

# Application for Land Use Consent

517 Hamptons Road, Rolleston



## CLIENT

Deg Tegh Fateh Sikh Society

## ADDRESS

517 Hamptons Road, Rolleston

## REFERENCE

8594

# Report Information

Reference:	8594
Title:	Application for Land use consent
Client:	Deg Tegh Fateh Sikh Society
Filename:	8594 PLN APP 01 Temple LUC
Version:	1
Date:	10/05/2024
Prepared by:	Sally Elford and Lisa Perry  
Reviewed by:	Anna Bensemenn 

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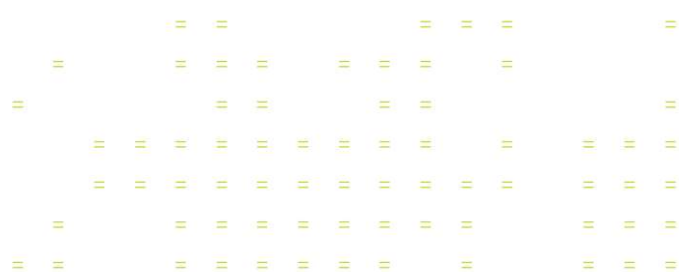
T 03 339 0401 – 0800 BLG 123  
E [info@blg.co.nz](mailto:info@blg.co.nz)  
A 54 Manchester Street  
Christchurch Central 8011

MARLBOROUGH OFFICE

T 03 578 7299 – 0800 BLG 123  
E [info@blg.co.nz](mailto:info@blg.co.nz)  
A Unit 7, 68 Seymour Street  
Blenheim 7201

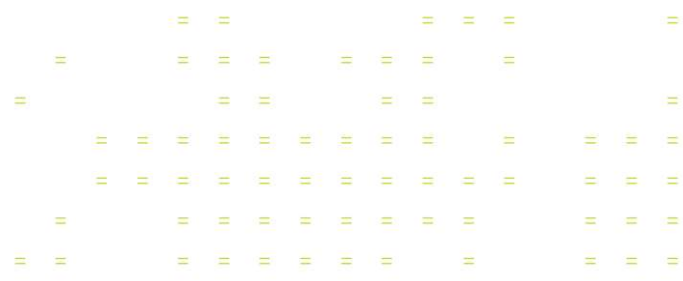
CROMWELL OFFICE

T 03 928 6021 – 0800 BLG 123  
E [info@blg.co.nz](mailto:info@blg.co.nz)  
A 3A Donegal Street  
Cromwell 9310



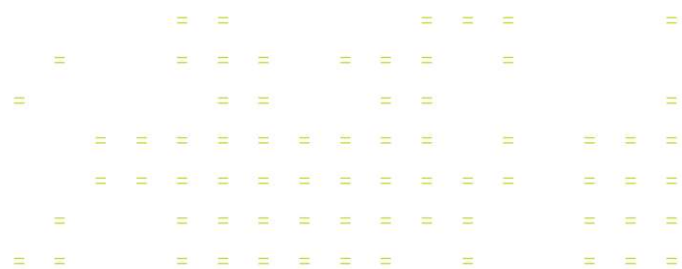
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- Appendix 1: Record of Title
- Appendix 2: CRC223819
- Appendix 3: CRC241508
- Appendix 4: Site and Building Plans
- Appendix 5: Ecan Flood Assessment
- Appendix 6: LLUR Property Statement
- Appendix 7: Productivity Assessment



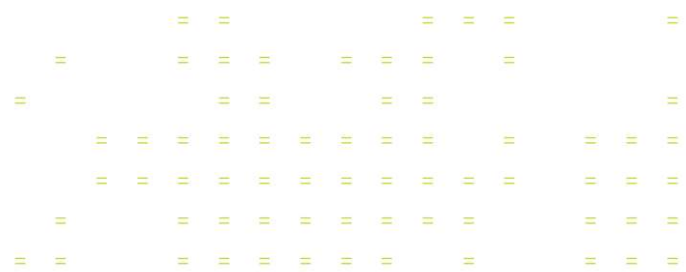


# 1 Summary of application details

## 1.1 Report purpose

This report is an application for land use consent, including an assessment of the actual and potential effects on the environment, to establish a community facility (Sikh Temple) at 517 Hamptons Road, Rolleston. This application has been prepared in accordance with Schedule 4 of the Resource Management Act 1991 ('RMA' or 'the Act').

Applicant:	Deg Tegh Fateh Sikh Society
Landowner:	Deg Tegh Fateh Sikh Society Incorporated
Address for Service:	29 Kilmarnock Street, Riccarton, Christchurch
Site Address:	517 Hamptons Road, Rolleston
Legal Description:	Lot 2 DP 580320 and Section 1 Survey Office Plan 559834
Record of Title:	1080376
Site Area:	6.1457 ha
District Plan Zoning:	<p><i>Selwyn District Plan (Operative and Partially Operative) ("the Plan"):</i></p> <p>Zone:</p> <p>Inner Plains</p> <p>Designation – CSM2/MSFL (Southern Motorway)</p> <p><i>Partially Operative Selwyn District Plan</i></p> <p>General Rural</p> <p>Plains Flood Management Overlay</p> <p>Liquefaction Damage Unlikely Overlay</p> <p>Noise Control Overlay: State Highway Noise Control Overlay and Airport 50 dB Ldn Noise Control Overlay</p> <p>Rural Density: SCA-RD1 – Inner Plains/ Te Urumanuka ki Ana-ri</p>
Proposed Activity:	The applicant seeks land use consent to establish a community facility with associated access and car parking as a <b>discretionary activity</b> under both the Operative Selwyn District Plan and the Partially Operative Selwyn District Plan.



## 2 Application site and surrounding environment

### 2.1 Application site

The application site is located at 517 Hamptons Road, Rolleston. It is legally described as Lot 2 DP 580320 and Section 1 Survey Office Plan 559834 and contained in Record of Title 1080376, which is attached as Appendix 1 to this application. The application site has a total area of 6.1457 ha. The area of land to which this application relates is within parcel Lot 2 DP 580320, with an area of 5.4643 ha.

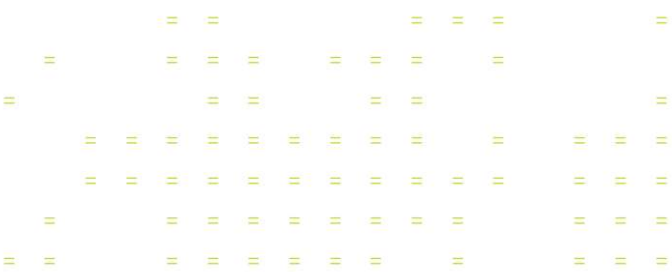
The site contains an existing dwelling and associated curtilage, including buildings associated with the rural use of the site. The site is largely vacant and free of vegetation, except for the landscaping associated with the existing dwelling. The existing dwelling is served by a vehicle access from Hamptons Road. There is a second vehicle crossing onto Hamptons Road approximately 20 m south of the main vehicle crossing that is for farming use. The application site is shown in Figure 1 below.



**Figure 1: Aerial image of application site taken from GRIP May 2024**

### 2.2 Consent history

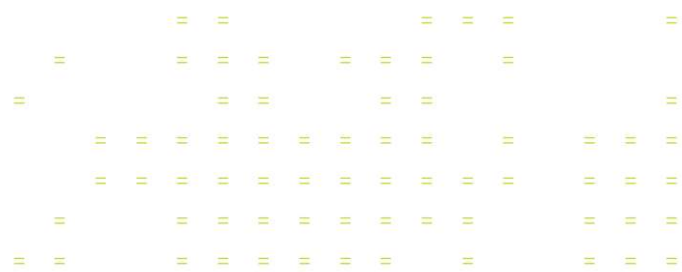
A portion of the application site's title has been taken for road as part of the Christchurch Southern Motorway construction. This has resulted in a separate triangular parcel located on the opposite side of Waterholes Road. Discharge consent CRC223819 for the application site has been approved allowing for the disposal of on-site wastewater associated with a new dwelling (see Appendix 2). In addition, CRC241508 to take and use water for irrigation for the site has also been approved (see Appendix 3).



2.3 Surrounding area

The Christchurch Southern Motorway is located north of the application site. The site is generally surrounded by rural residential properties, varying in size between 2 and 20 ha.

There is a lawfully established farming activity (ref: 085258) south of the application site at 848 Waterholes Road; however, the description of the consent is not for an intensive farming activity.



### 3 Description of the proposed activity

It is proposed to establish a community facility (Sikh Temple) on the application site. A copy of the site and concept building plans are attached in Appendix 4.

#### 3.1 Proposed land use

In the Operative Selwyn District Plan a community facility is defined as:

*includes any land, building or structure which is/are used for the primary purpose of health, education, safety or cultural, physical or spiritual well-being, where those facilities are funded or managed as a non-profit organisation by a central or local government agency or a community organisation, and are available for use by any person in the community. Community facilities include (but are not limited to): schools, hospitals, churches, cemeteries, halls, libraries, community centres, police or fire stations, reserves and recreational facilities.*

Under the Partially Operative Selwyn District Plan a community facility is defined as:

*means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.*

The proposed community facility is for a new Sikh Temple, associated vehicle access and on-site car parking. The facility will be managed by the Deg Tegh Fateh Sikh Society Incorporated and therefore, meets the above definitions.

