

Resource Consent Application

Version A

**eliot
sinclair**

McDonald Road, Green Park

Prepared for Jo & Paul Campbell

520233

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Quality Control Certificate

Eliot Sinclair & Partners Limited

eliotsinclair.co.nz

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Form 9

Section 88 Resource Management Act 1991

To Resource Consents Unit
Selwyn District Council
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From Jo & Paul Campbell
Address to be confirmed

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1. Jo & Paul Campbell apply for the following resource consent:

RMA Section	Activity	Period Sought
RMA Section 9	The applicant proposes to establish a dwelling on an undersized allotment in the General Rural Zone. The proposal has been assessed as a Non-Complying Activity.	Unlimited

2. A description of the activity to which the application relates is:

The applicant proposes to establish a dwelling on an undersized allotment in the General Rural Zone within the Partially Operative Selwyn District Plan (POSDP).

A detailed description of the proposal is contained in the attached Assessment of Environmental Effects.

3. The site at which the proposed activity is to occur is as follows:

The site is at the corner of McDonald Road and Englishs Road. It is legally described as: GAZ 01-940 RES 3537 BLK V HALSWELL SD -G RAVEL PIT.

4. There are no other activities that are part of the proposal to which this application relates.

5. No additional resource consents are needed for the proposal to which this application relates.

6. **Attached is an assessment of the proposed activity's effect on the environment that —**
- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
7. **Attached is an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.**
8. **Attached is an assessment of the proposed activity against any relevant provisions of a document referred to in Section 88 of the Resource Management Act 1991, including the information required by Schedule 4 of that Act.**
9. **Attached is an assessment of the proposed activity against the resource management matters set out in Partially Operative Selwyn District Plan.**
10. **Attached is further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.**



Signature of Jo & Paul Campbell (or person authorised to sign on behalf of the applicant)

Date 12/12/2024

Contents

1. Introduction	5
2. Site Description and Existing Environment	5
3. Proposal Description	9
3.1. Proposed Dwelling	9
4. Consultation	10
5. Statutory Assessment	10
5.1. Resource Management Act 1991	10
5.2. National Policy Statement	10
5.3. National Environmental Standards	11
6. Assessment of Actual and Potential Effects on the Environment	12
6.1. Permitted Baseline Assessment	12
6.2. Effects on visual amenity and rural character	13
6.3. Effects on servicing and Transport	16
6.4. Natural Hazards and Geotechnical	16
6.5. Effects on Highly Productive Land	17
6.6. Positive Effects	18
7. Assessment of Relevant Objectives and Policies	19
7.1. Canterbury Regional Policy Statement ('CRPS')	19
7.2. Partially Operative Selwyn District Plan	20
7.3. Mahaanui Iwi Management Plan	22
8. Part 2 of the RMA	23
9. Notification	24
10. Section 104, 104[C,B & D] of the RMA	24
11. Conclusion	26
12. Disclaimer	26

Appendix A. Site Plan

Appendix B. Approved Building Consents

Appendix C. NPS -HPL

Appendix D. LLUR

Appendix E. Courtney Environmental Consultancy

Appendix F. Correspondence

Appendix G. Record of Title

1. Introduction

1. Jo & Paul Campbell ('the Applicant') are proposing to construct a permanent dwelling on an undersized allotment at the corner of McDonald Road and Englishs Road, Greenpark. The applicant is currently seeking a Rapid number, and the address is understood to likely be 130 McDonald Road. The site plan is attached as Appendix A.
2. Resource consent is required for a Non-Complying Activity in the General Rural Zone under the POSDP. The proposal does not comply with Rule GRUZ-R5(Residential Unit on an Undersized Site) as the existing site does not meet the minimum 20 ha requirement.
3. The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act 1991 (RMA). It provides a description of the site and the proposal, an assessment of actual and potential effects that may arise from the proposal as well as an assessment of the proposal against the POSDP.
4. The following appendices are attached in support of, and form part of, the application:
 - Appendix A: Site Plan
 - Appendix B: Approved Buildings
 - Appendix C: NPS - HPL Assessment
 - Appendix D: LLUR
 - Appendix E: Courtney Environmental Consultancy Ltd
 - Appendix F: Correspondence
 - Appendix: G Record of Title
5. Previously consented activities at the site include:
 - Building Consent (BC191100) and resource consent (RC195342) granted for a Farm building in 2019. This building consists of two 40ft containers.
 - Building consent (BC231239) was granted in 2023. A 216m² 'Farm Building' constructed with a timber pole frame, lightweight steel roofing and cladding, and a concrete floor slab.
6. Details of the approvals for the existing buildings are provided in Appendix B.

2. Site Description and Existing Environment

7. The site is located at the corner of McDonald Road and Englishs Road and is legally described as GAZ 01-940 RES 3537 BLK V HALSWELL SD-GRAVEL PIT. The site has a total site area of 2.0234 hectares and is within East Plains/ Te Waihora ki Waimakariri overlay.
8. The site is shown in Figure 1 below and is within the flood management and rural density overlays. Figure 2 below shows the potential impact of a 200-year ARI event with the depth in metres.
9. The site is zoned General Rural, to the south and east of the site is the Ararira-L Il River, approximately 230-300 metres away. The site is within the following overlays:
 - Plains Flood Management Overlay

- Specific Control Area Rural Density SCA-RD2: East Plains / Te Waihora ki Waimakariri.
10. A 216m² consented farm building in a dark recessive colour (Figure 3) is currently on the site and also the container shed in the northwestern corner. There is existing heavy vegetation on the Englishs Road frontage which effectively screens the existing buildings when viewed from Englishs Road. From McDonald Road the site is more open with lower perimeter planting and open grassed areas within the site visible from the road.

