From: **Online Resource Consent Applications** Online.ResourceConsentApplications@selwyn.govt.nz
Subject: RC246049 - Resource Consent Submission Form 13
Date: 21 May 2025 at 1:10 pm
To: Jonathan Gregg Jonathan.Gregg@selwyn.govt.nz

Hi Jonathan

Please see attached submission from Steve & Rose Griffiths at 99 McDonald Road.

Kind regards
Janine

-----Original Message-----
From: Submissions <submissions@selwyn.govt.nz>
Sent: Wednesday, 21 May 2025 10:00 am
To: Online Resource Consent Applications <Online.ResourceConsentApplications@selwyn.govt.nz>
Subject: FW: Resource Consent Submission Form 13

-----Original Message-----
From: submissions@selwyn.govt.nz <submissions@selwyn.govt.nz>
Sent: Wednesday, 21 May 2025 9:56 am
To: Submissions <submissions@selwyn.govt.nz>
Subject: Resource Consent Submission Form 13

** Your Details **

*Resource Consent Number : RC246049
*First Name : Stephen and Rose
*Surname : Griffiths
*Box/Road/Street Number and Name : 99 Mcdonald Road Suburb or RD : R D 4 *Town/City : Christchurch Area Code : 7674 Email

** Submission **

*The type of consent is: : Land Use Consent The location of the consent is: :
The proposed activity/change is: : Resource consent for an undersized lot. (2 ha)
*The specific part(s) of the application that my submission relates to are: : Visual and practical implications that this will create if a resource consent for a dwelling if approved. The likely impact to surrounding farming in an Outer zoned area. Concerns about future building possibilities for this undersized land parcel if sold.
*My submission is in: : Opposition
*My Submission is: : See submission attached.
*I seek the following decision from the Selwyn District Council: : I want the Commissioner to decline this application.
Supporting Information: : Steve_and_Rose_Griffiths_Appendix1_Letter_from_WSP.pdf, type application/pdf, 46.2 KB

** Hearing **

*Do you wish to be heard in support of your submission? : I wish to be heard *If others make a similar submission, I would consider presenting a joint case with them at the hearing. : No

Submissions

_____
Submissions

_____
Online Resource Consent Applications

_____

Steve_and_Rose_Griffiths_Appen

dixT_Letter_from_WSP.pdf
47 KB

6th July 2021

WSP

P +64 3 363 5400

Christchurch Office
12 Moorhouse Avenue
PO Box 1482, Christchurch Mail Centre, Christchurch 8140
New Zealand

Stephen and Rosemary Griffiths
99 McDonald Road
LINCOLN 7674

Dear Stephen and Rosemary

DISPOSAL OF DEPARTMENT OF CONSERVATION LAND – RESERVE 3537 - SEEKING EXPRESSION OF INTEREST IN PURCHASE

Further to earlier correspondence I confirm WSP is facilitating the disposal of the former gravel reserve, legally described as Reserve 3537 and defined on SO Plan 4777

As advised the land has been offered to Ngāi Tahu, as per the provisions of the Ngāi Tahu Claims Settlement Act 1998, However, they have since declined to purchase the property.

Under the Ngai Tahu Claims Settlement Act 1998, the Crown cannot accept an agreement on terms or conditions more favourable than what was offered to Ngai Tahu.

The minimum the Crown can accept is $204,000 plus GST (if any) as this is the benchmark price the property was offered to Ngai Tahu Property Ltd at. This offer price was based on Current Market Valuation advice received by the Crown.

The land can only be sold to an adjoining owner and the land amalgamated with the adjoining farmland due to the land not meeting the minimum lots size of 20h a for a separate title under the Selwyn District Council District Plan.

Further to our correspondence enclosed is an agreement for your consideration and completion. For your reference also enclosed is an aerial plan, the SO Plan and a cadastral plan. This agreement is in a standard form of Agreement for the sale of land held under the Land Act 1948.

When returning the signed offer please ensure: -

1. The GST Schedule is completed
2. You sign and return the declaration under Section 70-80 of the Land Act 1948 and
3. You complete your solicitors' details

Once the offer is accepted a settlement statement will then be prepared and forwarded to your solicitor to attend to settlement one month from the date of acceptance of the agreement.

If you have any questions concerning the details of the agreement, please do not hesitate to contact me.

Intermediate Consultant – Property
DDI 03 361 1993
Sam.ashworth@wsp.com

Planning Unit

Notice of Submission on an Application for Resource Consent

Application Reference:

Resource Management Act 1991 - Form 13
Send or deliver your application to: Selwyn District Council, PO Box 90, Rolleston 7643 or submissions@selwyn.govt.nz

For enquiries phone: (03) 347-2800 or email: contactus@selwyn.govt.nz

1. Submitter Details

Name of Submitter(s) *(state full name(s))*: Andrew Tracey Stalker, Louise Ann Stalker

Physical Address: 116 McDonald Road, Lincoln

Address for Service *(if different)*:

Email: andrewstalker22@gmail.com

Telephone *(day)*: Mobile: 0274 361 019

2. Application Details

Application Reference Number *(if not stated above)*: RC246049

Name of Applicant *(state full name)*: Paul Brendan Campbell, Jo-Ann Campbell

Application Site Address: RES 3537, McDonald Road, Lincoln

Description of Proposed Activity: To erect a dwelling on a undersized allotment in the GR zone

3. Submission Details

I / We:
- ☐ Support all or part of the application
- ☒ Oppose all or part of the application
- ☐ Are neutral towards all or part of the application

The specific parts of the application that **my / our** submission relates to are: *(give details, continue on a separate sheet)* See Page 1

- The use of a pole shed and caravan as a dwelling in breach of the building act 2004 and the Selwyn District Plan.
- The non-complying nature of the propsal under the General Rural Zone (GRUZ) rules and objectives. (GRUZ-P2, GRUZ-P7)

The reasons for **my / our** submission are: See page 2

We oppose the Resource Consent RC246049 in Full. The applicants are already occupying the site unlawfully, resulting in ongoing adverse effects on us as lawful rural landowners. These include privacy invasion, intimidation, contamination risk, Flooding, and the psychological and amenity impact of visual dominance and reverse sensitivity.

The decision **I / We** would like the Council to make is: *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought.)*

That resource consent no RC246049 be declined in full

4. Submission at the Hearing

☒ **I / We wish to** speak in support of **my / our** submission.

☐ **I / We do not wish to** speak in support of **my / our** submission.

☐ If others make a similar submission **I / We** will consider presenting a joint case with them at the hearing.

☐ Pursuant to section 100A of the Resource Management Act 1991 **I / We** request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of the commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

5. Signature

(Of submitter(s) or person authorised to sign on behalf of submitter(s))

Signature: ..... Date: 22/5/2025

Signature: ..... Date: 22/5/2025

Note: A signature is not required if you make your submission by electronic means.

6. Privacy Information

The personal information requested in the form is being collected by Selwyn District Council so that we can process your application. This information is required by the Resource Management Act 1991. This information will be held by the Council. You may ask to check and correct any of this personal information if you wish. The personal information collected will not be shared with any departments of the Council not involved in processing your application. However under the Official Information and Meetings Act 1987 this information may be made available on request to parties within and outside the Council.

7. Important Information

1. The Council must receive this submission before the closing date and time for submissions on this application.
2. You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
3. All submitters will be advised of hearing details at least 10 working days before the hearing. If you change your mind about whether you wish to speak at the hearing, please contact the Council by telephone on 347-2800 or by email at planning.technical@selwyn.govt.nz
4. Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the planning report.

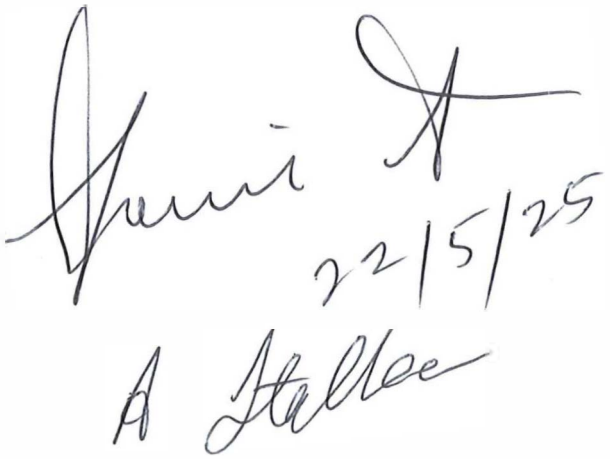
For Office Use Only

Received at the ..... Office on ..... at ..... am / pm

1

The specific parts of the application that my/our submission relates to are:

- The use of a pole shed and caravan as a residential dwelling in breach of the Building Act 2004 and the Selwyn District Plan.
- The non-complying nature of the proposal under the General Rural Zone (GRUZ) rules and objectives (GRUZ-P2, GRUZ-P7).
- The failure to address adverse effects from visual dominance, noise, privacy loss, and reverse sensitivity.
- The insufficient response to the Highly Productive Land (HPL) Assessment under Clause 3.10 of the National Policy Statement for Highly Productive Land (NPS-HPL).
- The acknowledged contamination risk under HAIL Category G3 (Site SIT411579) and failure to conduct a Detailed Site Investigation (DSI) as required under the NES-CS.
- The inadequate stormwater and flood impact assessment, including post-lodgement flooding and runoff into neighbouring farmland.
- The procedural unfairness of accepting late applicant responses while declining extension requests from affected parties.
- The applicants' misrepresentation of architectural plans referencing another site (Watson Residence, 81 Poplar Lane), which is not associated with the subject land.
- The Assessment of Environmental Effects (AEE) failed to disclose material facts or assess full effects.
- The adverse social and psychological impacts experienced due to surveillance, property interference, and boundary disputes with the applicants.



2

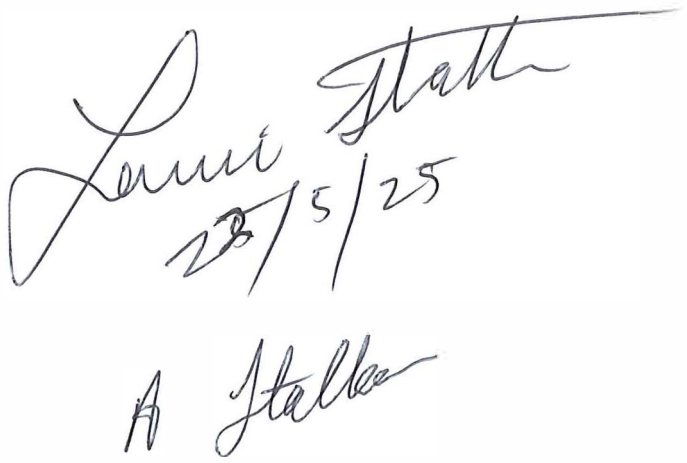
My submission is:
We oppose the resource consent application RC246049 in full. The applicants are already occupying the site unlawfully, resulting in ongoing adverse effects on us as lawful rural landowners. These include privacy invasion, intimidation, contamination risk, flooding, and the psychological and amenity impact of visual dominance and reverse sensitivity.

We do **not** support negotiated outcomes such as covenants or "no complaints" policies. The applicants have complained unjustly about our lawful farming operations, including lighting. As a functioning agricultural farm, our land use involves early morning lighting, noise, machinery, and stock movements when required. Our ability to operate must be protected and not limited by urban-style encroachment.

We also highlight that the site is recorded on the Environment Canterbury Listed Land Use Register (LLUR) as a HAIL G3 site. The applicants have undertaken development on this potentially contaminated land without a Detailed Site Investigation (DSI), placing tradespeople, neighbours, and themselves at significant health risk through exposure to unknown contaminants, including possible asbestos. This conduct breaches the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) and has occurred without proper notification or assessment.

We seek the following decision from the Selwyn District Council:
That Resource Consent RC246049 will be declined in full.

If a hearing proceeds, we wish to be heard supporting this submission.



FORMAL SUBMISSION OPPOSING - RC246049

Paul & Jo-Anne Campbell – McDonald Road, Lincoln (RES 3537)

Submission Date: 22 May 2025

Submission To: Selwyn District Council

Notification Type: Limited Notification (23 April 2025)

Prepared by Andrew & Louise Stalker

116 McDonald Road, RD 4, Christchurch 7674

SIGNATURES:

SUBMITTER DETAILS (FORM 13 INFORMATION)

- Name: Andrew & Louise Stalker
- Address: 116 McDonald Road
- Phone: private submitted on Form 13 seperately
- Email: private submitted on Form 13 separately
- Application Number: RC246049
- Site Location: Corner of McDonald & English's Road, Lincoln
- Legal Description: RES 3537
- Position: **We oppose the application**
- Decision Sought: We request that the application be declined or go to public notification.
- Hearing: We wish to be heard in support of our submission

INDEX OF SUBMISSION CONTENTS

Part B – Response to Request for Further Information (S92) and Applicant Responses

Part Section C – Appendices - A1- A15 **Pages 79-80**

Supporting attachments: maps, photo evidence, legal docs - A1 onwards in collated order

PART A: RESPONSE TO APPLICATION DOCUMENTS

Introduction & Submission Purpose

This formal submission is lodged in strong opposition to Resource Consent Application RC246049, which seeks to establish a residential dwelling on an undersized rural lot at McDonald Road, within the General Rural Zone (GRUZ) of the Selwyn District. The applicants, Jo-Anne and Paul Campbell, have already been found non-compliant by Selwyn District Council for unlawfully living in a shed and caravan on the site since April 2024, in breach of the District Plan, the Building Act 2004, and the Resource Management Act 1991 (RMA).

We, Andrew and Louise Stalker, are the directly affected landowners at 116 McDonald Road. We have owned and lawfully farmed our 25-acre block since 1997. This submission reflects not only our legal and planning-based opposition, but also our lived experience of reverse sensitivity, privacy intrusion, and environmental degradation caused by the applicants' unauthorised occupation and development.

This application represents a serious procedural failure by Selwyn District Council, which failed to act when required, ignored public health and planning risks, and refused to recognise us as affected parties until the notification stage—despite over a year of documented complaints, visual impacts, and increasing adverse effects on our property and wellbeing.

Overview of Grounds

We **oppose** this application on the following grounds:

- Procedural unfairness and bias: The applicants were permitted to submit late RFI responses (two months after the deadline) without public disclosure or justification. In contrast, we were denied an extension under the same Act. This asymmetrical treatment violates natural justice and undermines the participatory purpose of the RMA.

- Non-compliance and unlawful occupation: The applicants have unlawfully used a shed and caravan as a residence, with an unconsented kitchen, bathroom, and greywater discharge system, breaching the Building Act 2004, Health Act 1956, and NES-CS. They have not been issued with an abatement notice, unlike similar cases such as *Watson v Wellington City Council* [2024].

- Flooding and stormwater mismanagement: The site is prone to flooding, with post-lodgement runoff observed onto our land during the 1 May 2025 storm. No updated

flood modelling has been submitted to reflect this, breaching Sections 88 and 104 of the RMA.

- Visual dominance and reverse sensitivity: The 215m² brown-clad shed was consented without our input and now visually dominates our home. The urban appearance, combined with residential-style occupation and surveillance equipment, constitutes a significant and ongoing subjective visual and psychological intrusion.

- Contamination and HAIL site status: The site is recorded as a Category G3 HAIL site (historic landfill), with a registered land contamination encumbrance omitted from Form 9 and the AEE. The PSI confirms complete exposure pathways, yet **no** Detailed Site Investigation (DSI) has been undertaken as recommended. This violates NES-CS and endangers human health and automatically triggers public notification to all affected parties. Making this current consent application null and void.

- Land fragmentation and loss of productive potential: The proposed residential development contradicts the intent of the GRUZ zone and Clause 3.10 of the National Policy Statement for Highly Productive Land (NPS-HPL). Allowing this consent would reward fragmentation and continue reverse sensitivity while undermining long-standing active primary production on surrounding properties, including ours.

- Planning policy breaches: The proposal fails to meet the gateway thresholds under Section 104D of the RMA. It is contrary to GRUZ objectives and policies including GRUZ-P2, GRUZ-P7, and directive language in the Selwyn District Plan that requires avoidance of incompatible land uses and encroachment.

Summary of Relief Sought

We respectfully request that the Commissioner:

- **Decline Resource Consent RC246049 outright under Section 104D of the RMA due to more than minor adverse effects and significant policy breaches;**

- Alternatively, require that the application be publicly notified under Section 95C(2) of the RMA due to new material effects and undisclosed contamination risks introduced post-lodgement;

- We wish to be heard in person at any hearing that may arise and invite the Commissioner to undertake a site visit to observe the full scale of effects on our property at 116 McDonald Road.

We submit that approval of this application would reward unlawful conduct, undermine public confidence in the planning system, and set a dangerous precedent for future development in the Selwyn District.

Section A1: Form 9 and S95 Notification

We raise serious concerns regarding the limited notification process under Section 95 of the Resource Management Act (RMA), which disadvantaged us as directly affected neighbours.

The application was lodged on 12 December 2024 and limitedly notified on 23 April 2025. However, we received no early consultation or proper neighbour engagement before this notification, despite the applicants having been in ongoing occupation of the site since 19 April 2024, in a manner inconsistent with the General Rural Zone (GRUZ). Thus, they did not have a change of use for a building or land and did not acquire the appropriate sewerage and greywater system.

The applicants were caught and found non-compliant by the Selwyn District Council (SDC) on 8 May 2024, for living in a caravan in a pole shed and later in July/August by Environment Canterbury for discharging grey water to land. Such deliberate behaviour created **more than minor** health risks to our and neighbouring properties, notwithstanding this being more relevant due to the recent flooding from rain on 30 March to 1 May 2025.

Further, we were given only 30 days to respond, while the applicants had several months to consult legal counsel, commission professional reports, and revise their material before

notification. Throughout this time period the SDC permitted them to live unlawfully on-site, consolidating their position further and obtaining subdivision-related support (including from Chapman Tripp and Eliot Sinclair). The inequality in the process has placed an unfair procedural and financial burden on us as neighbouring landowners.

In addition, **Form 9** does not transparently disclose the full extent of post-lodgement information that the applicants relied on. As neighbouring landowners, we have faced continuous adverse effects that have been more than minor, including significant nuisance caused by the applicants interfering with our property, noise, roading issues, being followed by them in their cars, flooding, contamination risk and visual degradation and a physical altercation involving Police. However, despite genuine complaints to the SDC, they did not recognise them and treat us as affected parties until this notification occurred. We will discuss further in this submission the issues of reverse sensitivity, property interference, and harassment, which are considered more than minor and encompass the Crimes Act 1961. Their behaviour from the time they arrived in the shed on 19 April 2024 has been toxic and distressing to say the least. They have **not** been good neighbours.

This raises concerns about the adequacy of the Section 95 effects assessment and the impartiality of the SDC's decision-making process. We respectfully submit that this limited notification **did not** give Andrew and me, affected persons who are legally compliant, a fair or equal opportunity to participate, contrary to the intent of the RMA's participatory framework.

We ask that the Commissioner consider the procedural imbalance created by the delayed and constrained notification, reevaluate the integrity of the process by which affected parties were identified and notified, and, more importantly, consider whether RC246049 should have

We ask that the Commissioner consider the procedural imbalance created by the delayed and constrained notification, reevaluate the integrity of the process by which affected parties were identified and notified, and, more importantly, consider whether RC246049 should have reached this stage of even being considered for a resource consent due to the applicant's ongoing deliberate non-compliance at the property and failure to disclose information transparently when asked.

Section A2: Assessment of Environmental Effects (AEE)

It is argued that the applicants' Assessment of Environmental Effects (AEE) is materially deficient and fails to meet the evidentiary standards required under the Resource Management Act 1991 (RMA). The AEE does not accurately assess the proposed activity's actual and potential environmental effects, particularly regarding flooding, stormwater runoff, visual amenity, reverse sensitivity, contamination, and land productivity.

The Assessment of Environmental Effects (AEE) claims that "flooding is not an impediment" to the proposed development. This conclusion is unsubstantiated and misleading. It relies solely on a Flood Certificate dated 7 February 2025, which references outdated LiDAR data and a 2013 photograph showing minor ponding. Critically, the assessment fails to incorporate any real-world evidence from the significant flood event between 30 March and 1 May 2025.

During this flood event, substantial overland flow occurred from the applicants' site across McDonald Road into our paddocks, overwhelming the culvert, depositing topsoil, damaging pasture, and disrupting lawful farming operations. These events are captured in

photographic evidence and can be corroborated by time-stamped video footage, which is available upon request (Please refer to Photos 1–7 in Appendix A1).

Moreover, the site is listed on Environment Canterbury's Listed Land Use Register (LLUR) as **HAIL G3** (historical landfill activity), under Site ID **SIT411579**, with land parcel RES 3537. Accordingly, this raises significant public health concerns. If the land is contaminated, then any stormwater runoff entering our property carries the risk of transporting hazardous materials, including microbial contaminants and legacy pollutants—onto our land and into the wider environment. Notably, flooding has led to the visible spread of algae in our paddock, indicating nutrient and pollutant transfer, consistent with such a risk.

Despite these clear and observable effects, the applicants have provided **no hydrological modelling, stormwater management plan, or detailed downstream impact analysis**, as required under Sections 88(2) and 104(1)(a) of the Resource Management Act 1991 (RMA). In fact, these deficiencies should have rendered the application incomplete and incapable of lawful consideration until rectified.

This is not a hypothetical risk, it has occurred, and remains unaddressed in the current application. We submit that this omission represents a **significant environmental oversight** and that the AEE **must be** amended or rejected on the grounds of its failure to assess and mitigate these real-world adverse effects.

The applicants have also failed in their submission to address stormwater mitigation infrastructure or management strategies. No swales, bunds, culverts, or redirection measures have been proposed, despite the property being within a known flood overlay and subject to the SDC's flood modelling.

Cumulative Reverse Sensitivity and Daily Breach as More Than Minor

In addition, the repeated use of the phrase "less than minor" throughout the applicant's documents and professional reports fails to acknowledge the factual circumstances and established legal standards. The applicants have been in residence on their property for approximately four hundred days from 18 April 2024 to 22 May 2025. Hence, under planning law, each 24-hour period of non-compliant activity may constitute an independent adverse effect. When considered cumulatively, this pattern of daily breach becomes an egregious and ongoing violation of the District Plan. In *Ngāti Kahu Ki Whangaroa Co-operative Society Ltd v Northland Regional Council* (A84/2009), the Environment Court affirmed that cumulative adverse effects must not be assessed in isolation, as repetition over time may elevate a minor impact significantly. This position is further supported by *Westfield (New Zealand) Ltd v North Shore City Council* [2005] NZRMA 337, where the High Court confirmed that councils must consider cumulative impacts and not dismiss them based on a fragmented or decontextualised reading.

The notion that such sustained illegal occupation could somehow be reduced to "only minor" or "less than minor" adverse effects contradicts the weight of case law and statutory interpretation. Not to mention the applicant's non-compliance with not having the appropriate resource consents for land, building, greywater, and sewerage is dumbfounding, especially when such an important decision is to be made. Each unauthorised day of residential activity represents a compounding adverse effect on neighbouring amenity, privacy, and trust in the planning process. Furthermore, reverse sensitivity effects began accruing the moment residential activity commenced within the non-complying structure, as the Court held in *Alderton v Southland District Council* [2015] NZEnvC 183: reverse sensitivity is triggered when new, sensitive land

uses are introduced into established rural or productive environments in breach of district plan rules.

Given that these effects have continued unmitigated for over thirteen months, coupled with the applicant's ongoing failure to secure the required consents on 5 September 2025, and as addressed in Tristen Snell's Compliance Lead's letter to us on 12 June 2024, this is clearly **"more than minor"** under Section 95E of the Resource Management Act 1991 (See Appendix A2.1 for our original letter and Snell's response A2.2**)**. It is respectfully submitted that any professional conclusion to the contrary carries diminished credibility in light of the facts and such legal precedent.

"Likewise, we have attached evidence of the legal costs incurred while seeking an abatement notice to address the reverse sensitivity effects we experienced, as well as receipts for the purchase of hedging plants to restore some privacy and visual amenity. These documents demonstrate the very real financial burden placed upon us by the unlawful occupation of the shed and the resulting cumulative adverse effects on our daily lives and property use (See Appendix A3.1–A3.2).

A3-Contamination

Unlawful Greywater Disposal and Triggering of Reverse Sensitivity

Correspondence from Environment Canterbury (ECan), dated 22 July to 29 July 2023, confirms that greywater from a shower was being discharged directly onto the ground at the applicants' property (see Appendix A4: ECan Email Correspondence).This is **not** a minor matter. The presence of internal bathroom facilities confirms that the shed and/or caravan is being used

as a residential dwelling, not a permitted farm or storage building as claimed in the application. Despite this, no sewage or drainage consent has been obtained, nor has a building consent been issued for residential conversion, which, now through evidence, places the applicants in breach of the Building Act 2004 and the Resource Management Act 1991. The circumstances in this case closely mirror *Watson v Wellington City Council* [2024] NZEnvC, where the Environment Court upheld an abatement notice requiring a family to remove internal plumbing and bathroom facilities from a storage shed that was unlawfully used as a residence (see Media Article and Schedule of Proceedings, Appendix A5.1 - A5.2). In that case, the Court found that no residential consent had been granted and emphasised that such unlawful use could not be retrospectively legitimised without a proper planning assessment and formal approval. Judge Lauren Semple explicitly ruled that using a shed as a home, regardless of the occupant's intentions, was illegal and posed significant planning and environmental compliance risks.

The applicants' current set-up reflects the same non-compliance: their structure includes residential fittings and is occupied full-time, despite being consented only as a storage building. This is substantiated by photographic evidence (as seen in Appendix 6.1 - 6.7), which clearly shows the extent of residential use. The SDC's failure to issue an abatement notice in this instance, unlike in *Watson*, reflects an inconsistent application of the law and raises serious concerns about current enforcement integrity.

The RC246049 application now before the SDC raises the same legal issues. Despite their legal representative stating the structure is a "farm building" (see Chapman Tripp Memorandum - 27 March 2025 response), In contrast, an identified working shower and macerator pump with greywater discharge **confirms** residential occupation and use. These facts were corroborated by official correspondence from Environment Canterbury, which is included

in this submission and should not be overlooked (see Appendix A4). Notably, as recently as 17 May 2025, washing was once again observed hanging on the clothesline—an unmistakable indication of continued residential activity on the site (see in Appendix A6.7). As discussed, reverse sensitivity is triggered at the point residential use begins (*Auckland Regional Council v Rodney District Council* [1999] NZRMA 362). In this case, that date is 19 April 2024, meaning over 390 consecutive days of unconsented residential occupation have already occurred. The discharge of greywater without consent onto potentially contaminated land, and land with which is recorded with a HAIL encumbrance, presents a serious public health and environmental risk. In sum, this risk legally mandates **public notification** under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS).

