Sections 104, 104C, 108 and 108AA





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

• Granted or declined, and, if granted, the conditions of consent

Decision pursuant to section 113 of the Resource Management Act 1991

| APPLICATION NUMBER | RC255045 | |
|--------------------------------------|--|--|
| APPLICANT | M J Hurrell | |
| BRIEF DESCRIPTION OF THE APPLICATION | To construct a six bay shed which breaches the building coverage. | |
| ADDRESS | 276 Larcombs Road, Rolleston | |
| LEGAL DESCRIPTION | Lot 2 DP 24589 | |
| TITLE REFERENCE | CB6D/543 | |
| AREA | 3.035 ha | |
| ZONING / OVERLAYS | Operative Selwyn District Plan (2016 Version), Rural Volume Inner Plains Partially Operative Selwyn District Plan (Appeals Version) General Rural Zone | |
| | Plains Management Overlay Liquefaction Damage Unlikely Overlay Noise Control Overlays Special Control Area - Rural Density - SCA-RD1. | |
| OVERALL ACTIVITY STATUS | Restricted Discretionary | |

The Application

- 1. This application was formally received by the Selwyn District Council on 22 January 2025. Further information was received on 10 February 2025; this information now forms part of the application.
- 2. The applicant has applied for a land use consent to construct a shed that breaches the building coverage by 1.8% in the General Rural Zone.
- 3. The proposed shed has 6 bays and has total area of 540 square metres (m²) and a maximum height of 5 metres (m).
- 4. The purpose of the shed is to store the applicant's private car collection and farm machinery.
- 5. The site and elevation plans for the proposed shed are shown in Figure 1 and 2 below.



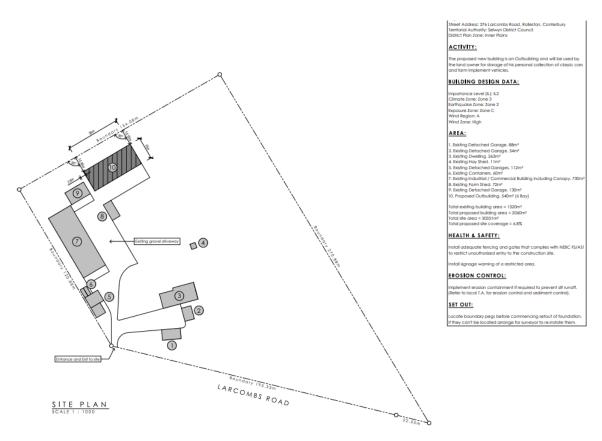


Figure 1. Site Plan (shed is numbered 10) (Source: Further Information Response).

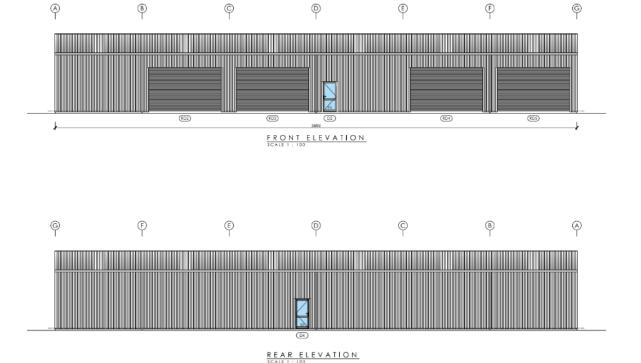


Figure 2. Elevation Plans (Source: Further Information Response).

The Existing Environment

- 6. The site has a total area of 3.351 hectares.
- 7. The site contains the following buildings shown in Table 1 below.