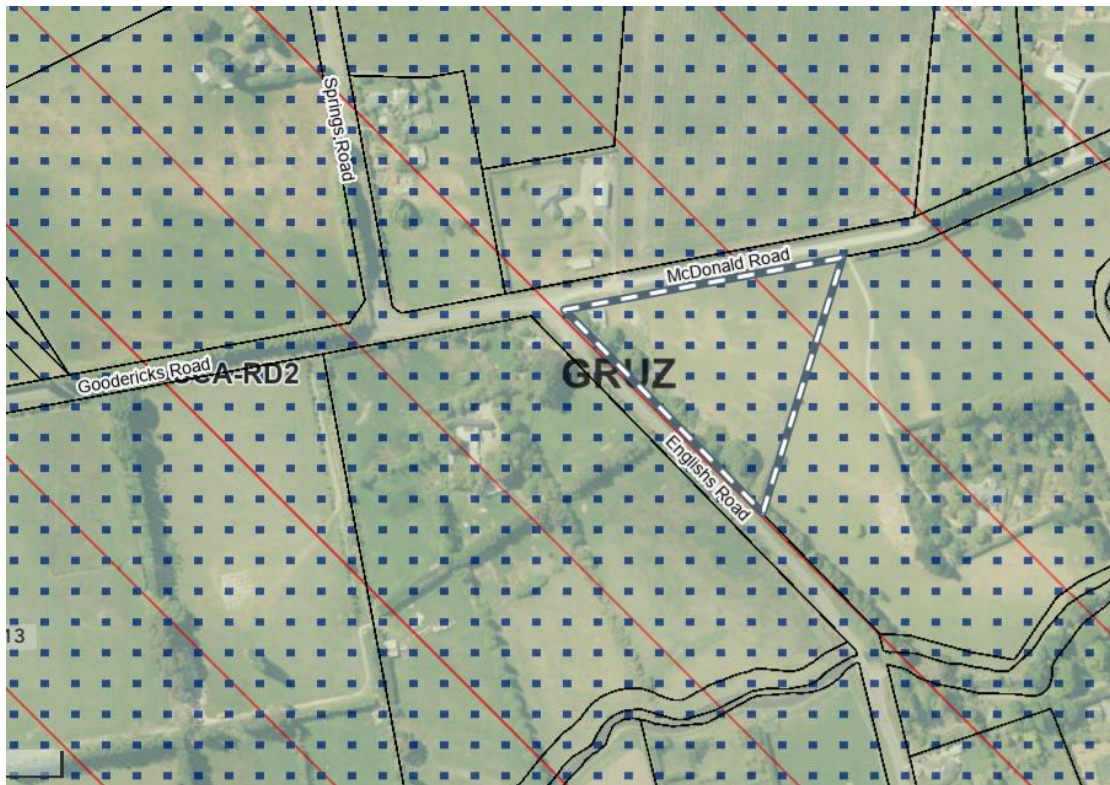


Figure 1. Aerial image of the site showing flood management and rural density overlays (Source: Selwyn Eplan)



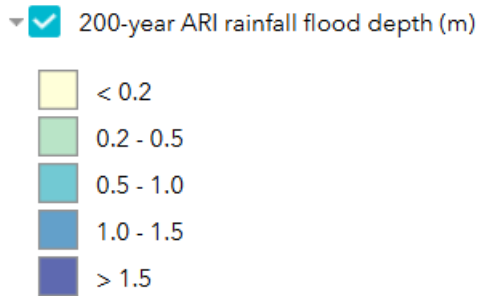


Figure 2. Site in relation 200-year ARI rainfall flood (Source: Canterbury Maps Viewer)



Figure 3. Existing building viewed from McDonald Road

11. The adjoining properties are a combination of residential dwellings on lifestyle blocks and rural pastoral land further to the west, consistent with the predominant land use in the area. The site is bounded by McDonald Road on the north and Englishs Road on the West.
12. The nearest dwelling is located on a neighbouring property to the north and is situated 90m from the northern boundary of the application site on a 10.0 ha land parcel. The neighbouring property to the west is situated approximately 110m to the west on a 8.09 ha land parcel.
13. Figure 4 below shows the existing level of development in the surrounding environment with land parcels with dwellings varying between 1.59 ha and 10 ha in the immediate vicinity.
14. It is important to note in the below figure, that only highlighted in red are lots closest to the size of the site effectively those below 10ha. However, it is critical to note that all lots not highlighted that are between 10 and 20 ha are also undersized for the zone, which would effectively highlight most of the allotments on the map.



Figure 4. Application Site highlighted in yellow, showing the allotment sizes of the sites in proximity

15. The site is identified on Environment Canterbury's Online Mapping system as containing highly productive land and is included within an area that has been classified within the Land Use Capability 3 with a small area of 1 and 2. [This is shown in Figure 5 below.](#)

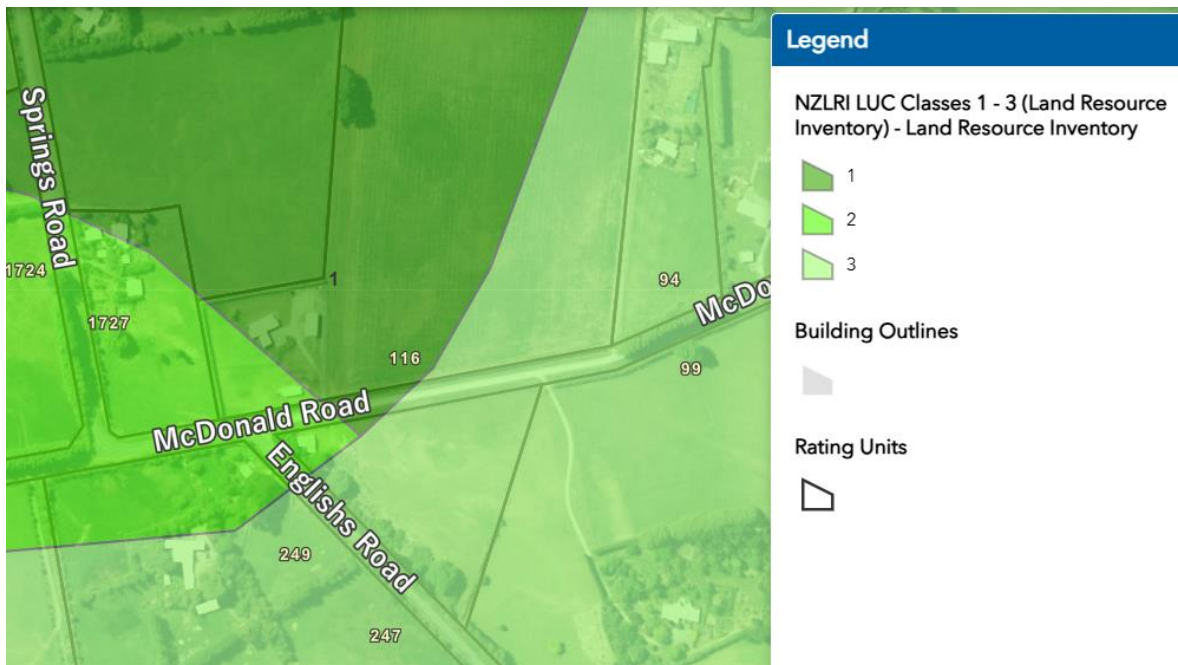


Figure 5. Site showing Land Use Classes (Source: Canterbury Maps Viewer)

16. The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) was approved late September 2022 and provides national direction to improve the way highly productive land is managed under the Resource Management Act 1991. This includes guidance on managing the subdivision, use and development of land classified as highly productive. Further detail and an

assessment of the National Policy Statement for Highly Productive Land 2022 can be found in the Agribusiness assessment in Appendix C and section 5.2 and 6.5 of this report.