The hall will be 333 m<sup>2</sup> with a sheltered entrance wrapping around the south and west sides of the building for a total of 472 m<sup>2</sup> of roofed area. The building has been designed for a total occupancy of 290 persons. Community gardens will surround the hall to the north, east, and west. The building will be single storey and have a max minimum height above ground level of 6.8 m. The existing dwelling and various accessory buildings will be retained on-site, with an existing building footprint of approximately 467 m<sup>2</sup>. Combined with the proposed building the total site coverage is estimated at 939 m<sup>2</sup> which equates to 1.7%. The building would be clad in white rockcote or similar non-reflective building material.

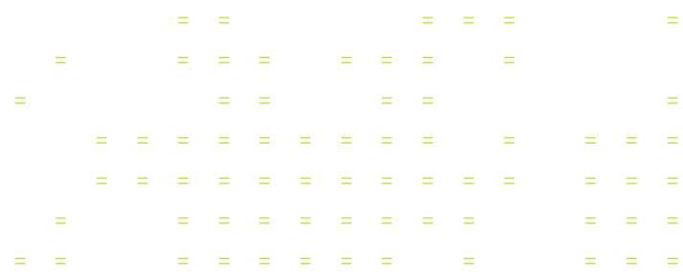
The temple would be open seven days a week to its members from 4 am to 10 pm. Morning prayers take place between 4 am and 6.30 am and would typically be attended by up to 20 people. Evening prayers are held from 6 pm to 7.30 pm in Winter and 7 pm to 8.30 pm in Summer. During these evening prayer times it is anticipated up to 50 people would attend site. Larger events would be held predominantly over the weekends. Regular peak times are Sundays 11.30 am to 2 pm, with up to 290 persons attending site. In addition to the regular Sunday attendance, there are four times a year when special events would take place on the site (Diwali, New Year and Guru Birthdays). The timing of these events is not a specific date but generally falls within the months of October/November and December/January.

No signage is proposed, although a flagpole and flag will be used to mark the entrance, raised when the Temple is open.

#### 3.2 Services

The application site is serviced by a bore for water supply (well M36/5125), and this will be extended to service the temple. It is noted the take and use of less than 5 L/s and 10 m<sup>3</sup> per property per day of groundwater is a permitted activity under the Canterbury Land and Water Regional Plan, subject to the bore being located at least 20 m from any property boundary. Given the existing well was lawfully established and existing it complies with this requirement and the proposal does not require its relocation. Wastewater will consist of an onsite wastewater system separate from the one supporting the existing dwelling on the site. Stormwater disposal will be to ground





via appropriately designed soak pits. Electricity and telecommunications reticulation will be extended as required in accordance with the requirements of the relevant utility operator.

No reticulated sewer is available in this area; hence, on-site wastewater disposal will be required. A discharge consent for the community facility will be required from Environment Canterbury as the current consent is for the dwelling only.

### 3.3 Vehicle access and parking

The proposed building will use the existing formed and sealed vehicle crossing from Waterholes Road. Waterholes Road is classified as a Collector Road in the Partially Operative Selwyn District Plan (POSDP) and an Arterial Road in the Operative Selwyn District Plan (the Plan or OSDP). This road has a speed limit of 80 km/h. The vehicle crossing is approximately 300 m southwest of the intersection of Waterholes and Hamptons Roads, which is a T intersection. The intersection of Waterholes Road and Waterholes Road (old formation) on the opposite site of the application site is approximately 110 m north.

The sight distance from the vehicle crossing to the south exceeds 300 m. The sight distance to the north towards the intersection of Waterholes Road and Hamptons Road is 145 m until visibility is obscured by vegetation along the boundary of the subject site. Visibility returns at 195 m as Waterholes Road rises to the intersection.

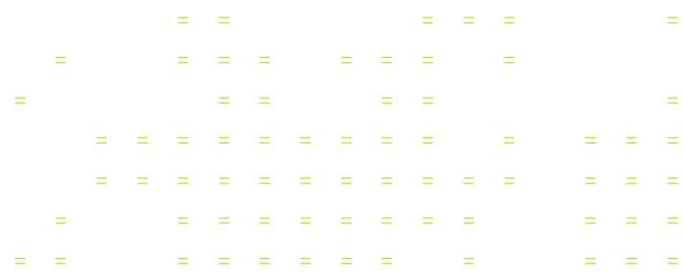
Primary access to the proposed building will be via a driveway accessed from Waterholes Road with a formed width of 6 m. The total area of the access is approximately 1,309 m<sup>2</sup>. Ten accessible car parks (3.6 m x 5.0 m) and over 40 regular sized car parks (2.5 m x 5.0 m) and are proposed to the south of the hall. The total area of the car park is approximately 1,986 m<sup>2</sup>. This car parking area will be formed to an all-weather standard (shingle, with hardstand for the accessible parking spaces). Lighting of the car park will be provided by low lux level bollards, if required.

The following is an estimate of the number of vehicles anticipated for the activity based on the services times and number of attendees.

**Table 1 – Summary of Estimated Vehicles**

Day	Time (AM/PM)	Attendees	Estimated Vehicles <sup>1</sup>
<b>Monday</b>	<b>AM</b>	20	5-8
	<b>PM</b>	50	13-20
<b>Tuesday</b>	<b>AM</b>	20	5-8
	<b>PM</b>	50	13-20
<b>Wednesday</b>	<b>AM</b>	20	5-8
	<b>PM</b>	50	13-20
<b>Thursday</b>	<b>AM</b>	20	5-8
	<b>PM</b>	50	13-20
<b>Friday</b>	<b>AM</b>	20	5-8
	<b>PM</b>	50	13-20
<b>Saturday</b>	<b>AM</b>	20	5-8

<sup>1</sup> As there is a high proportion of carpooling among the members attending the temple (typically families) the estimated number of vehicles (as opposed to vehicle movements) has been calculated as a range using 2.5 persons per vehicle as the minimum and 4 persons per vehicle as the maximum.



Day	Time (AM/PM)	Attendees	Estimated Vehicles <sup>1</sup>
	PM	50	13-20
Sunday	AM	20	5-8
	Main Service	290	73-116
	PM	50	13-20
Weekly Average		102	26-41

Given the above it is estimated the number of vehicle movements per day (averaged over the week) will be between 26 and 41 vehicles.

### 3.4 Natural Hazards

The application site is within the Plains Flood Management and Liquefaction Damage Unlikely Overlays of the PODP. A Flood Hazard Assessment from Environment Canterbury has been provided (see Appendix 5) and a proposed floor level of +39.5 m is consistent with this advice is provided.

### 3.5 Earthworks

The application site is identified on the Listed Land Use Register and a copy of the property statement is included in Appendix 6. The HAIL designation is in relation to a landfill site, however the area of the HAIL activity is separated from the location of the proposed community facility by approximately 100 m. Specific on site testing can be completed as a condition of consent once the concept of the building and final plans have been determined.

Earthworks will be required for the building foundation, proposed access, and associated car parking area. The total area of the access is 1,309 m<sup>2</sup>, and the car park has a total area of 1,926 m<sup>2</sup>. Based on the total area of the access and the car park the total maximum volume of earthworks is estimated at approximately 2,000 m<sup>3</sup> with a maximum excavation depth of 0.3 m.

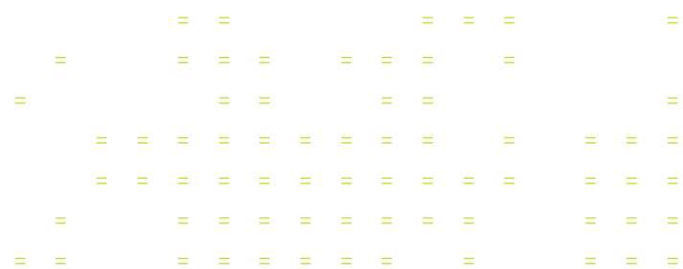
### 3.6 Highly Productive Land

The application site is zoned rural and is identified as having Land Use Class 3 soils. As such, a Productivity Assessment has been completed for the site and the proposed use and is attached in Appendix 7. The productivity assessment has concluded the potential loss of productive land can be offset by the proposed community gardens. The community gardens will be established for the use of the community members in order to supplement the main meal (vegetarian) shared during the Sunday service.

### 3.7 Other matters

No reticulated sewer is available in this area; hence, on-site wastewater disposal will be required. A discharge consent for the community facility will be required from Environment Canterbury as the current consent is for the dwelling only.

Water is available via the bore. A water permit to take and use water will be required from Environment Canterbury as the current water permit is for irrigation only.

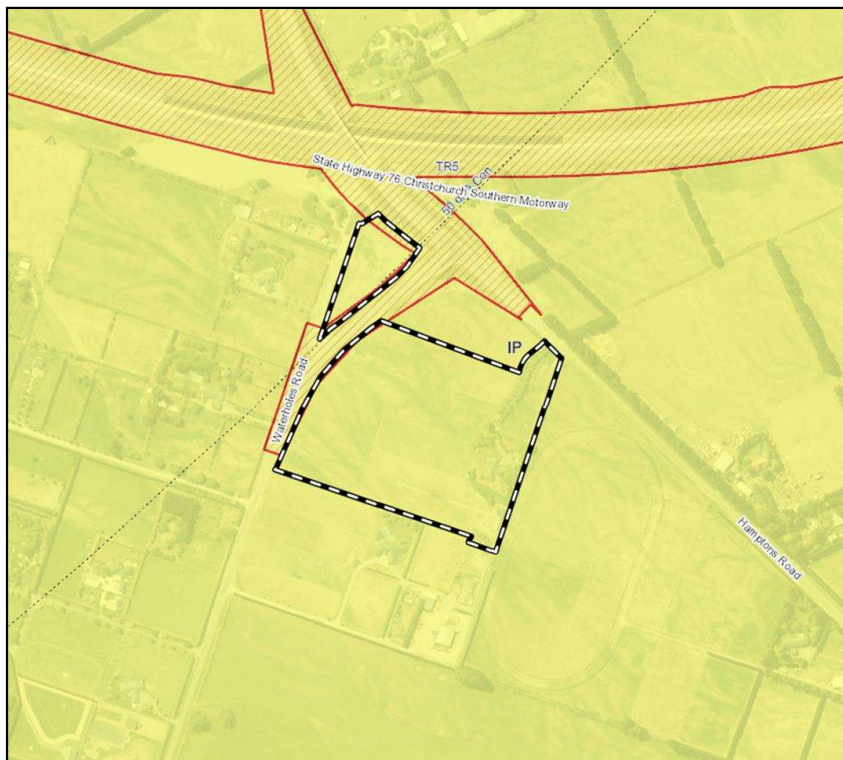


## 4 Planning framework

The PODP and the ODP contain the relevant planning framework relating to the proposed community facility on the application site. The rules with respect to community facilities under the PODP are subject to appeal and are therefore not fully operative. Consequently, greater weight is applied to the ODP.