Despite these serious issues, the SDC has failed to issue the applicants an abatement notice or take compliance actions, unlike Wellington City Council's proactive enforcement in the Watson case (2024/2025). Please note his property more than likely was not HAIL-G3 registered. This discrepancy raises questions of **procedural fairness** and inconsistent application of environmental law, particularly when the adverse effects are ongoing, cumulative, and significantly and blatantly documented by affected neighbours (See recent email from SDC, 21 May 2025 -,Appendix A7).

In conclusion, the applicant's ongoing residential occupation of a caravan and shed, now confirmed to contain a shower and greywater system, is non-compliant, unlawful, and *cannot* be treated as a *more likely minor* effect under section 104D of the RMA. Given the recent Watson (2024) precedent and the explicit confirmation by Environment Canterbry of bathroom facilities in the applicant's pole shed. We respectfully submit that this application **must be** declined

outright or publicly notified under Section 95C due to public health and environmental risks which are *very real* and cumulative.

A4: Legal Obligations and Judicial Principles

It is argued that decision-makers are legally obligated not to rely on assumptions or speculative confidence when assessing effects. The Environment Court in *Shirley Primary School v Christchurch City Council* [1999] NZRMA 66 held that **low-probability but high-impact effects must be taken seriously** and cannot be dismissed without rigorous evidence.

In *Far North District Council v Te Rūnanga-ā-Iwi o Ngāti Kahu* [2013] NZEnvC 232, the Court cautioned against "**playing God**" by assuming uncertain future outcomes, particularly where adverse effects are foreseeable. Applicants are required to provide **robust, expert-based assessments**, not assumptions.

In this case, the absence of updated hydrological modelling or risk analysis in light of a major post-lodgement flood event makes the AEE procedurally and substantively inadequate. This failure breaches:

- **Section 88(2)** of the RMA – for submitting an incomplete AEE,
- **Section 104(1)(a)** – for failing to assess actual and potential environmental effects, and
- **Section 3(f)** – for ignoring low-probability, high-impact flood risks now evidenced in reality.

Relief Sought - We request that the Commissioner,

1. Reject the AEE as incomplete and misleading.
2. Require a complete hydrological and stormwater assessment under **Section 92 RMA**;
3. Alternatively, more importantly, the application should **be declined** under Section 104D of the Resource Management Act 1991, as the adverse effects are undoubtedly more than minor, and the applicant's ongoing activity of using the shed and caravan as a dwelling is non-compliant,

This ongoing non-compliance reinforces the inappropriateness of granting consent and undermines the integrity of the planning framework. Notwithstanding, the failure of SDC to address the actual and foreseeable effects of stormwater and flooding is deeply concerning. This is particularly evident in light of the 1 May 2025 seasonal event. Such inaction undermines public confidence in the integrity of the planning process and sets a **dangerous precedent** for allowing development on undersized rural lots within the General Rural Zone (GRUZ).

A5: Highly Productive Land Assessment

This section contains two written rebuttals addressing the applicant's Highly Productive Land Assessment under Clause 3.10 of the National Policy Statement for Highly Productive Land (NPS-HPL).

The first letter is from my husband, **Andrew Stalker**, a lifelong farmer with over 40 years of experience managing and working land in Greenpark and the wider Selwyn District. The second is myself, **Louise Stalker**, a Clinical Counsellor with Sociology, Social Work, Psychology, and Social Policy qualifications.

These independent submissions provide practical and policy-based critiques of the Agribusiness Group's report and outline why the application **fails** to meet the Clause 3.10 high threshold for residential development on highly productive land.

Letter from Andrew Stalker – Farmer and Agricultural Contractor

I regret that I have to write this response on behalf of farmers and lawful landowners in New Zealand. If the SDC had upheld the District Plan as it should have, we would not have had to spend our extensive time, money, and energy enforcing it.

I have owned the land at 116 McDonald Road for 27 years, have been a successful Agricultural Contractor in the area for 40 years, and am a fourth-generation Greenpark farmer (Appendix A8.1 - 8.2).

In Reply to the Agribusiness Group Report:

1.4.1 Scale

The argument that the site's scale is a constraint lacks depth, as the Applicants were aware of its size when they purchased it. The HPL should be retained.

1.4.2b Irrigation

The Applicants have a 150mm household well, so the argument for access to irrigation water is flawed. I spoke to an ECAN rep called Kara Lee at 2:00 p.m. on Friday, 9 May, who reinforced what I knew—that is, you can pump 10 cubic metres or 10,000 litres a day, which works out to be 5 litres a second **WITHOUT** a resource consent. Five litres a second is more than enough to irrigate 2 hectares.

I spoke to a horticulture grower last week who said he leased a 4-hectare block and pumped 3 litres a second, which was more than enough water to grow onions.

So, there is a $55,260.00 savings, and where that figure came from is beyond me. Daly Water Wells said a 150mm well costs $200 per metre. The wells around here are approximately 35 metres deep, which costs $7,000 plus a screen at approximately $1,000 = $8,000.

The author then says that setting up irrigation would have additional costs. What are these costs?

The author then says a prudent operator would find setting up on a larger land area more feasible. The applicants never considered the block feasible—they considered the land cheaper than a

section in Lincoln and surrounding towns, and have forced themselves through the back door, attempting to build a home. Why would they not go to Verdeco or Te whariki, especially when the Mayor, Sam Broughton, wants people living in residential subdivisions? There are currently 2100 homes available, which Chapman Tripp lawyers debated. Now they are fighting to get a non-compliant little house on two hectares of contaminated land.

1.4.3 Exclusion of Horticulture

The author says it would be expensive to set up for horticulture. What are these costs?

Lack of irrigation has been covered!

To say the winters are too cold in Canterbury for growing is a stretch of the truth when Canterbury is known as the "Bread Basket of New Zealand" with fertile soils and a favourable climate.

The argument that the site is remote from harvest packaging is laughable. Two packhouses are within a 5-minute drive: Summit Produce on Carter's Road and Roper & Son on Collins Road. There are also two packhouses in the Leeston area, which is only 20 minutes away—they are Lynchris Packaging and Oakley's Packaging.

1.4.4 Limitation of Arable Land Use

In 1.1 Site Description, the author commented that the land in the North and East is arable land. Still, in 1.4.4, there are no commercial arable operations in close proximity, which is a contradiction.

Some of the arable operators in proximity that would not have to transport machinery by truck are:

- McCarthy Contractors, Tai Tapu
- Malabar Farm Ltd, Carter's Road, Greenpark
- Cranleigh Fields, Lincoln

The author has not compiled figures for growing wheat or barley on HPL. We grew barley two years ago. Most cultivars of feed barley in Canterbury HPL will yield 10 tonnes per hectare so the applicants could expect 20 tonnes from the land.

The cost of cultivating the land is around $300 per hectare, and the seed cost would be around $400, so $1,000–$1,100 would plant the 2-hectare crop. Two years ago, we received $550 per tonne, so they would gross $11,000 less planting costs, which would net $10,000 off 2 hectares, which is very acceptable.

1.4.5 Pastoral Use

In the 27 years I have owned 116 McDonald Road next to RES3537, it has always been used for sheep grazing, and I have never seen any of the problems the author is trying to describe.

The author keeps blaming irrigation; if they had investigated, they would have known the rules.

John Bailey, a Bayleys Real Estate agent who sold them the bare land, advised them that they could not build a home on it when they viewed it (See John Bailey, email, Appendix A9.1 - 9.4).

The author says the only way to farm the land would be dryland sheep and beef, generating an EBIT of $944. To provide sufficient income, it would be $10,004—pretty much what a crop of barley could bring in on HPL.

The author has left out a big part: the first time I spoke to the applicant when he had purchased the property, he said they had 17 Stud sheep and had purchased the land to graze them on.

The Agribusiness Group author has failed to disclose any costs or profits for running a Texel sheep stud from the property. I have included an article from the NZ Herald and ODT on what a Stud Texel Ram can be worth, which is in **FIG 1: $15,000 to $20,000 (see Appendix A10).**

FIGS 2 & 3 show signs on their property entrances advertising their sheep stud, where they reside full-time in the Pole Shed and caravan, now a dwelling **(see A10.1 - A10.2).**

The sheep have not been brought to McDonald Road, and that is more likely so the applicants can say the property is not profitable.

FIG 4 is of the applicant looking very pleased with her Stud Ram at the Mayfield Show in March 2024 **(see A10.3).**

FIG. 5 is a Facebook post with more success **(see A10.4).**

FIG. 6 is from another Texel breeder letting everyone know he is using the Bell-View Genetics **(see A10.5).**

FIG. 7 is from the NZ Sheep Breeders website **(see A10.6).**

Concerning 1(b):

The author believes that the loss of 2.02 hectares of HPL is not significant in the Selwyn District, but this attitude will open a can of worms, as many sites in the Selwyn District are under the 20-hectare requirement to build a dwelling on.

Everyone on the undersized blocks will be watching the outcome of this case closely to see how easy it is to get dwellings on undersized sites. I know of 2 blocks in Prebbleton (which is in the Inner Plains) and they are having trouble getting consent to build.

Below Table 5**,** the author says that a dwelling on the site would reduce two adverse effects — nutrient loss and greenhouse gas emissions due to removing livestock and fertilizer where the dwelling is to be built. This is a very weak argument.

I prefer the nutrient loss and greenhouse gases, as the applicants live illegally in a pole shed and release their greywater onto the site. Please read the Environment Canterbury letter addressing their knowledge of using illegal IBC holding tanks and releasing to land, putting our property and crops at risk of contamination (see A10.7 - IBC tanks comparison & A10.8). Therefore it is argued using **plastic IBC tanks** with a **macerator pump** to handle **toilet waste or greywater from a residence**, especially on a **HAIL G3 landfill site**—is **not lawful** or safe. It is **not an approved wastewater solution** in New Zealand and poses **serious health and environmental risks.**

Conclusion

The Agri document was either written by AI or someone with no lived experience in farming. Usually, an author would sign their name on their work. Neither of these has been done. This document goes entirely against the RMA and District Plan.

Signed 

Andrew Stalker

Farmer and Agricultural Contractor

Owner – 116 McDonald Road, Greenpark

Selwyn District, Canterbury

Rebuttal by Louise Stalker on HPL Assessment under Clause 3.10 of the NPS-HPL

This rebuttal challenges the credibility and evidentiary sufficiency of the High-Productive Land (HPL) Assessment submitted under Clause 3.10 of the National Policy Statement for Highly Productive Land (NPS-HPL). The applicants seek to justify a residential development on a 2.02-hectare site zoned General Rural Zone (GRUZ) and classified as LUC 1–3, claiming that

land-based primary production on the site is uneconomic due to permanent or long-term constraints.

Andrew and I argue that the assessment lacks methodological rigour, fails to consider the full scope of reasonably practicable alternatives required under Clause 3.10(2), and is not supported by authoritative or independent expert evidence. The conclusions rely heavily on theoretical economic modelling by an economics graduate with no noted qualifications in soil science, agronomy, or land management.

Inadequacy of Expertise and Evidence

To meet the evidentiary requirements under Clause 3.10 of the NPS-HPL, assessments must be underpinned by robust, expert evidence. Clause 9.3 of the Environment Court Practice Note 2023 requires that individuals providing expert evidence hold relevant qualifications and use established, transparent methodologies (Environment Court of New Zealand, 2023). The Agribusiness letter submitted by the applicants fails to meet this threshold. It does not disclose the author's identity or qualifications, nor includes independently validated data, peer-reviewed modelling, or site-specific analysis to support the claim that the land is uneconomic for primary production.

This issue was addressed in *Carter Holt Harvey Ltd v Waikato Regional Council* [2008] NZEnvC 258, where the Environment Court warned that unsupported personal opinion or generalist assertions cannot substitute for verified technical expertise in land use planning. This position aligns with best-practice planning literature. According to Berke et al. (2006), land use decisions must be based on reliable data and sound technical analysis to avoid arbitrary or *poorly* justified outcomes. The New Zealand Institute of Economic Research (NZIER, 2025) further

supports this standard, noting that expert testimony in planning settings must demonstrate methodological rigour, independence, and credibility to be considered authoritative. Further, the applicant's letter relies on outdated financial assumptions and speculative figures that have not been tested or peer-reviewed. It fails to explore alternative productive land uses, as required under Clause 3.10(2). Its lack of empirical validation and professional accountability renders it insufficient for the standard of proof required in such essential planning decisions, especially one that will set a precedent and be followed closely by the wider community.

To assist the Commissioner, the diagram below in Figure 1 compares the Agribusiness Group letter against the expert witness standards outlined in Clause 9.3 of the Environment Court Practice Note (2023). This vital clause reflects the minimum evidentiary standard expected in quasi-judicial and court-adjacent RMA hearings. The visual comparison shows that the Agribusiness report fails **on all** key criteria for admissible expert evidence. Without identification, qualifications, or methodological transparency, it cannot be relied upon to *justify* a permanent exemption under Clause 3.10 of the NPS-HPL.

Figure 1. Comparative Analysis: Agribusiness Group Letter vs Environment Court Practice Note 2023 (Clause 9.3).

Clause 9.3 Requirement Expert Evidence Standard	Compliance with the Agribusiness Letter	Analysis
Acknowledge the Code of Conduct and agree to comply	✗	No declaration of compliance with the Code. This would disqualify the evidence in Court.
State qualifications, experience, and expertise	✗	The author is anonymous. No credentials are offered

		to verify expertise in soil science, land use planning or economics.
Identify data, assumptions and information used.	⚠	There are some references to 5-Map and beef and lamb data. Still, the assumptions are not clearly stated nor validated locally or by site visits to adjoining active farms that have been operating for years.
Justify opinions and reject alternatives with valid reasoning.	✗	No statement confirming full and fair consideration of all relevant facts.
Confirm all material facts are considered.	✗	No academic, regulatory or planning literature is referenced beyond a general model.
Specify the literature or material relied upon to make assumptions.	✗	There is no physical soil testing, productivity trials, or peer-reviewed assessment; only desktop analysis.
Describe tests/investigations and who conducted them for unbiased peer review.	✗	No uncertainty or reverse sensitivity analysis is disclosed for modelling assumptions, which is of paramount importance.
Identify uncertainties in data or analysis, and apply technical terms with accepted definitions.	✗	
Provide a sensitivity analysis if modelling is used.	⚠	

The visual comparison shows that the Agribusiness report fails on all key criteria for admissible expert evidence. It does not identify who authored the letter, indicate academic qualifications, or

demonstrate methodological transparency. Therefore, it must not be relied upon to justify a permanent exemption under Clause 3.10 of the NPS-HPL. Given these deficiencies, the report should be afforded minimal to no evidentiary weight under the Resource Management Act 1991.

Disregard for Lived Experience and Proven Land Use Knowledge

In addition, the letter also claims that the site is uneconomical, which is untrue. My husband, Andrew, has worked on our block of land at 116 McDonald Road, Greenpark and many others, locally including Lincoln, Leeston and Ellesmere district for over forty years. He brings tested expertise in soil management, seasonal planning, and land viability that cannot be replicated through theoretical computer modelling. His knowledge is embodied in practice, not spreadsheets.

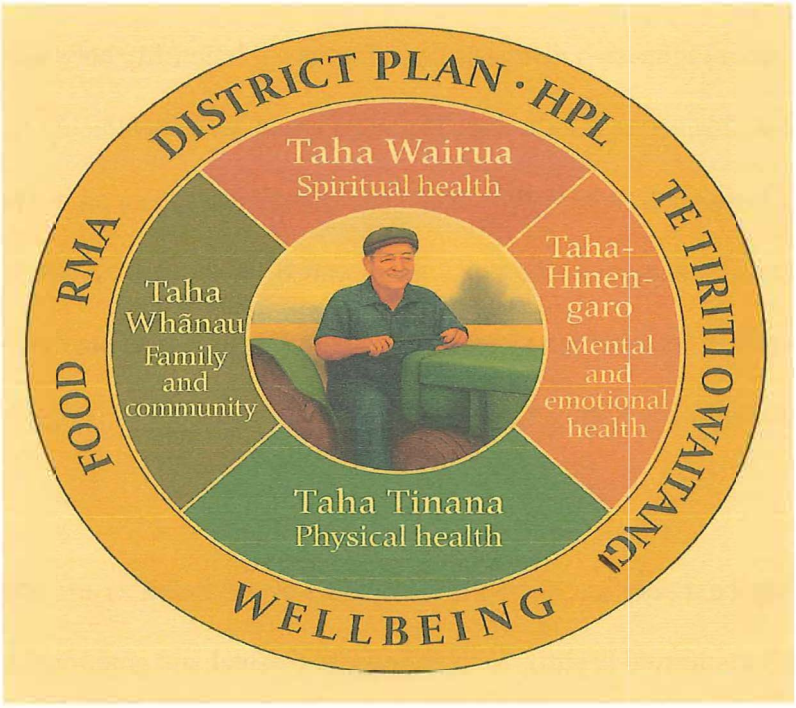
New Zealand case law recognises that contextual and site-specific experience can be *more* reliable than abstract assessments. In *Alderson v Southland District Council* [1994] NZRMA 208 (PT), the Tribunal gave substantial weight to a farmer's detailed understanding of the land's seasonal constraints, rejecting opposing views from a consultant unfamiliar with the terrain. Similarly, in *Hall v Rodney District Council* [2001] NZRMA 385, The Environment Court affirmed that local farming knowledge may be an essential consideration, especially where expert assessments lack direct familiarity with site conditions.

Subsequently, this omission in the Agri letter contradicts Section 8 of the Resource Management Act 1991 (RMA), which requires decision-makers to consider the principles of Te Tiriti o Waitangi. This includes recognising mātauranga Māori—intergenerational land knowledge, and, by extension, the lived expertise of generational land users such as Andrew's. As such, Social researcher Mason Durie (1997) posits that knowledge and spiritual connection to

Resource Management Act 1991, *Te Tiriti o Waitangi*, and the National Policy Statement for Highly Productive Land (2022). These include the principles of land use integrity, sustainability, the protection of food systems, and intergenerational wellbeing.

Together, these elements reflect a systems-based understanding that the health of land (*whenua*) is inseparable from people's health. When land is degraded, fragmented, or removed from productive or culturally significant use, the cumulative effects undermine a community's immediate health and identity and its capacity to flourish across generations.

Fig.2 demonstrates the relationship between land, wellbeing, and the RMA.



Building on this model, it is common sense and fundamental to planning integrity that district plans, created by and for communities, must be upheld with consistency and purpose. These plans are not arbitrary; they reflect long-standing collective values designed to protect both land and the people connected to it. Weakening these rules through ad hoc decision-making devalues

the land (*whenua*) are integral to a person's wellbeing, identity, and longevity. This connection is not an optional add-on, but is a foundational principle of the Treaty of Waitangi and, by extension, is embedded within the Resource Management Act (RMA) and the District Plan.

For instance, the Supreme Court in *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38 affirmed that planning decisions must give effect to foundational national values. These values are reflected in higher-order planning instruments and include lived, intergenerational knowledge, whether Māori or Pākehā. Such knowledge cannot be substituted with theoretical conjecture or economic modelling from experts who lack a meaningful connection to local land and its context.

The diagram in Figure two demonstrates a farmer's relationship between land, wellbeing, and identities. I have adapted it from Mason Durie's seminal Māori wellbeing frameworks, initially expressed through *Te Whare Tapa Whā* (1997) and later expanded in *Measuring Māori Wellbeing* (2006) to a contemporary rural planning context. Within the model, a farmer is regarded as the centre of intrinsic land knowledge gained through working the local soils, not to mention their understanding of when crops are planted and when the soil requires irrigating or fertilising.

Surrounding the model's core are the four pillars of wellbeing as articulated by Durie (1997): *Taha Wairua* (spiritual health), *Taha Hinengaro* (mental and emotional health), *Taha Tinana* (physical health), and *Taha Whānau* (family and community connection). These dimensions underpin the concept of holistic Māori health and continue to influence contemporary wellbeing frameworks within Aotearoa New Zealand's planning and health systems. Extending outward, the model's outermost ring integrates values enshrined in the

the land itself and diminishes the value we place on people and the communities in which they live.

As previously discussed, land use decisions must not be detached from the broader cultural, environmental, and social systems they affect. These decisions must give genuine weight to lived experience and Indigenous knowledge systems, particularly when determining the future use of *whenua.* As Durie (2006) reminds us, “a satisfactory level of physical health... is not by itself a complete measure since it fails to accommodate spiritual, mental, and family dimensions” (p. 3). Planning must reflect this understanding. When the legal and cultural foundations that protect whenua are diluted, the cumulative impact is not only ecological or procedural — it is social, spiritual, and generational.

Clause 3.10 Requires More Than Economic Modelling

Clause 3.10(2) of the NPS-HPL mandates that all "reasonably practicable options" must be explored to retain land-based primary production. The Agribusiness assessment fails this requirement. It does not consider several feasible alternatives, including integration with neighbouring farms, leasing to larger operators, low-capital-intensive grazing, diversified seasonal cropping, and water efficiency innovations beyond conventional irrigation (Smith & Taylor, 2020).

Instead, it defaults to a single outcome based on a limited dryland beef model that excludes current market trends. Stats NZ (2025) reports beef mince prices reached $19.96/kg in March 2025, while Stuff (2025) notes premium steak prices rose by 22% to $38.43/kg. Beef + Lamb NZ (2025) confirms record cattle values. These shifts invalidate static 2024 economic assumptions, undermining the letter's credibility.

Legal Threshold: "To Be Satisfied" Means Evidence-Based

The Court of Appeal in *Southland Regional Council v Southland Fish and Game Council* [2024] NZCA 499 held that when legislation requires a decision-maker "to be satisfied," it implies a **high** evidentiary threshold. As the Court stated: "That outcome must be assured... whether that outcome is achieved... is an evaluative matter upon which [Council] must be satisfied" (para 23).

Here, a decision maker cannot *reasonably* be satisfied that the land is uneconomic or that simple alternatives have been exhausted. Further, the evidence for residential rezoning relies on an unverified model on a business letterhead with no identifiable professional author. As reaffirmed in *Barbican Securities Ltd v Auckland Council* [2023] NZEnvC 97, unsupported claims about land productivity that lack clear authorship and methodological rigour **do not** meet the evidentiary threshold under the RMA.

Conclusion

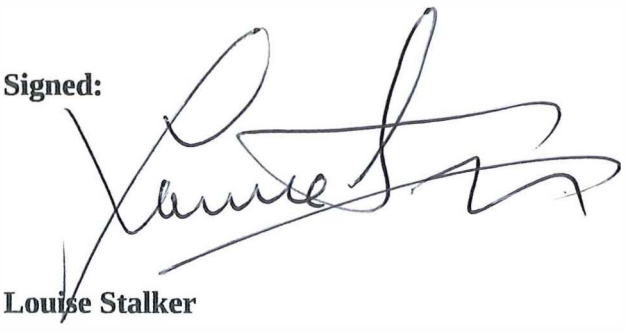
As discussed, the applicants' site qualifies as LUC 1–3 land under Clause 3.2 of the National Policy Statement for Highly Productive Land (NPS-HPL). However, they have failed to meet the exemption criteria under Clause 3.10 through credible or qualified evidence. This is not a case of unproductive land — it is a case of poorly substantiated claims.

The Agribusiness Group letter does not meet the threshold for expert witness evidence as outlined in Clause 9.3 of the Environment Court Practice Note (2023). It lacks identification of the author, statements of qualification, adherence to the Code of Conduct, acknowledgement of uncertainty, and methodological transparency. Therefore, it should be regarded as an unverified

opinion and not admissible expert evidence, and it carries no evidentiary weight in a planning decision under Clause 3.10 of the NPS-HPL or Section 104D of the RMA.

In sum, land fragmentation does more than disrupt productive potential—it fractures communities. When planning rules are selectively softened or disregarded, they reflect the value decision-makers place on land and the people who depend on it. The push to dilute these protections often comes from those who lack a meaningful relationship with the whenua. However, connection to land is not just a matter of ownership or economics—it is the foundation of wellbeing, identity, and resilience. As expressed in the Māori proverb, *"Ko au te whenua, ko te whenua ko au"* (I am the land, and the land is me), the health of the land is directly linked to the health of its people. Decisions that erode the integrity of planning frameworks ignore this vital truth and risk long-term harm to individuals and communities. Therefore, we must uphold robust and consistent planning rules to preserve land integrity, social cohesion, and intergenerational wellbeing. These values lie at the heart of the Treaty of Waitangi, and once broken, they cannot be easily restored.

Signed:



Louise Stalker

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(Sociology studies under Prof. Greg Newbold, University of Canterbury – retired)

(Postgraduate supervision: Dr Celia Briar, Massey University) - SWRB & ANZASW

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A6: Factual Misrepresentation: Claim That Neighbouring Farms Cannot Be Intensified

The AEE prepared by Eliot Sinclair (p. 18) asserts that integration or intensification of the surrounding land, including our working farm at 116 McDonald Road, is not viable due to cost, lack of irrigation, and drainage issues. This claim is factually incorrect and legally irrelevant under the Resource Management Act 1991 and applicable case law.

Our property was purchased in 1997, long before the National Policy Statement for Highly Productive Land (NPS-HPL) or the operative Selwyn District Plan provisions were introduced. Farming on our land predates these constraints, and intensification **remains viable and lawful.** We undertake seasonal cropping, rotational grazing, and soil improvement initiatives, and only rely on irrigation when weather requires (see Appendix A11.1 - 11.2). The statement suggesting otherwise is speculative and made without direct consultation or site-specific soil analysis of our operations. We have a robust farm management policy, so all site visits must be formally notified and registered due to Health and Safety requirements. We have not had any onsite consultation by the applicant's advisors.

As noted in *Clevedon Protection Society Inc v Auckland Council* [2022] NZEnvC 177, planning assessments must "avoid over-reliance on theoretical assumptions where lived evidence and existing land use patterns contradict claims of infeasibility." Furthermore, *Waimakariri DC v Addie* [2000] NZRMA 385 established that landowners retain the right to intensify rural production as demand or conditions require.

Further, to argue that a neighbouring property cannot be intensified, and therefore justifies residential encroachment, is an error of law and logic. Clause 3.10(2) of the NPS-HPL explicitly requires evaluating "reasonably practicable options," including boundary adjustments, leasing, and dryland production models, before claiming permanent constraint.