Table 1. Existing Buildings on the application site (Source: Annotated from Site Plan).

| Number | Туре | Area (m²) |
|--|--|-----------|
| 1 | Existing Detached Garage | 88 |
| 2 | Existing Detached Garage | 54 |
| 3 | Existing Dwelling | 263 |
| 4 | Existing Hay Shed | 11 |
| 5 | Existing Detached Garages | 112 |
| 6 | Existing Containers | 60 |
| 7 | Existing Industrial / Commercial Building (including Canopy) | 730 |
| 8 | Existing Farm Shed | 72 |
| 9 | Existing Detached Garage | 130 |
| Total Existing Building Area (m²) | | 1520 |
| Total Building Coverage percentage across the site (%) | | 5 |

- 8. The buildings are mainly clustered in the eastern half of the site with exception to the hay shed which is located within one of the pastoral paddocks located on the western half of the site.
- 9. All the buildings are accessed off one existing access off Larcombs Road which has a posted speed limit of 100 km/hr.
- 10. The site and the surrounding land are generally shown in Figure 3 and 4 below.



Figure 3. Aerial Photograph of the site and the surrounding land (Source: Application).



Figure 4. Access to the Application Site (Source: Application).

11. I visited the site on 3 February 2025.

Activity Status

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

- 12. The application site is located in the General Rural Zone. The site is also subject to Plains Flood Management, Liquefaction Damage and Noise Control Overlay.
- 13. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.
- The rules relevant to this application are beyond challenge and therefore for the purposes of this report full 14. weight has been given to the Partially Operative Plan.

Land use

15. The proposed land use activity does not meet the following rules:

| RULE | TOPIC | NON-COMPLIANCE STATUS | |
|-----------------|-------------------|---|--|
| GRUZ- REQ1.1 | Building Coverage | The building coverage on a site shall not exceed a maximum of 5% for all sites greater than 1 ha. A coverage of 6.8% is proposed. | |

- 16. No Flood Assessment Certificate is required as the shed is not a principal building¹.
- 17. Therefore, the land use proposal is a **Restricted Discretionary** activity under the Partially Operative Plan.

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

18. The proposal is not a change of use of the land and therefore the NES-CS does not apply.

Written Approvals (Section 104(3)(a)(ii))

- 19. The provision of written approvals is relevant to the notification and substantive assessments of the effects of a proposal under sections 95D, 95E(3)(a) and 104(3)(a)(ii). Where written approval has been provided, the consent authority must not have regard to any effect on that person.
- 20. The applicant has provided written approval from the owners and occupiers of the following properties listed below.
 - 254 Larcombs Road, Rolleston
 - Section 2 SO 561864
- 21. The application site and approvals are shown in Figure 5 below.



¹ Means - Any building or buildings which is/are used as part of the primary activity or activities on the site. Principal buildings include residential units, but do not include:

a. accessory buildings;

containers in the PORTZ.



Figure 5. Application Site (Blue outline) and Approvals (Yellow star)(Source: Councils GIS Mapping System)

The Limited Notification

- 22. A decision regarding notification pursuant to Sections 95/95A-E has been undertaken separately by a Commissioner on the 13th June 2025 acting under delegated authority from the Selwyn District Council. This decision is available upon request.
- 23. In summary, it was determined that the application be limited notified, with the following being affected persons for the purposes of notification:

The owners and occupiers of:

- 286 Larcombs Road, Rolleston
- 24. The application site and persons limited notified are shown in Figure 6 below.



Figure 6. Application Site (Blue outline) and persons limited notified (red star) (Source: Councils GIS Mapping System).

Submissions

25. The application was limited notified to the affected party on the 18th June 2025. The submission period closed on the 17th July 2025, no submissions were received, and I do not consider that a hearing would be necessary. Therefore, the Council will proceed processing the application without holding a formal hearing in accordance with s 100 of the RMA.