### 4.1 Operative Selwyn District Plan

The application site is zoned Inner Plains in the ODP, as shown in Figure 2 below and is not within any overlays, although the southern motorway designation intersects the title.



**Figure 2: Excerpt from E-Plan with the application site identified by a black and white outline.**

The application site is located on Waterholes Road which is classified as an Arterial Road.

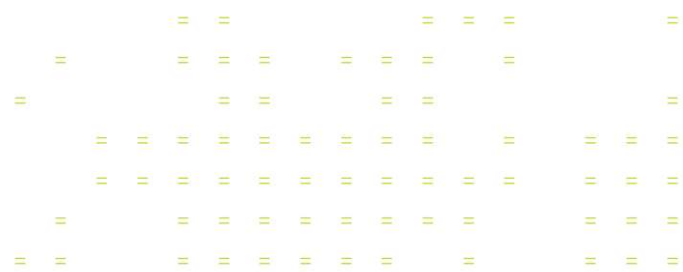
#### Activities – Scale of non-residential and non-rural activities

Rule 9.4.1 states:

*Any activity which is not a rural activity, or a residential activity shall be a permitted activity if either:*

*9.4.1.1 The maximum area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site does not exceed 100m<sup>2</sup> and no more than two full-time equivalent persons are employed in undertaking any other activity on the site; or*

*9.4.1.2 The activity is undertaken by either an approved tertiary education provider (as defined in the Education Act 1989) or a Crown Research Institute involving the use of land or buildings for the purpose of growing or rearing of crops or livestock and associated monitoring of the environment for research and education purposes but excluding conferencing, accommodation, recreation and retail activities.*



The activity will not be undertaken by an approved tertiary education provider, and the buildings will cover more than 100 m<sup>2</sup>. Hence, the activity is assessed as a **discretionary activity** under **Rule 9.4.2**.

### Land use

The following is an assessment against the relevant rural rules of the Plan:

Rule	Proposal	Compliance
<b>Rural Rules – Building (C3)</b>		
<b>3.1 BUILDINGS AND NATURAL HAZARDS</b>		
<i>3.1.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:</i>		
<b>3.1.1.1 Any new dwelling or other principal building is not erected in any of the following areas:</b> (a) Any area shown on the Planning Maps as the Waimakariri Flood Category A area; (b) Seaward of the Coastal Hazard 1 Line as shown on the Planning Maps; (c) Between any waterbody and any stopbank designed to contain floodwater from that waterbody; and (d) The area shown on the Planning Maps as the Lower Plains flood area; unless a minimum building floor level 300mm above a 2% Annual Exceedance Probability (AEP) hazard event is identified and the building floor level is at or above that level; (e) The area shown on the Planning Maps as the Lake Ellesmere/Te Waihora flood area, unless a minimum building floor level of 3m above mean sea level (Lyttelton Datum 1937) is identified.	The application site is not subject to any of these features and the required FFL will be provided.	<b>Complies</b>
<b>3.5 BUILDINGS AND CONTAMINATED LAND</b>		
<i>3.5.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if the following condition is met:</i>		
<b>3.5.1.1 No dwelling or building designed for or used as a recreational facility or an educational facility is erected on a site which is contaminated.</b>	A portion of the application site is identified as a HAIL site as per the report in Appendix 6; however, a community facility is proposed as opposed to a recreational facility or an educational facility and the location of the building is not within the area of the HAIL site.	<b>N/A</b>
<b>3.9 BUILDINGS AND ACCESS AND PARKING</b>		
<i>3.9.1 Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a permitted activity if the following conditions are met:</i>		
<b>3.9.1.1 Any dwelling or other principal building:</b> (a) Is erected on a site which has legal access to a formed and maintained legal road other than a road listed as a Strategic Road in Appendix 9; and (b) Does not have its only access to a legal formed road by crossing a railway line.	The application site is located with access to Waterholes Road, however in this location it is not identified as a strategic road and no railway crossing is required.	<b>Complies</b>
<b>3.10 BUILDINGS AND RESIDENTIAL DENSITY</b>		
<i>3.10.1 Erecting any building or any additions or alterations to, or modification or demolition of any building shall be a</i>		



Rule	Proposal	Compliance
<b>Rural Rules – Building (C3)</b>		
<i>permitted activity if the following conditions are met:</i>		
<p>3.10.1.1 The minimum land area required to erect any dwelling:</p> <p>(a) Complies with the minimum land area per dwelling shown in Table C3.1; and</p> <p>(b) Is held in one, separately saleable allotment which is the same allotment on which the dwelling(s) are to be erected.</p>	There is an existing established dwelling on the site, which is greater than the 4-ha minimum requirement and no changes to the existing dwelling are proposed.	<b>N/A</b>
<b>3.11 BUILDINGS AND SITE COVERAGE</b>		
<i>3.11.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:</i>		
<p>3.11.1.1 The maximum area of any allotment covered by buildings shall be:</p> <p>(a) 35% or 500m<sup>2</sup> whichever is the lesser, for allotments less than 1ha in area.</p> <p>(b) 5% for all other allotments.</p>	The application site is 6.1457 ha (61,457 m <sup>2</sup> ), 5% of which is 3,072 m <sup>2</sup> . The existing structures on site (dwelling and shed) account for 467 m <sup>2</sup> . The proposed hall will be 472 m <sup>2</sup> . Total building coverage (existing and proposed) will be 939 m <sup>2</sup> , which is well under what is permitted.	<b>Complies</b>
<b>3.12 BUILDINGS AND BUILDING HEIGHT</b>		
<i>3.12.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:</i>		
<p>3.12.1.1 That, except where Rule 3.7.1 specifies a lower height, the maximum height of any building does not exceed:</p> <p>(a) 8m for any building designed or used for human occupation; or</p> <p>(b) 12m for any other building, except grain silos, where height shall not exceed 25m.</p>	The proposed building will have a height of 6.8 m above ground level.	<b>Complies</b>
<b>3.13 BUILDINGS AND BUILDING POSITION</b>		
<i>3.13.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:</i>		
<p>3.13.1.1 Any building complies with the relevant setbacks from property boundaries and road boundaries as shown in Table C3.2:</p> <p>Property boundary: 5 m</p> <p>Arterial Road: 20 m</p>	The proposed building is in excess of 5 m from any internal boundary and more than 20 m from any road boundary.	<b>Complies</b>
3.13.1.2 No building is positioned so that it encroaches into the line of sight for any railway crossing as shown in Appendix 11.	The application site is not located near a railway line.	<b>N/A</b>
3.13.1.3 Any building is positioned so that it complies, at the property boundaries, with the relevant recession plane angles in Appendix 16;	The proposed building can meet the recession plane requirements.	<b>Complies</b>
<p>3.13.1.4 Any building is setback a minimum distance of:</p> <p>(a) 100m from the edge of any lake or any wetland which adjoins a lake; and</p> <p>(b) 20m from the edge of any waterbody listed in</p>	The application site does not contain any of these features.	<b>N/A</b>

Rule	Proposal	Compliance
<b>Rural Rules – Building (C3)</b>		
Appendix 17 other than a lake; and (c) 10m from the edge of any other waterbody (excluding aquifers).		
3.13.1.5 Any sensitive activity is setback a minimum distance of 300m from any existing lawfully established intensive farming activity, except for any sensitive activity located in the Living 2A Zone at the intersection of Shands and Blakes Roads, Prebbleton and legally described as Lots 1, 2 and 10 DP 54204 and Lot 1 DP 21798 where a setback of a minimum distance of 150m from the existing Tegel Foods Ltd poultry operation located on Lot 1 DP 53738 is required.  The separation distance shall be measured from the edge of any permanent building, enclosure or yard in which the intensive farming activity occurs or is permitted by a rule in the Plan (or a resource consent) to the position of the new sensitive activity.	A community facility is considered a sensitive activity. There is a lawfully established farming activity (ref: 085258) south of the application site at 848 Waterholes Road; however, the description of the consent is not for an intensive farming activity. There are no other consents for farming activities within 300 m of the application site.	<b>Complies</b>
<b>3.14 BUILDINGS AND NIGHT LIGHTING</b>		
3.14.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if any outdoor lighting on any building complies with Rule 9.18.	Any outdoor lighting will comply with the requirements of Rule 9.18, and this is offered as a condition of consent.	<b>Complies</b>

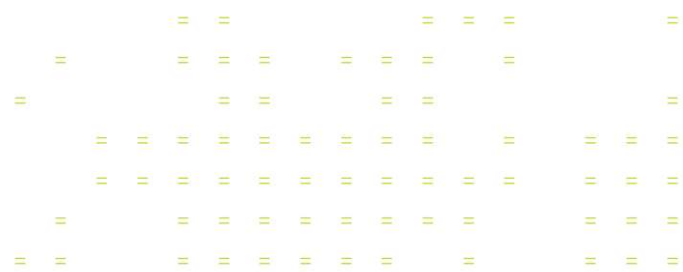
Given the above assessment the proposed building for a community facility does not breach any standards and is assessed as a **discretionary activity** under the ODP.

