

## Sections 95 and 95A-E

### Resource Management Act 1991

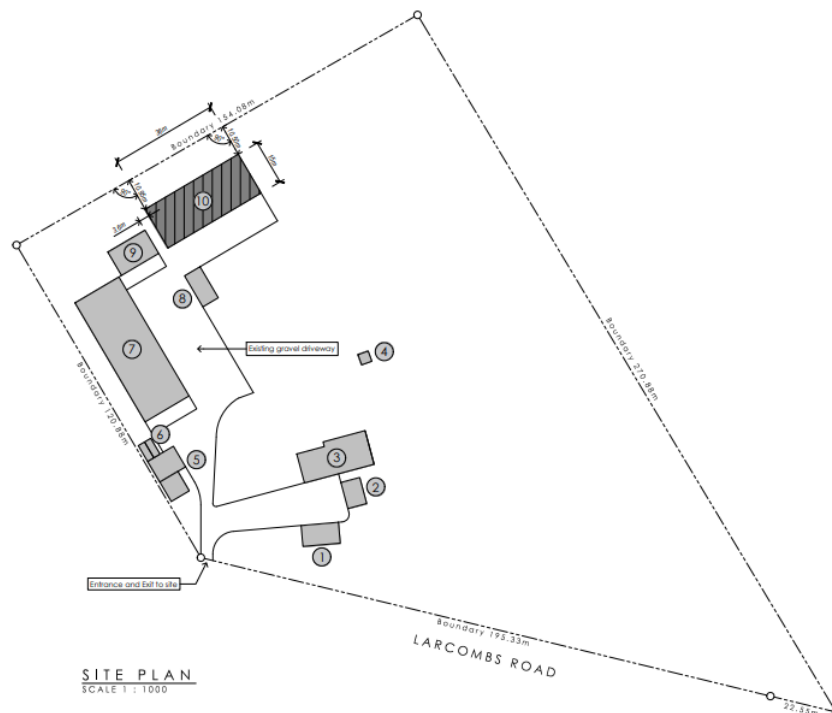


**Notification Report** recommending whether or not an application for resource consent should be publicly notified, limited notified or non-notified.

<b>APPLICATION NUMBER</b>	RC255045
<b>APPLICANT</b>	M J Hurrell
<b>BRIEF DESCRIPTION OF THE APPLICATION</b>	To construct a six bay shed which breaches the building coverage.
<b>ADDRESS</b>	276 Larcombs Road, Rolleston
<b>LEGAL DESCRIPTION</b>	Lot 2 DP 24589
<b>TITLE REFERENCE</b>	CB6D/543
<b>AREA</b>	3.0351 ha
<b>ZONING / OVERLAYS</b>	<p><b>Operative Selwyn District Plan (2016 Version), Rural Volume</b> Inner Plains</p> <p><b>Partially Operative Selwyn District Plan (Appeals Version)</b> General Rural Zone Plains Management Overlay Liquefaction Damage Unlikely Overlay Noise Control Overlays Special Control Area - Rural Density - SCA-RD1.</p>
<b>OVERALL ACTIVITY STATUS</b>	<b>Restricted Discretionary</b>

## 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 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 (m<sup>2</sup>) 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.



Sheet Address: 274 Larcombs Road, Rolleston, Canterbury  
Territorial Authority: Selwyn District Council  
District Plan Zone: Inner Plains

#### ACTIVITY:

The proposed new building is an Outbuilding and will be used by the land owner for storage of his personal collection of classic cars and farm implement vehicles.

#### BUILDING DESIGN DATA:

Importance Level (IL): IL2  
Climate Zone: Zone 3  
Earthquake Zone: Zone 2  
Exposure Zone: Zone C  
Wind Region: A  
Wind Zone: High

#### AREA:

1. Existing Detached Garage, 88m<sup>2</sup>  
2. Existing Detached Garage, 54m<sup>2</sup>  
3. Existing Dwelling, 263m<sup>2</sup>  
4. Existing Hay Shed, 11m<sup>2</sup>  
5. Existing Detached Garages, 112m<sup>2</sup>  
6. Existing Containers, 60m<sup>2</sup>  
7. Existing Industrial / Commercial Building including Canopy, 730m<sup>2</sup>  
8. Existing Farm Shed, 72m<sup>2</sup>  
9. Existing Detached Garage, 130m<sup>2</sup>  
10. Proposed Outbuilding, 540m<sup>2</sup> (4 Bay)  
Total existing building area = 1520m<sup>2</sup>  
Total proposed building area = 2060m<sup>2</sup>  
Total site area = 30351m<sup>2</sup>  
Total proposed site coverage = 6.8%

#### HEALTH & SAFETY:

Install adequate fencing and gates that complies with NZBC FS/AS1 to restrict unauthorized entry to the construction site.