The Ministry for Primary Industries (2019) clearly warned against precisely this kind of reasoning in its policy consultation, highlighting that urban expansion and fragmentation on highly productive land is often driven by ad hoc assumptions about land use potential, without assessing evolving rural practices. The discussion document also states that councils must resist

assuming that productive land is "frozen in time" and instead acknowledge that land use can—and should—adapt to changing technologies, markets, and climate conditions. To imply otherwise ignores the policy's **core** objective: to retain highly productive land for current and future primary production.

Therefore, planning assessments must reflect dynamic agricultural possibilities and not fixate on present use or perceived inefficiencies. This aligns with the warning in *Environmental Defence Society Inc v NZ King Salmon Co Ltd* [2014] NZSC 38, where the Supreme Court held that failure to give effect to directive policy language, such as **"avoid,"** undermines the statutory purpose of the RMA.

The planner's commentary **misapplies** policy and creates a false impression that existing farms are frozen in time, unable to respond to market conditions or adopt improved land-management practices. This undermines the directive policies in GRUZ-P2 and GRUZ-P7, which exist precisely to prevent such incremental degradation through reverse sensitivity.

Further, **no** site visits, soil testing, or on-the-ground assessments have been conducted by the applicant or their consultants to substantiate claims about our property at 116 McDonald Road. Assertions regarding drainage issues, productive capacity, or infeasibility of intensification are, therefore, pure speculation and hearsay, unsupported by any direct evidence. These statements carry little evidentiary weight under the Resource Management Act 1991 or the Environment Court guidance on expert opinion. As emphasised in *Clevedon Protection Society Inc v Auckland Council* [2022] NZEnvC 177, planning assessments must not "over-rely on theoretical assumptions where lived evidence and existing land use patterns contradict claims of infeasibility." No consultation has been undertaken with us as neighbouring landowners, nor

have the consultants engaged with us to verify their assertions. Likewise, the applicants have not attempted to engage directly in an amicable manner or understand the existing land use on our farm. Other than causing reverse sensitivity from when they moved into the farm dwelling, such speculative omissions further undermine the credibility of their claims and reinforce the procedural shortcomings of this administratively flawed application.

Section A7: Record of Title

Non-Disclosure of Contamination and NES-CS Implications

1. **False Statement in RF1 Respnse - Elliot Sinclair (page.5):**

The applicants explicitly state there is no HAIL activity or risk that would require investigation under the NES-CS:

'According to the LLUR database the site is not registered as a Hail site and no investigation related to Hail, historical or current was carrie dout on the site'.

Contradiction from PSI and Record of Title:

The PSI confirms the land was used as a shingle pit and contains HAIL G3 category landfill material with shallow groundwater (0.5–0.8m BGL). **Hence, the Record of Title includes an encumbrance to His Majesty The King, warning of site contamination, which the applicants did not disclose in Form 9 or AEE (see Appendix 12.2). This then leads to a legal trigger for Mandatory Public Notification:**

Under Regulation 10(1)(a) and 10(1)(b) of the NES-CS, public notification is mandatory if:

- The land is (or more likely than not is) a HAIL site; and

- The proposed activity (building a house) is a sensitive activity (which it is).

Additionally, Section 95A(8)(b) of the RMA mandates public notification if the activity requires resource consent under a NES and has actual or potential adverse effects that are more than minor.

Therefore, the applicants have failed to declare a legally registered encumbrance for contamination on the Record of Title nor did they disclose the site's historic use as a shingle pit containing HAIL G3 (landfill) materials with shallow groundwater (0.5–0.8m BGL), as confirmed in the Preliminary Site Investigation (PSI) by Eliot Sinclair (2025). Contrary to this, the RF1 response falsely asserts that no HAIL activity is known. This constitutes a direct breach of Clause 6 of the NES-CS and invalidates their claim under Clause 6(2)(a) that no further assessment is required.

In sum, because the proposal involves a sensitive activity (residential development), the NES-CS **requires mandatory public notification** where the land is known or more likely than not to be contaminated (Regulations 5(7)(c) and 10(1), NES-CS).

Thus, limited notification under s.95 was procedurally flawed, and the application must be publicly notified under section 95A(8)(b) of the RMA. Therefore, failing to meet the NES-CS notification and evidentiary requirements justifies the application being **declined** outright.

Section A8: Cumulative Adverse Effects more than minor - Ongoing Unlawful Residential Activity

As of 17 May 2025, Andrew and I have yet again observed the Campbells' household washing hanging on a clothesline at the property, further evidencing their active and continued

residential occupation of the unconsented shed. This behaviour aligns with other residential indicators, including:

- Permanent light fixtures, washing machine next to caravan inside the shed, observed when the garage door is open and large bay windows (dark) facing our home;
- A large white caravan that has **not** moved out of the shed since it arrived in April 2024 - now considered a **minor** building under the Building Act and with which the applicants are well aware, as verified in the email from Environment Canterbury dated July 2024 .
- Continuous use of three domestic vehicles and visitor cars, further digging up the shingle road (see Appendix A6.6 & A13.1-2).
- Surveillance cameras are monitoring our property 24/7.
- Regular presence and gardening activity patterns consistent with dwelling use;
- As previously recorded by an Environment Canterbury Compliance Officer, greywater discharge to land is a high risk factor and causes contamination to land and waterways.

Moreover, the applicants are at the site for extended periods both day and night, in a manner entirely inconsistent with the use of a typical rural agricultural storage shed. Their continual presence is not occasional or sporadic, but sustained and routine. Domestic animals, including dogs and chickens, are kept on the property, indicating a level of day-to-day care and supervision characteristic of residential occupancy. In addition, the presence of a cultivated vegetable garden, which we have observed the applicants actively working on, further demonstrates that the land is being used as a dwelling, not a storage facility. There has not been a single day in recent months when we have not seen one or both applicants physically on-site. These observations collectively reflect a clear pattern of unlawful residential occupation beyond any incidental or ancillary rural activity permitted under the General Rural Zone.

The use of the land and structure as a residential dwelling is in clear breach of the Selwyn District Plan and the Building Act 2004. It undermines the integrity of the resource consent process and demonstrates a deliberate disregard for lawful planning procedures and Council directives.

In *Canterbury Regional Council v Waimakariri District Council* [2012] NZEnvC 90, the Environment Court held that ongoing unlawful use, particularly where resource consent has not been granted, should weigh heavily against the applicant regarding both effects and good faith.

We submit that the applicants' conduct amounts to ongoing, deliberate, and unlawful residential occupation, which clearly breaches the district plan. This sustained non-compliance warrants outright refusal of the application, or at the very least, mandatory public notification and a complete reassessment of the proposal under the Resource Management Act (RMA).

As compliant landowners, we have acted in good faith—paying our rates, adhering to zoning rules, and installing the required wastewater systems. It is disheartening and unjust that we are now being disadvantaged by neighbours who have knowingly acquired land with restrictions and proceeded to flout the rules for personal gain, all while projecting an image fundamentally inconsistent with the values of good neighbourliness and lawful land stewardship.

Section A9: Rebuttal to SEE Section 6.6 – Social Effects and Community Impact

We reject the applicant's assertions in Section 6.6 of the AEE that the proposed development will result in "no adverse social effects" or will "support the rural community." This is a generic and templated response that fails to engage with the lived impact of unlawful occupation, reverse sensitivity, and serious breaches of planning law. There is no social benefit to neighbours or the wider rural community when one party acts dishonestly and is then rewarded for doing so.

In this case, the applicants knowingly occupied a shed unlawfully, installed unconsented greywater discharge systems, withheld disclosure of a land contamination encumbrance, and submitted misleading or questionable house plans. These actions erode public trust in the integrity of planning processes and the enforcement of the District Plan. To suggest that such behaviour generates community benefit is not only inaccurate—it is offensive to those of us who follow the law.

"As sociologist Émile Durkheim (1897) explained, a state of anomie arises when societal rules are applied inconsistently or enforced selectively, leading individuals to lose trust in the systems that uphold social order and cohesion. This breakdown leads to alienation, resentment, and a deterioration of the collective conscience. Here, the failure of the Selwyn District Council to enforce existing planning rules, and the apparent procedural latitude granted to the applicants, reflects exactly the kind of institutional inconsistency that breeds distrust and disillusionment among law-abiding property owners such as ourselves.

Moreover, from a Te Tiriti o Waitangi (Treaty of Waitangi) perspective, the disregard for whenua (land), community process, and equity undermines Māori and Pākehā values alike. As Mason Durie (1997) notes, wellbeing is interwoven with spiritual, familial, and environmental

dimensions, and the erosion of one inevitably weakens the others. The failure to protect lawful landowners from adverse cumulative effects violates the wairua (spirit) of both the RMA and the Treaty's four foundational principles—partnership, protection, participation, and equity.

We contend that any claim of social benefit is nullified by the applicants' deliberate and sustained pattern of non-compliance, which has directly contributed to reverse sensitivity, visual encroachment, loss of privacy, and adverse health risks. Instead of enhancing rural life, this development undermines its very fabric. If such behaviour is permitted to proceed through the consent process, it sends a damaging message to the public: that rules are negotiable, watered down and enforcement is optional, even mitigated though let's talk about things to the perpetrators while the victims are regarded as the problem. We, as lawful, rate-paying, and community-contributing landowners, have not just experienced reverse sensitivity or procedural injustice—we have been punished by the very institutions designed to protect us. Professor Greg Newbold (2007) wrote that, "the purpose of imprisonment can therefore be seen as the containment of individuals who are being punished by the loss of their liberty under humane, fair and restrained conditions... in hope that the prisoner will at least leave the institution no worse than when they entered." Yet the reality we face mirrors a form of social imprisonment, punished not for any wrongdoing, but simply for upholding the law. Meanwhile, those who flout it are empowered, emboldened, and even enabled by the system.

The question, then, is this: *Who truly is the criminal in this situation?* Those who breach the rules without consequence, or those who challenge the breach and are sidelined in the process?

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PART B: RESPONSE TO RFI RESPONSES

Section B1: RFI Request – Selwyn District Council (15 January 2025)

The Selwyn District Council's Request for Further Information (RFI), dated 15 January 2025, raises critical concerns about incomplete or missing information required for assessment under sections 88 and 92 of the Resource Management Act 1991. However, it notably omits any request for a full reassessment of flooding risk or an evaluation of the land contamination encumbrance (CB22A/300), despite both being significant environmental constraints that materially affect the viability of the proposal.

1. Flood Reassessment Not Requested

Despite evidence that the site lies within an ECAN Modelled Flood Hazard Zone and recent flooding events (notably those recorded on 30 March to 1 May 2025), the RFI does **not** require an updated or independent flood risk assessment. Instead, it relies on pre-existing, possibly outdated, Council records or a standardised Flood Assessment Certificate (FAC250065), which lacks field validation or integration with on-site water retention behaviour and neighbouring runoff patterns. This omission conflicts with the precautionary principle as affirmed in *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38, which requires consent authorities to err on the side of caution where the environmental effects are uncertain or inadequately assessed.

2. Contamination Encumbrance Not Addressed

The RFI also does not raise or address the presence of **encumbrance instrument 11823045.4**, which is registered on the Record of Title and explicitly refers to "contaminated land" under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS). The failure to seek clarification or a Preliminary Site Investigation (PSI) under regulation 6 of the NES-CS is a significant deficiency. Furthermore, **Form 9 of the application fails to disclose this contamination encumbrance**, despite Regulation 9(1) of the NES-CS requiring disclosure and assessment of any activity involving disturbance or subdivision on potentially contaminated land.

This omission prevents affected parties from making informed submissions under Schedule 4, Clause 6 of the RMA, *undermining* the transparency required for a robust effects assessment.

3. Consequences for Section 95 Notification

Under s95A(8)(b) of the RMA, public notification is *mandatory* where there is "insufficient information" to determine the scale and significance of adverse effects. The absence of any updated flood risk reassessment or NES-CS contamination review materially limits the Council's ability to make this determination. As a result, **the application should have been publicly notified under s95A(4)** due to the lack of essential environmental risk information and its relevance to surrounding landowners. A recent article in the Farmer's Weekly (12 May 2025) provides a visual and raw insight onto the adverse effects of flooding on farm land and the reality that when it happens Council's are not willing to act (see Appendix 12).

Section B2: Rebuttal to Chapman Tripp Memorandum (27 March 2025)

Prepared by Andrew and Louise Stalker

This rebuttal responds to the legal memorandum submitted by Chapman Tripp on behalf of the applicants, dated 27 March 2025. The memo attempts to reinterpret the directive planning provisions within the Selwyn District Plan, minimise reverse sensitivity effects, and misapply the exemption criteria under Clause 3.10 of the National Policy Statement for Highly Productive Land 2022 (NPS-HPL). We respectfully submit that these interpretations are flawed, legally unsound, and should be rejected.

1. Directive Policies Must Be Strictly Applied

The memorandum contends that the directive term "avoid" in GRUZ-P2 and GRUZ-P7 may be softened or interpreted contextually. This directly **contradicts** binding precedent set in Environmental Defence Society Inc v New Zealand King Salmon Co Ltd [2014] NZSC 38, where the Supreme Court held:

"The word **'avoid'** has its ordinary meaning of 'not allow' or 'prevent the occurrence of'. It is a strong directive, creating a firm obligation on those making decisions under the RMA" (paras 96–97).

GRUZ-P2 requires avoiding residential units on undersized sites, while GRUZ-P7 requires avoiding reverse sensitivity effects on established farming operations. These policies are **not** discretionary and must be applied with their plain meaning. Efforts to reinterpret or "read down" these obligations undermine the District Plan's integrity and the expectations of lawful rural landowners (Environmental Defence Society Inc v NZ King Salmon Co Ltd, 2014).

2. Existing Rural Fragmentation Does Not Justify Further Breach

The memorandum asserts that the existence of small lots in the surrounding area creates a precedent for approving the current non-complying application. However, this argument is both factually and legally incorrect. Our property was purchased in 1997 under an entirely different planning regime. Since that time, the operative District Plan and national policy statements have evolved significantly, with far greater emphasis on preventing land fragmentation, protecting rural character, and preserving highly productive land. Current planning decisions must reflect contemporary legal obligations—not legacy subdivisions granted under outdated rules.

In **Marlborough Ridge Ltd v Marlborough District Council [1998] NZRMA 73**, the Court made it clear that:

> "Past approvals that have contributed to the erosion of rural character are not a lawful basis to allow ongoing or future breaches of rural zoning objectives."

This was further affirmed in **Long Bay-Okura Great Park Society Inc v North Shore City Council [2008] NZEnvC 39**, where the Environment Court stated:

> "If the provisions of a district plan are not to be treated seriously, then the plan's integrity is undermined."

Permitting this consent on the basis of historical non-complying lots would incentivise future fragmentation, undermine the General Rural Zone (GRUZ) objectives, and erode the policy purpose of zoning altogether. Each application must be assessed on its own merits and in line with the current policy framework, not outdated or ***opportunistic*** comparisons to historical consents. The Council must consistently uphold its operative plan, **not dilute** its protections via precedent creep.

3. Reverse Sensitivity Remains a Significant Legal Risk

The applicants argue that reverse sensitivity is minimal due to the low intensity of surrounding agriculture. This is legally irrelevant. In Waimakariri District Council v Addie [2000] NZRMA 385, the Court held:

"Reverse sensitivity is a real and significant adverse effect that must be avoided at the planning and consent stage. It is insufficient to argue that the existing activity level is currently low."

We reserve the right to expand or intensify our agricultural operations. Introducing a residential dwelling adjacent to our working farm exposes us to unjustified legal risks, including nuisance complaints or imposed operating restrictions. These are already real and happening because of the applicant's non-compliance.

As Stewart (2006) explains, reverse sensitivity "shields offending activities from environmental protection rather than protecting the environment from offending activities" (p. 82). Covenants and screening cannot displace land use rights or protect us from future legal challenges.

4. **Failure to Satisfy Clause 3.10 of the NPS-HPL**

The applicants argue the site meets the exemption criteria under Clause 3.10 of the NPS-HPL due to economic infeasibility. However, they fail to meet the threshold under Clause 3.10(2), which requires showing that constraints on productive use are permanent and cannot be overcome through reasonably practicable alternatives. The applicants have not demonstrated that:

- Leasing to a third party,

- Establishing irrigation using their existing domestic well, or

- Rotational grazing or cropping, is unfeasible or permanently unachievable.

The claimed $55,000 well cost is misleading. Under current rules, landowners may extract up to 10,000 litres per day (10 m^3/day) from a domestic well without resource consent — enough to irrigate 2 hectares (ECAN guidance, 2025). This undermines the claimed constraint and exposes their argument's lack of due diligence.

In Clevedon Protection Society Inc v Auckland Council [2022] NZEnvC 177, the Environment Court clarified:

"The purpose of the NPS-HPL is to protect the productive capacity of land, not to guarantee a particular landowner's profitability."

Allowing exemptions based on **weak** economic modelling undermines national and local objectives. A loss of 2.02 hectares must be considered cumulative, primarily when the land is zoned GRUZ and classified LUC 1–3.

Failure to Meet Evidentiary Duty and Mischaracterisation of Policy Framework

In addition to the concerns already outlined, the Chapman Tripp Memorandum fails to meet its *evidentiary* obligations under the Resource Management Act 1991. Specifically, it omits any mention of material compliance breaches by the applicants, including:

- The unlawful occupation of the site beginning 18 April 2024, found to be non-compliant by the Selwyn District Council on 8 May 2024, and
- Environment Canterbury identified the confirmed discharge of greywater to land in July 2024 as a breach of permitted activity standards.
- The property is officially registered on Environment Canterbury's Listed Land Use Register (LLUR) as a HAIL site under Site ID **SIT411579**, identified as **"Yet to be reviewed**" for **GAZ 01-940 RES3537**, indicating its classification as a former landfill or gravel extraction area, which triggers health and environmental concerns that must be fully assessed under the NES-CS before any residential development can proceed.
- These omissions are not trivial. Under **Section 104(1)(a)** of the RMA, a consent authority must have regard to actual and potential effects on the environment. Similarly, **Section 88(2)** requires that an application include an assessment of environmental impacts that is both complete and accurate. *A legal memorandum that forms part of the applicant's response cannot selectively exclude adverse factual matters that go to the core of environmental and procedural integrity.*

Moreover, the memorandum attempts to reinterpret directive policy language in the Selwyn District Plan, such as **"avoid"** under GRUZ-P2 and GRUZ-P7, as *flexible* or contextual. This mischaracterisation is legally unsound and directly contradicts the binding interpretation set by the Supreme Court in *Environmental Defence Society Inc v NZ King Salmon Co Ltd* [2014] NZSC 38. Policy directives of this nature are not suggestions to be diluted, they are legal obligations to be upheld, as previously discussed in this submission.

In sum, the Chapman Tripp Memorandum substitutes legal theory for grounded fact, omits key compliance history, and invites decision-makers to ignore operative statutory duties. Therefore, it should be afforded **'little weight'** in the Council's decision-making process.

5. Conclusion and Relief Sought

We respectfully submit the following:

- The applicants have misapplied legal precedent and misunderstood directive policies under the Selwyn District Plan and the NPS-HPL.

- The application increases rural fragmentation and encourages future non-compliance.

- Reverse sensitivity effects are foreseeable and material.

- The application fails to satisfy Clause 3.10(2) of the NPS-HPL.

We request that Resource Consent RC246049 be **fully declined** under section 104D of the RMA.

As rural landowners directly affected, our ability to continue lawful land use is at 'serious risk'. We respectfully request to be heard at any hearing.

References

Clevedon Protection Society Inc v Auckland Council [2022] NZEnvC 177.

Environment Canterbury. (2025). *Small-scale irrigation using domestic wells – Guidance for landowners*. Environment Canterbury Regional Council.

Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38; [2014] 1 NZLR 593.

Long Bay-Okura Great Park Society Inc v North Shore City Council [2008] NZEnvC 39.

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Resource Management Act 1991, No. 69. (NZ). Public Act.

Stewart, I. (2006). Reverse sensitivity: An environmental concept to avoid the undesirable effects of nuisance remedies. *Canterbury Law Review, 12*, 82–112.

Waimakariri District Council v Addie [2000] NZRMA 385 (EnvC).

Section B3: Procedural Failures Requiring Public Notification

This application is procedurally compromised and must either be **declined outright** or publicly re-notified under Section 95C(2) of the Resource Management Act 1991 (RMA).

On 15 January 2025, Selwyn District Council issued a Section 92 Request for Further Information (RFI), setting a response deadline of 5 February 2025. The applicants failed to meet this statutory timeframe, submitting their formal response only on 4 April 2025; a delay of nearly two months. **No public record was made of any granted extension,** and the Council did not transparently justify its acceptance of this late submission. In stark contrast, as an affected neighbouring party, I was denied an extension when I asked for one, because as advised by planning staff the RMA does not allow it, despite the Act being equally silent on granting informal extensions to applicants. This asymmetrical process application violates natural justice and procedural fairness, as discussed in Royal Forest and Bird Protection Society Inc v Buller Coal Ltd [2012] NZHC 2156; where the High Court confirmed that failure to ensure procedural parity between applicants and affected parties undermines the participatory integrity required under the RMA.

Moreover, the applicants' 4 April 2025 RFI response contained extensive new and material content unavailable during the original notification period, including a Preliminary Site Investigation (PSI), revised building layout and elevation plans, and commentary on flood modelling. These changes introduced new adverse effects and affected parties not previously identified. Under Section 95C(2) of the RMA, public notification is mandatory where new information provided in response to an RFI is necessary to understand the effects of the activity and may result in **additional** persons being adversely affected. The threshold was met in this case.

Compounding these issues, the applicants failed to disclose a legally registered land contamination encumbrance on their Record of Title. This **was not** identified in the Form 9 application or the AEE and only came to light after I independently raised the matter with Johnathan Gregg, Senior Planner. This omission represents a breach of Section 88 of the RMA and fails to comply with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS). The non-disclosure of such a material fact should have rendered the application incomplete, if not invalid, from the outset.

Finally, the applicants were found non-compliant by the Selwyn District Council on 8 May 2024 for living unlawfully in the pole shed and caravan. This occupation constitutes a clear breach of Section 40 of the Building Act 2004, which prohibits using a building for residential purposes without Code Compliance. The penalties for such violations are significant up to $200,000 and $10,000 for each day the offence continues. This conduct cannot be construed as "minor" under the RMA's effects threshold and should have triggered enforcement, not retrospective leniency.

These collective procedural irregularities, legal omissions, and unlawful activities render this application incapable of being assessed adequately without complete public transparency. While facilitating post-lodgement revisions that materially change the application, the Council's failure to require notification under Section 95C(2) constitutes a breach of administrative fairness. Andrew and I respectfully request that this application be declined outright or, at minimum, publicly re-notified to uphold the principles of natural justice and integrity in environmental decision-making.

References

Building Act 2004, No 72. Public Act.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS).

Resource Management Act 1991, No 69. Public Act.

Royal Forest and Bird Protection Society Inc v Buller Coal Ltd [2012] NZHC 2156.

Section B4 - Eliot Sinclair RFI Response (4 April 2025)

The applicant's final plans make no material change to the site layout, earthworks, or stormwater management design. There is no provision for a stormwater bypass channel, catchment swale, or other infrastructure to prevent future overland flow to neighbouring properties.

This omission ignores the observed effects of the **1 May 2025 flood**, which caused top soil runoff to our land. The applicants have since failed to amend the plans or provide any response to those post-lodgement effects.

As we outlined in **Section A1**, this constitutes a clear breach of the applicant's obligation to provide an accurate and complete assessment of environmental effects. The final plans do not remedy the fundamental issue: the proposal is based on outdated modelling and fails to mitigate foreseeable harm.

Section B5: ECAN Flood Assessment (7 February 2025)

The ECAN flood assessment dated 7 February 2025 relies solely on historical LiDAR modelling and a 2013 photograph showing minor ponding. It acknowledges that the data may be limited and "not reflect flooding at its peak."

This letter predates the significant flood event of **1 May 2025**, and the applicant has not submitted updated modelling, reassessment, or addendum to reflect this post-lodgement flooding. As detailed in **Section A1**, the absence of hydrological modelling, risk assessment, or mitigation planning constitutes a procedural and evidentiary failure under **Sections 88(2)** and **104(1)(a)** of the RMA.

Given ECAN's disclaimers and my real-world evidence showing runoff onto our land, the flood assessment is unreliable for decision-making. Therefore if the Council or Commissioner is unable to make a definitive decision on the adequacy of the contamination assessment or compliance with the NES-CS, then consistent with the **precautionary principle** embedded in environmental law and planning case law (see *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38), they must err on the side of caution and decline the application or require full public notification under section 95C(2) of the RMA.

Section B6 – Visual Impact and Loss of Amenity

Reverse Sensitivity and Real-World Harm to Adjacent Lawful Landowners

The legal counsel and consultants for the applicants do not reside next to the applicants and cannot speak to the real-world adverse effects experienced daily by those who do. It is easy to minimise the impacts of unlawful occupation from a spatial distance; however, for us, the

immediate neighbours at 116 McDonald Road, the ongoing psychological, aesthetic, and financial burden has been very real and ongoing. As the owners of an active agricultural farm directly affected by the applicants' activities, we have borne the full brunt of their unlawful and unconsented occupation of the caravan and shed, an activity permitted by Selwyn District Council until 5 September 2025 and ongoing even after the required consenting due date.

We submit that these effects are toxic and more than minor. In response to the shed's intrusive and dominating presence and the following residential behaviours, we were forced to erect a six-foot security gate and install significant hedging to protect our privacy and reinstate a modicum of rural visual amenity. The costs of these works are attached as Appendix A3: Costs incurred due to reverse sensitivity and the applicants residing in the caravan and shed. These are tangible and quantifiable harms that resulted directly from Council's failure to act in a timely and lawful manner, including the decision by Tristen Snell (Compliance Lead, Selwyn District Council) not to issue an abatement notice to the applicants, despite their breach of zoning rules, Building Act requirements, and the General Rural Zone standards. (See photos of our view before the Applicants bought the bare land and now after; also, our front entrance to our property before and after.)

The doctrine of reverse sensitivity warns against precisely this situation, where an incoming activity (here, unlawful residential use of a shed) compromises the lawful and established use of neighbouring land. The Environment Court in *Ngāti Kahungunu Iwi Inc v Hawke's Bay RC* [2015] NZEnvC 50 recognised that reverse sensitivity effects arise when newcomers seek to alter existing users' regulatory or amenity context. This application, and the Council's ongoing inaction, allowed the applicants to shape the planning environment to their benefit, at direct cost to existing rural landowners like ourselves.

Furthermore, in *Clevedon Protection Society Inc v Auckland Council* [2022] NZEnvC 177, the Court criticised reliance on theoretical effects assessments where lived experience, supported by evidence, clearly contradicted such claims. In our case, this real-world impact is evidenced by our timeline in Appendix 1, which includes photographic records and financial receipts incurred by us.