## Earthworks

The following is an assessment against the relevant earthworks rules of the ODP (Rural Volume):

Rule	Proposal	Compliance
<b>RURAL RULES - EARTHWORKS</b>		
<b>1.2 EARTHWORKS AND CONTAMINATED LAND</b>		
1.2.1 Any earthworks which meet the following condition shall be a permitted activity:		
1.2.1.1 Any soil or earth to be removed from the site is not contaminated.	The area of the proposed works does not include any areas of contamination.	<b>Complies</b>
<b>1.3 EARTHWORKS AND SITES OF SIGNIFICANCE TO TĀNGATA WHENUA</b>		
1.3.1 Any earthworks which meet the following conditions shall be a permitted activity:		
1.3.1.1 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, the earthworks are limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;	The application site is not identified in Appendix 5.	<b>N/A</b>
1.3.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), the earthworks are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or		

Rule	Proposal	Compliance
<b>RURAL RULES - EARTHWORKS</b>		
<p>earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;</p> <p>1.3.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 1.3.1.2, the earthworks do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;</p> <p>1.3.1.4 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation is limited to that undertaken by Tāngata Whenua for Mahinga Kai purposes.</p>		
<b>1.4 EARTHWORKS AND NATURAL HAZARDS – FLOOD AREAS</b>		
1.4.1 The following earthworks undertaken in an area shown on the Planning Maps as a flood area shall be a permitted activity:		
<p>1.4.1.1 The forming of vehicular accessways through or within properties and the forming of building platforms, provided that the existing land drainage patterns are not altered or impeded; or</p> <p>1.4.1.2 Any other earthworks which do not raise the mean average level of the land subject to the earthworks or reduce the storage capacity of surface water ponding areas.</p>	The application site is not identified as being within a flood area.	<b>N/A</b>
<b>1.7 EARTHWORKS AND SETBACKS, VOLUME AND SITE REHABILITATION</b>		
1.7.1 Any earthworks which meet the following conditions shall be a permitted activity:		
<p>1.7.1.1 The earthworks are set back at least 20m from the edge of any waterbody (excluding aquifers):</p> <p>(a) unless the earthworks are those undertaken within a road reserve and are for the purpose of installing underground network utility infrastructure; or</p> <p>(b) except that for rivers the following earthworks are subject to a reduced setback of 5m:</p> <p>(i) 100m<sup>2</sup> (area) per 1000 metres in any continuous 5-year period; and</p> <p>(ii) 40m<sup>3</sup> (volume) per 1000 metres in any continuous 5-year period; or</p> <p>(iii) any earthworks which has been granted resource consent for a discretionary or non-complying activity from the Canterbury Regional Council; or</p> <p>(iv) maintenance of existing fence lines, existing vehicle tracks and existing crossings.</p>	The application site is not within the vicinity of a waterbody or river.	<b>N/A</b>
<p>1.7.1.2 The earthworks do not exceed:</p> <p>(a) A vertical cut face where no more than 5% of the total vertical cut is over 2m; and</p> <p>(b) A maximum volume of 5000m<sup>3</sup> per project.</p>	The application site is generally flat, and the proposed earthworks will not exceed a volume of 5,000 m <sup>3</sup> .	<b>Complies</b>
1.7.1.4 Any stockpiling of earth, soil or other material within 100m of any dwelling, other than a dwelling erected on the same property as the earthworks, is to be kept moist and consolidated.	Any earthworks will be undertaken in accordance with this requirement, and this is volunteered as a condition of consent.	<b>Complies</b>
1.7.1.5 In any area within 300m of either side of SH 73 (between Porters Pass and Arthurs Pass) or the Midland Railway (from the Waimakariri	The application site is not	<b>N/A</b>



Rule	Proposal	Compliance
<b>RURAL RULES - EARTHWORKS</b>		
Gorge to Arthurs Pass) any earthworks are limited to: (a) The maintenance and repair of existing tracks and roads; (b) Post holes; (c) The installation of underground telecommunication lines and ancillary structures; or (d) Any other earthworks provided that the volume of earth disturbed, removed or deposited does not exceed 150m <sup>3</sup> per project.	located near SH73.	

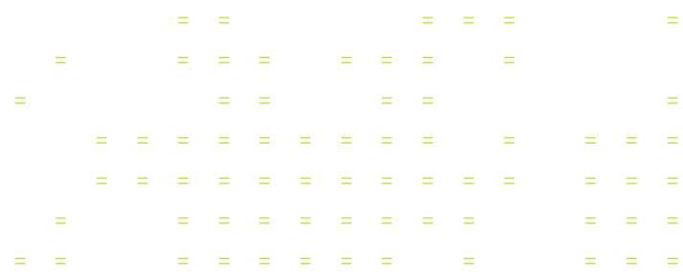
Given the above assessment the proposed earthworks associated with the establishment of a community facility can meet all the relevant requirements and is therefore assessed as a **permitted activity**.

### Roads and Transport

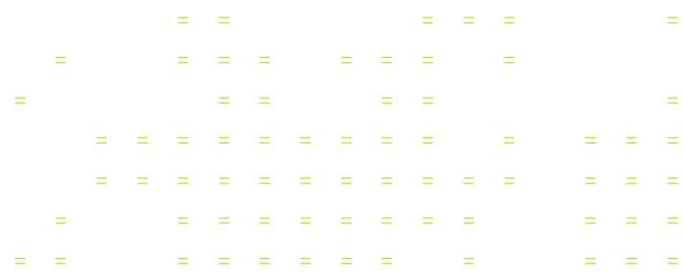
Under Rule 9.12.1 - Carparking, Vehicle Crossings, Access and Egress - the proposed activity is permitted if it complies with the rules for carparking, vehicle crossings, vehicle access and egress set out in Rule 4, and Appendix 10 of the ODP. Rule 4 and Appendix 10 is assessed below.

Rule	Proposal	Compliance
<b>RURAL RULES - ROADS AND TRANSPORT</b>		
<b>4.5 VEHICLE ACCESSWAYS AND VEHICLE CROSSINGS</b>		
<i>4.5.1 The forming, installation, upgrading, maintenance or replacement of any vehicle accessway or vehicle crossing shall be a permitted activity if the following conditions are met:</i>		
<i>4.5.1.1 Any part of any vehicle accessway does not have a gradient greater than: (a) 1:6 vertical (b) 1:20 horizontal</i>	The site is essentially flat; hence, the gradient of the vehicle accessway can meet this requirement.	<b>Complies</b>
<i>4.5.1.2 Any vehicle accessway is formed to the relevant design and formation standards set out in Appendix E10.2.</i>	Appendix E10.2 is assessed below.	<b>Complies</b>
<i>4.5.1.3 Any vehicle accessway complies with the relevant separation and sight distance standards set out in Appendix E10.2.</i>	Appendix E10.2 is assessed below.	<b>Complies</b>
<i>4.5.1.4 Any vehicle crossing which has a gate positioned across the vehicle crossing, has the gate either opening inwards towards the property and away from the road; or setback a minimum distance of 10 metres from the road boundary;</i>	The application site has a gate at the Waterholes Road vehicle crossing. The gate is set back approximately 13 m from the edge of seal of Waterholes Road. The gate opens inwards.  A new vehicle crossing is proposed to serve the community facility, from Waterholes Road and will be formed in accordance with this requirement.	<b>Complies</b>
<i>4.5.1.5 Any vehicle crossing providing vehicle access to a sealed road is sealed: (a) The full length of the vehicle crossing (from the edge of the sealed carriageway to the road boundary of the property), or; (b) For the first 10 metres from the sealed carriageway.</i>	The vehicle crossing is sealed from the edge of the sealed carriageway to the road boundary of the property.	<b>Complies</b>
<i>4.5.1.6 Any access to a State Highway or Arterial</i>	Access will be to Waterholes Road which is classified	<b>Does not</b>