Section 104 Assessment

- 26. Section 104 of the Act sets out the matters the Council must have regard to when considering an application for resource consent.
- 27. Section 104(1), in particular, states as follows:

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M [Effect of incorporation of MDRS in district plan], have regard to-
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of-
 - (i) a national environmental standard:
 - (ii) other regulations:
 - (iii) a national policy statement:
 - (iv) a New Zealand coastal policy statement:
 - (v) a regional policy statement or proposed regional policy statement:
 - (vi) a plan or proposed plan; and



- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- 28. Section 104(2) states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan, i.e. the operative plan, permits an activity with that effect.
- 29. Section 104C applies to restricted discretionary activities. It requires that the consent authority must only consider those matters over which its discretion is restricted in a plan, national environmental standard or other relevant regulations. It allows that the consent authority may grant or refuse the application, and, if granted, it may impose conditions under s 108, but only for those matters over which discretion has been restricted.

Section 104(1)(a) - Effects on the Environment

Permitted Baseline

- 30. Sections 95D(b) and 95E(2)(a) allow that a consent authority "may disregard an adverse effect" if a rule or a national environmental standard permits an activity with that effect, a concept known as 'the permitted baseline'. The application of the permitted baseline is discretionary, as denoted by the use of the word "may". It is understood that its intention is to identify and exclude those adverse effects that would be permitted by the Plan from consideration.
- 31. The Partially Operative Plan permits a maximum building coverage of 5% for all sites greater than 1 ha. Any effects beyond the permitted baseline are considered relevant.

Receiving Environment

32. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment is rural in nature, and is used for a combination of residential, productive, and industrial land uses (as consented).

Restrictions on Matters Considered

- 33. The status of the activity is **Restricted Discretionary**. As such, the assessment is restricted to the relevant matters contained in GRUZ-MAT2 (Building Coverage) and NH-MAT5 (Wildfire) as discussed below.
- 34. GRUZ-MAT2:
 - Effect on the spacious character of the zone, and the outlook of surrounding sensitive activities.
 - The extent to which the topography and the location, scale, design, and appearance of the building, landscaping or natural features mitigate the visual effects.
 - If any alternative location has been considered or is available on the site that would mitigate any visual effects.
 - The extent to which the building coverage will diminish the rural productive potential of the land.
 - The extent to which the building coverage will adversely affect surface water flood management.
 - The necessity of the building to exceed the building coverage restriction.
- 35. NH-MAT5:
 - The degree of risk posed to life and property.
 - The extent of which any vegetation required for visual screening of a principal building affects the wildfire risk to any residential unit or other principal building.

Effects

36. The application proposes to construct a 6-bay shed (540 square metres) on the site. The site currently complies with the 5% building coverage and the additional shed will result in building coverage of 6.8% (1.8% over the permitted baseline).

Spacious Character

- 37. The effects of building coverage can extend beyond visual considerations and can influence the overall character, functionality, and form of a site which may have adverse effects on adjacent neighbours as well as the wider environment.
- 38. Generally, character and amenity within the General Rural Zone is characterised by a landscape dominated by openness and vegetation with significant visual separation between neighbouring residential buildings.
- 39. To protect the open space character and amenity of the rural area, the zone has been separated into areas, primarily for the purpose of controlling residential density.
- 40. The application site is located within SCA-RD1 Inner Plains/Te Urumanuka ki Ana-ri which requires a minimum size of 4ha per residential unit. The application site is slightly smaller and has a total area of 3.351 ha.
- 41. For comparison, the building coverage permitted on a 4ha site is 2,000 m² whereas the total building coverage permitted on this smaller site is 1520 m² which is currently being achieved. The proposed 540m² shed will result in a total building coverage of 2,060 m², which is slightly greater than what is anticipated by the character of this area.
- 42. The buildings on the application site are generally clustered together within the western half of the site, the proposed shed will form part of this existing cluster of buildings.
- 43. Beyond the site, the activities on site may be perceived as being more residential and commercial in nature in comparison to the intended rural nature required by the underlying zoning. The effects of the proposal on the productive use of the site are addressed later in this report. It is recommended that the use of the shed is restricted to residential and farm use only. The applicant has agreed to a condition to this effect being imposed on any consent granted.
- 44. The density on the nearby properties is relatively low and I consider that there are no adverse cumulative effects that exist. There is no built form located on the properties immediately to the north (286 Larcombs Road) and west of the site. The built form located on the sites to the south contain residential activities, detached shed and open paddocks on generally larger sites (i.e., 4 5 ha lots).
- 45. It is anticipated that residential activity and shed can be established on these vacant lots as permitted activities. The proposed shed may influence the location of these buildings and in turn may impact the amenity of values anticipated within the rural environment but are not ultimately considered to be incompatible. The vegetation is well established on this site, and therefore the visual amenity of the neighbouring sites will be maintained as addressed discussed further below.
- 46. For the reasons stated above I consider the effects on the wider environment to be minor.

