adjoining road corridors.

58. Mr Head has also further assessed effects on the two properties identified by Greenwood Associates, as well as on and 319 Sharlands Road. Regarding visual effects on 179 Hunters Road and 375 Sharlands Road, Mr Head advises that there will be low-moderate effects on 375 Sharlands Road, in part due to the proximity of the proposal's buildings to the dwelling at 375 Sharlands Road and its outlook provided by the dwelling's two-storey form. I also agree with Mr Head's identification of 375 Sharlands Road as an affected site given its location and outlook in regard to the proposed buildings.

59. Lastly, Mr Head has identified that the visual effects on 319 Sharlands Road may be greater than assessed by Greenwood Associates given the proximity of the proposal to that site's dwelling and the potential disruption to landscape values currently experienced by that site's occupants. I agree with Mr Head's identification of this potential issue.

60. With due consideration to Greenwood Associates' and Mr Head's review, I consider that the proposal will have at least minor adverse effects on landscape and visual amenity values. While I acknowledge that the District Plans do enable a sizable building footprint on large rural lots, the proposal is in excess of those controls. This excess building coverage is both a result of the poultry sheds' footprints and the proposed presence of multiple dwellings on-site. While the Applicant has proposed mitigation, principally new shelterbelts, this mitigation will take several years before it may suitably address the proposal's adverse effects. On this basis, I consider that 319 and 375 Sharlands Road, and 179 Hunters Road are adversely affected by these effects.

Noise Effects

61. The proposal's noise effects have been subject to an acoustic assessment by Marshall Day Acoustics (MDA), which has been reviewed by Council's Consultant Noise Specialist Robin Chen.
62. The MDA assessment has considered the potential operational noise effects on four nearby dwellings (179 Hunters Road, 319, 375 and 391 Sharlands Road) arising from the use of mechanical ventilation and traffic movements at the application site. MDA have also undertaken existing noise conditions within the existing environment and employed the noise standards of the General Rural zone from the Partially Operative District Plan. To summarise, MDA conclude that the proposal will comply with the above mentioned noise standards, during both daytime and nighttime hours.
63. MDA has also considered the potential construction noise that will be generated. In this regard, they consider that the proposal will be able to comply with relevant District Plan and national standards. Mr Chen has also confirmed his agreement with MDA in regard to this matter.
64. Mr Chen's review has confirmed that full compliance with operational noise standards is realistic. However, Mr Chen does note that while noise may be noticeable above current ambient noise levels, such noise would have minimal adverse effects. Mr Chen has also confirmed that construction noise can be expected to comply with the relevant standards.
65. Based on the above and in consideration of the permitted noise standards of the Partially Operative Plan, it is my view that the proposal will have less than minor noise effects with no parties adversely affected.

Transport Effects

66. As previously detailed, the proposal will involve the establishment of a new accessway from Sharlands Road. The accessway will serve the poultry farm and two new dwellings, with up to 47 car equivalent movements (CEM) per day or 338 CEM per week are anticipated.
67. The proposed access arrangements have been reviewed by Council's Consultant Development Engineer Victor Mthamo. Mr Mthamo has confirmed that the proposal satisfactorily addresses the transport requirements of the District Plans in terms of parking and access. I concur with Mr Mthamo in this regard.
68. The Applicant has also provided analysis of the anticipated vehicle movements. The AEE does note that heavy vehicle traffic can be more concentrated at the beginning and end of a breeder cycle, these vehicles can be safely accommodated by the existing road network. Similarly, a low number of vehicle movements are anticipated with the two new dwellings and will not significantly affect the functioning of the road network.
69. In general I concur with the Applicant the proposal will generate limited transport effects. Access to the proposal is compliant with District Plan standards and extensive sightlines are available along Sharlands Road for vehicles entering and existing the site. Adequate parking will be provided on-site, while the proposed accessway also has clear sightlines to avoid any potential safety issues.
70. On this basis, I consider that the proposal will have less than minor transport effects.