The fact that SDC never acknowledged these cumulative and material effects until formal notification, and even then, they were not addressed in the assessment of environmental effects, calls into question the integrity of the planning process. These are not abstract planning issues, but lived, ongoing, and compounding harms that warrant recognition and legal remedy. These issues have still not been recognised in the AEE or Legal Memorandum, which, to say the least, is disappointing.

These effects are more than minor, individually and cumulatively, and continued reliance on theoretical assessments that exclude lived experience contradicts both natural justice and the purpose of the RMA.

We would welcome the Commissioner's visit to our property at 116 McDonald Road to witness firsthand the visual, psychological, and cumulative effects of the applicants' unlawful and dominating presence. A site visit would provide valuable insight into our subjective experience and the real-world impact that cannot be fully conveyed through written submissions alone.

Section B7 - Adverse Effects more than Minor

We also wish to formally acknowledge that the applicants continue to deny they reside at the site, which is demonstrably false. As recently as last week (17 May 2025), washing was observed hanging on the clothesline, and our security cameras, alongside consistent visual observation, have recorded one or both applicants present on-site daily, and almost always full-time over weekends. These are not incidental visits; they represent full-time occupation.

It is indisputable that the shed was consented solely as a farm storage building. It was never designed or legally authorised for human habitation, plumbing, or greywater systems. The applicants' continued use of the site as a residence, combined with their ad-hoc and unsafe use of IBC tanks and a macerator pump to dispose of greywater, is of grave concern. These systems are not designed or certified for domestic waste, and their operation on a site recorded on Environment Canterbury's Listed Land Use Register (LLUR) as a HAIL G3 location (SIT411579 – RES3537) raises significant health and environmental risks.

This conduct reflects a wilful disregard for the District Plan and public safety. Using such systems on land that contains potentially contaminated fill, with shallow groundwater and surface water connectivity, is not only non-compliant under the NES-CS but arguably negligent. The Council's failure to intervene earlier has placed lawful neighbours, workers, and possibly the applicants at risk of exposure to contaminants, including asbestos.

We urge the Commissioner to consider these actions a compounding pattern of disregard for law, process, and health protection. Each day of continued occupation deepens the reverse sensitivity and cumulative environmental impact.

1. The first time the applicants arrived and spoke to us, they stated that the land was intended solely for grazing 17 sheep and that they were not planning to reside there. This created a false sense of reassurance and trust, which has since been completely eroded.

2. During the shed's construction, the building contractors were observed urinating openly in the paddock, clearly visible from our property. When this was reported to the Council, the applicants assured inspectors that a portable toilet would be delivered the next day. This did not occur. This disregard for basic hygiene and decency is unacceptable and demonstrates their contempt for rules and neighbours.

3. The site is registered on the Environment Canterbury LLUR as a HAIL G3 category site, formerly used for landfill or gravel extraction. Earthworks should not have been carried out without a Detailed Site Investigation (DSI). Relying on a visual walkover assessment is inadequate given the contamination risks, including potential asbestos exposure to tradespeople, us, and the neighbours.

4. The applicants applied to the Selwyn District Council to erect a 'pole storage shed.' On 19 April 2024, the shed underwent a final inspection and failed. That same night, under the cover of darkness, the applicants moved a caravan onto the site. By the next morning, 20 April, a flagpole and clothesline were installed, signalling immediate residential use. As of 21 May 2025, the applicants remain unlawfully living in the shed, rotating between three vehicles to avoid detection. Furthermore, our shingle road has never had so many potholes, extreme dust flow, and road noise (See Appendix 10 for potholes and dust movement). This road has a 100 km per hour limit.

5. To preserve our privacy and mitigate the visual intrusion of the oversized brown shed, which includes windows facing directly towards our home, we were forced to construct a two-metre-high security gate and plant significant hedging. Despite this, the shed's presence continues to dominate our once open rural outlook. Its overlit exterior and security lights shine directly onto our front lawn, creating an ongoing sense of overbearing encroachment.

6. Notably, the author of the HPL Assessment from Eliot Sinclair travelled 200 metres east down McDonald Road to take photographs of the shed, but failed to capture the actual impact from our front gate. This omission is troubling and undermines the integrity of the evidence presented. The real visual and psychological burden experienced from our home has not been acknowledged or assessed (See Appendix 10: Photos 1–8).

7. We now lock our gate routinely due to attempted interference with our property. On one occasion, the applicant crossed the road and opened our gate after we had securely closed it. This prompted us to install additional lighting and surveillance to protect ourselves from their actions, which have repeatedly breached our privacy.

8. On 27 December 2024, an altercation occurred that exemplifies the ongoing pattern of provocation and antisocial behaviour by the applicants. Our neighbour of many years, who has never previously cut our grass verge, was observed doing so that day, having driven his mower 800 metres from his home to reach it. While speaking with him on our grass berm, the applicant exited his shed, crossed the road, and inserted himself into the conversation uninvited. This deliberate escalation resulted in a physical confrontation. The applicant then attempted to use surveillance footage to lay criminal charges against Andrew, an effort ultimately dismissed by the Police due to a lack of evidence. We believe this was a premeditated act intended to provoke

conflict and misuse legal processes to intimidate us. It is entirely inconsistent with the behaviour expected of a neighbour and further illustrates the more-than-minor adverse effects we have endured.

9. These events, combined with the shed's visual dominance, continuous unauthorised occupation, and persistent boundary violations, constitute adverse effects that are significantly more than minor. The situation is not theoretical or temporary. It has profoundly disrupted our quality of life and turned a peaceful rural property into a space marked by stress, surveillance, and intimidation.

10. As discussed, more than minor may be one event on its own, but all numerous such events can only be defined as toxic, anti-social, with a mix of conduct disorder, hence can only be considered **more** than minor.

Section B8: RF1 Response Flood Assessment Certificate

FC250065 Flood Assessment Certificate: Legal and Planning Concerns

The Flood Assessment Certificate FC250065 (FAC), issued by Emma Larsen, the Head of Resource Consents at Selwyn District Council (SDC), contains several critical shortcomings that raise serious concerns about the reliability of its conclusions and their alignment with the precautionary and integrative principles of the Resource Management Act 1991 (RMA). First, the FAC acknowledges that the site is "likely to be subject to inundation in a 200-year Average Recurrence Interval (ARI) flood event" (Selwyn District Council, 2025). However, this modelling fails to account for recent real-world flood evidence observed on 1 May 2025, where substantial runoff from the applicant's site flowed onto neighbouring GRUZ-zoned farmland, as captured in our photographic evidence (see Appendices).

This visual confirmation suggests that the actual flooding risk exceeds that predicted by Council modelling, thus undermining the assumed adequacy of the minimum floor level (4.10m NZVD2016). Second, the certificate is heavily caveat-ed with disclaimers. It states that "flood modelling is not an exact science," that all information is subject to change, and that any Activity on the site is undertaken "at your own risk" (Selwyn District Council, 2025, p. 1). Thus, reverse sensitivity is now very real for us as the affected parties based on these disclaimers.

Moreover, these disclaimers significantly weaken the certificate's legal and planning weight. By shifting liability away from the Council and placing it on future occupants, the FAC fails to meet the RMA's obligation to avoid, remedy, or mitigate adverse effects on the environment (RMA, 1991, s 5(2)(c)). Third, the FAC does not address how floodwaters could mobilise existing soil contaminants, despite the site's confirmed HAIL G3 (landfill) status and shallow groundwater table (0.5–0.8m BGL), as outlined in the Preliminary Site Investigation (Elliot & Sinclair, 2025). Hence, regulation 5(7)(c) of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) requires determining whether the proposed activity may increase the risk of contaminants entering the environment. The PSI confirms the presence of landfill material and shallow groundwater. However, the FAC (Selwyn District Council, 2025) omits this entirely, not mentioning NES-CS, contamination pathways, or groundwater interaction. Its failure to address these known risks constitutes a statutory omission.

Finally, the FAC is inconsistent with the precautionary principle embedded in New Zealand environmental law. As Severinsen (2014) explains, "if there is uncertainty over the extent to which a proposal will impact the environment, a lack of absolute proof should not prevent action being taken to prevent or at least mitigate such effects" (p.351). While the RMA

does not explicitly mention precaution in the consenting context, courts and scholars have affirmed its relevance where effects are uncertain. The applicants are responsible for demonstrating minimal risk, especially where flood hazards and contamination overlap. These factors highlight that the FAC cannot be relied upon to prove that flood risks are adequately mitigated (see appendices for a recent flooding article in Farmers Weekly, 12 May 202; concerning the Christchurch Council's inaction and loss of arable farmland: the farmer is left to deal with the problem).

In addition, the observed and documented flooding on 3 May 2025, the absence of contaminant risk integration, and the speculative nature of modelling undermine the applicant's foundation upon which it seeks to proceed. Reliance on the FAC in this context contradicts section 104(1)(a) of the RMA, which requires complete evaluation of actual and potential environmental effects.

In sum, the FAC does not support the granting of RC246049. It reinforces the need to apply the *precautionary principle* and refuse consent under both limbs of Section 104D. Thus, the effects of building a residence **are more than minor, for our property** and the activity contradicts the purpose and policies of the Selwyn District Plan and NES-CS.

References

Elliot & Sinclair. (2025). Preliminary Site Investigation: RC246049 – McDonald Road, Greenpark. Prepared for Paul and Jo-Anne Campbell.

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Selwyn District Council. (2025, 21 February). Flood Assessment Certificate FC250065: corner of McDonald Road, Greenpark. Issued under NH-SCHED1, Partially Operative Selwyn District Plan.

Severinsen, G. (2014). To prove or not to prove? Precaution, the burden of proof and discretionary judgment under the Resource Management Act. Otago Law Review, 13, 351. May 2025.

Section B9: Contamination, NES-CS Non-Compliance, and Unlawful Greywater Discharge

The applicant's site is historically classified as HAIL Category G3 – Landfill Site, based on aerial imagery from the 1990s and the PSI prepared by Eliot Sinclair dated 19 February 2025. Table 4 (p. 9) of the PSI identifies heavy metals and asbestos in soil as likely **hazardous substances** associated with this category. However, the PSI unreasonably downplays the asbestos risk, stating that since no asbestos material was *observed* during shed construction, it is "reasonable to assume" its presence is "highly unlikely." This position is scientifically and legally flawed. As WorkSafe New Zealand notes, asbestos **cannot be ruled** out by visual inspection alone, and the only way to confirm its presence or absence is through lab testing by a qualified contractor (WorkSafe NZ, 2024).

Furthermore, despite acknowledging the site is "more likely than not" to be contaminated under HAIL Category G3 and contains shallow groundwater (0.5 -- 0.8m bgl), no Detailed Site Investigation (DSI) has been undertaken, even though the PSI itself recommends it in Section 7. Under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS), this means the activity is discretionary. Importantly, the PSI does not meet the exemption criteria under Regulation 8(4) of the NES-CS, which requires conclusive evidence that the site is not contaminated and poses no risk to human health. In parallel, Environment Canterbury correspondence (Appendix 13) confirms that the applicants

have installed a shower system inside the shed, with greywater discharged to land using IBC tanks and a macerator pump. This activity is unlawful, presenting a direct health and environmental risk under the Health Act 1956, Building Act 2004, and NES-CS. The shed has effectively been converted into a residential dwelling, which triggers reverse sensitivity, and land use changes under s9(3) of the RMA none of which have been lawfully authorised.

The PSI contradicts itself when it claims in Table 4 that asbestos is unlikely, then admits on p. 11 that the activity is discretionary due to "likely risk to human health if soil disturbance has been undertaken." This internal inconsistency further undermines the report's reliability. As Philippe Dumont (the certifying SQEP) signed off on a report that acknowledges risks and then recommends inaction, this raises questions of professional responsibility and due diligence.

Worryingly, Selwyn District Council allowed a 216m² structure to be constructed on a HAIL-classified site, exposing workers to potential asbestos risks without requiring an asbestos management plan or full public notification. **This is a serious oversight**. Under the Health and Safety at Work Act 2015, any property where work is performed becomes a workplace. Thus, the landowner and council were both responsible for ensuring that no person was put at risk of asbestos exposure during excavation or construction. **As outlined in WorkSafe New Zealand's "Asbestos in the Home" guidance (2024), even a single exposure to airborne asbestos fibres can result in long-term health damage.**

This situation is similar to the Environment Court case of Watson v Wellington City Council [2024] NZEnvC, where a rural property owner was issued an abatement notice for unlawfully converting a shed into a residence and installing residential facilities without consent.

Despite claims of hardship, the court ruled that the structure remained unlawful and that health risks required immediate cessation of use.

In our case, however, SDC **failed to act**. No abatement notice was issued, and the application was not publicly notified, even though the PSI clearly states the site is "more likely than not" contaminated and has complete exposure pathways through ingestion and dermal contact. This contravenes Sections 88(2), 95C(2), and 104(1)(a) of the RMA, as new information capable of revealing additional adverse effects was not made available to the public or nearby landowners.

Moreover, the applicant's legal counsel described the shed as a "farm building," while evidence from the PSI, site photographs, and ours and another affected neighbour's observations confirm that it contains a self contained caravan with a shower, kitchen, washing machine, and macerator pump, demonstrating full residential use. This misrepresentation constitutes procedural misconduct and warrants rejection of the application or, at the very least, full public notification under NES-CS and s95C(2).

We therefore submit that:

1. The PSI itself establishes that the site is a contaminated **HAIL G3** location with complete exposure pathways.

2. The construction of a shed on this land without a DSI or asbestos assessment breached the NES-CS, the Building Act 2004, and the Health and Safety at Work Act 2015.

3. Greywater and human effluent discharges were unconsented and unlawful.

4. Public notification was mandatory under Section 95C(2) of the Resource Management Act 1991, as new material risks emerged post-lodgement and were withheld from affected parties.

5. The Council has a statutory obligation to act under NES-CS and health laws, and its failure to enforce these has jeopardised both public health and planning integrity; and furthermore,

6. The Environment Court precedent in Watson v Wellington City Council [2024] confirms that occupation of a shed as a home without full consent is unlawful, regardless of mitigation claims or hardship.

Accordingly, this resource consent application **must be** declined outright due to material procedural failings, unremedied health risks, and cumulative environmental harms. If the application is not declined, it must be suspended and publicly notified, with a full DSI, soil testing for asbestos, and a review by WorkSafe New Zealand and public health officials.

Please note the following:

Legal Consequences and Potential Fines

1. **Resource Management Act 1991 (RMA)**

Unauthorised Use of Land or Breach of Conditions

- Section 9(3): It is an offence to use land in a manner that contravenes a district plan without resource consent.
- Section 338(1)(a): Any person who contravenes section 9 commits an offence.
- Penalties (Section 339):
    - Individuals: Up to 2 years imprisonment or a fine up to **$300,000.**
    - Continuing offence: An additional **$10,000** per day for each day the offence continues.
    - Companies: Fines of up to **$600,000** plus daily penalties.

2. **Building Act 2004**

Illegal Construction or Use of a Building

- Under section 40, it is an offence to carry out building work without a building consent (including change of use or illegal occupation).
- Section 168 sets penalties:
    - Fines up to **$200,000,** with additional fines of **$10,000** per day for continued non-compliance.

3. **Health Act 1956**

Discharging Grey Water to Land Without Consent

- Section 29 (nuisance and public health hazard) and Section 30 (duty of territorial authority).
- Unauthorised discharge that creates a health nuisance can trigger a public health notice.
- Local authorities are empowered to prosecute under this Act, with:
    - Fines up to **$500** for each offence, plus **$50** per day for continuing offences.
    - More severe penalties under associated regulations.

4. **Health and Safety at Work Act 2015 (HSWA)**

Unsafe Site Practices & Asbestos Risk

- If work is carried out at a site that exposes workers or others to asbestos or contaminated soil, the site is a "workplace" and duties apply under the HSWA.
- Sections 36–38 require PCBUs (including landowners and planners) to ensure a safe working environment.
- Section 49: Failure to comply with a duty:
    - Individuals: Up to **$150,000**.

- Organisations: Up to **$500,000.**

- Section 47 (reckless conduct): Up to **$3 million** for organisations, or **5 years** imprisonment and fines for individuals.

Accountability of Selwyn District Council (SDC)

While local councils are generally protected from prosecution if acting within statutory duties, case law (e.g. *Southland Fish and Game v Southland RC* [2012] NZEnvC 45) confirms that councils may be judicially reviewed or subject to ombudsman investigations for:

- Failure to enforce compliance.
- Allowing ongoing breaches or discretionary processing favouring one party.
- Procedural unfairness or bias under S95 notifications.

Section B10: Sensitive Activity Setback Plan

Rebuttal to "Sensitive Activity Setback" Plan – Resource Consent RC246049

This rebuttal addresses and **opposes** the "Sensitive Activity Setback" plan submitted supporting RC246049. The Setback plan suggests compatibility with surrounding dwellings and downplays potential reverse sensitivity concerns. However, it is materially deficient, fails to address key planning instruments, and is inconsistent with binding legal precedent under the Resource Management Act 1991 (RMA).

1. Statutory Obligation to Give Effect to Planning Instruments

The Selwyn District Plan is a lower-order planning document that must "give effect to" higher-order instruments such as the National Policy Statement for Highly Productive Land (NPS-HPL). Clause 3.7(1) of the NPS-HPL directs that territorial authorities must avoid

rezoning or land use that compromises highly productive land unless no practicable alternative exists (Clause 3.7(2)(b)).

The applicant's reliance on setback distance is not a substitute for compliance with the operative zoning objectives and policies. It does not overcome the site's fundamental non-compliance with GRUZ-R5 (minimum lot size for a residential dwelling). It does not satisfy the GRUZ zone's core purpose: prioritising and protecting land for rural production.

2. Misuse of "Setback" to Justify Non-Compliance

The map omits the presence of an encumbrance on title for contamination and the proximity of surrounding land actively used for primary production. Moreover, it fails to differentiate between lawfully established and non-compliant residential activities. It presents a spatial argument without addressing legal status, an error of law and planning interpretation.

3. Supreme Court Authority: "Avoid" Means "Do Not Allow"

The most relevant legal precedent is the decision in Environmental Defence Society Inc v New Zealand King Salmon Co Ltd [2014] NZSC 38. The Supreme Court held that policies in planning documents that use directive language, particularly the word "avoid", must be treated as binding. Specifically:

"We consider that '**avoid**' in policies 13(1)(a) and 15(a) means 'not allow' or 'prevent the occurrence of'. That is its natural meaning" (King Salmon, [96]).

"It is not legitimate to refer back to Part 2 [of the RMA] to justify an outcome that is contrary to the clear terms of the NZCPS" (King Salmon, [88]).

The Court rejected the "overall broad judgment" approach when a planning document contains directive policies. This means that even if the adverse effects could be considered minor or mitigated, if a policy directs avoidance, that must prevail.

4. Reverse Sensitivity is a Known Effect to Be Avoided

The Court in King Salmon was explicit that the preservation and protection duties in Section 6 of the RMA—and corresponding policies in statutory plans, require substantive avoidance of inappropriate development. The attempt to justify residential activity on rural land production through setbacks is flawed. As the Supreme Court noted:

"Environmental protection is a core element of sustainable management... the RMA envisages that there will be areas the natural characteristics or features of which require protection from the adverse effects of development" (King Salmon, [28]).

This extends to reverse sensitivity, a concept well-established in planning law as an adverse effect (see Winstone Aggregates v Papakura DC, A078/05), particularly where rural production is at risk of being constrained by nearby residential uses.

5. The District Plan and NPS-HPL Must Be Upheld

As confirmed in King Salmon, the statutory framework creates a hierarchy of planning instruments. Lower-level decisions, including consents, must give effect to higher-order documents. Where those documents include policies that use directive language like "avoid," such as GRUZ-P2 in the Selwyn District Plan and Clause 3.7 of the NPS-HPL, there is no discretion to approve development that would undermine them:

"A district plan must give effect to any national policy statement… the requirement to 'give effect to' is a strong directive, creating a firm obligation on the part of those subject to it" (King Salmon, [77]–[80]). ***Thus, granting RC246049, based on a setback map, would not only contravene the District Plan but also breach a statutory requirement to give effect to the NPS-HPL.***

In conclusion, the Sensitivity Activity Setback Plan lacks legal or policy weight and fails to address the operative planning framework. It cannot override clear, directive language in the

District Plan and national policy instruments. As such, it should not be relied upon to support approval of a non-complying residential dwelling on a site intended for rural production.

References

Environmental Defence Society Inc v New Zealand King Salmon Co Ltd [2014] NZSC 38.

Winstone Aggregates v Papakura District Council (2005). A078/05 (NZEnvC).

Man O' War Station Ltd v Auckland Council [2017] NZEnvC 6.

National Policy Statement for Highly Productive Land 2022.

Selwyn District Council. (2022). Selwyn District Plan – General Rural Zone (GRUZ).

Section B11: Misrepresentation of Dwelling Plans and Procedural Deception

The applicant's dwelling plans are not for the subject site at McDonald Road (RES 3537). The name and address on the architectural drawings refer to **The Watson Residence** at **81 Poplar Lane, Lincoln**. This property is not connected to the RC246049 site and is currently used as a **commercial Airbnb advertised on Booking.com** within the General Rural Zone (GRUZ)(See Appendix A14.1 - 14.8).This non-compliant activity requires resource consent under GRUZ. Which is not an activity related to farming. Likewise the plans are dated 2023 - quite outdated and irrelevant to the current HAIL-G site conditions. It appears Ben Watson is registered as Ben Watson Limited - care of Metro Advances Limited. Likewise, he is the General Manager South of Holmes Construction Limited - main office - 25 Petone Street, Lower Hutt and furthermore, Ground Floor/135 High Street, Christchurch Central City.

This is not a minor oversight but a **deliberate misrepresentation** of the proposed building. The plans are not site-specific, include no topographical adjustments, and have not been verified against the McDonald Road property layout. The applicant's failure to disclose this mismatch undermines the application's *integrity* and the planning process's transparency.

As Selwyn District Council Planner, **Jonathan Gregg** noted in the Council's Section 92 Request (15 January 2025). The proposal was initially referred to as a **"black box"** due to the absence of meaningful detail about the dwelling. In response, the applicants submitted plans for a structure on an entirely different site, belonging to another individual and dated two years ago. This cannot be viewed as a simple clerical error — it is part of a pattern of procedural avoidance and *misleading* conduct.

This deception is consistent with:

The applicant's unlawful occupation of the site beginning 18 April 2024 without resource consent,

1. Installation of non-compliant IBC holding tanks for sewage and greywater.
2. Failure to disclose a contamination encumbrance on their S9 Form.
3. Moreover, repeated deflections in response to the Council's requests for accurate site data.

Further, neighbouring residents, including ourselves, have raised these concerns with SDC since the unauthorised occupation began. The submission of building plans from an unrelated property used for short-term accommodation further erodes confidence in the *reliability* of their application material.

Furthermore, while the applicants' Preliminary Site Investigation (PSI) dated 19 February 2025 clearly identifies the site as "more likely than not" to be contaminated under HAIL G3 (Landfill), the RFI Response dated 4 April 2025 - 4.1 Hail registry (page 5 or 16 bottom) falsely asserts that the land is not on the HAIL register. This is demonstrably incorrect. The Environment Canterbury Listed Land Use Register (LLUR) records the site as SIT411579 under activity RES 3537, with G3 (Landfill) categorisation. Misstating this in the RFI response represents either a significant oversight or a material misrepresentation. This discrepancy further justifies declining the application under S104D of the RMA, as it undermines the reliability of the supporting evidence. It also strengthens the argument that public notification under Section 95C(2) was legally required once new contamination-related risks were raised.

We respectfully submit that:

The **final plans cannot be relied upon** under Section 88 of the RMA, and therefore, the application should be **declined outright** due to a lack of verifiable information and as previously discussed and serious ongoing health risk to the applicants and us as neighbours.

Developer Affiliation and Commercial Interest

Further, it is relevant to note and repeat that **Benjamin Mitchell Watson**, whose building plans were submitted in this application, is the General Manager of Holmes Construction, a prominent Canterbury-based construction firm. He is also the Director of Ben Watson Limited and his registered address is at **81 Poplar Lane, Lincoln** the same site from which the house plans were taken and currently used as a **commercial Airbnb** in a non-complying activity within the General Rural Zone (GRUZ). This is not an incidental error. It indicates a clear connection

between the applicants and a commercial construction entity with access to pre-designed housing stock, property assets, and planning resources (See photos in Appendix 15 proving commercial use). This strongly suggests that:

- The dwelling is unlikely for genuine rural residential use in line with GRUZ objectives.
- The application may form part of a **broader speculative or development-led land strategy**, and
- using commercially operated building plans not intended for this site constitutes a **deliberate misrepresentation**.

This raises serious concerns about the application's transparency and the credibility of the information provided in response to the Council's Section 92 request. The submission of third-party commercial house plans linked to a known development professional **cannot be** dismissed as a clerical oversight.

We respectfully submit that this constitutes a **material breach of planning integrity** and request that the consent be declined.

Section B12 - S104D Argument – Legal Threshold Not Met Due to Unlawful Occupation and Adverse Effects

The RC246049 Application fails to meet the legal thresholds under section 104D of the Resource Management Act 1991 (RMA), which governs the gateway test for non-complying activities. Notwithstanding, an application must meet one of two limbs: that adverse effects are minor or that the activity is not contrary to the plan's objectives and policies. This application satisfies **neither**.

1. Unlawful Residential Occupation – More Than Minor Effect

The Applicants, Paul and Jo-Anne Campbell, have **lived illegally** on the subject property since at least **18 April 2025**, as confirmed by Selwyn District Council's inspection. Under the **Building Act 2004**, section 114(1)(b) requires notification before a building is intended for residential purposes if it was not originally constructed for that use. The applicants have **breached this obligation**.

Penalties for such breaches are severe:

> **Section 168(1)** of the Building Act 2004 imposes a **fine up to $200,000**, with **additional daily fines of $10,000 per day** for continued non-compliance.

This is a serious legal infraction that cannot reasonably be characterised as having a "less than minor" effect under section 104D(1)(a) RMA. The **Environment Court in *Kennedy v Waikato District Council* [2022] NZEnvC 97** held that:

> *"Unauthorised building activity contrary to the Building Act is itself an adverse effect on the integrity of the regulatory system."*

Therefore, the **Council's finding of non-compliance** should weigh heavily against the application. By continuing to reside unlawfully in a shed without appropriate resources or building consent, the applicants have demonstrated **disregard for legal compliance** and created **ongoing and compounding adverse effects** on neighbouring landowners as ourselves.