3. Proposal Description

17. The Applicant proposes to construct a residential dwelling on the site. The proposed dwelling will be for use as a private dwelling for the Applicant. While the location of the proposed dwelling on the site is yet to be confirmed there is sufficient space on the allotment to allow a dwelling to be constructed in compliance with the relevant setback requirements outlined in the POSDP.
18. An indicative site location plan is attached in Appendix A and Figure 6 below is illustrative of the indicative location of the proposed dwelling.

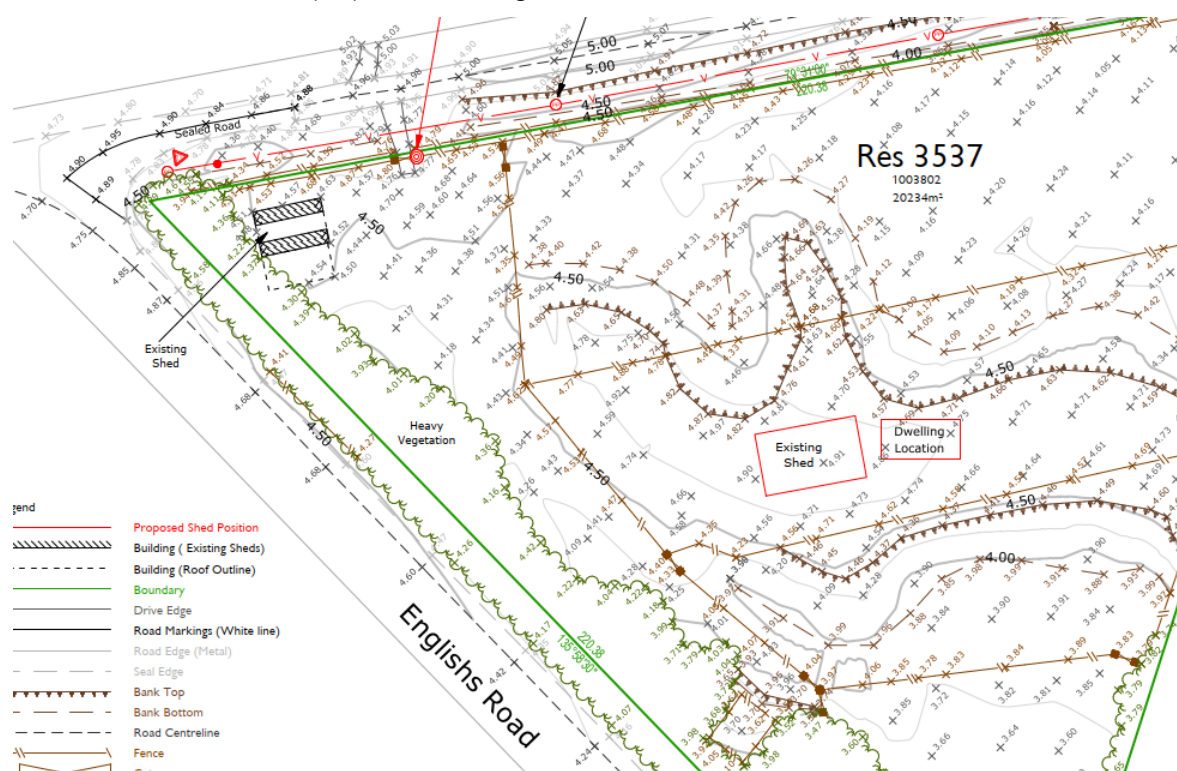


Figure 6. Indicative dwelling location to east of existing shed.

3.1. Proposed Dwelling

19. The dwelling will take a “black box” approach. It will have recessive colours and will be a maximum of 5.5m above existing ground level. Due to the scale of the proposed dwelling its form will be subsidiary to the existing shed.
20. The dwelling is proposed to have a footprint of 100m². The dwelling will be finished in neutral recessive colours to blend in with the surrounding environment. There is an existing water supply available from an onsite bore.
21. The Applicant proposes to install a new on-site wastewater system in accordance with New Zealand Standard AS/NZS 1547:2012 to treat and discharge domestic wastewater. The wastewater system will be appropriately located, and resource consent will be obtained from Environment Canterbury to authorise its installation and ongoing use under Rule 5.8 of the Canterbury Land and Water Regional Plan.

22. The existing building constructed in 2023 has all necessary services including power and water is supplied from the on-site bore. Telecommunications are provided by cell phone coverage of the area. These services are also available for the proposed dwelling.

4. Consultation

23. Consultation is currently being undertaken with adjoining property owners on the basis of being a "good neighbour". It is considered that the effects of the proposal are generally "less than minor" but could potentially be considered at most minor.
24. While it is anticipated that affected party approval is likely to be obtained from most neighbours not all are anticipated to provide written approval. On that basis the applicant requests that the application is limited notified properties.
25. A pre-application meeting was held with Selwyn District Council Planner Joanna vandenBerg on the 10th of September 2024 to discuss the application and the interpretation of the POSDP.

5. Statutory Assessment

5.1. Resource Management Act 1991

26. Section 9 (Restrictions on use of land) of the RMA states that:
- (1) No person may use land in a manner that contravenes a national environmental standard unless the use –*
 - (a) is expressly allowed by a resource consent; or*
 - (b) is allowed by section 10; or*
 - (c) is an activity allowed by Section 10A; or*
 - (d) is an activity allowed by section 20A.*
 - (2) No person may use land in a manner that contravenes a regional rule unless the use –*
 - (a) is expressly allowed by a resource consent granted; or*
 - (b) is an activity allowed by Section 20A.*
 - (3) No person may use land in a manner that contravenes a district rule unless the use –*
 - (a) is expressly allowed by a resource consent granted; or*
 - (b) is allowed by section 10; or*
 - (c) is an activity allowed by Section 10A.*
27. The proposal is not expressly allowed by a rule in the POWDP and therefore a resource consent is required under Section 9 of the RMA.

5.2. National Policy Statement

28. There are eight National Policy Statements (NPS) which are currently operative and one that is proposed. These are:
- (a) New Zealand Coastal Policy Statement
 - (b) Electricity Transmission
 - (c) Renewable Electricity Generation
 - (d) Freshwater Management

- (e) Urban Development
 - (f) Highly Productive Land
 - (g) Indigenous Biodiversity
 - (h) Greenhouse Gas Emissions
29. The NPS for Highly Productive Land is considered relevant to this application. An assessment of the proposal in respect of NPS-HPL has been prepared by Ann Moriarty for The Agribusiness Group and is attached in Appendix C.
 30. The report states "... leads to the conclusion that the proposed development would result in economic, social and environmental benefits that outweigh the costs of associated with the loss of HPL."
 31. The report concluded with the following statement – *"It is our conclusion that the proposed consent application meets all of the limbs in the clause 3.10 test and therefore Selwyn District Council should be satisfied that this HPL can be subdivided, used or developed for activities not otherwise enabled under clauses 3.7, 3.8 or 3.9."*
 32. On the basis of this report, I consider the adverse effects of any loss of HPL are considered less than minor.