Install signage warning of a restricted area.

#### EROSION CONTROL:

Implement erosion containment if required to prevent silt runoff.  
(Refer to local T.A. for erosion control and sediment control).

#### SET OUT:

Locate boundary pegs before commencing setout of foundation.  
If they can't be located arrange for surveyor to re-instate them.



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

## The Existing Environment

6. The site has a total area of 30351 m<sup>2</sup>.
7. The site contains the following buildings shown in Table 1 below.

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

NUMBER	TYPE	AREA (M <sup>2</sup> )
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
<b>Total Existing Building Area (m<sup>2</sup>)</b>		<b>1520</b>
<b>Total Building Coverage percentage across the site (%)</b>		<b>5</b>

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. The buildings and entire site are surrounded by established vegetation and gardens.
10. All the buildings are accessed off one existing access off Larcombs Road which has a posted speed limit of 100 km/hr.
11. The site and the surrounding land are generally shown in Figure 3 and 4 below.

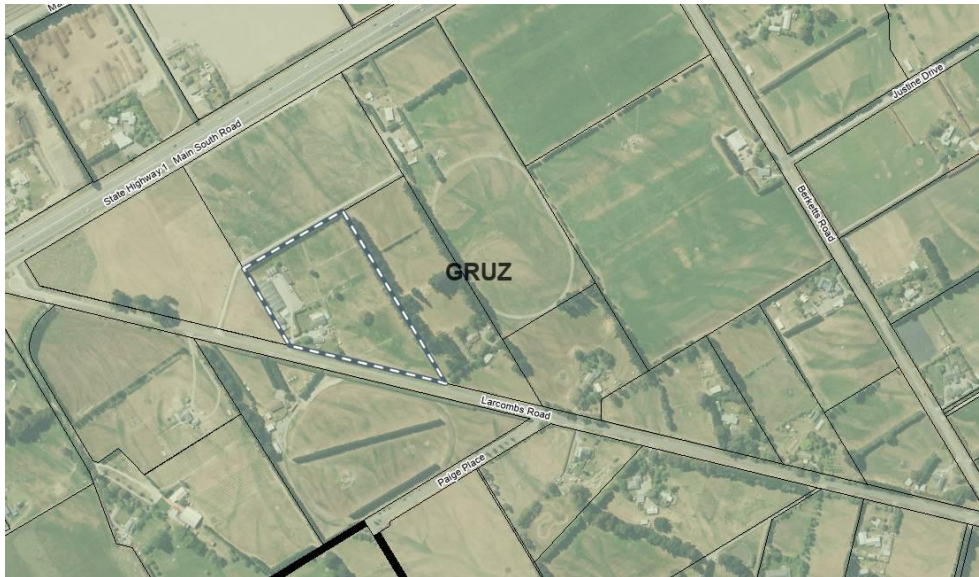


Figure 3. Aerial Photograph of the site and the surrounding land (Source: Application).



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

12. I visited the site on 3 February 2025.

## Activity Status

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

13. 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.

14. 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.
15. The rules relevant to this application are beyond challenge and therefore for the purposes of this report full weight has been given to the Partially Operative Plan.

## Land use

16. 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.	Restricted Discretionary (Rule REQ1.2)

17. No Flood Assessment Certificate is required as the shed is not a principal building.
18. 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)

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

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

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





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

23. The applicant is unable to obtain written approval from the owners and occupiers of 286 Larcombs Road, Rolleston and therefore the effects on this person are considered in the assessment below.

## Notification Assessment

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

#### Permitted Baseline

24. 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.
25. 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

26. 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

27. The status of the activity is **Restricted Discretionary**. As such, the assessment is restricted to the relevant matters in Rules GRUZ-MAT2 (Building Coverage) as discussed below.
28. *Rule 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.
- 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.

## Effects

29. 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).

## Visual Amenity

30. There is existing vegetation located along all boundaries. The boundary vegetation consists of hedging that is 6m in height.
31. 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.
32. The location of the buildings, fencing and plantings are shown in Figure 6 below.