Visual Amenity

- 47. There is existing vegetation located along all boundaries as well on the site. The boundary vegetation consists of hedging that is approximately 6m in height.
- 48. There are extensive gardens established around the existing dwelling and fencing, and additional plantings have been established recently to create a separation between the buildings and the paddocks.
- 49. The location of the buildings, fencing and plantings are shown in Figure 6 below.



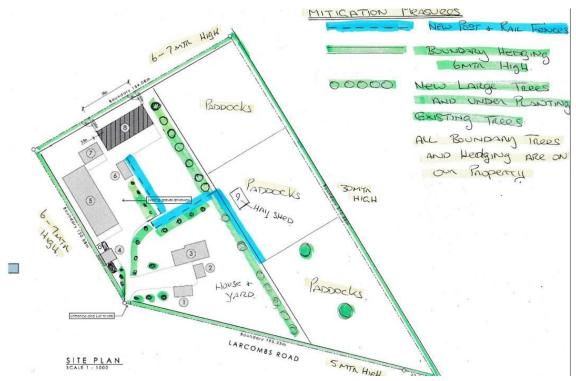


Figure 6. Landscape Plan (Source: Further Information dated 3 February 2025).

- 50. Written approvals have been received from the owners and occupiers of 254 Larcombs Road and Section 2 SO 561864 and therefore any effects on these persons are disregarded. The owner and occupier of 286 Larcombs Road was limited notified and no submission was received.
- 51. The existing vegetation is considered to adequately screen the proposed shed from 286 Larcombs Road and the properties located to the south on the opposite side of Larcombs Road (as shown in Figure 6, and Figure 7 below).



Figure 7. Proposed Building Site (Source: Site Visit)

- 52. The applicant has agreed to retain the existing vegetation, and that any diseased plants will be replaced within the next growing season. No alternative locations have been considered by the applicant, nor are any considered to be necessary in this context.
- 53. Overall, I consider that visual effects of the proposed shed to be less than minor considering the proposed shed will not be visible from beyond the site.

Rural Productive Potential

- 54. The application site contains land use capacity 3 soils, which is considered to be highly productive land under the National Policy Statement on Highly Productive Land (NPS-HPL).
- 55. Policy 8 of the NPS-HPL specifically states that highly productive land is protected from in appropriate use and development. NPS-HPL policy focuses on avoiding change or intensification of land use.
- 56. The proposed shed will form part of an existing land use and residential activity, which in turn will support the existing productive use on the site that consists of hay making and the grazing of horses.
- 1'm satisfied that the overall activity resulting from the proposed building will not change and that the building can be categorised as a supporting activity (in conjunction with the established residential use and associated land based primary production).
- 58. For the reasons stated above, I consider the proposed to meet the exceptions under clause 3.9 of the NPS-HPL and the adverse effects on productive capacity to be less than minor.

Surface Water Flood Management

- 59. The site is located within the Plains Flood Management and the Liquefaction Damage Unlikely Overlay.
- 60. There are no areas on the site defined as a high hazard according to the Selwyn District Council's Flood Modelling,
- 61. Flood Modelling shows that during a 1 in 200-year ARI rainfall flood event, flood depth varies over the site, with a maximum depth being 0.40m as shown in Figure 8 below.