5.3. National Environmental Standards

33. The following National Environmental Standards (NES) are currently operative:
 - (a) Air Quality
 - (a) Sources of Drinking Water
 - (b) Telecommunication Facilities
 - (c) Electricity Transmission Activities
 - (d) Assessing and Managing Contaminants in Soil to Protect Human Health
 - (e) Plantation Forestry
 - (f) Freshwater
 - (g) Marine Aquaculture
 - (h) Storing Tyres Outdoors
34. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health is considered relevant to this application.
35. It is considered that the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) is the only relevant Environmental Standard for this proposal. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCO) came into effect on 1 January 2012.
36. The site is located in a rural zone and has been previously used for rural activities. Council records for the site do not show any previous activity that would indicate that the site has been used for an activity that would potentially contaminate the land.
37. Council records, including the review of the property file and LIM, and the Listed Land Use Register (LLUR) on Environment Canterbury's website do not show any previous activity that would indicate that the site has been used for an activity that would potentially contaminate the land. The LLUR is attached in Appendix D.
38. There is no information that indicates that the sites have been or are currently used for a HAIL activity or an activity that could potential be a risk to human health. It is considered that the

likelihood of any activity or industry described in the HAIL being undertaken is low as such under clause 6(2) no further contamination investigation or assessment under the NESCS is required.

6. Assessment of Actual and Potential Effects on the Environment

39. The proposal has been assessed as a Non-Complying Activity and as such, the Council's discretion is unrestricted, and all relevant adverse effects may be considered.
40. The objectives, policies, reasons for rules and assessment matters in the POSDP provide useful guidance when considering the adverse effects of the proposal, and these are discussed where relevant below.
41. The following actual and potential effects have been considered:
- Permitted baseline assessment
 - Effects on visual amenity and rural character.
 - Effects on servicing.
 - Transport-related effects.
 - Flooding effects.
 - Geotechnical effects.
 - Density effects.
 - Effects on Highly Productive Land.
 - Reverse sensitivity
42. These are discussed below.

6.1. Permitted Baseline Assessment

43. There are a number of activities that are permitted at the site as per the POSDP. These include:

Rule	Activity Status	Comment
GRUZ-R2 Structures	Permitted	Must comply with various GRUZ requirement REQ1,2,4,4b,10,11,16. All requirements can be met and building coverage could increase to 500m2.
GRUZ-R6A <u>seasonal worker accommodation</u>	Permitted	Requirements could be complied with
GRUZ-R8 Rural Service Activity and Rural Industry	Permitted	Requirements could be achieved
GRUZ-R9 Rural Selling Place/Commercial Activity	Permitted	Requirements could be achieved
GRUZ-R15 Visitor Accommodation	Permitted	1. The establishment of a new, or the expansion of an existing visitor accommodation

Rule	Activity Status	Comment
		Where: a. Accommodation is offered to not more than five guests for reward or payment at any one time; b. The registered proprietor resides permanently on-site; c. The visitor accommodation is not located within the Airport 50dB Ldn Noise Control Overlay Requirements can be met

44. Other permitted activities on the site subject to varying conditions such as hours of operation or full-time equivalent staff (conditions that can be readily met) are:

- GRUZ-R13 Research Activity
- GRUZ-R14 Conference Facilities
- GRUZ-R15A Rural Tourism Activity
- GRUZ-R16 Rural Production
- GRUZ-R17 Free Range Poultry Farming
- GRUZ-R18 Intensive Primary Production
- GRUZ-R20 Mineral Prospecting
- GRUZ-R22 Amenity Planting
- GRUZ-R23 Woodlots
- GRUZ-R25 Shelterbelt
- GRUZ-R27 Aircraft and Helicopter Movements Ancillary to Rural Production e.g. establish cherry trees and undertake frost fighting.
- GRUZ-R29 Training of Horses
- GRUZ-R31 Camping Grounds

45. It is considered that many of the activities permitted at the site would alter the environment to a greater extent than that of a residential dwelling.

6.2. Effects on visual amenity and rural character

6.2.1. Visual Amenity

46. Proposed developments in the rural zone can cause effects such as aesthetic, environmental and cultural impacts. It is important to assess the actual and potential effects on visual amenity and rural character to determine this.

47. The proposal is to construct a dwelling of a smaller scale with a 100m² footprint. The design is consistent and of a smaller nature to other dwellings in the area. The design will be in recessive colours, this will assist in blending in with the surrounding environment.
48. As the surrounding environment is gently undulating in topography and the natural vista does not include rolling hills or any significant visual landmarks in the area, it is considered that the proposed dwelling does not cause any views of the natural landscape to be impeded. Views of the Christchurch Port hills in the distance to the west, will not be hindered by the proposed dwelling.
49. The dense vegetation at the corner boundary of the site contributes to the rural character of the site and considering this is not proposed to be removed, will aid in preventing the wider surrounding environment from being affected by the proposed dwelling. The vegetation provides a 'screen' and therefore the dwelling will not be very visible from this location. There will be minimal visibility along the length of Englishs road due to this.
50. Although the dwelling will be more visible from along McDonald Road, the dwelling will not be inconsistent with those in the surrounding area on other undersized lots. With the existing vegetation shielding the proposed dwelling from the corner intersection, it is considered the rural character will not be affected visually.
51. There are two existing consented sheds on the site and therefore it is expected that there is already a visual focal point at the site, creating less of a visual contrast when a dwelling would be also established.
52. It is considered that the application site will be of a similar size to other undersized lots in the area and will be in keeping with the surrounding pattern of development in the neighbouring environment.
53. The proposal is not seeking to create any new access ways to the site. The exiting vehicle crossing is to remain as it is.

6.2.2. Rural Character

54. Regarding rural character, the character of the site will change from a small rural land holding comprising of open space and existing buildings, to a rural residential character. There will still be a significant visual separation between nearby residential buildings. Considering there is a substantially large and modern shed on site already, the visual characteristics will not change greatly. Considering the proposed dwelling is small in nature at a size of only 100m² and is proposed to be a single-story dwelling, the rural character is not expected to be altered greatly.
55. Whilst residential activities are part of the General Rural Zone, they should not compromise the ability of the zone to be used for Primary Production. However, the ability to use the site for primary production is limited due to the size of the site, as elaborated on by the Agribusiness Group report located in Appendix C. It is considered that the proposed residential activity is not compromising the ability of the site to be used as primary production, as this is not considered a viable option.
56. The rural character of the area is comprised of a number of nearby undersized allotments. As the site is isolated in that it is between McDonald Road and Englishs Road, the separation from neighbouring dwellings is considered significant which does encourage the feeling of open space, and the proposed dwelling would have a decent visual separation to neighbouring residential buildings.