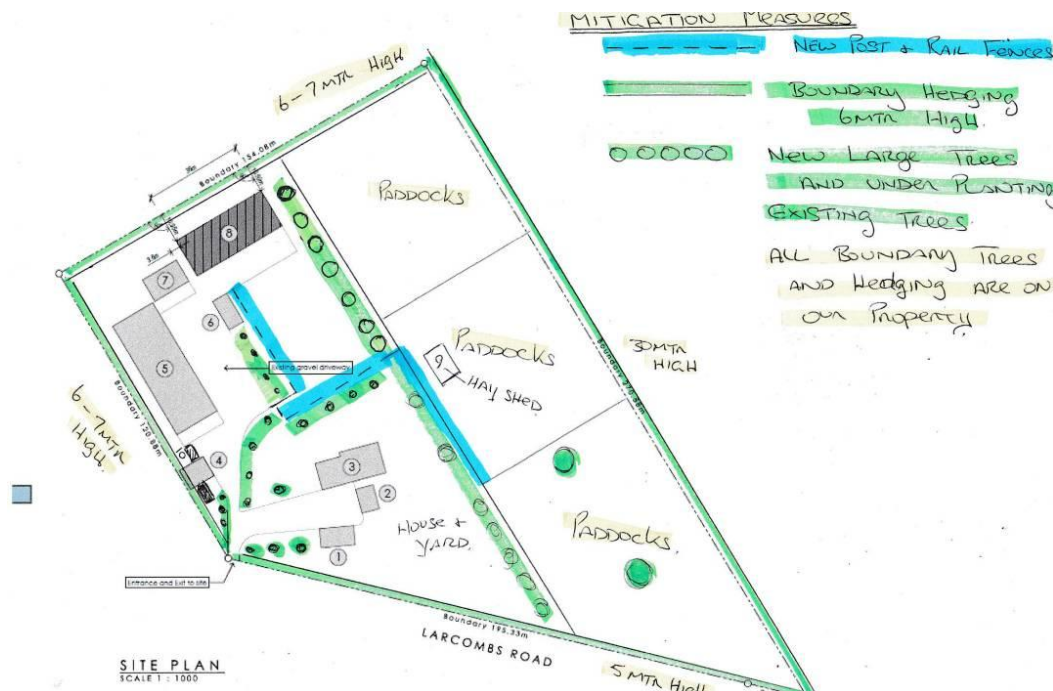


Figure 6. Landscape Plan (Source: Further Information dated 3 February 2025).

33. The hedge located along the eastern boundary is located on the neighbour's property. This neighbour who is located at 254 Larcombs Road and therefore any effects on this person are disregarded.
34. The effect on the property to the east is owned by the Council and leased by the applicant. The Council's Property Team have provided written approval and therefore any adverse effects on this person are also disregarded.
35. The existing vegetation is considered to adequately screen the proposed shed from the remaining adjoining property at 286 Larcombs Road and the properties located to the south on the opposite side of Larcombs Road (as shown in Figure 4, and Figure 7 below).



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

36. The applicant has agreed to retain the existing vegetation, and any diseased plants will be replaced within the next growing season.
37. 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.

### ***Spacious Character***

38. 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.
39. Generally, character and amenity within the General Rural Zone is characterised by a landscape dominated by openness and vegetation and with significant visual separation between neighbouring residential buildings.
40. 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.
41. The application site is located within SCA-RD1 Inner Plains/Te Urumanuka ki Ana-ri which requires a minimum size of site of 4ha per residential unit. The application site is slightly smaller which a total area of 3.351 ha.
42. For comparison, the building coverage permitted on a 4ha site is 2,000 m<sup>2</sup> whereas the total building coverage permitted on this smaller site is 1520 m<sup>2</sup> which is currently being achieved. The proposed 540m<sup>2</sup> shed will result in a total building coverage of 2,060 m<sup>2</sup> which would be acceptable on the larger site providing a resource consent is obtained.
43. In this case, 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. The building density on the site will increase within this area.
44. 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 proposed shed is considered to



further add to this perception, over and above what is permitted / consented to occur on this site. The effects of the proposal on the productive use of the site are addressed later in this report.