Figure 8. 200-year ARI rainfall flood event depth. (Source: Selwyn's flooding and coastal hazards map).

- 62. The proposed shed is located outside the modelled flooding areas as shown in Figure 8; therefore, the likelihood of flooding occurring within the shed is predicted to be low.
- 63. The proposed shed is not a principal building and therefore a Flood Assessment Certificate / minimum flood level is not required as specified earlier in this report.
- 64. For the reasons stated above, I consider that the surface water flood management effects resulting from this proposal are considered to be adequately mitigated and the adverse effects on the receiving environment will be less than minor.

Wildfire

- 65. The proposed shed is an accessory building and is physical separated from residential unit both on and off the site by established vegetation.
- 66. The effect of the building coverage on the spacious character is considered to be minor as assessed above.
- 67. For these reasons, I consider the degree of wildfire risk to life and property to be less than minor.

Conclusion

68. I conclude that any adverse effects on the wider environment are considered to be minor.

Section 104(1)(b) – Relevant Provisions of Statutory Documents

District Plans (section 104(1)(b)(vi))

Operative Plan - Objectives and Policies

69. The proposal is permitted under the Operative Plan. Therefore, I consider the proposal to be consistent with the Operative Plan.

Partially Operative Plan - Objectives and Policies

- 70. The Partially Operative Plan objectives and policies that I consider relevant relate to strategic direction, rural character and amenity, rural productive capacity, and natural hazards (in relation to surface water flood management).
- 71. The overarching direction for the District Plan is expressed through Strategic Directions. All objectives and policies set out in the Plan give effect to and are consistent with the Strategic Directions. The Strategic Directions relate to the district's identity; infrastructure, risk and resilience; Mana Whenua values; and urban form and development. It is considered that the proposal is consistent with the overall direction of the Plan.
- 72. The relevant objective and policies relating to rural character and amenity and rural productive capacity are Objective GRUZ-O1, Policy GRUZ-P1 and Policy GRUZ-P1A. These objectives and policies seek to ensure that development in rural areas supports, maintains or enhances rural character and amenity values and retains a low building density comparison to the urban area, and that the inappropriate use and development of highly productive land is avoided, except as provided for by the National Policy Statement on Highly Productive Land. As discussed above, any adverse rural character and amenity effects associated with the proposal will be minor, and rural productive capacity effects will be less than minor.
- 73. The relevant objective and policy relating to natural hazards are Objective NH-O1, Policy NH-P10 and Policy NH-P21 which seek that any new use and development is undertaken in a manner that ensures that the risks of natural hazards (including flooding and wildfire) to people, property and infrastructure are appropriately mitigated. As discussed above, the potential surface water flood management effects associated with the exceedance in the maximum permitted building coverage for the site on the environment will be less than minor and adequately mitigated.
- 74. Overall, I consider the proposal to be consistent with the Partially Operative Plan.

Other Relevant Documents (section 104(1)(b)(i)-(v))

Canterbury Regional Policy Statement (CRPS)

The District Plans give effect to the relevant higher order documents, including the CRPS. Therefore, I consider 75. there is no need to assess these provisions.

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

76. The NES-CS was discussed earlier in this report, with my conclusion being that it is not triggered by this application.

National Policy Statement for Highly Productive Land (NPS-HPL)

- 77. The NPS-HPL sets out the objectives and policies for highly productive land and provides direction on how provides direction to improve the way highly productive land is managed under the RMA.
- 78. The objective of the NPS-HPL is to ensure highly productive land is protected for use in land-based primary production, both now and for future generations. The site contains LUC 3 land which is considered to be highly productive land under the HPS-HPL. As discussed earlier in this report, the proposal is considered to meet clause 3.9 of the NPS-HPL.
- 79. The proposal is not considered to be contrary to the objectives and policies of the NPS-HPL.