Rule	Proposal	Compliance
<b>RURAL RULES – ROADS AND TRANSPORT</b>		
<p>Road complies with the following:</p> <p>(a) No legal access is available from another lower classification road;</p> <p>(b) For State Highways only, the traffic generated through the access to the State Highway is less than 100 ecm/d;</p> <p>(c) The vehicle accessway or vehicle crossing complies with the performance criteria given in Appendix E10.2.2, 10.2.3 and E10.2.4;</p> <p>(d) Provision is made for manoeuvring on site, so that reverse manoeuvring onto the State Highway or Arterial Road is not required.</p>	<p>as an Arterial (rural) road. Access could be gained from Hamptons Road which is also classified as an Arterial (rural) road. Hence, no access is available to a lower classification road.</p> <p>Appendix E10.2.2, 10.2.3 and E10.2.4 are assessed below, the existing vehicle crossing on Waterholes Road does not meet the required sight distance of Rule E10.2.3.1.</p> <p>There will be sufficient space on site such that reverse manoeuvring onto Waterholes Road will not be required.</p>	<b>comply</b>
4.5.1.7 Shared access to more than six sites shall be by formed and vested legal road and not by a private accessway.	Access is not shared with more than six sites.	<b>N/A</b>
4.5.1.8 Any site with more than one road frontage to a road that is formed and maintained by Council, shall have access to the formed and maintained (and legal) road with the lowest classification.	The application site has access to two roads, both of which are Arterial Roads.	<b>Complies</b>
Appendix E10.2 VEHICLE ACCESSWAYS AND CROSSINGS		
E10.2.1 Private vehicle accessways		
E10.2.1.1 The minimum requirements for any shared private vehicle accessway for a site(s) shall be in accordance with Table E10.2. Table E10.2 outlines the minimum requirements for any shared private vehicle accessway for 2-3 sites, the legal width is 4.5 m, the carriageway width is 3 m, and a turning area is required.	The proposal and the existing dwelling share the same site; hence, this rule is not applicable. Notwithstanding the above, the vehicle crossing from Waterholes Road will provide access to the Temple and Hall only as the existing dwelling uses Hamptons Road for access.	<b>N/A</b>
E10.2.2 Distances of vehicle crossings from Road Intersections		
E10.2.2.1 No part of any vehicle crossing shall be located closer to the intersection of any road than the minimum distances specified in Table E10.3.  Table E10.3 states the minimum distance between a vehicle crossing on an arterial road and an intersection with an arterial road where the speed limit is greater than 50 km/h - 100 m.	The proposed vehicle crossing will be more than 100 m from the closest intersection.	<b>Complies</b>
E10.2.2.2 No part of any vehicle crossing shall be located closer than 30 metres to the intersection of any railway line as measured from the nearest edge of the vehicle crossing to the limit line at the level rail crossing.	The proposed vehicle crossing is not located in proximity to a level rail crossing.	<b>N/A</b>
E10.2.3 Sight distances from Vehicle Crossings		
E10.2.3.1 Vehicle crossings onto roads must provide the required minimum sight distances in Table E10.4 and Diagram E10.A1. Table E10.4 states with a posted speed limit of 80 km/h a	The sight distance to the north is 300 m at the intersection of Waterholes and Hamptons Road. As the road drops from the intersection, vegetation along the application site's boundary obscures	<b>Does not comply</b>



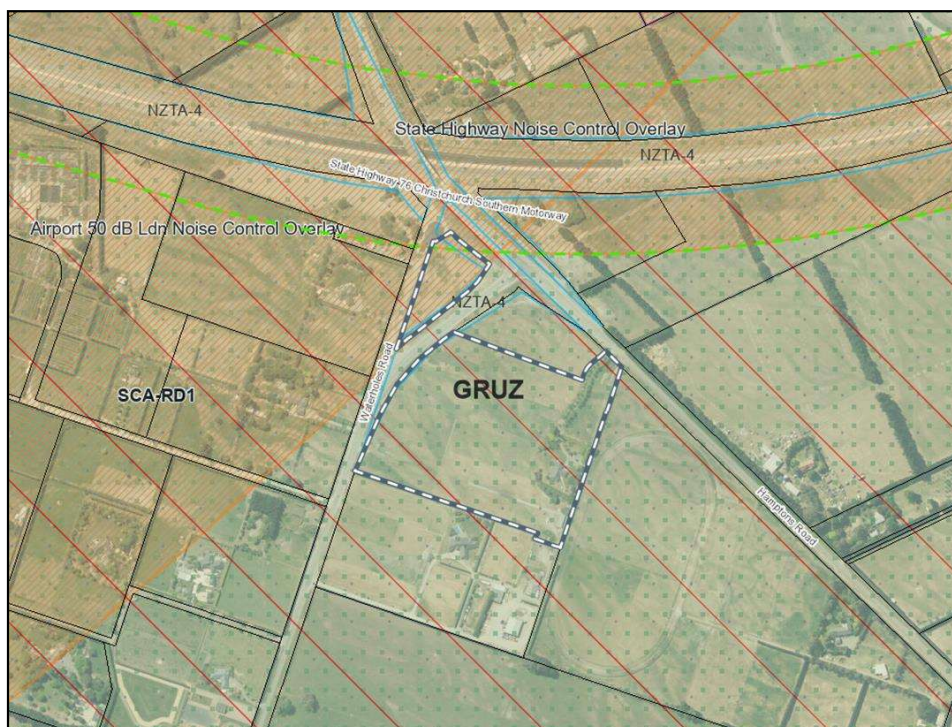
Rule	Proposal	Compliance
<b>RURAL RULES – ROADS AND TRANSPORT</b>		
<i>sight distance of 203 m is required.</i>	visibility at around 195 m from the vehicle crossing. Visibility returns at 145 m.	
<i>E10.2.4 Vehicle crossings – Design and Siting</i>		
<p><i>E10.2.4.1 Vehicle access to any site from any road or service lane shall be by way of a vehicle crossing constructed at the owner's or the developer's expense.</i></p> <p><i>E10.2.4.2 The maximum number of residential vehicle crossings shall not exceed 1 per road frontage.</i></p> <p><i>E10.2.4.3 Vehicle crossings to any site shall be constructed in accordance with:</i></p> <p><i>E10.2.4.3.1, Diagram E10.B1 if the vehicle crossing is to provide access to a property from a State Highway with less than 30 equivalent car movements per day; or</i></p> <p><i>E10.2.4.3.2, Diagram E10.B2 if the vehicle crossing is to provide access to a property from a State Highway with between 30 and 100 equivalent car movements per day; or</i></p> <p><i>E10.2.4.3.3, Diagram E10.C1 if the vehicle crossing is to provide access to a dwelling and is to a local road; or</i></p> <p><i>E10.2.4.4.4, Diagram E10.C2 if the vehicle crossing is to provide access to a dwelling and is to an arterial road or provides access to any activity and is to a collector road; or</i></p> <p><i>E10.2.4.4.5, Diagram E10.D if the vehicle crossing is to provide access to a commercial activity or is a heavy vehicle access, other than State Highways.</i></p>	<p>The vehicle crossing and access to Waterholes Road will be constructed at the owner's/developer's expense.</p> <p>The site has only one vehicle crossing to Waterholes Road.</p> <p>The vehicle crossing is to an Arterial (rural) road, not to a State Highway and access is for a community activity. The closest description is E10.2.4.4.4 and E10.2.4.5. The activity will generate more vehicle movements than a dwelling and the road is classified as an Arterial Road. The vehicle crossing will be upgraded (if required) to a standard acceptable for road safety.</p>	<b>Complies</b>
<b>4.6 VEHICLE PARKING AND CYCLE PARKING</b>		
<i>4.6.1 Any activity in the Rural Zone which provides car parking in accordance with the following standards shall be a permitted activity.</i>		
<p><i>4.6.1.3 For any other activity,</i></p> <p><i>(a) all car parking associated with an activity must be located either on-site or on land adjoining the site and not on the road reserve; and</i></p> <p><i>(b) all loading (including unloading) associated with an activity must be undertaken on-site or on land adjoining the site and not within the road reserve; and</i></p> <p><i>4.6.1.4 all car parking and loading areas shall comply with all the standards set out in Appendix E10.1.</i></p>	<p>All car parking will be onsite.</p> <p>Any loading will be undertaken on site.</p> <p>All parking and loading areas will be designed and formed to comply with the standards set out in E10.1.</p>	<b>Complies</b>

Rule	Proposal	Compliance
<b>RURAL RULES – ROADS AND TRANSPORT</b>		
4.6.2 Any activity on a site which has a vehicle manoeuvring area of sufficient size to enable any vehicle to turn on the site and not have to reverse onto the road shall be a permitted activity if:		
4.6.2.1 The site is used for any activity other than residential activities; or 4.6.2.2 The site has access to a State Highway, or an arterial road listed in Appendix 9.	The site will be used as a community activity and has its primary access to Waterholes Road. The dwelling on site gains access to Hamptons Road, which will be the secondary access for the community building. The site has access to an Arterial Road listed in Appendix 9.	<b>Complies</b>
4.6.3 Any activity which involves the provision of goods or services to the general public shall be a permitted activity if the following conditions are met:	The proposal does not provide goods or services to the general public.	<b>N/A</b>

Given the above assessment the proposed activity can comply with all of the relevant transport requirements and is a permitted activity.

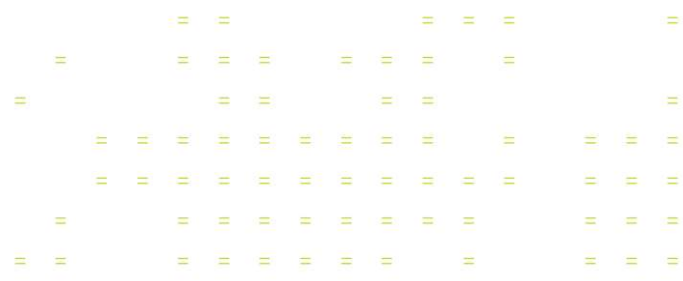
## 4.2 Partially Operative Selwyn District Plan

The application site is zoned General Rural in the PODP, as shown in Figure 2 below. The site is also contained in the Plains Flood Management and Liquefaction Damage Unlikely Overlay.



**Figure 3: Excerpt from E-Plan with the application site identified by a black and white outline.**

The application site is located on Waterholes Road which is classified as a collector road in the PODP.