45. The density on the nearby properties is relatively low. There is no build form located on the properties located immediately to the north (286 Larcombs Road) and west of the site. The build form located on the sites to the south contain residential activities, detached shed and open paddocks on generally larger sites (between 4 - 5 ha lots).
46. It is anticipated that a residential activity and sheds can be established on these vacant lots as permitted activities providing the permitted bulk and location provisions can be complied with under the Partially Operative Plan. These additional buildings may influence the location of these buildings and in turn may impact the amenity of values anticipated within this rural environment.
47. For the reasons stated above consider the adverse effects on 286 Larcombs Road and the wider environment to be minor.
48. No other persons are considered to be affected by this proposal. In my opinion, I consider that any further increase of the proposed site coverage (above what has been proposed) will have a more than minor cumulative effect on the receiving environment.

#### ***Rural Productive Potential***

49. 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).
50. Policy 8 of the NPS-HPL specifically states that highly productive land is protected from inappropriate use and development. NPS-HPL policy focuses on avoiding change or intensification of land use.
51. The proposed shed will form part of an existing land use activity which will support the existing productive use on the site.
52. 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***

53. The site is located within the Plains Flood Management and the Liquefaction Damage Unlikely Overlay.
54. There are no areas on the site defined as a high hazard according to the Selwyn District Council's Flood Modelling,
55. 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).

56. The proposed shed is located outside the flooding areas as shown in Figure 8; therefore, the likelihood of flooding occurring within the shed is low.
57. 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.
58. 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 and on adjacent persons will be less than minor.

#### **Positive Effects**

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

#### **Conclusion**

60. I conclude that any adverse effects are considered to be minor, in terms of adjacent persons that have not provided written approval and the wider environment.

#### **Public Notification (Section 95A)**

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

<b>STEP 1: MANDATORY PUBLIC NOTIFICATION IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(2) AND 95A(3))</b>	
Has the applicant requested the application is publicly notified?	No
Is public notification required under section 95C (no response or refusal to provide information or agree to the commissioning of a report under section 92)?	No
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	No

<b>STEP 2: PUBLIC NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(4) AND 95A(5))</b>	
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	No
Is the application for one or more of the following, but no other types of activities: A controlled activity? A boundary activity only (as per the definition of "boundary activity" in s 87AAB of the Act)?	No

<b>STEP 3: PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES (SECTIONS 95A(7) AND 95A(8))</b>	
Is the activity subject to a rule or national environmental standard that requires public notification?	No
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No

<b>STEP 4: PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES (SECTION 95A(9))</b>	
Do special circumstances exist in relation to the application that warrant public notification?	No

## Conclusion

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

## Limited Notification (Section 95B)

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

<b>STEP 1: CERTAIN AFFECTED GROUPS AND AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(1)-(4))</b>	
Are there any affected protected customary rights groups, as defined in s 95F?	No
Are there any affected customary marine title groups, as defined in s 95G (in the case of an application for a resource consent for an accommodated activity (as defined in the Act))?	No
Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and is the person to whom that statutory acknowledgement is made an affected person under s 95E?	No

<b>STEP 2: LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES (SECTIONS 95B(5) AND 95B(6))</b>	
Are all activities in the application subject to one or more rules or national environmental standards that preclude limited notification?	No
Is the application for a controlled activity under the district plan only and not a subdivision of land?	No

**STEP 3: CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED (SECTIONS 95B(7)-(9))**

In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	No
For any other activity, are there any affected persons in accordance with section 95E of the Act (as assessed in the Assessment of Adverse Environmental Effects above)?	Yes
I consider the owners and occupiers of 1359 Main South Road to be affected by this proposal as the adverse effects on this person to be considered to be minor as assessed earlier in my report.	

**STEP 4: LIMITED NOTIFICATION IN SPECIAL CIRCUMSTANCES**

Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)?	No
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**Conclusion**

64. In conclusion, in accordance with the provisions of section 95B, the application must be limited notified. As concluded above in the Assessment of Adverse Environmental Effects, the following are affected persons; therefore, they must be served notice.
65. The owners and occupiers of:
- 286 Larcombs Road, Rolleston


**Notification Recommendation**

66. I recommend that the application RC255045 to be processed on a **Limited Notified** basis in accordance with sections 95A-E of the Resource Management Act 1991.

<b>Report by:</b> Stephanie Dwyer Resource Management Planner	Date: 12 June 2025
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**Notification Decision**

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

 Commissioner O'Connell	Date: 13 June 2025
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