2. Contrary to the Objectives and Policies of the District Plan

The proposal is also directly contrary to the objectives and policies of the Selwyn District Plan, particularly those protecting:

- Rural character (GRUZ-P2, GRUZ-O1),
- Amenity values (GRUZ-O3),
- Public health and safety (e.g., through proper sanitation, authorised occupation, and lawful development).

The Environment Court in *Queenstown Lakes DC v Hawthorn Estate Ltd* [2006] NZRMA 424 reinforced that non-complying activities must not erode planning integrity or be allowed to "normalise" breaches that would compromise the overall coherence of the plan.

Approving this application despite known non-compliance and a track record of regulatory breach would effectively reward unlawful conduct and diminish the credibility of the SDC's planning framework.

B13 - Relief Sought

The applicants' current land use is unlawful and non-compliant, generating **ongoing adverse effects** that breach both limbs of the section 104D threshold. In line with *Kennedy*, *Hawthorn*, and the RMA's intent to preserve environmental and regulatory integrity, we request that:

- The application will be **declined outright**, OR
- In the alternative, **mandatory public notification** should be required under section 95A(2)(a) due to adverse effects that are **more than minor**.

Misleading 130 McDonald Road Address Claim

In the Chapman Tripp memorandum dated 27 March 2025, the applicant's legal counsel claimed that the proposed dwelling would "likely be 130 McDonald Road." This claim is factually incorrect and misleading, disregarding existing cadastral boundaries and numbering conventions.

Our property is 116 McDonald Road, and according to both Google Maps and Council GIS layers, the address 130 McDonald Road corresponds to a front-facing shed on our land, as shown clearly in Appendix 15. The numbering sequence on McDonald Road follows standard rural convention, even numbers on our side of the street, with 130 following directly after 116. The applicants' property is on the opposite side of the road, making it geographically and legally implausible to allocate them the 130 Road address.

More troublingly, the applicants previously issued a trespass notice to me referring to 130 McDonald Road in May 2024; shortly after, they were found non-compliant, even though this location, via GPS, corresponds to our operational shed. This act suggests a deliberate pretext or attempt to *claim association* with our land through *misrepresentation.* This raises serious concerns about their intent and credibility, especially considering their history of non-compliance, reverse sensitivity intrusion, and ongoing unconsented occupation.

Such address manipulation could have several legal and operational consequences, including:

- Emergency services are confused in rural areas where GPS and number precision are critical.
- Administrative errors in Council databases, rate allocation, or LIM reports.

- Potential title or legal disputes if 130 is misattributed or associated with the wrong land parcel.
- Undermining public trust in the Council's due diligence processes during consent applications.
- Or even possibility of future land banking leading to commercial subdivision causing us to have land title issues.

Therefore, we urge the Council to prevent any numbering that infringes upon or overlaps with existing legal access points or boundaries. In that case, the Council must correct the record and ensure that no part of this resource consent misuses, confuses, or claims territorial or locational linkage, more importantly, potential access routes to our farm land at 116 McDonald Road.

This issue speaks not only to accuracy in planning but also to the integrity of the consent process, the protection of existing landowners' rights, and any future legal claims from potential land developers.

B14 - Legal Precedent: *Watson v Wellington City Council* – Enforcement of Unauthorised Residential Use

We draw the Commissioner's attention to the recent Environment Court decision in *Watson v Wellington City Council* [2024] NZEnvC (as reported in *The Post*, 16 May 2025), where the Court upheld an abatement notice requiring the removal of all residential infrastructure from a storage shed unlawfully being used as a dwelling in rural Brooklyn, Wellington. Despite the applicants called *Ben Watson* claiming hardship and lack of alternative accommodation,

Judge Semple determined that no consent existed for residential use and that the structure was authorised solely as a storage building. Accordingly, the Court ruled the abatement notice was lawfully issued and must be upheld.

This case sets a clear and timely precedent: unauthorised use of a storage shed as a dwelling is unlawful and warrants enforcement, regardless of mitigating personal circumstances. In that case, the Court expressed sympathy but clarified that consent obligations under the RMA and the District Plan are not discretionary.

In our present situation, the Campbells have similarly occupied a shed consented for rural storage, without resource or building consent for residential use. They have further installed residential infrastructure, large bay windows, including plumbing, electrical wiring, lighting, and surveillance cameras. Despite the Selwyn District Council's (SDC) own compliance officers confirming a breach of use in May 2024, no abatement notice was issued, allowing the unlawful occupation to continue for over a year.

Of additional concern, as discussed is the applicant's apparent attempt to acquire the address "130 McDonald Road", as demonstrated in our submission, which corresponds to a shed on our land, not theirs.

These patterns raise legitimate questions about the credibility of the applicants and their professional team. Attempts to obscure or conflate property addresses, combined with a track record of unlawful occupation and potential connections to a developer-led land strategy, strongly suggest a deliberate effort to sidestep district plan controls and mislead both Council and neighbouring property owners.

In line with the *Ben Watson* (2024/25) case and the Environment Court's findings in Wellington, this application must not be allowed to retroactively legitimise unlawful activity (See The Post Press release on the case and the Environment Court case Watson V Wellington). The proper response, as the Court made clear in *Watson*, is **not to adjust** policy to accommodate unauthorised behaviour but to uphold the integrity of the plan and require compliance.

Conclusion

This submission has outlined in detail the serious and ongoing procedural, legal, planning, and environmental failures surrounding Resource Consent Application RC246049. It is our firm view that the application must be declined under Section 104D of the Resource Management Act 1991. The adverse effects are more than minor, the activity is non-complying under the Selwyn District Plan, and the credibility of the application has been undermined by a sustained pattern of omission, misrepresentation, and non-compliance.

Throughout this process, the applicants have acted dishonestly from unlawfully occupying a shed as a residence in breach of planning and building regulations, to withholding the existence of a land contamination encumbrance, to relying on house plans linked to a property operating as an Airbnb without the necessary consents. The supporting professionals, including legal counsel and planners, have not demonstrated the independence or rigour required by the RMA's standards. The repeated references to "minor effects" are entirely disconnected from the lived experience of adjacent landowners and ignore the fundamental planning purpose of the General Rural Zone.

We, as lawful and compliant landowners, should not have been forced to reach this forum. It is the failure of the Selwyn District Council to enforce its own District Plan, to uphold

the mandatory requirements of the National Environmental Standards for Contaminated Soil (NES-CS), and to properly assess effects under Section 95, that has brought us here.

Should this application proceed or be granted, we respectfully reserve our right to appeal to the Environment Court, where this matter will be heard in full, in a public domain, and with judicial scrutiny. There, the people of Aotearoa New Zealand will be able to evaluate the conduct of all parties—legal, professional, and governmental, and whether due process has been upheld, or if undue bias, procedural irregularities, and planning erosion have instead prevailed.

We do not make this submission lightly. But it is our sincere belief that if this application is granted, it will set a dangerous precedent, one where unlawful occupation and planning shortcuts are rewarded, and lawful property owners are left to bear the social, environmental, and financial cost. That is not the purpose of the Resource Management Act, nor is it consistent with the principles of fairness and transparency expected in New Zealand's planning system.

Accordingly, we ask that the Commissioner **decline RC246049 outright,** in defence of both the District Plan and the public interest. Should the Commissioner be unable to reach that decision with confidence, the only just and lawful alternative is to require full public notification under Section 95C of the RMA and subject this application to the scrutiny it has, thus far, managed to avoid.

Furthermore, we submit that Selwyn District Council has an **immediate legal and moral duty to enforce compliance** with both the *Resource Management Act 1991* and the *Health Act 1956*. Given the known contamination risks identified in the Preliminary Site Investigation (PSI), and the unconsented use of the shed and caravan as residential dwellings, including the operation of a shower and macerator pump system discharging greywater to land, the continued occupation

of the site represents a **serious public health hazard**. As such, Council must take enforcement action under **sections 322 and 329 of the RMA** to require the removal of the applicants, their caravan, and any residential fittings from the site. Immediate action is warranted to **protect health, ensure the integrity of the District Plan, and uphold public confidence** in the planning system. Non-enforcement in this case would effectively endorse unlawful activity and expose SDC to legal liability under both the RMA and The Health and Safety at Work Act 2015 (HSWA).

AT & LA Stalker

116 McDonald Road

RD4, Christchurch

APPENDICES

Appendix A1: Flooding map and photos ith site points 1-6

Appendix A2.1 - Harmans Letter to SDC detailing adverse effects and non compliance

Appendix A2.2 - Letter from Snell to Brian Burke- Lawyer

Appendix A3.1 - photo of occupation in shed

Appendix A3.1 - Harmans - lawyers bill

Appoendix A3.2 - Costings for plants to hide the applicants large shed

Appendix A4 - Ecan emails saying the applicants are illegal

Appendix A5.1 -Wellington family to lose home and **A5.2** attached to this

Appendix A5.2 - Schedule of proceedings attached behind A5.1

Appendix A6.1 to 6.7 - photos of applicants in residence

Appendix A7 - Email from DC response to say the applicants are all good

Appendix A8.1 - A8.2 - photos of Andrew working the land

Appendix A9.1 - Bailey email to me

Appendix A9.2 - bare land in 2019 great views

Appendix A9.3 - Our gate - frontage - great views no high gate

Appendix A9.4 - Our lived reality - everyone missed in their application

Appendix A9.5 - Highly productive land info

Appendix A10 - Fig 1 - price of rams; A10.1 - 10.2 - Fig 2 & 3; Texel Bell Signage; A10.3 - Fig 4 - photo of applicant with her ram; A10.4 - Fig 5 - Facebook more success; A10.5 - Fig - man using their stud genetics; A10.6 - Fig 7 - Stud registration; A10.7 - IBC tanks they use comparison to A10.8 - our tank legal.

Appendix A11.1 - A11.2 - our working farm - Andrew harvesting

Appendix A12.1 - A12.2 - HAIL register and Form 9 incorrectly marked

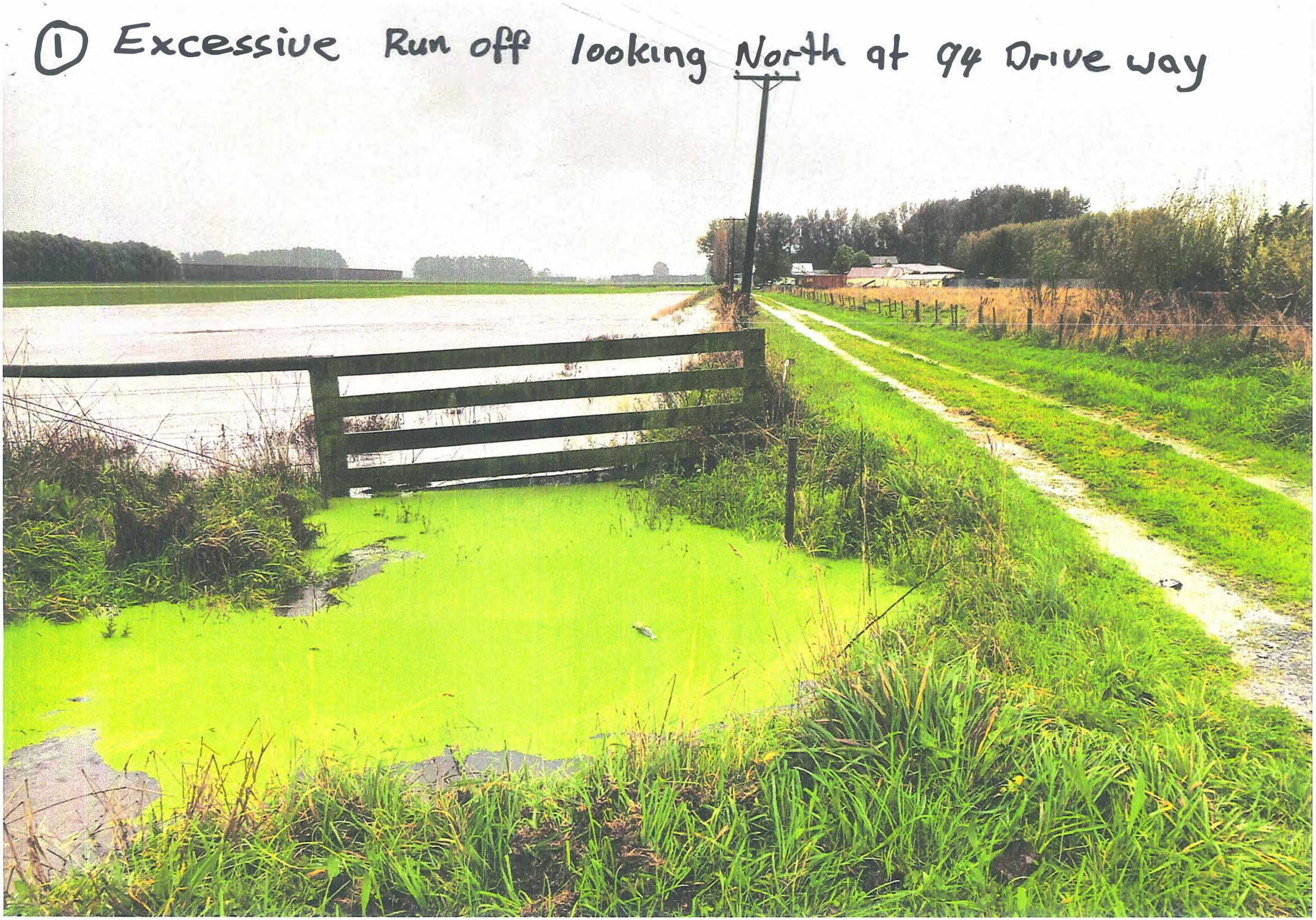
Appendix A13.1 -A13.2 - current shingle road condition more than minor

Appendix A14.1 - A14 .5 - Evidence house plans are Ben Watson and used as BNB and business registration at 81 Poplar Lane, Lincoln. Likewise works as a General Manager for Holmes Construction Limited.

Appendix A15 - google maps showing 130 McDonald road , on our side front shed

SITE MAP WITH PHOTO REFERENCE POINTS

A1

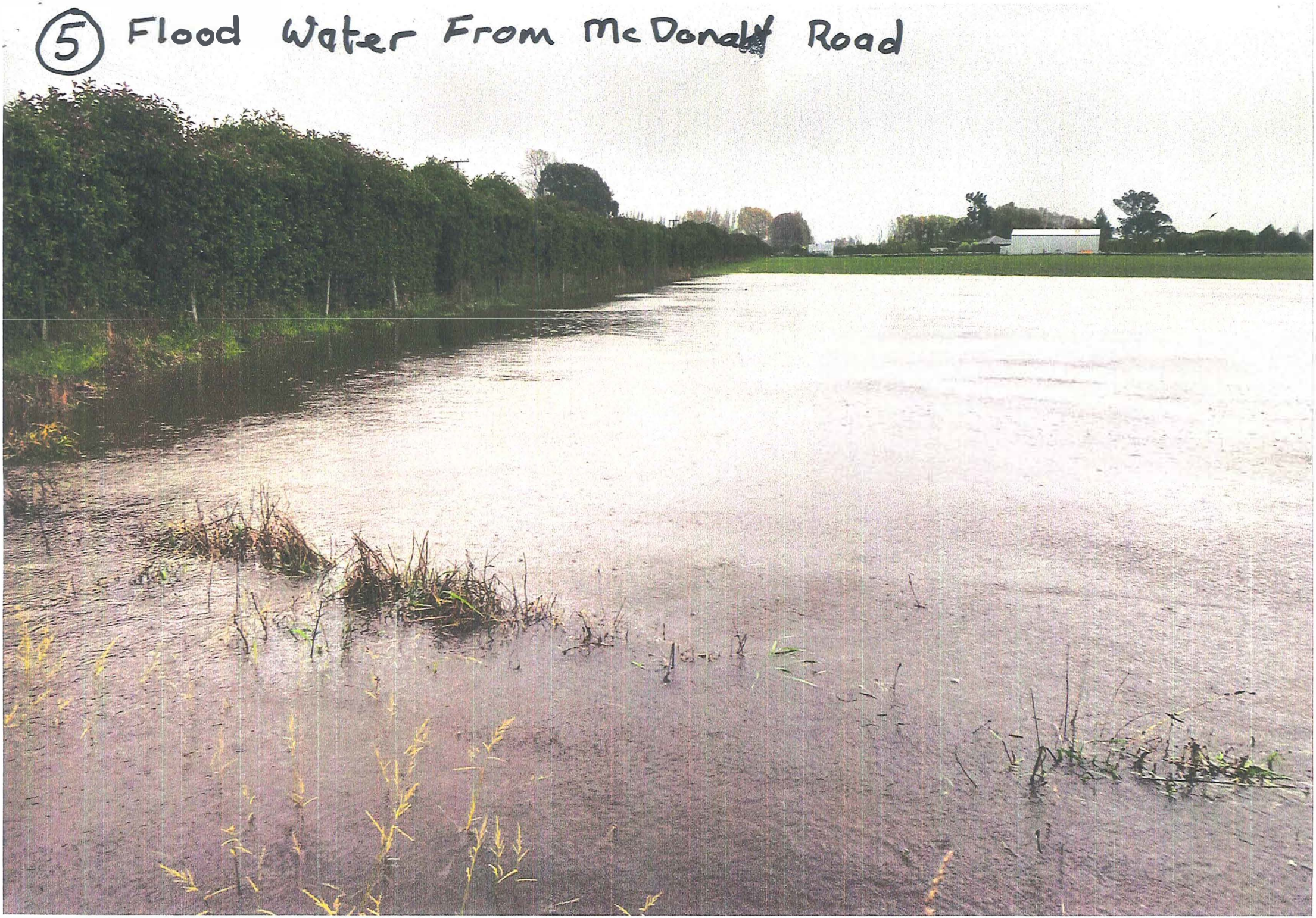

① Excessive Run off looking North at 94 Drive way


(2) Run off Looking West


3 Run off From RES 3537 Crossing McDonald Road

(4) Excessive Run off From RES 3537 Flooding into 116

(5) Flood Water From McDonald Road



⑥ Formed Drive. way with
No Culvert causes flood
RES 3537

A-7

Council 'plug' blamed for farm flooding

Annette Scott
NEWS
Weather

CANTERBURY farmer Tom Power was left frustrated and blaming a lack of council action as he had to make serious farming decisions following the recent rain event.

Power, together with his family, runs Kinloch Farm, an 1100 hectare sheep and beef property on Banks Peninsula.

Last week he was making some tough business decisions after all the flats of the hill country property bordering Te Roto o Wairewa Lake Forsyth lay under water or remained sodden from flooding that Power said was mitigable.

Both Lake Forsyth and neighbouring Te Waihoroa Lake Ellesmere have been a bone of contention amid the extreme rain event.

Power claims the lake level was sufficiently high ahead of the forecast rain to be opened but that the Christchurch City Council refused to do so when approached.

It has to be opened with diggers to drain to the ocean.

On April 24, the lake was at 2.5 metres above sea level. Consent says at 2.7m, or if an extreme weather event is forecast, it has to be opened.

A clause in the Resource Management Act allows for the lake to be opened if there is a

at 4.091m was 1.39m above the trigger rate.

"The council said they were waiting for the next southerly to go through. Now after 300mm of rain and with 100 hectares of our good productive farmland underwater, we are forced to make the tough decisions going forward."

Weaning had been planned for the week of the rain. It had been delayed, and was now delayed again with nowhere for the calves to go.

"Fortunately with the hill country we were able to keep poking the cows and the sheep up above the floodwaters.

"Now it looks like we will have to wean next week and at this stage likely sell the calves as we won't have the feed for them now.

"We've also got the agent coming to look at the two-year trading stock and some of that will also have to go.

"It's not ideal, it's not the plan, but it's what this flood has forced us to come to. The only one upside is the market pricing is good at the moment."

Power said the most frustrating aspect is that despite being invited, no one from council has been out to see the reality.

"The point is at 2.7m the lake is already flooding over our farmland and depending on the seasons, it's normal for us to only be able to farm that 100ha for just six months of the year. But now we

REACTION: Canterbury farmer Tom Power says 100 hectares of productive farmland were under water because the Christchurch City Council didn't act soon enough. Photo: Supplied

> *"You don't need a degree to know that if you leave the tap running with the plug in the bath, it will overflow.*
>
> **Tom Power**
> Banks Peninsula

us. Our farmlands suffer every year from mismanagement of council, that has no idea, nor interest to care about it.

"We've heard nothing from them, no contact made at all.

flood but they are not interested. The sun comes out, they say they have done everything they could and wash their hands of it while we suffer the consequences."

At the height of the recent rain, Power and his family had to launch the jet boat as a means to get around the farm, given the water was above the fence tops and too deep for vehicles.

"With that amount of rain, yes there will be flooding, I'm not ignorant, I get that.

"But you don't need a degree to know that if you leave the tap running with the plug in the bath, it will overflow.

FARMERS WEEKLY POLL

This week's poll question:

Are you confident your region's infrastructure and its management is fit for purpose when it comes to extreme weather events?

A2.1

Harmans
LAWYERS

DRAFT

30 May 2024

Selwyn District Council
PO Box 90
Rolleston 7643

By Email: Sharon.Mason@selwyn.govt.nz

Attention: Sharon Mason

LOUISE STALKER – 116 MCDONALD ROAD, LINCOLN

1. We act for Louise and Andrew Stalker, an owner of the property at 116 McDonald Road, Lincoln.

2. We have been instructed in respect of Paul and Joanne Campbell's use of the land on the corner of McDonald and English Road. We understand the 2ha lot does not have an address.

3. Our clients have attempted to liaise with the Selwyn District Council about this matter however they have been unable to make any progress and accordingly, have had no choice but to engage legal representation.

Background

4. By way of background, Mr and Mrs Campbell purchased the 2ha plot of land in April 2023 from the Selwyn District Council. Our clients and a neighbour were told by the Council's real estate agent that a dwelling could not be built on the land. It was advertised on that basis.

5. As the Council is aware, Mr and Mrs Campbell have since built a pole shed on the site (which has a concrete floor). The shed is now fully enclosed. Mr and Mrs Campbell have parked a motorhome in the shed and have been living on the land since 20 April 2024. Our clients are aware that Mr and Mrs Campbell have undertaken plumbing work on the land and have installed a sewage system. It does not appear that the sewage system and discharge of water had a consent from Canterbury Regional Council (Ecan) or the Selwyn District Council.

Selwyn District Plan

6. We note that the lot is in the Outer Plains zone. Rule 3.10 of the Plan applies which states that erecting a building will be a permitted activity if the minimum area to erect any dwelling complies with the minimum land area as noted in the Plan. The minimum land area for the Outer Plains zone is 20ha.

7. A "building" is defined as any structure or part of any structure whether permanent, moveable, or immovable. A 'dwelling" is defined as buildings or any part of a building which is used as a self-contained area for accommodation or residence by one or more

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persons, where that area collectively contains: bathroom facilities, a sleeping/living area and kitchen facilities.

8. From the evidence our clients have collected (and previously provided to the Council) including photographs, the shed/motorhome has bathroom facilities, a sleeping/living area and kitchen facilities. Accordingly, resource consent is necessary.

9. The Council have advised Mr Stalker that Mr and Mrs Campbell are considering applying for resource consent and/or a change of use but have commented it is very expensive. With respect, this cannot be a valid reason for Mr and Mrs Campbell to continue to reside on the land without the necessary consents.

10. If a resource consent has been applied for, we would be grateful for a full copy of the application. As parties adversely affected our clients expect to be notified of any applications for resource consent to erect a dwelling or discharge any contaminants to ground.

11. In the meantime our client requests that the Selwyn District Council immediately issue an abatement notice to Mr and Mrs Campbell requiring them to cease living on the land pending approval of the applicable consents.

Building Act 2004

12. We note that under the Plan, erecting or demolishing any building or making alterations to building will require a consent under the Building Act 2004, irrespective of whether a resource consent is needed under the Plan.

13. Please confirm if Code Compliance has been issued for the shed build.

This matter is very stressful and concerning for our clients. Accordingly, we look forward to hearing from you as soon as possible.

Yours faithfully
HARMANS

Brian Burke
Partner
Email: brian.burke@harmans.co.nz

A2.2 Letter From T Snell to our lawyer

12 June 2024

Brian Burke
Harmans Lawyers
PO Box 1496
Christchurch 8140

Email: brian.burke@harmans.co.nz
Our Ref: 24005866

Dear Brian,

Non-complying 'residential dwelling/residential unit' on undersized rural zoned site Cnr McDonald and Englishs Road, Lincoln (Valuation Number 2404015700)

You are receiving this letter in response to a directive from Andrew and Louise Stalker, 116 McDonald Road, RD4, Christchurch 7674.

Selwyn District Council (SDC) is currently investigating a complaint in relation to a self-contained caravan being occupied at the above property.

A site visit was carried out by Compliance Officers on the 8th of May 2024. Follow up checks were conducted post site visit, and it has been confirmed that the residential activity is not a permitted activity for the site, and as such requires a resource consent (if the activity onsite does not cease).

The activity may potentially be permitted under the *Temporary Activities* rule TEMP-R1 and its associated Rule Requirements TEMP-REQ1 and TEMP-REQ2.

SDC has conveyed the findings of the investigation to the property owner, and a compliance date (5/9/2024) has been set. By this date either a resource consent is required to be obtained for the activity onsite, or the activity is to cease.

Andrew and Louise Stalker have requested that SDC issues an abatement notice to address the non-compliance onsite.

The Canterbury Chief Executives' Forum agreed to the formation of a regional Compliance, Monitoring and Enforcement (CME) Working Group in May 2017 to share advice and guidance on compliance, monitoring and enforcement of environmental law across the region. The working group agreed that they would use the Regional Sector Strategic Compliance Framework 2016-2018 as the base of their strategy and only make changes where there were Canterbury specific reasons to do so. The Canterbury Strategic Compliance Framework (CSCF) also incorporates the Ministry for the Environment (MfE) Best Practice Guidelines for Compliance, Monitoring and Enforcement. In August 2018 the Canterbury Chief Executives' Forum endorsed the CSCF approach across the Canterbury District.

In accordance with best practice guidance and the CSCF it is important that SDC apply principles to guide its compliance operations. The requirements to monitor and ensure compliance with the law is a mandatory obligation of most of the Acts that SDC administers. Such Acts provide the specific legislative framework for SDC to enforce rules and regulations.

While these Acts provide the tools to gain compliance, the manner in which SDC chooses to gain compliance remain at its discretion. This is fundamental when considering that compliance and enforcement are complex notions in law and often gain further complexity via the effect of supplementary factors. Such discretion is exercised by SDC through the application of the principles listed below through instances of CME decision-making:

Transparent
SDC will provide clear information and explanation to the regulated community about the standards and requirements for compliance.