57. It is considered that in the immediate area, the existing rural character is more of a rural lifestyle nature, based on the majority of the allotment sizes in the area being undersized. It is assumed that most productive capabilities at these sites are not comparative to large scale farming.
58. Considering the locations proximity to the growing township of Lincoln, it is not unexpected to see rural lifestyle allotments in the area. These undersized allotments below 20 hectares do still contribute to the rural characteristics of the area as they provide a merging rural landscape between the town and the larger farms that are generally further out from the Lincoln centre.
59. The site is approximately 2.7 kilometres from the newest development in the growing Lincoln area and is not inconsistent with the overall rural character being near to the town. Along Springs Road (the road that would be travelled generally between the site and Lincoln), there are a number of lots less than 20 hectares (as shown in Figure 4).
60. The proposed dwelling will be viewed in conjunction with the existing environment featuring dwellings on various sized lots in the nearby area and therefore, would not result in a density significantly different to the existing development pattern.
61. Considering this dwelling is the only proposed dwelling in the area and has a relatively small footprint, it is considered to have less of a visual impact than if there were several new dwellings proposed in the area. The proposed development is isolated and not part of a development trend that would alter the rural character or visual amenity over time.
62. To conclude, the proposed dwelling does not alter the rural lifestyle or traditional farming practices and therefore the effects are considered no more than minor.

6.2.3. Reverse Sensitivity

63. The PODP defines reverse sensitivity as:

"The potential for an approved (whether by consent or designation), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment, intensification, or alteration of another activity that may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, lawfully established existing or permitted activity".

64. The General Rural Zone is defined in the PODP as:

"areas predominantly used for primary production activities, including intensive indoor primary production". The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location".

65. The existing agricultural landscape in the area has been characterised by small-scale farming and rural-lifestyle properties. These small-scale activities typically operate at lower intensities when compared to larger commercial farms. This means that any associated impacts are likely to be minimal and manageable.
66. The low intensity nature of the surrounding farming operations aligns well with the rural-residential character anticipated at the proposed site.
67. The proposed building platform is strategically positioned well setback from McDonald Road and the proposed dwelling will be subsidiary to the adjacent consented shed. The colour palette will be consistent thus minimizing any obtrusive impact.

68. In conclusion, considering the strategic location of the building platform and the nature of surrounding agricultural operations, the potential for reverse sensitivity effects is significantly minimised. As a result, the overall effects of the proposal are expected to be less than minor, ensuring compatibility between future residents and existing farming activities.
69. To conclude, the proposed dwelling does not alter the rural lifestyle or traditional farming practices and therefore the effects are considered no more than minor.

6.3. Effects on servicing and Transport

6.3.1. Transport-related effects

Access

70. The site is currently accessed via an existing accessway off McDonald Road which is located at the northern end of the property. The existing access is approximately 130 m from the intersection of McDonald and Englishs Road on a straight section of road with good visibility in both directions whilst entering or exiting the site.
71. It is considered that there will be no effects in relation to the access being for a residential unit only and any vehicle movements associated with this will not result in any safety or efficiency effects on the local roading network.

Traffic generation

72. McDonald Road is classified as an Access Road, and Englishs Road is classified as a Secondary Collector Road as classified by Waka Kotahi NZ Transport Agency 'One Network Road Classification'. Considering access to the site is from McDonald Road and already existing, it is considered that the effects on transport related matters will be less than minor.

6.3.2. Water Supply, Power and Effluent Disposal

73. All necessary services including power exist and water is supplied from the on-site bore. Telecommunications are provided by cell phone coverage of the area.
74. The Applicant proposes to install a new on-site wastewater system in accordance with New Zealand Standard AS/NZS 1547:2012 to treat and discharge domestic wastewater. The wastewater system will be appropriately located, and resource consent will be obtained from Environment Canterbury to authorise its installation and ongoing use under Rule 5.8 of the Canterbury Land and Water Regional Plan.
75. An assessment of the feasibility of obtaining the necessary consent approval from Environment Canterbury has been prepared by Andrew Brough of Courtney Environmental Consultants Limited (CEC).
76. In Mr Broughs conclusion he states:
- "Based on previous experience for consent applications on sites around 2 hectares in size CEC concludes that a consent would be granted in a non-notified manner."*
- The full response from CEC is attached in Appendix E.
77. Any adverse effect is considered less than minor, and that appropriate mitigation can be achieved.

6.4. Natural Hazards and Geotechnical

6.4.1. Flooding effects

78. A topographical survey of the site has been completed and although the site is within a 'Flood Hazard' area as detailed in section 2 of this report this is not considered an impediment to development of a dwelling subject to an appropriate finished floor level.

6.4.2. Geotechnical effects

79. A limited geotechnical assessment was undertaken for the construction of the farm building that was constructed in 2023. A more detailed assessment in respect of appropriate foundation design may be required. This is not considered an impediment to the development of a residential dwelling.

6.5. Effects on Highly Productive Land

80. Agricultural and Resource Economist at Agribusiness Group Ann Moriarty was approached in order to determine whether or not the application site is suitable for highly productive land purposes and also providing an assessment against the relevant NPS-HPL. A report was provided which is attached as Appendix C which provides an in-depth analysis of this.
81. The report notes that the area of the site is significantly constrained due to the site being only 2.02 hectares, there is a lack of site area necessary to achieve the economies which are necessary to be commercially viable for any but the most intensive land users.
82. Secondly, the site is within the Selwyn-Waimakariri water zone. The report notes that this is currently overallocated for takes to extract irrigation water. Therefore, it is not possible to gain access to irrigation water at the site (unless possible to transfer an existing consent onto the property). Again, due to the site area being restrictive, the economic advantage of gaining irrigation capacity is limited and it would be more feasible if considering operations on a larger land area.
83. The report also considers the potential for intensive horticultural land use which was rejected because of the very high cost to establish the operation on a relatively small site, the cold winters limiting the potential range of crops, and due to the site being remote from any post-harvest packaging and processing facilities. Therefore, it is determined that there would be a high transport cost which would not be economically viable.
84. As highlighted by the report, the small site area would mean that there would not be the option for cropping rotations to be undertaken on the land. The report concludes that the small scale of the property, coupled with a lack of irrigation makes the site unattractive to integrate into a larger farming operation.
85. Regarding pastoral land use, the report notes that although this would be possible, the constraints to this include:
- the cost associated with intensifying the production.
 - the lack of irrigation.
 - poor drainage at the site meaning that in winter months it would not be suitable for intensive grazing or to be stocked with large animals.
 - the scale of the site being too small.
86. The report also concludes that the site is unable to be considered economically viable both now and in 30 years' time.
87. Clause 3.10 of the NPS-HPL exemption for highly productive land subject to permanent or long-term constraints states:

(1) Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:

- (a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and
- (b) the subdivision, use, or development:
 - (i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and
 - (ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and
 - (iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and
- (c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

(2) In order to satisfy a territorial authority as required by subclause (1)(a), an applicant must demonstrate that the permanent or long-term constraints on economic viability cannot be addressed through any reasonably practicable options that would retain the productive capacity of the highly productive land, by evaluating options such as (without limitation):

- a. alternate forms of land-based primary production:
- b. improved land-management strategies:
- c. alternative production strategies:
- d. water efficiency or storage methods:
- e. reallocation or transfer of water and nutrient allocations:
- f. boundary adjustments (including amalgamations):
- g. lease arrangements.

