

1 May 2025

Selwyn District Council
Planning department.

Attention: Stephanie Dwyer

By Email: Stephanie.Dwyer@selwyn.govt.nz

Dear Stephanie

RC255045 – Hurrell application

- 1 We have been engaged to assist Malcolm Hurrell with his application RC255045 (to authorise a new shed on [REDACTED] 276 Larcombs Road).
- 2 We understand that the application exceeds the site coverage rule which means that the rule requirements of GRUZ-R2 cannot be met. GRUZ-REQ1 establishes that non-compliance with building coverage is a restricted discretionary activity, and the matters of discretion are limited to those set out in GRUZ-MAT2 and NH-MAT5.1. Based on correspondence our client has provided, we understand that the matters included in NH-MAT5.1 are not of concern to the Council, but the impact of the proposal “on open space and character of the rural environment, whether it is visible or not”¹ is at issue.
- 3 It is our understanding that no notification decision has been made pursuant to section 95 of the Resource Management Act 1991 (RMA). Rather, informal advice provided by Council to Mr Hurrell has been to obtain written approval from two neighbours². Mr Hurrell has provided approvals from the owners of the occupied dwelling at 254 Larcombs Road, but approval from 286 Larcombs Road remains outstanding (noting that the land is bare).
- 4 We have reviewed the application, including the further details Mr Hurrell has provided (particularly a landscape plan and the calculation for total site coverage), as well as photos from Mr Hurrell of the proposed building site which you have visited. Based on this review, we consider that the notification threshold is not met here, and the application should continue to be processed, on a non-notified basis. Our reasons for this conclusion are set out below.

Section 95 requirements.

- 5 As you are aware, the relevant considerations are sections 95B (limited notification) and 95E (identification of affected persons). As you know, GRUZ-REQ1 (4) excludes any application from public notification. Therefore, the Council must step through s95B to determine whether the application is required to be limited notified.
- 6 We do not intend to repeat the requirements of s95B in full, you are well aware of those. However, we do wish to address the key aspect of those steps, being whether the landowner

¹ Per email correspondence from Stephanie Dwyer to Mal Hurrell on Thursday 27 February 2025 at 4:12pm.

² [REDACTED]

of [REDACTED] is an “affected person” pursuant to s95E. In summary, for the landowner to be considered affected, the Council must consider that:

6.1 The effects of the proposal (limited to those effects arising from the breach of the site coverage permitted activity rule) are more than minor.

7 GRUZ-MAT2 limits discretion to the following:

7.1 Effect on the spacious character of the zone, and the outlook of surrounding sensitive activities.

7.2 The extent to which the topography and the location, scale, design, and appearance of the building, landscaping or natural features mitigate the visual effects.

7.3 If any alternative location has been considered or is available on the site that would mitigate any visual effects.

7.4 The extent to which the building coverage will diminish the rural productive potential of the land.

7.5 The extent to which the building coverage will adversely affect surface water flood management.

7.6 The necessity of the building to exceed the building coverage restriction.

8 We understand, based on your email correspondence with Mr Hurrell, that the Council concerns are limited to the matter at 7.1 above, and particularly on the character of the rural environment.

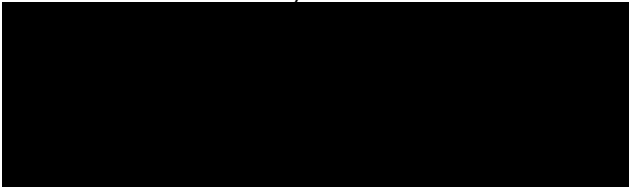
8.1 Firstly, there are no “sensitive activities” located on the site at 286 Larcombs Road. Therefore, there is no issue of outlook from the neighbouring property that can be considered.

8.2 The rural environment is one of spaciousness, generally, although different areas have different expectations. This area, for example, is somewhat impacted by the southern motorway that runs relatively close, as well as extensive existing shelterbelts. A condition requiring these to be retained would be acceptable.

8.3 The Council approach appears to be equating any exceedance in site coverage to an effect on the character of the rural environment. However, the test is not **any** adverse effect, but a **more than minor** effect. The existing hedging provides significant screening of both existing buildings, and the proposed building. Mr Hurrell has provided some photographs which show the level of screening available.

- 8.4 The location of the shed has been carefully considered to be visibly screened, and the height does not exceed the screening trees.
- 9 For the above reasons, we consider that the environment is able to absorb the additional site coverage without any adverse effects.
- 10 It is our understanding that the matters set out at paragraphs 7.2 – 7.6 are not of concern to the Council in relation to this application. We agree with that interpretation. Please advise if this is not the case.
- 11 We consider that it would be entirely inappropriate for the neighbour at 286 Larcombs Road to be considered an affected party. The site has no sensitive receptors, and the development, as well as most of the existing site coverage, will be screened from view. The “knowledge” of a site exceedance cannot be considered an adverse effect that is more than minor, on that particular landowner.
- 12 If it would be useful to discuss this opinion, please let us know and a meeting time can be arranged. Otherwise, we would appreciate a response to the above matters prior to any notification report being prepared.

Yours sincerely



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