Cultural Effects

71. The application has been reviewed by Mahaanui on-behalf of Te Ngāi Tūāhuriri Runanga and Te Taumutu Rūnanga. Mahaanui have provided a Cultural Advice Report (CAR) that is based on consultation with Kaitiaki representatives and informed by the Mahaanui Iwi Management Plan 2013 (the IMP). The CAR details that the following cultural matters were considered:
- Ranginui – discharges to air;
 - Wai Māori – impacts on water;
 - Papatūānuku – soils, earthworks;
 - Tāne Mahuta - indigenous biodiversity; and
 - Ngā Tūtohu Whenua - wāhi tapu or wāhi taonga.
72. Mahaanui advise that If the consent conditions are provided for, the Rūnanga will not consider themselves to be an adversely affected party, the requested conditions being:
- a) An Erosion and Sediment Control Plan for any earthworks required to give effect to this consent must be prepared, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury until such time the exposed soils have been stabilised.
 - b) An Accidental Discovery Protocol (ADP) should be in place during all earthworks required to give effect to this consent to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).

- c) The consent holder must plant indigenous vegetation on-site to mitigate the impacts of earthworks and discharges to land and air, enhance the cultural landscape, increase indigenous habitat, filter sediment, and sequester carbon.
- d) The consent holder must underplant the pine trees with natives.
- e) Wastewater originating from the workers dwellings must be treated and discharged via an individual onsite wastewater system (secondary treatment) and must not be discharged via the chicken effluent irrigators.

73. In addition, the following advice notes have been sought:

- a) Stormwater should undergo treatment for contaminants (including heavy metals) before being discharged to land for infiltration.
- b) The consent holder is recommended to plant and maintain an indigenous riparian buffer for the stock water race on site.
- c) Plants that mature to a height of at least the width of the waterway should be provided.
- d) The consent holder should implement the Ngāi Tahu Subdivision and Development Guidelines to the greatest practical extent for the dwellings and structures on site. In particular, each dwelling should incorporate sustainable urban design features with respect to stormwater and greywater management including:
 - i. Greywater capture and reuse.
 - ii. Rainwater capture and reuse (i.e., rainwater collection tanks).
 - iii. Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).
 - iv. The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.

74. The Applicant has confirmed that they have adopted the conditions requested by Mahaanui. As such, I consider that the proposal's cultural effects have been suitably mitigated and will be less than minor.

Rural Amenity Effects

- 75. Rural amenity can be affected by the visual appearance and operational characteristics of a proposal. In this instance, I note that while intensive primary production is a permitted activity in the Partially Operative Plan, it is required to have a 300m setback from the notional boundary of sensitive activities (e.g. dwellings).
- 76. In this instance, the proposed poultry operation will be within 300m of four dwellings. Consequently, there is potential for odour and general disturbance associated with the poultry farm's operation to affect the occupants of those dwellings. While I acknowledge that the Applicant has sought air discharge permits from ECan, odour effects arising from the poultry farm's operation also relates to the matters requiring consent under this current application. ECan have previously identified five parties as adversely affected by the proposal's air discharges. In my view, the same five parties are adversely affected by the odour related rural amenity effects associated with the current land use consent application.
- 77. Furthermore, I note that the addition of two new dwellings also has the potential to undermine rural amenity, principally through a change to local character due to the new buildings and from the general disturbance associated with two further households on the application site. These new dwellings will contribute to a much more developed appearance at the application site and represent a potentially significant change in related rural amenity values.
- 78. Based on the above, I consider that the rural amenity effects of the proposal will be at least minor, with the following parties directly affected:
 - 319, 375, 391 and 394 Sharlands Road; and
 - 179 Hunters Road.

Contaminated Land

- 79. The Applicant has provided preliminary and detailed site investigations that have been prepared by Momentum Environmental. These site investigations identify that was a low risk of heavy metal contamination on part of the subject site from previous horticultural activities, while subsequent soil sampling showed heavy metal concentrations are at or below expected background concentrations. As such, Momentum Environment advise that the site is suitable for the proposed land uses.
- 80. The site investigations have been reviewed by Environment Canterbury who confirm their accuracy and that resource consent under the NES-CS is not required. On this basis and with recognition of the permitted activity

status of the proposal under the NES-CS, I consider that the proposal will not have any adverse effects associated with contaminated land.

Positive Effects

81. Positive effects are not relevant to the consideration of notification and will be considered as part of the s 104 assessment later in this report.