- 88. The report has identified that this proposal has been assessed and the three tests which required to determine whether the site has permanent or long-term constraints for which exemptions apply. It is determined that the loss of 2.02ha is not significant in the Selwyn District. It is also determined that the proposal avoids fragmenting large and geographically cohesive areas of the HPL.
- 89. Thirdly, The Agribusiness Group report (included in Appendix C) states that the proposal mitigates potential reverse sensitivity effects on surrounding land-based primary production because the land surrounding the site is predominantly consisting of rural lifestyle blocks. This is unlikely to be the source of concerns relating to reverse sensitivity effects.
- 90. Lastly, the cost and benefit assessment has been undertaken. It has therefore been concluded that the proposed activity meets all of the limbs in the clause 3.10 test and therefore, Council should be satisfied that the land can be used for activities otherwise not enabled under clauses 3.7, 3.8 or 3.9.

6.6. Positive Effects

- 91. The following effects are considered positive.

- The proposed activity will result in a reduction of two potential adverse effects that would result from primary production (nutrient loss and the emissions of greenhouse gases).
 - The social impacts from the proposal will remain largely unchanged from the current land use and likely to result in a marginally positive effect.
 - A positive outcome of the proposed dwelling being built could also enhance temporary employment in the area.
 - Providing low impact accommodation for the applicants allowing better management and oversight of the property
92. In conclusion while not significant on a wider district scale the benefit to the applicants is significant to them as it will provide for the peaceful enjoyment of their property.

7. Assessment of Relevant Objectives and Policies

7.1. Canterbury Regional Policy Statement ('CRPS')

93. The Canterbury Regional Policy Statement provides an overview of the resource management issues of the region. It sets out how natural and physical resources are to be managed in an integrated way to promote sustainable management.
94. The following objectives and policies are considered relevant to this application:
- Objective 5.2.1 – Location, Design and Function of Development (Entire Region)
 - Policy 5.3.1 - Regional Growth (Wider Region)
 - Policy 5.3.2 - Development conditions (Wider Region)
 - Policy 5.3.5 - Servicing development for potable water, and sewage and stormwater disposal (Wider Region)
 - Policy 5.3.12 – Rural Production (Wider Region)
95. The proposal aligns with the objectives and policies outlined in Chapter 5 of the CRPS. This chapter emphasises sustainable growth and rural activities that support the rural environment.
96. Objective 5.2.1 seeks consolidated, well-designed development, particularly around existing urban areas, while maintaining rural activities that sustain the rural landscape and character. Given that it has been concluded that rural activities on the land would not be feasible, the ability to occupy the site by establishing a dwelling will allow for the continuation of rural lifestyle lots that are not inconsistent with the surrounding environment, thus achieving sustainable growth.
97. Policy 5.3.12 reinforces the need to maintain and enhance resources important to Canterbury's rural economy by avoiding fragmentation of land that would limit its potential for primary production. Although the site contains land classified as Land Use Capability (LUC 3), as well as a small portion of the site being LUC 2, and a very minimal portion being LUC 1, indicating high agricultural potential, the NPS-HPL report conducted by the Agribusiness Group in Appendix C confirms that the site is not used for a productive farming operation.
98. As such, the proposed dwelling will not foreclose any significant opportunities for primary production now, or in the future. It also would not lead to adverse cumulative effects on the rural economy or water resources.
99. Considering the rural character of the site, the proposed dwelling on the undersized lot maintains a low-density development pattern that is consistent with surrounding rural lifestyle activities and does not result in fragmentation that would harm future primary production.

100. Secondly, the proposal has regard to the natural landscape and ensures that the environmental quality of the area remains. This aligns with Objective 5.2.1's focus on maintaining the natural environment and rural character.
101. It is considered that the proposal meets the relevant objectives and policies of Chapter 5 of the CRPS. The proposed dwelling does not detract from the area's potential for primary production and therefore the potential adverse effects on rural land use and productivity are less than minor.

7.2. Partially Operative Selwyn District Plan

102. The Proposed Selwyn District Plan was notified in October 2020, this proposal has been assessed against the POSDP.
103. It is considered that all relevant matters are now operative, and that consideration of the former plan is not required. In particular the resolution of the Christchurch International Airport appeal on 8 October 2024 and Horticulture New Zealand appeal on 8 November 2024.
104. The following objectives and policies of the POSDP are considered of particular relevance in relation to the proposed activity.

7.2.1. SD-DI-O1

105. *Selwyn is an attractive and pleasant place to live, work, and visit, where development:*
- 1. takes into account the existing and anticipated character of individual communities;*
 - 2. is well-connected, safe, accessible, and resilient; and*
 - 3. enhances environmental, economic, cultural, social and health outcomes for the benefit of the entire District.*
106. The Lincoln fringe rural amenity is a mixture of rural lifestyle blocks, smaller scale rural production and a variety of small business operations. Servicing of the site is currently in place or can be enhanced to achieve acceptable outcomes.
107. Efficient use of the site consistent with other activities that avoids reverse sensitivity is considered a positive outcome consistent with this objective.

7.2.2. SD-DI-O2

108. *Selwyn's prosperous economy and community well-being are supported through the efficient use of land, resources, and infrastructure, while ensuring existing activities are protected from incompatible activities and reverse sensitivity effects.*
109. It is considered the proposal is an efficient use of an existing site and due to its limited scale avoids reverse sensitivity effects in respect of the existing character and amenity of the area.

7.2.3. SD-DI-O6

110. *Outside of defined urban growth areas, Selwyn's highly productive land is retained for rural production activities and rural communities retain their rural character.*
111. Any impact on HPL is considered less than minor and that the proposal is consistent with the rural character of the existing environment.

7.2.4. GRUZ-O1

112. *Subdivision, use, and development in rural areas that:*

1. *supports, maintains, or enhances the function and form, character, and amenity value of rural areas;*
 2. *prioritises primary production, over other activities to recognise its importance to the economy and wellbeing of the district;*
 3. *allows primary production, those activities that directly support primary production and have a functional or operational need to locate with the General Rural Zone and important infrastructure, to operate without being compromised by incompatible sensitive activities and reverse sensitivity effects;*
 4. *retains a contrast in character to urban areas; and*
 5. *protects highly productive land.*
113. The character of the proposal is consistent with the existing rural environment and its mix of lifestyle blocks and small-scale rural activity. Primary production to the extent and scale that currently exists will not be impacted and the existing buildings and proposed dwelling are considered rural in character.