Consistency of process
SDC's actions will be consistent with the legislation and within its powers. CME outcomes will be consistent and predictable for similar circumstances. SDC will ensure that its staff have the necessary skills and are appropriately trained and that there are effective systems and policies in place to support decisions.

Fair, reasonable, and proportional approach
SDC will apply regulatory interventions and actions appropriate for the situation. Staff will use their discretion justifiably and ensure decisions are appropriate to the circumstances, that interventions and actions will be proportionate to the risks posed to people, the environment, and the seriousness of the non-compliance.

Evidence based and informed
SDC will use an evidence-based approach for decision-making. Decisions will be formed by a range of sources, including sound science, information received from other regulators, members of the community, industry, and interest groups.

Collaborative
SDC will work with and where possible, share information with other regulators and stakeholders to ensure the best compliance outcomes for Canterbury. SDC will engage with the community and consider public interest, those persons we regulate, and the Government to explain and promote environmental requirements and achieve better community safety and environmental outcomes.

Lawful, ethical and accountable
SDC will conduct itself lawfully and impartially and in accordance with the principles mapped out in this document/manual, relevant policies, and guidance documents. SDC will document and take responsibility for our decisions and actions made pursuant to this document/manual. SDC will measure and report on its Compliance Monitoring and Enforcement performance.

Targeted
SDC will focus on the most important issues and problems to achieve the best environmental outcomes and on those that pose the greatest risk to the community.

Responsive and effective
SDC will consider all alleged non-compliance issues covered by the Compliance Strategy document to determine the necessary interventions and action required to minimise impacts on the environment and the community to maximise deterrence. SDC will respond in an effective and timely manner in accordance with legislative and organisational obligations.

SDC will apply the right tools for the right problems at the right time. At this point in time, an abatement notice is not warranted given the circumstances of the case. SDC reserves the right to review this decision at any time.

If you have any questions regarding this letter, please do not hesitate to get in touch.

Kind regards,

Tristan Snell
Compliance Team Leader
Email: tristan.snell@selwyn.govt.nz

A3.1

Harmans
LAWYERS

15 July 2024

Mrs L A Stalker
116 McDonald Road
RD 4
Lincoln 7674

By Email: louisestephen21@yahoo.co.nz

Dear Louise

RESOURCE CONSENT DISPUTE

Please find **attached** a note of our interim fee account for work undertaken on your behalf in relation to the above matter.

You will see from our reduced invoice that the sum of $6,065.00 is payable by you.

Yours faithfully
HARMANS

Brian Burke
Partner
Email: brian.burke@harmans.co.nz

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A 3.2

Costing plants hedging from 2024 onwards

Date	Cost
2023-05-01	87
2023-05-02	76.38
2023-05-03	19.98
2023-05-19	21.66
2023-11-16	115.98
2023-12-07	71.96
2023-12-17	61.82
2024-01-28	30.05
2024-06-05	78.97
2024-06-23	49.98
2024-07-21	68.54
2024-09-10	110.93
2024-11-15	26.43
2024-11-18	8.99
2024-11-18	19.64
2024-11-24	143.97
2024-11-24	30.18
2024-12-19	118.94

The total sum of the provided transactions is **$1,141.40**. The table above shows the full breakdown by date

A 4

as [redacted]

If you need any further information, please let me know,

Gemma Smith
[redacted]

From: James Dobson [redacted]
Sent: Monday, July 22, 2024 3:07 PM
To: Gemma Smith [redacted] Leigh Thomas [redacted]
Subject: FW: Urgent request for investigation into illegal Sewerage and Wasterwater Systems corner McDonald and Springs Road

Hey guys,

I mentioned this request to Gemma earlier and we managed to have a quick discussion. I thought I'd forward the email for you both to have a look over.

I have drafted a response which I will get you to check the facts before I send to Gill & Jen. Hopefully we can have quick catch up either today or tomorrow just to confirm a few things.

From my catch up with Gemma it appears that there weren't any issues identified in relation to the disposal of human waste at the time of your visit. It appears that it was being stored within the campervan septic waste system, taken off site, and then disposed of correctly.

It sounds like they may have been discharging greywater from a washing machine around the time of the inspection? Are you able to please let me know whether you made an assessment of rule 5.12 of the LWRP in relation to greywater and if so what was the outcome of this assessment?

If you have any issues or concerns please let me know.

Cheers,
James

From: Jennifer Rochford [redacted]
Sent: Monday, July 22, 2024 11:38 AM

From:	Gemma Smith
To:	Gillian Jenkins
Cc:	Nathan Dougherty; Leigh Thomas
Subject:	FW: Urgent request for investigation into illegal Sewerage and Wasterwater Systems corner McDonald and Springs Road
Date:	Monday, 29 July 2024 5:30:00 pm
Attachments:	Landonline - 1114901 (1).pdf BRB-484604-1-72-2 Letter to Selwyn District Council.pdf Email to Environment Canterbury.png 20240612 SR 24005866 Letter to Brian BURKE (Harmans Lawyers) (2).pdf BRB-484604-1-105-1 Letter to Selwyn District Council.pdf IMG_0612.jpg IMG_0518.jpg

Hi Gill

Just wanted to give you an update on this complaint that came through early last week and was being looked into by James. Nathan and I went back out to site on Friday 26/072024 for another unannounced site visit. No one was onsite at the time and NOI was left. From what we saw on site there did not seem to be much change from my first visit with Leigh. There was some possible minor greywater noncompliance but nothing to confirm any of the claims made in the report from the customer.

Monday 29/07/2024. I spoke on the phone with [redacted] at McDonalds Road. [redacted] advised that on the Friday morning before our visit [redacted] had been to Robsons and emptied his two IBC containers there and had photos and receipts for it. I have asked [redacted] to provide these for us as proof of compliance with the wastewater rules. [redacted] has been using a macerator pump to pump black water into the IBC and then grey water to clean the pipes into the IBC. Shower water he had been pumping to [redacted] paddock to save on space in the IBC. I have advised that we have rules on greywater and will send these through to [redacted] as these were missed in my last communications with them.

[redacted] also confirmed that the work that had been done near the driveway as claimed by the customer was for water lines for his trees by drip line and that [redacted] also has pop up sprinklers in the lawn and drip lines along the boundary for [redacted] pittosporums. [redacted] has [redacted] own well onsite and has no storage containers for this but just pumps directly from the well.

Apart from the minor greywater discharge to land from the shower there are no other concerns at this property. -I have updated the original PE (PE244815) and TRIM with details from the site revisit.

[redacted] also advised that they have until the [redacted] If they do not comply by the [redacted] then an [redacted] will be issued. [redacted] advised [redacted] will still be onsite after this time during the day. They had looked into getting a consent for living onsite as the caravan is classed as a dwelling by SDC in this scenario and in the future to build here but with the [redacted] they have [redacted].

On a side note, [redacted]

A 5.1

Sunday, May 18, 2025

Wellington family to lose home after court ruling it's a storage shed

Deborah Morris

April 9, 2025

Share:

https://www.thepost.co.nz/nz-news/360645355/wellington-family-lose-home-after-court-ruling-its-storage-shed

An Environment Court judge has ruled that Ben Watson's family home in rural Brooklyn is consented to be a storage shed and not a residence.SUPPLIED

A family in Brooklyn has a few months to find a new home after the Environment Court found their house was never consented and should instead be a storage shed.

Ben Watson and his family had challenged a Wellington City Council abatement notice to the court in February, saying they would have nowhere to live if they could not continue to live in their rural Brooklyn house.

In late 2022, the Wellington City Council Compliance Team commenced an investigation into a number of alleged district plan breaches in the wider Long Gully area, including the issue of unconsented residential buildings.

The rural Brooklyn property in Southernthread Rd had four buildings on it when Watson bought it in 2015. Two were to be removed and two remained under consent conditions from 2012.

A tiny sleepout was the property listed as having proper consent to be a residence while the second property, which they used as their home, was in fact supposed to be converted to storage. The sleepout was not suitable to be used as a home.

The council issued an abatement notice to remove all internal kitchen, bathroom, sleeping, and toilet facilities including the plumbing and drainage servicing these facilities from the second building.

An application was made retrospectively to authorise the building, but after technical assessments could not be obtained the application was amended to authorise it as a storage building only.

Watson had believed that meant he had a five-year time frame to convert the building to storage and that they could continue using it as a home.

The council's position was that the house remained unconsented as a residential dwelling.

Watson had told the court he had believed the house could be lived in until their new home was built – something he was always planning to do.

However, Environment Court judge Lauren Semple has refused his appeal, although she halted the abatement notice until the end of July and urged the family to find new accommodation.

She said she was satisfied that the building being used as a residence did not have consent and it was not authorised other than as a storage building.

"A consent is, and at all relevant times was, required for a residential dwelling on the site. No such consent exists and, as such, the abatement notice requiring that Building 2 (the house) cease being used as a residential building was lawfully issued and is upheld."

The judge said she understood why Watson, on purchasing the property, could have read the previous conditions as authorising a residential dwelling.

"While the law is not on Mr Watson's side, I do however have considerable sympathy for the situation in which he has found himself. I also received evidence from Mr Watson that he and his family have no other

accommodation available to them and this situation has created considerable stress. That too is understandable. "

A5.2

SCHEDULE OF PROCEEDINGS

1. **Topic:** **510 Southerthread Road, Brooklyn: LOT 1 DP 558601**

   i. B Watson v Wellington City Council

   Appeal Against Abatement Notice pursuant to Section 325 of the Resource Management Act 1991
   Court Reference: ENV-2024-WLG-000040

3. has any special arrangements for the hearing are required, e.g. transport for site visits, storage space for bulky exhibits, video playback

https://www.justice.govt.nz/courts/going-to-court/pre/interpreters-language-and-disability-access/

they are to advise the Court in writing of this not later than 10 working days from the date of hearing so that appropriate arrangements can be considered.

5 CORRESPONDENCE AND ENQUIRIES

Information on the Environment Court and the Court's Practice Notes which serve as a guide, are available at www.justice.govt.nz/courts/environment-court. All correspondence or enquiries about this notice or the hearing procedures are to be directed to the undersigned.

Dated at **Wellington Environment Court Registry** on **05 December 2024**

Joseph Buckton
Hearing Manager
E-mail address: Joseph.Buckton@justice.govt.nz

ENVIRONMENT COURT
SX10044
Wellington
Telephone: (04) 918 8300
Facsimile: (04) 918 8303

Environment Court of New Zealand

⇦ Watson ⇨ v ⇦ Wellington ⇨ City Council [2025] NZEnvC 106 (3 April 2025)

Last Updated: 11 April 2025

A.
B.
C.

2025_10600.jpg

IN THE ENVIRONMENT COURT AT ⇦ WELLINGTON ⇨

I TE KŌTI TAIAO O AOTEAROA

KI TE WHANGANUI-A-TARA

Decision [2025] NZEnvC 106

IN THE MATTER of an appeal and an application for stay

under s 325 of the Resource Management Act 1991

BETWEEN BENJAMIN ⇦ **WATSON** ⇨ (ENV-2024-WLG-000040)

Appellant

AND ⇦ **WELLINGTON** ⇨ CITY COUNCIL

Respondent

Court: Environment Judge L J Semple sitting alone under s 309 of the Act

Hearing: at ⇦ **Wellington** ⇨ on 13 February 2025 Last case event: 13 February 2025

Appearances: B ⇦ **Watson** ⇨ (self-represented)

N Whittington for the Council

Date of Decision: 3 April 2025

Date of Issue: 3 April 2025

DECISION OF THE ENVIRONMENT COURT

The abatement notice is confirmed.

The appeal is disallowed. The stay will end on 31 July 2025.

Any application for costs must be made by 17 April 2025, with any response to be lodged by 29 April 2025.

WATSON v **WELLINGTON** CITY COUNCIL

REASONS

Introduction

- [1] The Appellant, Mr **Watson**, purchased a property at 510 Southernthread Road, Brooklyn in **Wellington** in 2015 (the site). The site is located within the Long Gully area and is classified as part of the General Rural Zone within the **Wellington** City District Plan (the Plan).

- [2] *It* is common ground that when Mr **Watson** purchased the property (being Lot 6 of a previous subdivision), there was a residential dwelling on the site which he and his family subsequently occupied. For the reasons set out subsequently that dwelling is referred to as Building 2 within this decision. All parties agree that Building 2 was constructed between 2010 and 2012.

- [3] In late 2022, the **Wellington** City Council Compliance Team commenced an investigation into a number of alleged District Plan breaches in the wider Long Gully area, including the issue of unconsented residential buildings.

- [4] Consistent with that investigation, on 4 October 2022, Mr Benjamin Brown, a compliance officer with the **Wellington** City Council (the Council) undertook a site visit to 510 Southernthread Road. As part of that site visit Mr Brown identified several buildings on the property which he subsequently determined did not hold resource consents. That led to a series of abatement notices being issued by the Council.

- [5] The first abatement notice was issued on 16 June 2023 and required the removal of all non-consented buildings from the property that *did not* comply with the Plan as well as the cessation of operation of a shooting range.

- [6] After discussions between Mr **Watson** and the Council an amended abatement notice was issued on 20 November 2023. This abatement notice again required the removal of all non-consented buildings, but deleted specific reference to a sleepout

  which was accepted to have been authorised under a previous resource consent (SR 146415).

- [7] Further discussions between the Council and Mr **Watson** ensued and an application was made (albeit reluctantly) for a retrospective resource consent to inter alia authorise Building 2 (SR 542975). Further information requests for technical assessments were issued by the Council during the processing of that application[1] and were considered by Mr **Watson** to be outside of his means to obtain. As a result, the application was amended to authorise the use of Building 2 as a storage building only and that was subsequently granted. Erroneously, Mr **Watson** believed that the issue of this consent would provide him with a five year timeframe within which to undertake the conversion of Building 2 to a storage building and in the interim, he and his family would be able to continue using Building 2 as their home.

- [8] The Council's position was that Building 2 remained unconsented as a residential dwelling and accordingly it issued a further amended abatement notice on 17 September 2024. This abatement notice replaced the prior notices and required all internal kitchen, bathroom, sleeping, and toilet facilities (including the plumbing and drainage servicing these facilities) from Building 2 to be removed, effectively replicating the conditions of SR 542975 and requiring Mr **Watson** and his family to cease using Building 2 for residential activities.

- [9] Mr **Watson** appealed that abatement notice on 2 October 2024 on the basis that a previous resource consent (SR 254721) granted on 27 February 2013 authorised Building 2 to remain and be used as a residential dwelling.

Background

- [10] The background to these proceedings is particularly complex and it became clear during the course of the hearing that the previous consent (SR 254721) relied upon by Mr **Watson** to authorise Building 2, lacked clarity in a number of areas.

[1] Dated 29 February 2024.

- [11] While not seeking to traverse the entire consenting history of this area, it is pertinent to look closely at consent SR 254721 in untangling whether Building 2 holds a consent or otherwise.

- [12] SR 254721 was lodged with the **Wellington** City Council on 27 April 2012. That application sought subdivision consent for 17 lots and a variation of consent notice 8105871.3.

- [13] The resource consent application identifies a number of existing buildings on the property and with particular reference to Lot 7 DP 392856, (which became Lots 5 and 6 post-subdivision[2]) states that Lot 6 contains "an existing house and three farm accessory buildings (to be removed in accordance with the consent notice as noted in section 6.0)". The three farm accessory buildings and existing house are identified on a plan accompanying the application as Buildings 1 to 4 read from north to south. As previously mentioned, the building in dispute here is Building 2 as identified on that plan.

- [14] Somewhat unusually, and potentially unlawfully, although the resource application was for a subdivision consent, the decision dated 27 February 2013 purports to grant both a subdivision consent and a land use consent.

- [15] Of relevance to the matter before us, the subdivision consent imposes condition (r) which reads:

Prior to the issue of a section 224(c) certificate, all but one of the residential dwellings (or other buildings that may comprise a household unit) within Lot 6 must either be removed from the site or converted such that the building no longer constitutes a household unit. The Council's Compliance Monitoring Team shall undertake an inspection to confirm the building(s) have been relocated/converted, at the request of the consent holder, once the work is completed.

- [16] The land use consent purports to authorise the relocation of two residential buildings with conditions (b) and (c) providing:

[2] Lot 6, being the lot in question for 510 Southernthread Road.

> (b) Building 1 (the northernmost building currently located on Lot 6 DP 392856), as shown in the photographs submitted 13 February 2013, must be relocated/removed to the approved house site on Lot 12 as shown on the Plan by Cardno, drawing No NZ0111154-C104, revision 1, dated 24/1/2013.
>
> (c) Building 4 (the southernmost building currently located on Lot 6 DP 392856), as shown in the photographs submitted 13 February 2013, must be relocated/removed to the approved

house site on Lot 14 as shown on the Plan by Cardno, drawing no NZ0111154-C101, revision 9, dated 17/1/2013.

- [17] It is understood that Building 1 and Building 4 were relocated to Lots 12 and 14 as required by the consent conditions, leaving Building 2 and Building 3 on the property. It is accepted by the Council that Building 3 was a sleepout which had been consented by a previous resource consent.

- [18] Mr ⇦ **Watson** ⇨'s belief when he purchased the property was that condition (r) authorised Building 2 to remain as a residential dwelling. The Council says this cannot be the case because there is nothing in the application or in the decision which assesses and specifically authorises a residential dwelling. It is therefore the Council's position that Building 2 remains unconsented.

- [19] During the hearing, counsel for the Council and the Court carefully worked through the application for resource consent, the email correspondence which took place during the processing of the resource consent and the decision itself in an attempt to understand the provenance of condition (r). It must, of course, be recognised that Mr Smith, who processed the consent and prepared the decision, was not in Court with us and as such, we are limited to reviewing the documents as they stand in an attempt to discern meaning.

- [20] What seems clear is that although the application originally referred to an existing house and three farm accessory buildings, Council at some point in the processing of the consent application became aware that all four of the buildings were either being used for or were capable of being used for residential purposes.

- [21] Although not explicitly recorded, the email correspondence between the Council and the applicant suggests that once it became clear that Lot 6 would, on

  subdivision, have four buildings on it capable of being used for residential purposes, a decision was taken to relocate two of the buildings (being Building 1 and Building 4) to other lots (namely Lot 12 and Lot 14) as part of the application. Whether this in fact authorised residential dwellings on Lot 12 and Lot 14 is a matter for another day given there appears to be no application for land use consent for residential dwellings on these lots, nor any assessment in accordance with the provisions of the District Plan.

- [22] That left two residential buildings on Lot 6, being Building 2 and Building 3 (the sleepout). The sleepout, as previously referenced, had been authorised by a previous resource consent, however condition (r) of the subdivision consent provides that only one of the two buildings could remain on site post-subdivision. As previously set out, the condition ensuring only one building remained was a precondition to the issue of a s 224(c) certificate. Despite that, a s 224(c) certificate was issued with both Building 2 and Building 3 remaining on site. There is no evidence available to me as to why this was the case.

Legal question

- [23] In any event, the question that then arises is whether condition (r) which purports to "allow" one residential dwelling to remain on Lot 6 can be considered to authorise that dwelling in terms of a land use consent.

- [24] I accept that as a matter of law:[3]

If the condition proposed meets the Newbury tests, it can be validly imposed. On a subdivision consent, that may include conditions of the kind referred in s220(1)(c), and it may include other "land-use" type conditions.

- [25] However, I find that in the circumstances of this case, the condition in question cannot be read to authorise a land use not applied for nor evaluated. No application for a land use consent was made as part of the original subdivision consent application. There is no assessment of a residential dwelling in accordance with the

[3] *Horn v Marlborough District Council* W 30/2005 at [129].

provisions of the Plan either as part of the original application or in the supporting information provided to Council. Rather, the subdivision application is clear that it does not seek to authorise any residential dwellings. No assessment of a residential dwelling is provided within the Decision. There is no discussion of authorising residential dwellings within the Decision. Moreover, it is noted that the subdivision application was publicly notified and a number of submissions received. It is unlikely on the face of it that any attempt to enlarge the application to include authorisation of a residential dwelling or dwellings during the course of processing the application would have been within scope of the notified application.

- [26] Overall and on that basis, I am satisfied that SR 254721 does not authorise Building 2 as a residential dwelling. SR 542975 authorises the use of the building as a storage building but does not authorise its use as a residential dwelling. A consent is, and at all relevant times was, required for a residential dwelling on the site. No such consent exists and, as such, the abatement notice requiring that Building 2 cease being used as a residential building was lawfully issued and is upheld.

Mr Watson's position

- [27] Despite the above, I understand why Mr **Watson**, on purchasing the property, could have read condition (r) on SR 254721 as authorising a residential dwelling on Lot 6. While in a legal sense, condition (r) is something of a nonsense, its existence has clearly caused considerable confusion and Mr **Watson** at least has acted in reliance on it. That is understandable from a plain reading of the condition.

- [28] While the law is not on Mr **Watson**'s side, I do however have considerable sympathy for the situation in which he has found himself. I also received evidence from Mr **Watson** that he and his family have no other accommodation available to them and this situation has created considerable stress. That too is understandable.

- [29] The stay on the abatement notice is extended to 31 July 2025 to enable Mr **Watson** and his family to find alternative accommodation. I am however acutely aware that the dwelling does not hold a resource consent and as I understand it, is also not the subject of a building consent. On that basis Mr **Watson** and his family

  are urged to find alternative accommodation as soon as possible.

Conclusion

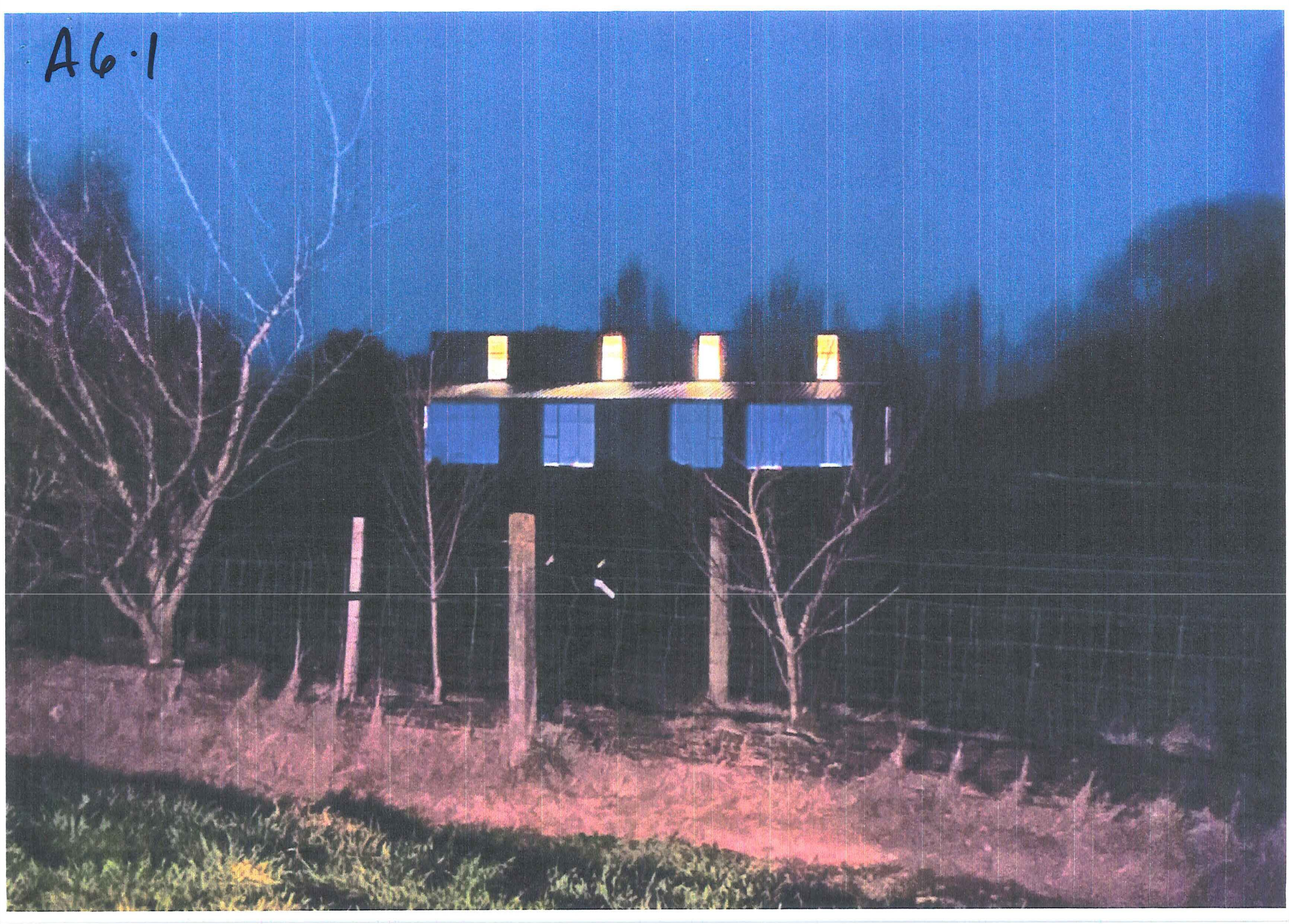
- [30] On the basis of the evidence before me, I am satisfied that Building 2 does not have a resource consent and as such the abatement notice was appropriately issued and is confirmed.

- [31] The appeal is disallowed. The stay will end on 31 July 2025.

- [32] Given the circumstances an application for costs by the Council is not encouraged however any application must be made by **5pm 17 April 2025** and any replies shall be filed by **5pm 29 April 2025**.