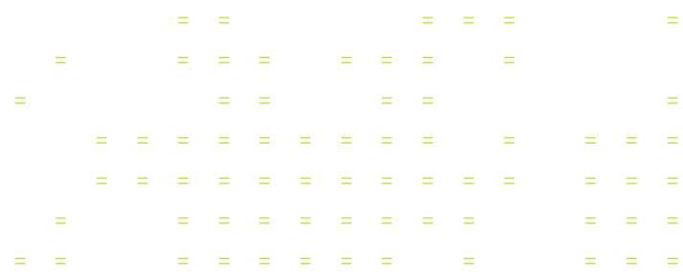


## Land use

Pursuant to Rule GRUZ-R33 the establishment of a new community facility is a discretionary activity. Rule GRUZ-R33 is currently subject to appeal; hence, the rules in the Operative District Plan have greater weight. The following is an assessment against the relevant rule requirements of the PODP:

Rule	Proposal	Compliance
<b>General Rural Zone GRUZ-Rule Requirements</b>		
<i>GRUZ-REQ1 Building Coverage</i>		
<p>1. The building coverage on a site shall not exceed:</p> <p>a. A maximum of 35% or 500m<sup>2</sup>, whichever is lesser for sites less than 1ha; or</p> <p>b. 5% for all other sites greater than 1ha.</p>	The proposed building coverage for the site will be less than 5% including the existing buildings on site.	<b>Complies</b>
<i>GRUZ-REQ2 Structure Height</i>		
<p>1. The height of any structure when measured from ground level shall not exceed:</p> <p>a. 9m for any building designed or used for human occupation;</p> <p>b. 12m for any other structure or building, except silos; or</p> <p>c. 15 for frost fans, inclusive of their blades; or</p> <p>d. 25m for silos.</p> <p>For the purposes of this requirement, the calculation of height shall not include any chimney, mast, aerial, or other structure attached to the outside of the structure.</p>	The proposed building will have a maximum height above ground level of 6.8 m.	<b>Complies</b>
<i>GRUZ-REQ3 Height in Relation to Boundary</i>		
<p>1. All buildings shall comply with the relevant height in relation to boundary requirements in Appendix 3.</p>	The proposed buildings will comply with all the relevant setbacks.	<b>Complies</b>
<i>GRUZ-REQ4 Structure Setbacks</i>		
<p>1. All structures, excluding public amenity structures, shall comply with the minimum setbacks listed in GRUZ-TABLE1 - Structure Setbacks.</p> <p>GRUZ-TABLE1 Structure Setbacks</p> <p>Any other building: Internal boundary: 5 m; Road boundary with other road: 10 m.</p>	The proposed building is setback more than 5 m from any adjoining property boundary and more than 10 m from the road boundary.	<b>Complies</b>
<i>GRUZ-REQ6 Hours of Operation</i>		
<p>1. The unloading or loading of vehicles or the receiving of customers or deliveries only occurs between 0700 and 1900 on any day.</p>	The proposed hours of opening are from 4am to 10pm seven days a week. This will involve the loading and unloading of people from vehicles on the site.	<b>Does not comply</b>
<i>GRUZ-REQ10 Sensitive Activity Setback from Intensive Primary Production</i>		
<p>1. Any newly established sensitive activity shall be set back 300m from the closest outer edge of any paddocks, structures, or buildings, and areas of paved or otherwise impervious material used to</p>	A community facility is considered a sensitive activity. There is a lawfully established farming activity (ref: 085258) south of the application site at 848 Waterholes Road; however, the description of	<b>Complies</b>





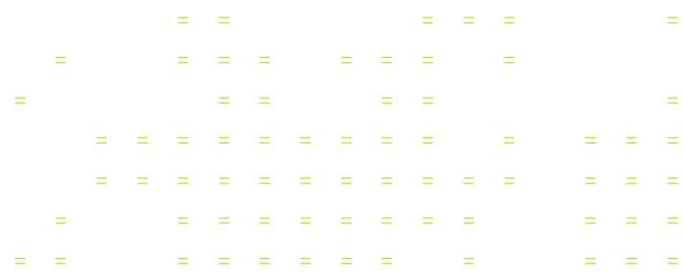
Rule	Proposal	Compliance
<b>General Rural Zone GRUZ-Rule Requirements</b>		
<i>hold or house stock, and wastewater treatment systems used for intensive primary production.</i>	the consent is not for intensive production. There are no other consents for farming activities within 300 m of the application site.	

Given the above assessment the proposed new building for a community facility cannot comply with all of the General Rural rule requirements. Notwithstanding this, the proposal is assessed a **discretionary activity** for the establishment of a new community facility in a rural zone.

## Earthworks

Pursuant to Rule EW-R1 (fully operative, no appeals) and EW-R2 (under appeal) earthworks subject to a Building Consent and general earthworks are a permitted activity provided the rules requirements are met:

Rule	Proposal	Compliance
<b>Earthworks</b>		
<i>EW-R1 - Earthworks subject to a Building Consent</i>		
<i>Earthworks that are or will be subject to a building consent is a permitted activity where it occurs within 2 m of the outer edge of the exterior wall of the building.</i> <i>This activity must also comply with EW-REQ3, excavation and filling; NH-REQ4, Natural Hazards and Earthworks, and ECO-REQG, Earthworks and Ecosystems and Indigenous Biodiversity.</i>	Earthworks will be required for the buildings, which will be subject to a building consent, and the formation of the access and parking area. These earthworks are assessed against EW-REQ3, NH-REQ4, and ECO-REQG below.  Approximately 2,000 m <sup>3</sup> of earthworks will be required outside the 2 m building consent exemption. These earthworks are assessed against EW-R2 below.	<b>Complies</b>
<i>EW-REQ3 Excavation and filling</i> <i>1. Earthworks, excluding those earthworks associated with offal pits, shall not exceed a maximum depth below or height above natural ground level of:</i> <i>a. 2m, when 1.5m or more from the boundary of a site in separate ownership; or</i> <i>b. 0.5m, when within 1.5m of the boundary of a site in separate ownership.</i> <i>2. All filling of land, excluding those earthworks associated with offal pits, shall consist of clean fill material only.</i>	Any earthworks associated with the proposed buildings will not exceed a maximum depth of 2 m and any foundation works will only use clean fill, if required.	<b>Complies</b>
<i>NH-REQ4 Natural Hazards and Earthworks</i>	Assessed in following section.	<b>Complies</b>
<i>ECO-REQG Earthworks and Ecosystems and Indigenous Biodiversity</i>	None of these requirements are applicable to the proposal.	<b>N/A</b>
<i>EW-R2 - Earthworks</i>		
<i>Earthworks not subject to EW-R1 are permitted where the earthworks comply with:</i> <i>EW-REQ1, REQ2, REQ3, REQ4, and REQ5 as well as NH-REQ4, ECO-REQG, NFL-REQ9 and CE-REQ5.</i>	The relevant rule requirements are assessed below.	<b>Complies</b>
<i>EW-REQ1 Volume of Earthworks</i> <i>1. The volume of earthworks is not to exceed the threshold outlined in EW-TABLE1: Earthworks Volumes by Zone over</i>	Any earthworks associated with the proposed building, car parking and vehicle access are estimated at 2,000 m <sup>3</sup> which	<b>Does not comply</b>



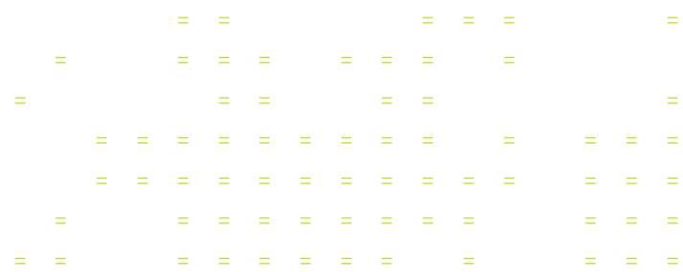
Rule	Proposal	Compliance
<b>Earthworks</b>		
any consecutive twelve-month period. EW-TABLE1 Earthworks Volumes by Zone General Rural Zone, 250m <sup>3</sup> per hectare of site area	exceeds the permitted volume of 1,366 m <sup>3</sup> (5.4643 ha x 250 m <sup>2</sup> ).	
EW-REQ2 Maximum Slope Gradient 1. Earthworks are not to be carried out on land with a slope gradient greater than 1 in 4.	The site is essentially flat and does not exceed this gradient.	<b>Complies</b>
EW-REQ3 Excavation and Filling 1. Earthworks, excluding those earthworks associated with offal pits, shall not exceed a maximum depth below or height above natural ground level of: a. 2m, when 1.5m or more from the boundary of a site in separate ownership; or b. 0.5m, when within 1.5m of the boundary of a site in separate ownership. 2. All filling of land, excluding those earthworks associated with offal pits, shall consist of clean fill material only.	Any earthworks associated with the proposed access and parking area will not exceed a maximum depth of 2 m and any filling will only use clean fill.	<b>Complies</b>
EW-REQ4 Rehabilitation and Reinstatement 1. No more than twelve months after the earthworks commenced and on completion of the earthworks, the area of land disturbed as a result of earthworks activities is to be built upon, sealed with hardstand material, landscaped, or recontoured and replanted. This requirement does not apply to earthworks associated with offal pits.	Any earthworks associated with the proposed community facility can comply with this requirement as a condition of consent.	<b>Complies</b>
EW-REQ5 Bunding 1. Earth bunds for noise attenuation or screening are no more than 3m in height.	No bunds are proposed or required.	<b>N/A</b>
NH-REQ4 Natural Hazards and Earthworks	Assessed in following section.	<b>Complies</b>
ECO-REQG Earthworks and Ecosystems and Indigenous Biodiversity	None of these requirements are applicable to the proposal.	<b>N/A</b>

Given the above assessment the proposed earthworks associated with the establishment of a community facility will exceed the permitted volumes and is therefore assessed as a **restricted discretionary activity** under Rule EW-REQ1.2.

### Natural Hazards

Pursuant to Rule NH-R2 new buildings and structures in the Plains Flood Management Overlay are a permitted activity provided the relevant rule requirements are met. They are assessed below.