7.2.5. GRUZ-P1A

114. *Avoid the inappropriate use and development of highly productive land, except as provided for by the National Policy Statement for Highly Productive Land 2022.*
115. The report prepared by The Agribusiness Group provides conclusive evidence that there is no significant adverse impact on HPL from development of the site. On this basis the avoid aspect of this policy is not considered relevant to this proposal.

7.2.6. GRUZ-P2

116. *Avoid the development of residential units on sites that are smaller than the required minimum site size, except where:*
1. *the development has been provided for through a legacy clause; or*
 2. *the minimum residential density requirement is achieved through balance land that adjoins the proposed undersized site in a coherent form to maintain a predominance of open space immediately surrounding the undersized site or*
 3. *the development is for a temporary activity or temporary accommodation.*
 4. *in SCA-RD7 – High Country/ Kā Tiritiri o Te Moana, the development is within a building node, is necessary for the operation and maintenance of a rural production activity, and it can be demonstrated that no balance land is available; and*
 5. *in all cases, the development of the residential unit(s) is outside both the Airport 50dB Noise Control Contour and the Port 45dB Noise Control Overlay.*
117. The site is outside of the Airport Noise overlay. In respect of the other matters there will be no significant change in residential density of the existing environment. Further development of surrounding sites would need to be considered through the consent process.
118. When considered within the wider context of other relevant objectives and policies the proposal is not considered contrary to the matters identified.

7.2.7. GRUZ-P7

119. *Avoid reverse sensitivity effects on:*

1. *lawfully authorised or established primary production activities;*
 2. *activities that have a direct relationship with, or are dependent, on primary production; and*
 3. *important infrastructure.*
120. Any impact on existing lawfully established primary production activity in the surrounding environment is considered less than minor. Communication with Selwyn District Council Duty Planner (Appendix D) confirms that Council are not aware of any intensive outdoor primary production in the vicinity of the applicant's site.
121. Personal communication with The Agribusiness consultants who are based at Lincoln University has also confirmed they are unaware of any intensive outdoor primary production in the area of the applicant's site.
122. It is considered that the proposal is not contrary the relevant objectives and policies of the POSDP when considered as a whole. The proposed dwelling does not detract from the area's potential for primary production is consistent with the existing rural amenity.

7.3. Mahaanui Iwi Management Plan

123. The Mahaanui Iwi Management Plan (MIMP) is an expression of kaitiakitanga and rangatiratanga. It is a manawhenua planning document reflecting the collective efforts of six Papatipu Rūnanga that represent the hapū who hold manawhenua rights over lands and waters within the takiwā from the Hurunui River to the Hakatere River and inland to Kā Tiritiri o Te Moana.
124. The plan has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority. As such, it is applicable to policy and planning processes under the *Resource Management Act (RMA) 1991*.
125. It is considered that the following objectives and policies are considered relevant to this application:
- Objective 5.4 (1) - The mauri of land and soil resources is protected mō tātou, ā, mō kā uri ā muri ake nei.

The application is consistent with the above objective as the proposed works at the site aim to protect soil resources as the proposal is only for temporary earthworks and appropriate erosion and sediment controls will be implemented. In addition should contaminated soil be encountered then appropriate measures will be implemented to remove or encapsulate any contaminants.
 - Objective 5.4 (2) - The ancestral and contemporary relationship between Ngāi Tahu and the land is recognised and provided for in land use planning and decision making.

The proposed activity is consistent with this policy as the ancestral and contemporary relationship between Ngāi Tahu and the land has been recognised and provided for especially as the site is within an area of Ngāi Tahu Cultural significance.
 - Objective 5.4 (3) - Land use planning and management in the takiwā reflects the principle of Ki Uta Ki Tai.

The proposal is consistent with this objective as Ki Uta ki Tai has been considered throughout the planning of this proposal regarding all potential effects on the environment.
 - Objective 5.4 (4) - Rural and urban land use occurs in a manner that is consistent with land capability, the assimilative capacity of catchments and the limits and availability of water resources.

The proposal adheres to this objective as it is determined that the proposed dwelling is consistent with the capability of the land and its resources.

- Objective 5.4 (7) - Subdivision and development activities implement low impact, innovative and sustainable solutions to water, stormwater, waste and energy issues.

The proposal is consistent with this objective as connectivity and servicing will be low impact and there will be access to an existing potable water supply.

- Policy P4.1 - To work with local authorities to ensure a consistent approach to the identification and consideration of Ngāi Tahu interests in subdivision and development activities, including...

The proposed activity adheres to this policy as the applicant seeks to work with local authorities and in turn this will ensure a consistent approach to the identification and consideration of Ngāi Tahu interests in the proposal.

- Policy P9.1 - To sustain and safeguard the life supporting capacity of soils, mō tātou, ā, mō kā uri ā muri ake nei.

The activity will adhere to this policy as the soil and its life supporting capacity will be sustained and safeguarded given the proposed small building footprint and active management of onsite activity.

- Policy P9.2 - To require the appropriate valuation of soil resources as taonga and as natural capital, providing essential ecosystem services.

It is considered the proposal is consistent with this policy as the importance of the soil is recognised and provided for. Low impact agricultural activity will continue consistent with supporting low impact scale.

- Policy P9.4 - To support the following methods and measures to maintain or improve soil organic matter and soil nutrient balance, and prevent soil erosion and soil contamination...

The application is consistent with this policy as methods and measurements will be supported such as the small lifestyle farm activity.

- Policy P11.1 - To assess proposals for earthworks with particular regard to...

The application adheres to this policy as potential effects on the existing and surrounding environment is considered throughout the assessment of actual and potential effects.

126. The proposed dwelling does not detract from the area's potential for primary production and will allow small scale low impact rural activity. The rural environment will be retained, and the community will remain small. Overall, it is considered that the application is consistent with the relevant objectives and policies of the Mahaanui Iwi Management Plan.

8. Part 2 of the RMA

127. Part 2 of the RMA contains the purpose and principles of the Act. When considering an application for resource consent, a consent authority must take into consideration the purpose and principles of the RMA.
128. The proposal is considered to achieve the sustainable management of resources and is therefore consistent with Section 5.
129. It is considered that the proposal is consistent with any matters listed in Section 6 (matters of national importance) and Section 7 (other matters).
130. Section 8 requires that the principles of the Treaty of Waitangi are to be taken into account. It is considered that the application does not offend against any Treaty principles.