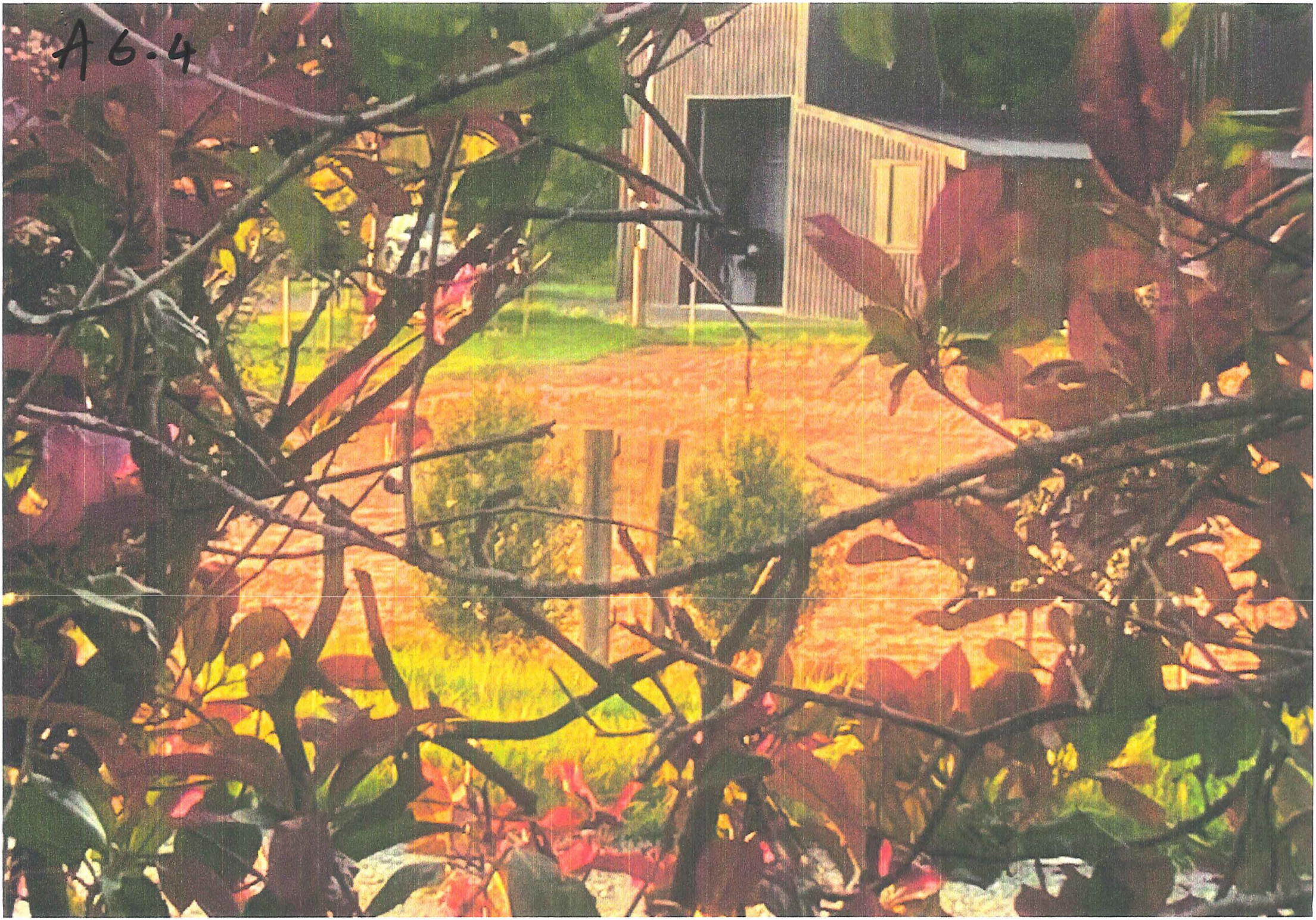
L J Semple Environment Judge

A6.1




A 6-2
116

A6.3


A6.4


A6.5

A6.6

46.7

A 7

Gmail

LOUISE STALKER <louisestephen21@gmail.com>

Fw: Service request SR25006611 at Corner of McDonald and English Rd

6 messages

Andrew Wilson <Andrew.Wilson@selwyn.govt.nz> 21 May 2025 at 14:49
To: "louisestephen21@gmail.com" <louisestephen21@gmail.com>
Cc: Pippa Jones <Pippa.Jones@selwyn.govt.nz>

Hello Louise

A site visit was carried out on the 20 May at 2:15pm, to investigate a Dangerous and Insanitary Building, individuals living long term in a storage shed.
The investigation has followed, Selwyn District Council Dangerous, Affected and insanity Building Policy 2018.

From the investigation, the storage shed can't be defined as a Dangerous and Insanitary Building, in terms of s121 and s123 of the Building Act 2004.
Refer to links below
Building Act 2004 No 72 (as at 08 April 2025), Public Act 121 Meaning of dangerous building – New Zealand Legislation
Building Act 2004 No 72 (as at 08 April 2025), Public Act 123 Meaning of insanitary building – New Zealand Legislation

The storage shed remains unaltered and functioning as per its intended use.
Within the storage shed are personal automotive vehicles.

The use of the caravan toilet facility is periodical while the owner attends to their property.
The waste is macerated and pumped to an external sealed holding tank.
The tanks are transportable and dispose of at an approved waste disposal facility.

Earlier investigations
On the 6/6/2024 The property owners were issued with a written notice to either apply for a Resource Consent and if not obtained cease residing at the property as of the Thursday 5 September 2024.
The property owner has confirmed they don't reside onsite and have alternative residence.
ECan have addressed the waste disposal and have advised there were no issues.

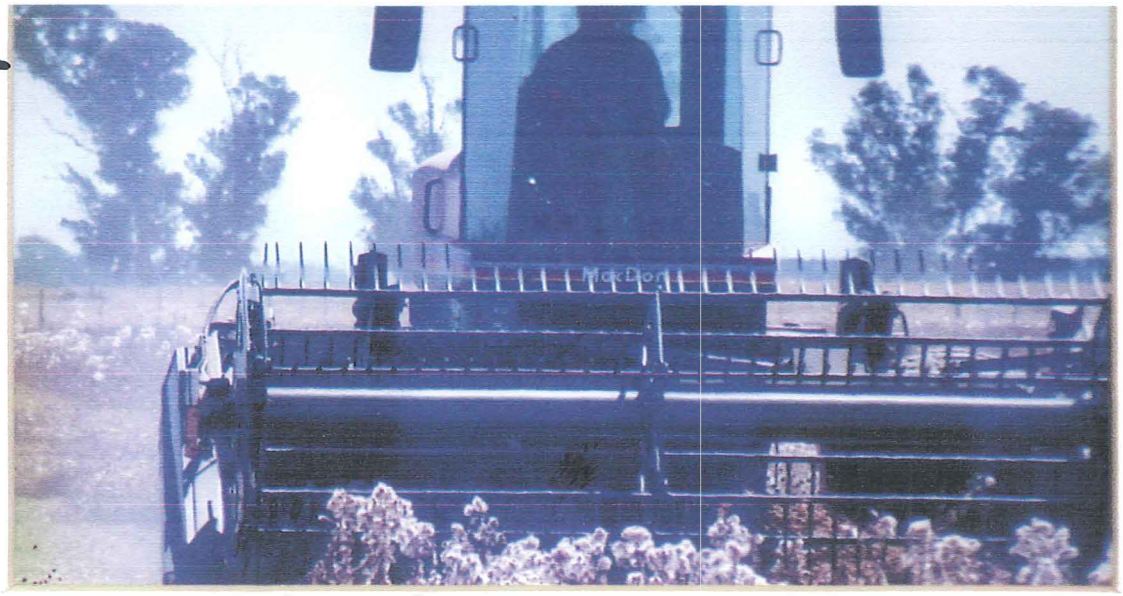
My conclusion based on this investigation and pervious, similar investigations, is that there are no Breaches of the Building Act 2004 and therefore no further action will be undertaken, and the Service Request will be closed.

Regards

Andrew Wilson
Building Surveyor
Building Compliance
Selwyn District Council

A 8.1

A.8.2



A9.1

---------- Forwarded message ---------
From: John Bailey <[redacted]>
Date: Sat, Oct 8, 2022 at 2:00 PM
Subject: Re: 116 McDonald road property adjacent to the bare land on English's road
To: L S <[redacted]>

Good Afternoon Louise,

Sorry if this has caused you any duress. I have taken the photo down off all sites and am very sorry.

I have told any potential purchasers that the land cannot be built on. I have made sure that every person that has called or emailed me about this property knows that it cannot be built on. I was unaware that you have been approached by potential purchasers about this. I have not advised them to do so and am very sorry about this.

If you have any other question please feel free to contact me again.

Sorry about all this.

Thanks,

John Bailey

Residential, Lifestyle and Rural

M +64 27 893 0234 | B +64 3 324 3704 | [redacted]

Bayleys Leeston, 70 High Street, Leeston, Canterbury, New Zealand

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A 9.2

Google Maps

116 McDonald Rd

property corner McDonald and English's road our view before the shed

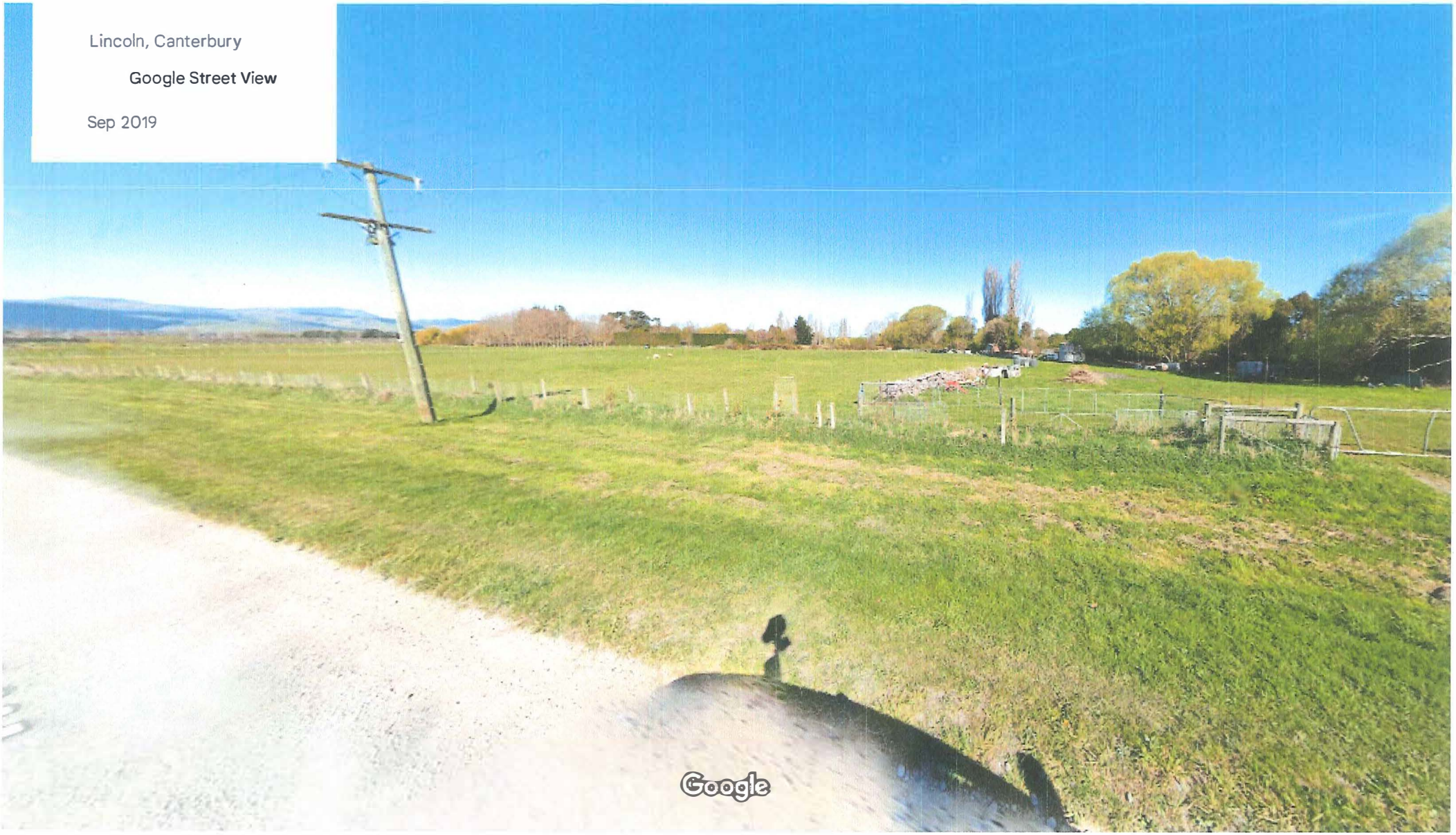


Image capture: Sep 2019 © 2025 Google

t 9.3 our frontage before adverse effects. Sept 2019 to 2023


A 9.4 Now Our View

Ministry for the Environment
Manatū Mō Te Taiao

A.9.5

Highly productive land

This page explains what Highly Productive Land (HPL) is, why it is important, and links to resources and the policy to protect it.

Last updated: 16 December 2024

Highly productive land definition

Highly Productive Land (HPL) is land that is:

- in use for production (agriculture, horticulture and forestry)
- has a favourable climate
- suitable soils for food and fibre.

HPL covers less than 15 per cent of New Zealand's land area. Only 0.7 per cent of our land area is Land Use Capability (LUC) class 1, the most versatile category of HPL. LUC class 2 covers a further 4.5 per cent and LUC class 3 covers 9.2 per cent (Lynn et al. 2009 [Manaaki Whenua - Landcare Research).

Why Highly Productive Land is important

Highly Productive Land is particularly good for food production. Both exports and domestic food production rely on the small amount of highly productive land available.

Certain food production such as outdoor vegetable production are limited to HPL. Food exports are an important part of New Zealand's economy, and having access to local affordable food is important for everyone's wellbeing.

Development of the National Policy Statement for Highly Productive Land

Many cities developed around food-producing land, with access to local food supply. These areas are also in high demand for housing and development. This puts a strain on the use of HPL for food production. To protect HPL for primary production, the National Policy Statement for Highly Productive Land (NPS-HPL) was developed.

View the National Policy Statement for Highly Productive Land (/acts-and-regulations/national-policy-statements/national-policy-statement-highly-productive-land/)

Related pages

National Policy Statement for Highly Productive Land (/acts-and-regulations/national-policy-statements/national-policy-statement-highly-productive-land/)

To improve the way highly productive land is managed under the Resource

National Policy Statement for Highly Productive Land 2022 Amended August 2024 (/publications/national-policy-statement-for-highly-productive-land-2022-amended-august-2024/)

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) sets out the objective and policies for the

Fig 1 — A10

Another Blackdale Stud Texel ram tops Gore auction

By Sandy Eggleston

Otago Daily Times · 19 Jan 2023 11:30 AM 2 mins to read

For the second year running, a Blackdale Stud Texel ram has topped the Gore Ram Sale.

The annual auction was held at the Gore A&P Showgrounds on Tuesday.

The ram sold for $15,500, which was $4500 down on last year's record price.

Blackdale Stud co-owner Leon Black, of Riverton, said he was pleased with the price of the ram.

"Any time you get more than $5000 for a good ram, that's good money.

"It's only the real outliers that get over 10."

The ram was carrying a double copy of a fertility gene.

"He's got very high reproduction ability as a sire.

We like the soundness of him," Holland said.

"The ram has got great colour [and] is an overall well-balanced ram."

The fertility gene the ram carried was an "added bonus", he said.

The Perendale Sheep Society started the auction by offering Perendales and Cheviot sheep.

The top Perendale ram, bred by David and Malcolm McKelvie, of Wyndham, was sold to a syndicate of owners for $12,000.

He was "delighted" with the price, David McKelvie said.

The ram had "good solid figures all the way through as far as fertility, growth and meat and wool".

"He was just a ram that basically had no faults."

The ram fair committee then organised the auctioning of other breeds, which included Romney, South Suffolk, Dorset Down and Poll Dorset.

About 90 rams went under the auctioneer's hammer.

The event was live-streamed online.

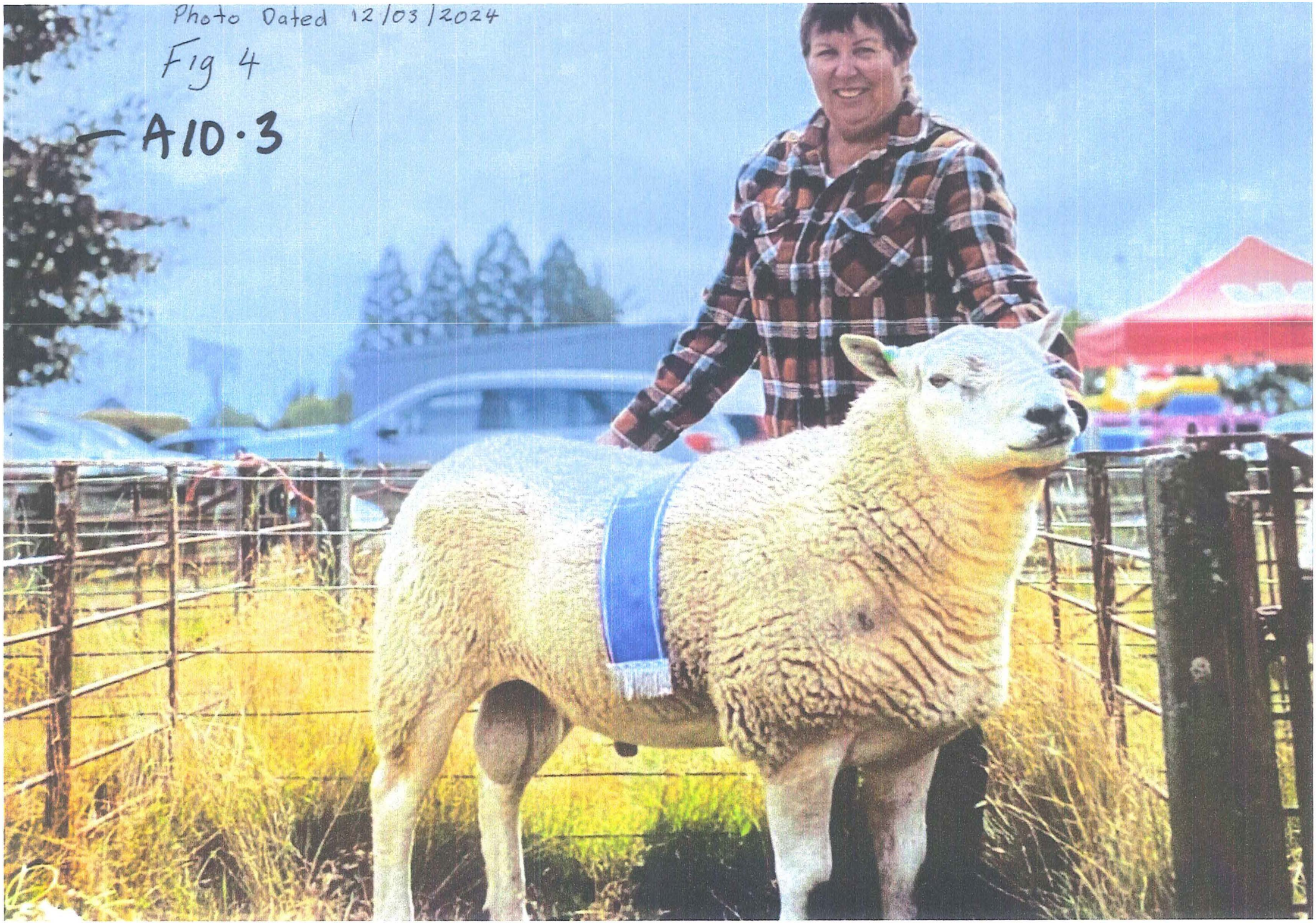

Fig 2 - A10-1
BELL VIEW TEAM

Fig 3 — A10.2

Photo Dated 12/03/2024

Fig 4

A10.3



A10.4 Fig 5

Facebook · Texel New Zealand
770+ followers

Texel New Zealand

Reserve Champion ewe went the way of Jo-Anne Campbell (Bell-View Texel Stud). Champion Texel Ram was presented to Broadgate Texel Stud and Bell-View…

5.0 ★★★★★ (1)

A10.5 Fig 6

Onga Texels - registered pedigree stud

Onga Texels are bred from the best of South Island Texel Bell-View and Maple Genetics blood-lines, with top Welsh blood from the Vorn stud recently introduced.

Our entire flock carries double copies of the Myostantin double-muscling gene (rated MyoMAX GOLD), and are genetically Microphthalmia Free (i-SCAN CLR).

Using ***Onga Texel*** terminal rams will therefore ensure that all lamb progeny will carry at least one copy of the double-muscling gene, (even if absent in the ewes), gaining additional carcass meat and therefore better financial return.

All our rams are registered, SIL recorded, vet checked and Brucellocis tested before sale

Most of our rams will come running for baleage or a few sheep pellets, so they are extremely easy to handle and move around the farm.

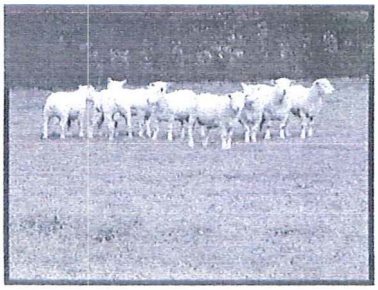
We sell rams when 12 months old, ready for action, as well as lambs. Periodically we also have a few ewe lambs and ewe hoggets for sale.

All ***Onga Texels*** are sold with registration transferable.

Click here to see STOCK CURRENTLY FOR SALE

Ask us to put you on our mailing list for advanced notice of stock coming up for sale.

What our clients say:



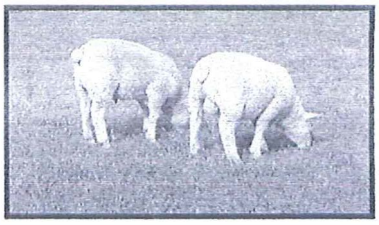


Fig 7

A10.6

Go Back

Campbell, Ms A E & Mrs J

Texel Texel Across Flock Canterbury

Other Information

SIL Number : : 4767

Surname : : Campbell

First Name : : Jo-Anne

Flock or Stud Number : : 266 MC

Registered Prefix : : Bell-View

Contact Information

Address : 10 Barrosa Street, Lincoln 7608

Phone : 03 329 6343

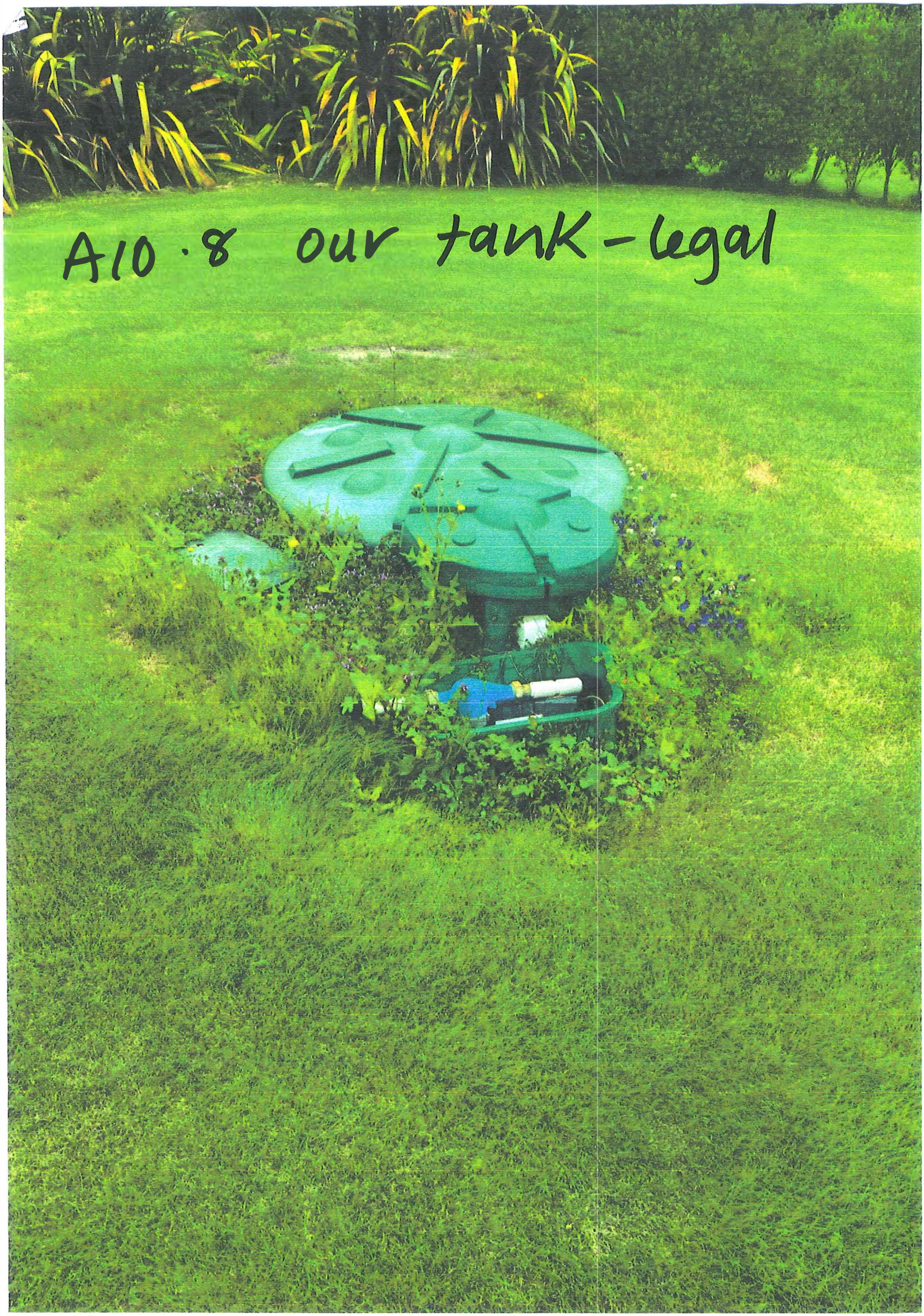
Mobile : 027 344 4418

Email : campbellfam@xtra.co.nz

Contact Listings Owner Form

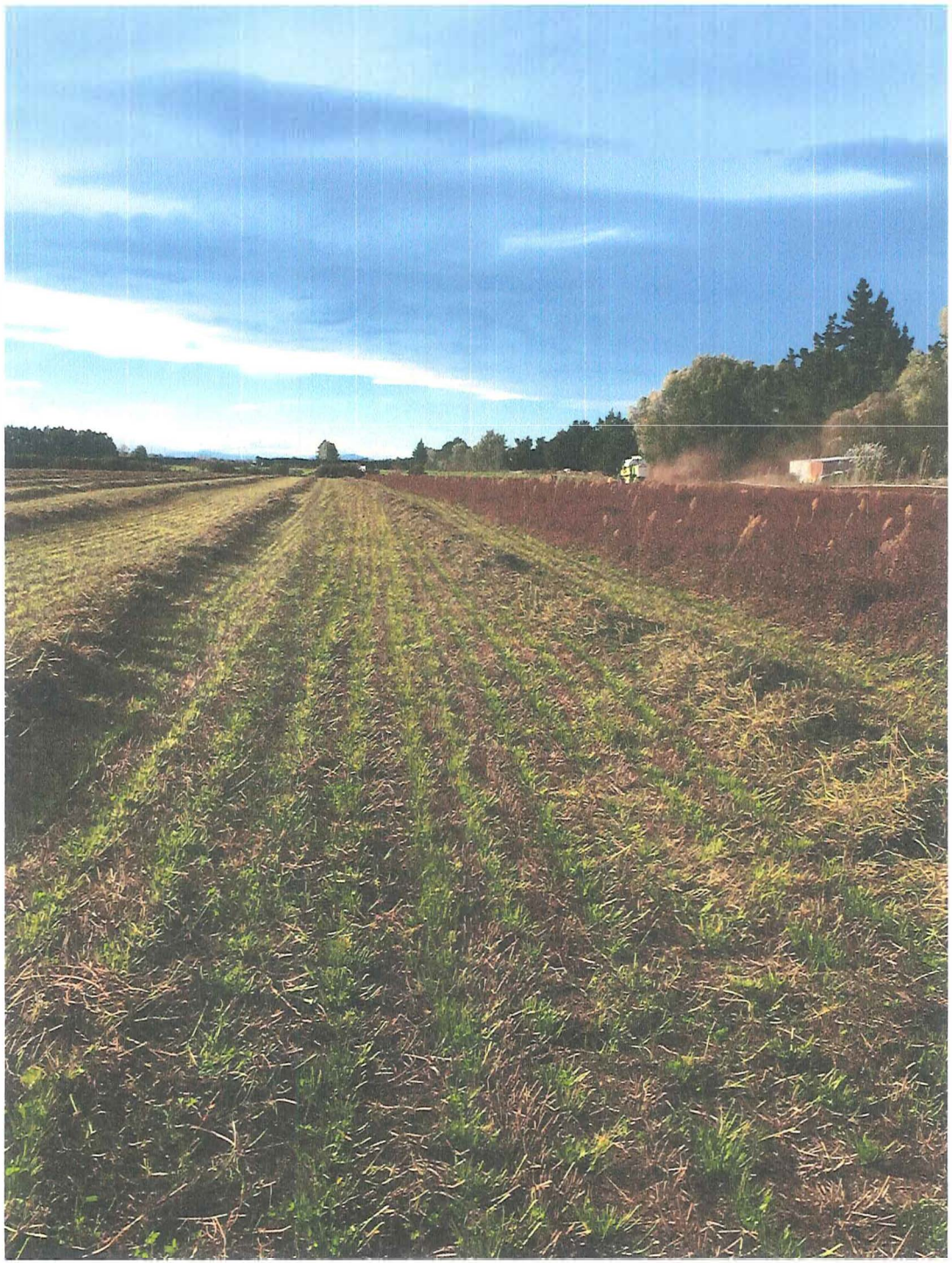

IBC tanks Comparison
A10.7

A10·8 our tank - legal



A 11.1

A 11.2



Detailed Results

The following **HAIL Activities** were found within your search area.