Rule	Proposal	Compliance
<b>Natural Hazards</b>		
NH-R2 New Buildings and Structures in Natural Hazard Overlays		
1. The establishment of any new residential unit or other principal building is a permitted activity where: a. The building is not located in a high hazard area; and	The application site is not located in a high hazard area. The application site is not located near a	<b>Complies</b>



Rule	Proposal	Compliance
<b>Natural Hazards</b>		
<i>b. The building is not located between any surface water body and any stopbank designed to contain floodwater from that surface water body; and</i> <i>c. The building finished floor level is equal to or higher than the minimum floor level stated in a Flood Assessment Certificate issued in accordance with NH-SCHED1 Flood Assessment Certificates.</i>	surface water body or a stop bank. A Flood Assessment Certificate will be sought at the time of Building Consent.	
NH-REQ4 Natural Hazards and Earthworks		
<i>1. The activity does not exacerbate flooding on any other property by displacing or diverting floodwater on surrounding land.</i>	The building is located such that there will be no displacement or diversion of flood waters onto adjoining property.	<b>Complies</b>

Given the above assessment, the proposed new buildings (community facility) within the Plains Flood Management Overlay can meet all the relevant requirements and is therefore assessed as a **permitted activity**.

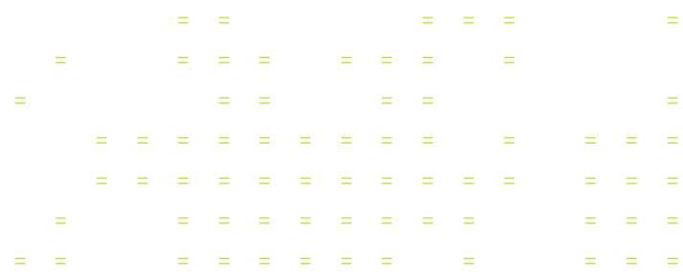
## Transport

The following is an assessment of the relevant Transport rules of the PODP:

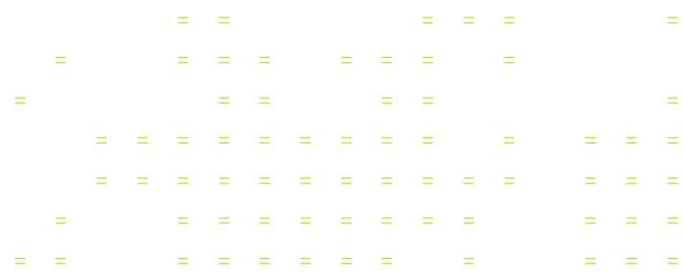
Rule	Proposal	Compliance
<b>TRAN - Transport</b>		
TRAN-R4 Vehicle crossings		
<i>1. The establishment of a vehicle crossing is a permitted activity where:</i> <i>a. The vehicle crossing is located no closer to an intersection with a State Highway or arterial road than:</i> <i>i. 60m to the departure side of any intersection; and</i> <i>ii. 30m to the approach side of any intersection; and</i> <i>b. The vehicle crossing does not service any:</i> <i>i. Service station; or</i> <i>ii. Truck stop; or</i> <i>iii. Activity that generates more than 40vm/d or, in PREC11 - Rural Services Precinct, 250vm/d.</i> <i>This activity must also comply with TRAN-REQ2, REQ3, REQ4, REQ5, and REQ6, which are assessed below.</i>	The vehicle crossings are existing. No new vehicle crossing will be established. TRAN-REQ2, REQ3, REQ4, REQ5, and REQ6, are assessed below.	<b>Complies</b>
TRAN-R5 Vehicle accessways		
<i>1. The establishment and use of an accessway is a permitted activity where the activity complies with the following rule requirements: TRAN-REQ7 and NH-REQ4.</i>	A new access to the proposed community facility will be constructed from an existing vehicle crossing. TRAN-REQ7 is assessed below and NH-REQ4 has been assessed above.	<b>Complies</b>
TRAN-R6 Parking, manoeuvring, and loading areas.		
<i>3. Any parking, manoeuvring, and loading areas associated with any activity that is not a residential activity is permitted, where the activity complies with the following Rule Requirements: TRAN-REQ8, REQ9, REQ10, REQ11, REQ12, REQ13, REQ14, REQ15, REQ16, REQ17, and REQ28.</i>	Parking, manoeuvring, and loading will take place onsite. The relevant rule requirements are assessed below.	<b>Complies</b>

Rule	Proposal	Compliance
<b>TRAN - Transport</b>		
<i>TRAN-R7 Rural vehicle movements and associated parking</i>		
<p>Activity Status: <i>PER</i></p> <p>1. Vehicle movements associated with any activity</p> <p>Where:</p> <p>The number of associated vehicle movements complies with TRAN-TABLE1 - Maximum type and number of vehicle movements</p> <p>TRAN-TABLE1 Formed, sealed, and maintained by SDC</p> <p>Any activity accessing a local or collector road;</p> <p>Maximum vehicle movement 60 ecm/d per site (averaged over any one-week period).</p>	<p>As per Table 1 vehicle movements averaged over a week to Waterholes Road (a collector) are not anticipated to exceed this requirement.</p>	<b>Complies</b>
<i>TRAN-R8 High trip generating activities</i>		
<p>1. The establishment of a new, or expansion of an existing activity listed in TRAN-TABLE2 - HTGA thresholds and ITA requirements is a permitted activity, where:</p> <p>a. The activity does not exceed the basic ITA threshold in TRAN-TABLE2 - HTGA thresholds and ITA requirements; or</p> <p>b. The activity does exceed the basic ITA threshold in TRAN-TABLE2 - HTGA thresholds and ITA requirements but an ITA has already been approved for the site as part of a granted resource consent and the activity is within the scope of that ITA and in accordance with the resource consent, unless the resource consent has lapsed.</p> <p>Mixed or other activities not otherwise listed in this Table: 50 vehicles per peak hour</p>	<p>As per Table 1 it is estimated the number of vehicle movements per day (averaged over the week) will be between 26 and 41 vehicles.</p>	<b>Complies</b>
<i>TRAN-REQ2 Vehicle crossing access restrictions</i>		
<p>10. Where a vehicle crossing is formed within an arterial road it shall comply with the following:</p> <p>a. No alternative legal access is available from a collector road or local road; and</p> <p>b. Sufficient on-site manoeuvring is available so reversing onto the arterial road shall not occur.</p>	<p>No alternative legal access is available from a collector or local road and there is sufficient onsite manoeuvring so that reversing onto the arterial road will not occur.</p>	<b>Complies</b>
<i>TRAN-REQ3 Number of vehicle crossings</i>		
<p>7. There are no more than two vehicle crossings per road frontage per site.</p>	<p>The proposal will be using an existing vehicle crossing and it only has one crossing on the Waterholes Road frontage.</p>	<b>Complies</b>
<i>TRAN-REQ4 Siting of vehicle crossings</i>		
<p>1. Vehicle crossing(s) shall:</p> <p>a. comply with TRAN-TABLE4 - Vehicle crossing distances from intersections as illustrated in TRAN-DIAGRAM1 - Accessway separation from intersections; and</p> <p>b. be located a minimum distance of 10m from the end</p>	<p>TRAN-TABLE4 requires a separation of 100 m between a vehicle crossing and an intersection in an 80km/h zone where the frontage road is not a local road. The vehicle crossing is separated approximately 100 m from the closest intersection on the opposite side of the road.</p>	<b>Complies</b>

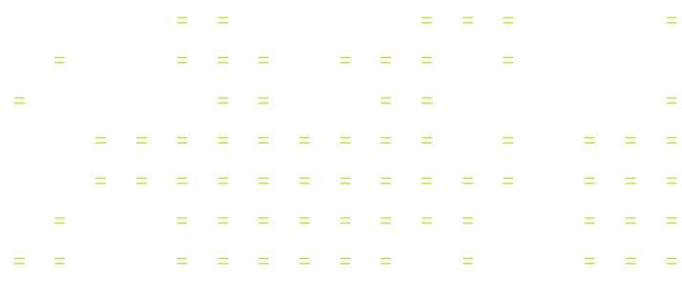




Rule	Proposal	Compliance
<b>TRAN - Transport</b>		
of any splitter or approach island to a roundabout; and c. comply with TRAN-TABLE5 - Vehicle crossing sight distances as illustrated in TRAN-DIAGRAM2 - Sight distance measurements and values; and d. not be formed within a State Highway.	The vehicle crossing is not located near a roundabout; hence, this requirement is not applicable.  TRAN-TABLE5 requires a sight distance of 203 m where the speed limit is 80 km/h, the zone is not residential, and the road is a collector or local road. Sight distances in both directions exceeds 203 m.	
7. Where a vehicle crossing(s) is to be formed it shall comply with the minimum access separation distances listed in TRAN-TABLE6A - Accessway separation from other accessways.	TRAN-TABLE6A requires a separation distance of 70 m where the frontage road is a collector road, and the speed limit is 80 km/h.  The closest vehicle crossing is 20 m on the other side of the road. The closest vehicle crossing on the same side of the road is 180 m.	<b>Does not comply</b>
TRAN-REQ5 Vehicle crossing, design and construction		
5. Vehicle crossing(s) (excluding those on a State Highway) shall comply with the following standards: a. TRAN-DIAGRAM5 - Vehicle crossing design standards - Local roads where the vehicle crossing provides access to a residential unit on a local road; or b. TRAN-DIAGRAM6 - Vehicle crossing design standards - Arterial and Collector roads where the vehicle crossing provides access to either: i. A residential unit not on a local road; or ii. any other activity on a local road, arterial road, or collector road.	The proposed community facility falls under b.ii., where the vehicle crossing to comply with is TRAN-DIAGRAM6.  The proposal's vehicle crossing will comply with TRAN-DIAGRAM6.	<b>Complies</b>
TRAN-REQ6 Vehicle crossing surface		
1. Vehicle crossings where they adjoin a sealed carriageway shall be sealed for the full width and length of the vehicle crossing between the carriageway and the site boundary.	The vehicle crossing adjoins a sealed carriageway. It will be sealed the full width and length of the vehicle crossing between the carriageway and the site boundary.	<b>Complies</b>
TRAN-REQ7	Under appeal therefore the Operative Selwyn District Plan rules apply.	<b>N/A</b>
TRAN-REQ8 - Location of parking spaces		
7. All car parking associated with any activity shall be wholly on the same site where the activity operates, or on an adjoining site.	All car parking is on the same site as the proposed activity.	<b>Complies</b>
TRAN-REQ10 - Mobility parking		
1. All activities shall provide the following number of mobility parking spaces: a. One mobility parking space is provided with the first 20 vehicle parking spaces; b. Not less than two mobility parking spaces is provided for up to 49 vehicle parking spaces; and c. One additional mobility park space for every additional 50 parking spaces is provided.	The proposal can comply with the requirement.	<b>Complies</b>