131. Based on the above, it is considered that the proposal is consistent with Part 2 of the Act.

9. Notification

132. The applicant is not requesting public notification, and it is considered that public notification is not mandatory, and no special circumstances apply (s95A). Notification is not precluded under s95A (4) – (5). It is considered that the application does not need to be publicly notified as notification is not mandatory, no rule requires notification, and any potential effects will be less than minor.

133. The application has the potential to be considered to have effects on the immediate surrounding properties that would at most be considered minor. Although affected party approval is currently being sort it is anticipated that not all neighbours will provide that approval. It is on that basis that the applicant requests that the application is limited notified to the property owners identified in Figure 7 below.

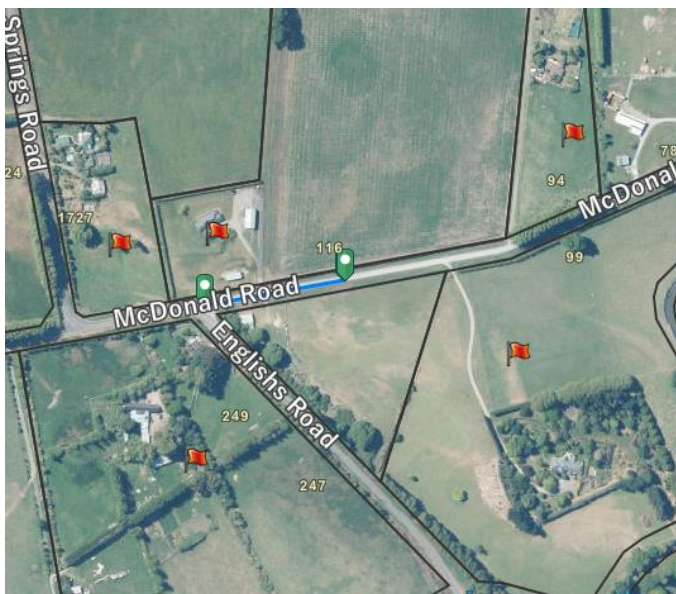


Figure 7. Location of potentially affected neighbouring properties (Source: Canterbury Maps Viewer)

134. The properties identified are detailed below properties outside of those identified are considered sufficiently removed that any effect would be less than minor.

- 249 ENGLISHS ROAD
- 99 MCDONALD ROAD
- 116 MCDONALD ROAD
- 1727 SPRINGS ROAD
- 94 MCDONALD ROAD

135. Based upon this assessment, it is considered that the application be processed on a limited notification basis.

10. Section 104, 104[C,B & D] of the RMA

Section 104 of the RMA

136. Section 104 states that:

104(1) When considering an application for resource consent ... the consent authority must, subject to Part 2, have regard to:

(a) Any actual or potential effects on the environment of allowing the activity; and

(b) Any relevant provisions of –

(i) A national environmental standard;

(ii) Other regulations;

(iii) A national policy statement;

(iv) A New Zealand Coastal Policy Statement;

(v) A regional policy statement or proposed policy statement;

(vi) A plan or proposed plan; and

(c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

137. The actual and potential effects on the environment of allowing the activity have been considered in Section 6 of this report.

138. The Canterbury Regional Policy Statement (RPS) and Proposed Canterbury Regional Policy Statement (PRPS) have been assessed in Section 5 of this report. The proposal is consistent with the RPS provisions.

139. The POSDP has been considered throughout this application.

Section 104 [B, C & D] of the RMA

140. Section 104[B] states that ...

104B Determination of applications for discretionary or non-complying activities.

After considering an application for a resource consent for a discretionary activity or non-complying activity a consent authority –

(a) May grant or refuse the application; and

(b) If it grants the application, may impose conditions under section 108.

104C Determination of applications for restricted discretionary activities.

(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which –

(a) a discretion is restricted in national environmental standards or other regulations;

(b) it has restricted the exercise of its discretion in its plan or proposed plan.

(2) The consent authority may grant or refuse the application.

(3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which –

(a) a discretion is restricted in national environmental standards or other regulations;

(b) it has restricted the exercise of its discretion in its plan or proposed plan.

104D Particular restrictions for non-complying activities.

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –

(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies will be minor; or

(b) the application is for an activity that will not be contrary to the objectives and policies of –

(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or

(ii) relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

141. The assessment of effects detailed in this report show that any adverse effects are considered no more than minor and are consistent with the established existing environment. The proposal is not contrary to the relevant objectives and policies of the POSDP when considered as a whole.
142. On this basis, it is considered that the application for resource consent can be granted under Sections 104[B, C & D].

11. Conclusion

143. Jo & Paul Campbell are applying for resource consent to establish a dwelling on an undersized lot at the corner of McDonald and Englishs Road.
144. The assessment of effects detailed in this report show that any adverse effects are considered at worst no more than minor and are consistent with the established existing environment.
145. This is not an application for a subdivision creating an undersized allotment as the site already exists, rather it is an application for efficient use of the site that meets the applicants needs and avoids reverse sensitivity issues.
146. On the basis of this report, it is concluded that the application for resource consent can be granted under Section 104[B, C & D] of the Resource Management Act 1991.
147. The applicant requests the opportunity to comment on any draft conditions of consent that the Council intends to impose when granting consent.

12. Disclaimer

This report has been prepared by Eliot Sinclair & Partners Limited ("Eliot Sinclair") only for the intended purpose as a resource consent application.

The report is based on:

- Desktop Review
- Land Information New Zealand
- Canterbury Maps Viewer
- 'One Network Road Classification' Waka Kotahi NZ Transport Agency (NZTA).
- National Policy Statements
- National Environmental Standards
- Partially Operative Selwyn District Plan

Where data supplied by Rob Ojala or other external sources, including previously issued resource consents, drawings, or reports have been relied upon, it has been assumed that the information is correct unless otherwise stated. No responsibility is accepted by Eliot Sinclair for incomplete or inaccurate data supplied by other parties.

Whilst every care has been taken during our investigation and interpretation of available data to ensure that the conclusions drawn, and the opinions and recommendations expressed, are correct at the time of reporting, Eliot Sinclair has not performed an assessment of all possible conditions or circumstances that may exist at the site. Variations in conditions may occur between data sources and Eliot Sinclair has provided conclusions in this report based on the best available information at the time of writing. Eliot Sinclair does not provide any warranty, either express or implied, that all conditions will conform exactly to the assessments contained in this report.

The exposure of conditions or materials that vary from those described in this report may require a review of our recommendations. Eliot Sinclair should be contacted to confirm the validity of this report should any of these occur. This report has been prepared for the benefit of Jo & Paul Campbell and the Selwyn District Council for the purposes as stated above. No liability is accepted by Eliot Sinclair or any of their employees with respect to the use of this report, in whole or in part, for any other purpose or by any other party.