What is a HAIL Activity?

No.	HAIL
ACT411578	G3 - Landfill sites

The following **Sites** were found within your search area.

What is a Site?

No.	Site Category	Site Name
SIT411579	Yet to be reviewed	GAZ 01-940 RES 3537 BLK V HALSWELL SD - GRAVEL PIT-, MCDONALD ROAD, Lincoln

The following **Investigations** were found within your search area.

What is an Investigation?

No.	Type	Investigation Title	Report Date

A12.2

6. National Environmental Standard (NES)

Every applicant must answer the questions contained within Table One.

Table One

Please identify whether the application involves any of the activities below:		
Does your application involve changing the use of the land? (e.g. erecting a dwelling on an area of land which previously had no dwelling erected upon it)	☒ Y	☐ N
Does the proposed activity involve disturbance of soil? (more than $25m^3$ per $500m^2$ of land) or removing soil? (more than $5m^3$ per $500m^2$ of land) (e.g. foundations, on-site effluent treatment and disposal systems, wells or bores)	☐ Y	☒ N
Does the application involve removing or replacing a fuel storage system or parts of it?	☐ Y	☒ N
Does the proposed activity involve sampling soil?	☐ Y	☒ N
Are you proposing to subdivide the land as part of this application?	☐ Y	☒ N

If all of the answers to the questions in Table One are **NO** then you may stop here. You must, however, sign and date the bottom of page 1 of this form.

If you answered **YES** to any of the questions in Table One, you must complete Table Two

Table Two

Is the land currently being used, has been used in the past, or is likely to have been used for an activity described on the HAIL?	☐ Y	☒ N

If the answer to the question in Table Two is **NO** then you may stop here. You must, however, sign and date the bottom of page 2 of this form.

If you answered **YES** to the question in Table Two, you are required to undertake an assessment in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Until such time as a satisfactory NES assessment has been undertaken, no building work will be permitted to commence.

For more information on this process please contact the Duty Planner of (03) 347-2800 or go to the Ministry for the Environment website https://environment.govt.nz/acts-and-regulations/regulations/national-environmental-standard-for-assessing-and-managing-contaminants-in-soil-to-protect-human-health/

Please complete Table Three.

Table Three

☒ Assessment under the NES is attached

☐ The assessment work is to be undertaken. Anticipated completion date? _____

Please note that any inaccuracies may result in the applicant being in breach of the Resource Management Act 1991 and / or exposed to liability if the site is subsequently found to be contaminated, including being liable for remedial works.

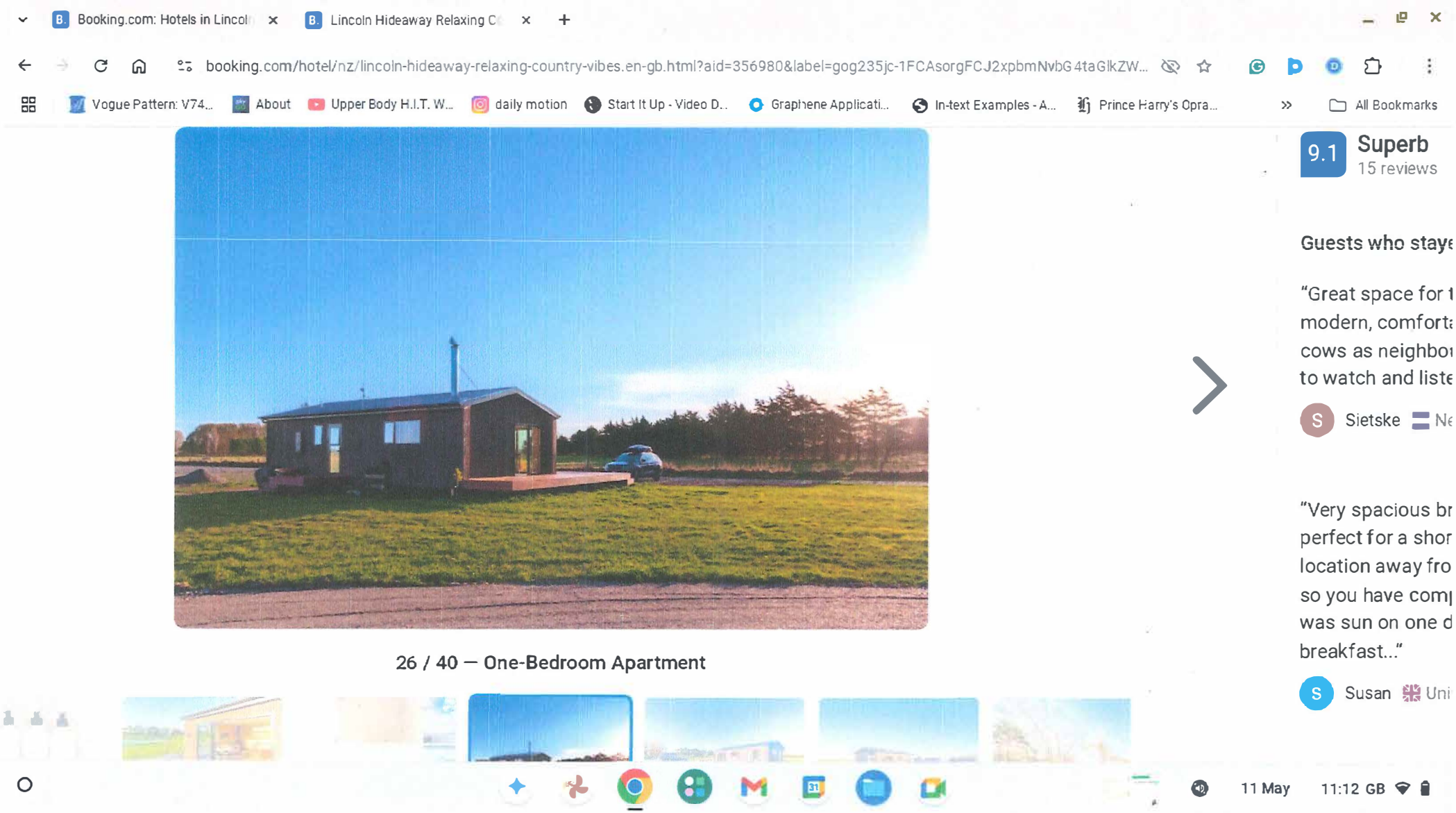

A 13.1


A13.2

A14.1

29 / 40 — One-Bedroom Apartment

A 14.2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About
Upper Body H.I.T. W...
daily motion
Start It Up - Video D...
Graphene Applicati...
In-text Examples - A...
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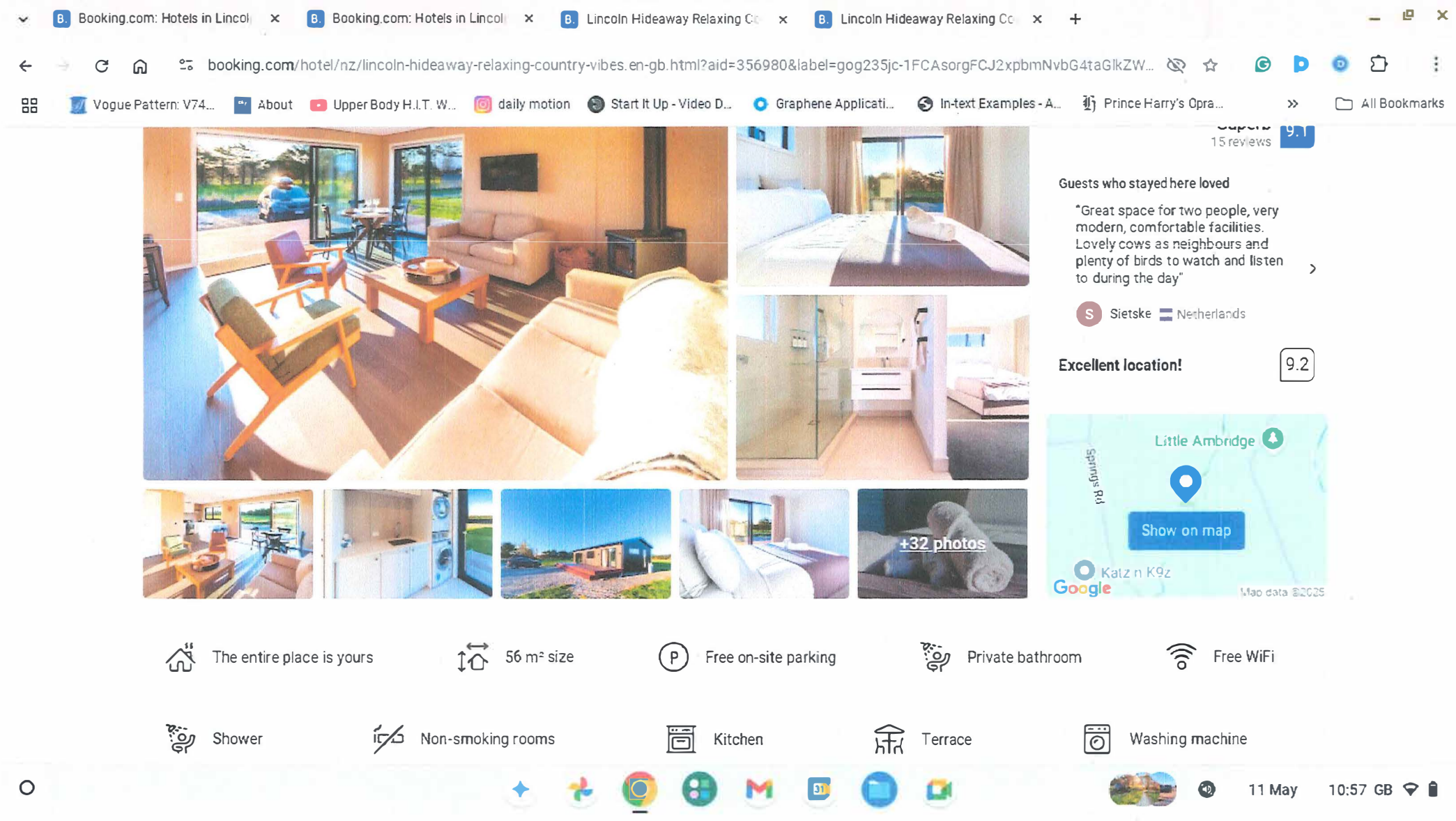
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Guests who stayed here loved
"Great space for two people, very modern, comfortable facilities. Lovely cows as neighbours and plenty of birds to watch and listen to during the day"
Sietske
Netherlands
Excellent location!
9.2
Little Ambridge
Springs Rd
Show on map
Katz n Kgz
Google
Map data ©2025
The entire place is yours
56 m² size
Free on-site parking
Private bathroom
Free WiFi
Shower
Non-smoking rooms
Kitchen
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A 14·4

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30 / 40 — One-Bedroom Apartment

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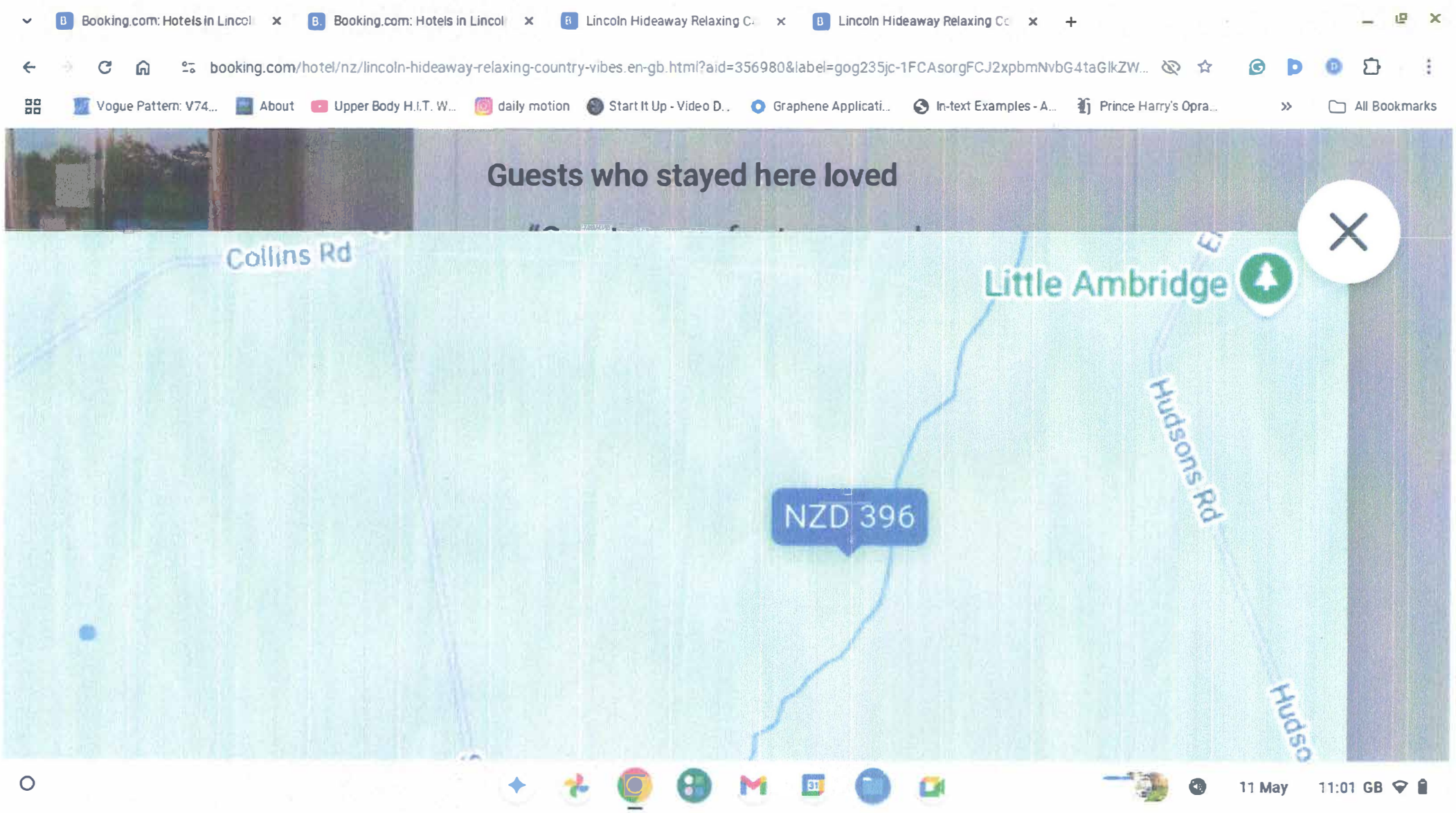
A 14·5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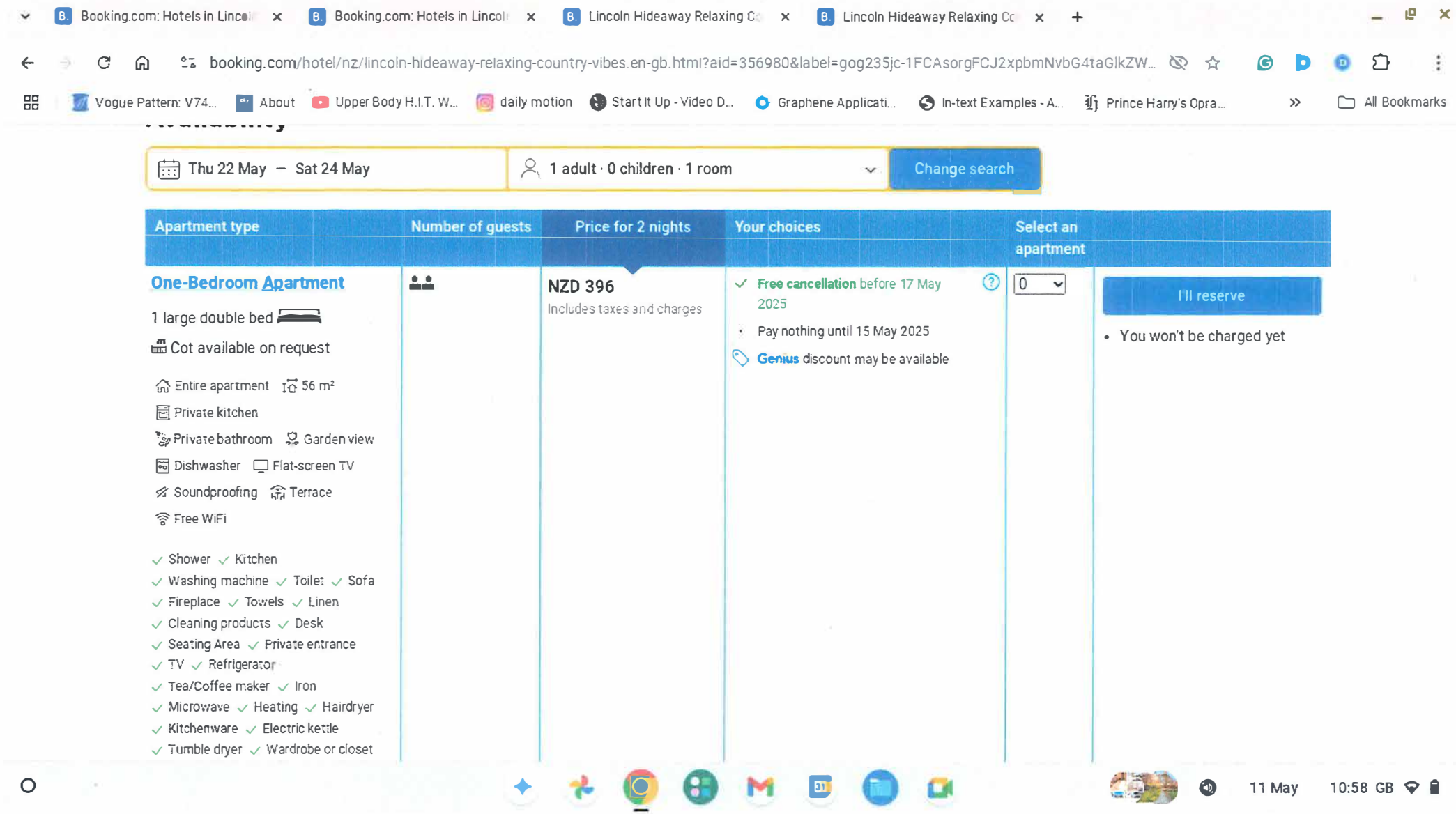
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All Bookmarks
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1 adult · 0 children · 1 room
Change search
Apartment type
Number of guests
Price for 2 nights
Your choices
Select an apartment
One-Bedroom Apartment
1 large double bed
Cot available on request
Entire apartment
56 m²
Private kitchen
Private bathroom
Garden view
Dishwasher
Flat-screen TV
Soundproofing
Terrace
Free WiFi
Shower
Kitchen
Washing machine
Toilet
Sofa
Fireplace
Towels
Linen
Cleaning products
Desk
Seating Area
Private entrance
TV
Refrigerator
Tea/Coffee maker
Iron
Microwave
Heating
Hairdryer
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Electric kettle
Tumble dryer
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A 14.7

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Company Hub
https://www.companyhub.nz › companyDetails

BEN WATSON LIMITED (NZBN: 9429047005914)

Addresses. Registered Office. **Care of METRO ADVANCES LTD**, Unit 3, 254 St Asaph Street, Christchurch Central, Christchurch, 8011. Address for service.

nzwao.com
https://www.nzwao.com › companies › ben-watson-limited

BEN WATSON LIMITED | New Zealand Business Directory

BEN WATSON LIMITED was registered as New Zealand Limited Company on 04 Sep 2018, registered at METRO ADVANCES LTD, Unit 3, 254 St Asaph Street, ...

nzwao.com
https://www.nzwao.com › director › Benjamin+Mitchell+...

Company Director Benjamin Mitchell WATSON | New Zealand ...

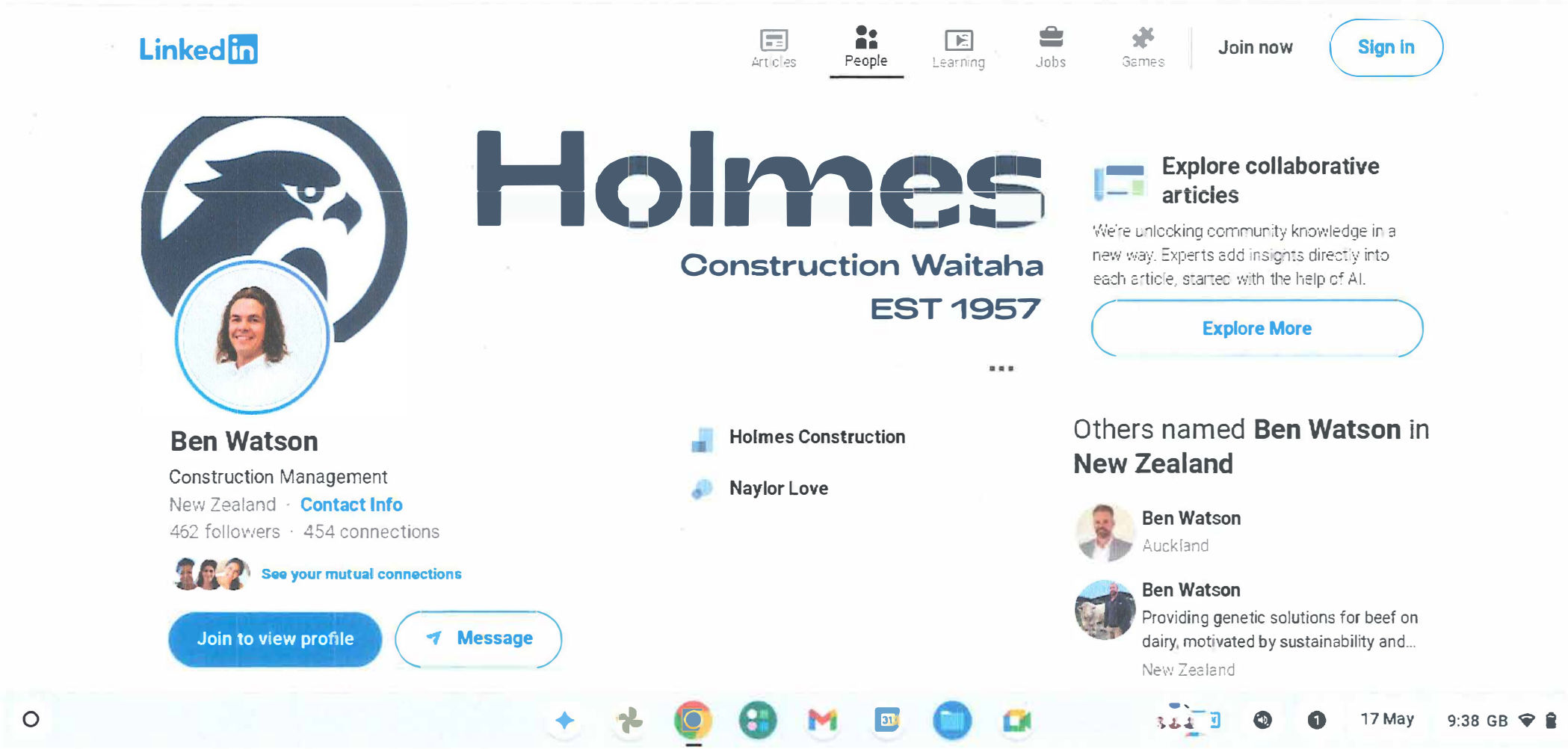
Ben Watson Limited was incorporated on 04 Sep 2018 which located at METRO ADVANCES LTD, Unit 3, 254 St Asaph Street, Christchurch Central, Christchurch, 8011 , ...

LinkedIn · Ben Watson
100+ followers

Ben Watson - Canterbury, New Zealand | Professional Profile

As a young professional in the sales industry, my aim is to develop my skill set and networks to better empower people and grow business.

A 14·9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Others named Ben Watson in New Zealand
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Auckland
Ben Watson
Providing genetic solutions for beef on dairy, motivated by sustainability and...
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Appendix A 15

130 McDonald Rd