Conclusion

82. With regard to section 95D, it is my view that the proposal will have less than minor adverse effects on the wider environment. This includes any potential and/or actual effects on landscape and visual amenity values, cultural values and rural amenity values.
83. To conclude and in accordance with section 95E, the proposal will have at least minor adverse effects on the following adjacent sites:
- 319, 375, 391 and 394 Sharlands Road; and
 - 179 Hunters Road.
84. My assessment of these effects has been based, in part, on the application documentation, further information responses, Council's technical experts, the CAR and recognition of the permitted baseline.

Public Notification (Section 95A)

85. Section 95A states that a consent authority must follow the steps in the order given to determine whether to publicly notify an application for resource consent.

Step 1: mandatory public notification in certain circumstances (sections 95A(2) and 95A(3))	Y	N
Has the applicant requested that the application be publicly notified?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is public notification required under section 95C (no response or refusal to provide information or agree to the commissioning of a report under section 92)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.*

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

Step 2: public notification precluded in certain circumstances (sections 95A(4) and 95A(5))	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the application for one or more of the following, but no other types of activities:		
• A controlled activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• A boundary activity only (as per the definition of "boundary activity" in s 87AAB of the Act)?	<input type="checkbox"/>	<input type="checkbox"/>

*If the answer to any of the above criteria is yes, continue to **Step 4**.*

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

Step 3: public notification required in certain circumstances (sections 95A(7) and 95A(8))	Y	N
Is the activity subject to a rule or national environmental standard that requires public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.*

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

Step 4: public notification in special circumstances (section 95A(9))	Y	N
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, the application must be **publicly notified**.*

If the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application.

86. In conclusion, in accordance with the provisions of section 95A, the application must not be publicly notified and a determination on limited notification must be made, as follows.

Limited Notification (Section 95B)

87. Section 95B states that a consent authority must follow the steps in the order given to determine whether to give limited notification of an application for resource consent, if it is not publicly notified under section 95A.

Step 1: certain affected groups and affected persons must be notified (sections 95B(1)-(4))	Y	N
Are there any affected protected customary rights groups, as defined in s 95F?	<input type="checkbox"/>	✓
Are there any affected customary marine title groups, as defined in s 95G (in the case of an application for a resource consent for an accommodated activity (as defined in the Act))?	<input type="checkbox"/>	✓
Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and is the person to whom that statutory acknowledgement is made an affected person under s 95E?	<input type="checkbox"/>	✓

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

If the answer is no, continue to Step 2.

Step 2: limited notification precluded in certain circumstances (sections 95B(5) and 95B(6))	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude limited notification?	<input type="checkbox"/>	✓
Is the application for a controlled activity only and not a subdivision of land?	<input type="checkbox"/>	✓

If the answer is yes, continue to Step 4.

If the answer is no, continue to Step 3.

Step 3: certain other affected persons must be notified (sections 95B(7)-(9))	Y	N
In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	<input type="checkbox"/>	✓
For any other activity, are there any affected persons in accordance with section 95E of the Act (as assessed in the Assessment of Adverse Environmental Effects above)?	✓	<input type="checkbox"/>

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

If the answer is no, continue to Step 4.

Step 4 – Limited notification in special circumstances	Y	N
Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)?	<input type="checkbox"/>	✓

*If the answer is yes, **notify the application to those persons**.*

If the answer is no, do not notify anyone else.

88. In conclusion, in accordance with the provisions of section 95B, the application must be limited notified. As concluded above in the Assessment of Adverse Environmental Effects, the following are affected persons; therefore, they must be served notice.

The owners and occupiers of:

- 319, 375, 391 and 394 Sharlands Road; and
- 179 Hunters Road.

Notification Recommendation

89. I recommend that the application (RC245696) is processed on a **limited notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

Report by:	
Tim Hegarty, Consultant Planner	Date: 13 November 2024

Notification Decision

In reaching the following decision, I have read all the evidence submitted by the Applicant and Council, and I have reviewed the relevant provisions of the Operative and Partially Operative District Plans. Further, I have undertaken a site visit and am familiar with the immediately surrounding environment.

I record that, as directed by minute #1, Mr. Hegarty provided an updated s.95 notification report on Wednesday 13 November 2024.

Having thoroughly reviewed all evidence before me and having regard to the planning framework and surrounding environment, I agree with Mr. Hegarty's assessment and recommendation. Accordingly, in accordance with sections 95A-E of the Resource Management Act 1991, the application is to be processed on a **limited notified** basis to the parties identified in paragraph 88 of this decision.

	
Commissioner O'Connell	Date: 14 November 2024