Section 104(1)(c) - Other Matters

80. No other matters are considered to be relevant to this proposal.

Part 2 – Purpose and principles

- 81. The consideration under section 104 is subject to Part 2 of the Act Purpose and principles.
- 82. The purpose of the Act is contained within section 5 and it is to promote the sustainable management of natural and physical resources. *Sustainable management* means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 83. The other sections of Part 2, sections 6, 7 and 8, address matters of national importance, other matters and Te Tiriti o Waitangi (the Treaty of Waitangi) respectively.
- 84. The relevant District Plans have been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes; therefore, taking into account relevant case law, I consider that assessment under Part 2 is unlikely to be necessary. For the sake of completeness, however, Part 2 is briefly assessed below.
- 85. In addition to section 5, I note that the following clauses of Part 2 would be particularly relevant:

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (c) the maintenance and enhancement of amenity values:
- (f) maintenance and enhancement of the quality of the environment:
- 86. Based on my assessment of the proposal in this report, I conclude that the proposal will be consistent with Part 2 of the Act, as the proposal will manage the use of the site in a way that enables people to provide for their well-being and mitigate any adverse effects on the environment.

Conclusions

- 87. The application is for the following consents:
 - RC255045 Land Use (s9) To erect a 6 Bay Shed.
- 88. The overall status of the application is Restricted Discretionary.
- 89. I conclude that any adverse effects on the wider environment are considered to be minor.
- 90. I consider the proposal to be entirely consistent with the Operative and Partially Operative Plan.
- 91. The proposal is not considered to be contrary to the objectives and policies of the NPS-HPL.
- 92. Overall, I conclude that the application may be granted, subject to conditions of consent.

Recommendation

93. I recommend that land use consent RC255045 is **granted**, pursuant to sections 104 and104C of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108 and 108AA of the Act.

| Report by: | Date: 23 July 2025 |
|-----------------------------|--------------------|
| Stephanie Dwyer | |
| Resource Management Planner | |

Decision

94. For the reasons set out in the report above, the Recommendation is adopted under delegated authority.

| Macii | Date: 28 July 2025 |
|------------------------|--------------------|
| Commissioner O'Connell | |

Conditions of Consent

RC255045 Land Use Consent Conditions

- 1. The proposal shall proceed in general accordance with the information formally received with the application on 22 January 2025, the further information provided on 10 February 2025, and the attached stamped Approved Plans entitled Site Plan, Elevations, Floor Plan, Elevations, and Frame Elevations and dated 10 February 2025, except where another condition of this consent must be complied with.
- 2. The shed shall only be used for personal use in association with the residential unit and farm and shall not be used for any commercial/industrial use at any time.
- 3. The existing trees within the site that screen the shed from all adjoining neighbouring properties and public road must be retained. In the event that the existing trees are damaged, or become diseased or die, they must be replaced with the same or similar species within the following planting season (extending from 1 April to 30 September) and be maintained thereafter.

Attachment

1. RC255045 Land Use Approved Plans - endeavour sheds - Site Plan, Elevations, Floor Plan, Elevations, and Frame Elevations and dated 10 February 2025.

Selwyn District Council Advice Notes for the Consent Holder

Lapse Period (Land Use Consent)

(a) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this land use consent shall lapse five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

Building Act

(b) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

Monitoring

- (c) In accordance with section 36 of the Resource Management Act 1991, no monitoring fee has been charged.
- (d) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- (e) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, compliance@selwyn.govt.nz.
- (f) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

Vehicle Crossings

(g) Any new or upgraded vehicle crossing requires a vehicle crossing application from Council's Infrastructure Department prior to installation. For any questions regarding this process please contact transportation@selwyn.govt.nz. Use the following link for a vehicle crossing information pack and to apply online: Selwyn District Council - Application to Form a Vehicle Crossing (Entranceway)