Rule	Proposal	Compliance
<b>TRAN - Transport</b>		
2. All mobility parks shall comply with the design requirements listed in TRAN-TABLE10 - Minimum parking area dimensions and illustrated in TRAN-DIAGRAM13 - Parking area formation dimensions.		
TRAN-REQ13 - Parking and loading area gradients		
1. The gradient for any on-site parking or loading area surface for any non-residential activity is no more than: a. 1:16 (6.25%) at 90° to the angle of the vehicle park; and b. 1:20 (5%) when parallel to the angle of the vehicle park.	The site is essentially flat.	<b>Complies</b>
TRAN-REQ14 - Maximum access gradients to parking areas		
1. The maximum gradient for any access to a parking area is no more than: a. 1:4 (25%) on any straight section up to 20m in length; b. 1:5 (20%) where longer than 20m in length; and c. 1:6 (16.7%) around curves when measured on the inside line of the curve. 2. The maximum change in gradient without a transition is no greater than 1:8 (12.5%). 3. Changes of grade of more than 1:8 (12.5%) are separated by a minimum transition length of 2m.	The site is essentially flat.	<b>Complies</b>
TRAN-REQ16 - Vehicle manoeuvring		
1. All activities shall provide sufficient on-site manoeuvring to ensure that vehicles do not reverse either onto or off a site which has access: a. To a State Highway or arterial road; or b. To a collector road where three or more vehicle parking spaces are provided; or c. To an accessway that serves a site with six or more vehicle parking spaces. 2. Parking and loading areas are formed so that vehicle operators do not need to undertake more than one reverse manoeuvre to exit the parking space or loading area. <b>Note:</b> Two vehicle parking spaces may be provided in tandem where on-site manoeuvring is provided to ensure that vehicles do not reverse either onto or off the site.	There is sufficient space for onsite manoeuvring.	<b>Complies</b>
TRAN-REQ17 - Surface of vehicle parks and loading areas		
6. Any vehicle parking or loading areas expected to be used by vehicles accessing the educational facility or activity involving the retailing of goods and services to the public shall be either metalled or sealed.	The parking area will be metalled.	<b>Complies</b>

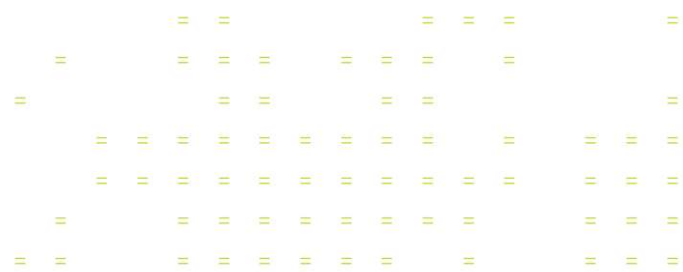


Given the above assessment the proposed new buildings breach the separation between vehicle accesses on an arterial road (TRAN-REQ4.7) and is therefore assessed as a **restricted discretionary activity** pursuant to Rule TRAN-REQ 4.8.

### 4.3 Activity status

Overall, land use consent is sought for a **discretionary activity** under the Operative and Partially Operative Selwyn District Plans due to:

- **Rule 9.4.2** of the ODP for being a community activity in a rural area that is not an approved tertiary education provider, and the buildings will cover more than 100 m<sup>2</sup>. Community facilities in rural areas under Rule GRUZ-R33 is under appeal, hence Rule 9.4.2 has more legal weight.
- **Rule 4.5.1.3** for non-compliance with sight distance requirement E10.2.3.1.
- **GRUZ-REQ6** of the PODP for hours of operation.
- **EW-REQ1.2** for earthworks in the rural zone in excess of permitted volumes.
- **TRAN-REQ 4.8** of the PODP for breaching separation distances between vehicle crossings and intersections.



## 5 Assessment of relevant objectives and policies

Under Schedule 4 Clause 2(g) of the RMA, the following is an assessment of the activity against the relevant objectives and policies of the Operative Selwyn District Plan and any the Partially Operative Selwyn District Plan and of the Canterbury Regional Policy Statement.

### 5.1 Operative Selwyn District Plan

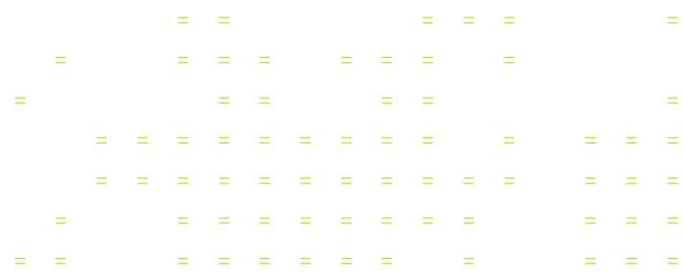
Objective or Policy	Proposal	Assessment
<b>B2 Physical Resources LURP</b>		
<i>Objective B2.3.1</i>	The proposal will allow for the establishment of a new community facility on rural zoned land.	<b>Not contrary</b>
<i>Policy B2.3.1</i>	This policy specifically recognises community facilities as part of the rural environment and the proposal is consistent with this.	<b>Consistent</b>
<i>Policy B2.3.2</i>	This policy exempts community facilities from site coverage requirements in order to reduce the cost of buying and maintaining sites for community facilities, this policy also recognises there are few community facilities in rural areas and so waving the site coverage requirement for this use is unlikely to result in any cumulative effects.	<b>Consistent</b>
<i>Policy B2.3.3</i>	This policy encourages new community facilities to be located in or adjoining townships and be designed for easy access. The application site has been chosen by the applicant due to its location partway between Rolleston and Christchurch allowing both townships to be served. In addition, the application site is within easy access of the Southern Motorway.	<b>Not contrary</b>
<b>B3 Health Safety Values</b>		
<i>Policy B3.4.1</i>	This policy recognises the rural zone as an area where a variety of activities occur, and environmental standards need to be maintained to allow for primary production and other business activities to operate. The proposed activity adds to the variety of activities in the rural zone while allowing for primary production and other business activities to operate.	<b>Consistent</b>
<i>Policy B3.4.6</i>	This policy supports the maintenance of low levels of building density in the Rural zone and the predominance of vegetation cover. The application site is predominantly vegetation cover with low building density.	<b>Consistent</b>
<i>Policy B3.4.7</i>	This policy seeks to avoid high rise buildings or highly reflective utility structures. The proposed building is single storey and will be clad in non-reflective material consistent with this policy.	<b>Consistent</b>
<i>Policy B3.4.21</i>	No lawfully established intensive farming activities are in proximity to the proposal community building, hence, existing lawfully established activities in the Rural zone will be protected from potential for reverse sensitivity effects.	<b>Consistent</b>
<b>Transport</b>		
<i>Policy B2.1.4(b)</i>	The purpose of this policy is to avoid or mitigate adverse effects on the safe flow of traffic along State Highways and Arterial Roads from new property access or new/expanded activities which generate a high level of traffic movements. The proposed activity will utilise a current farm access which generates few vehicle movements. The access will be upgraded the comply with Council requirements and sight distances in both directions are excellent and can accommodate increased vehicle generation from the vehicle crossing. The vehicle crossing is insufficiently separated from an intersection crossing across the road, however,	<b>Consistent</b>



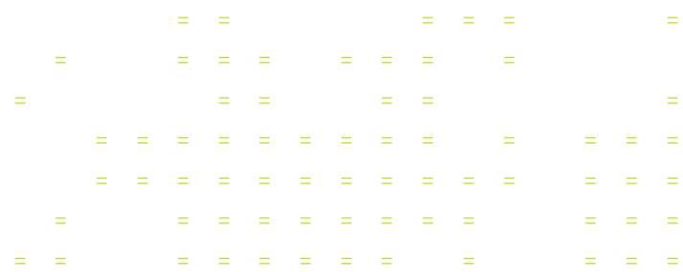
Objective or Policy	Proposal	Assessment
	that intersection ends in a cul-de-sac and will generate little traffic.	
Policy B2.1.9	This policy seeks to ensure buildings are set back a sufficient distance from road boundaries to maintain good visibility for pedestrians and motorists, to allow safe access and egress. The proposed buildings are set back over 150 m from the vehicle crossing and will have no impact on access or egress.	<b>Consistent</b>
Policy B2.1.10	This policy relates to the safety of vehicle crossings, intersections, pathways, roadside signs and noticeboards such that they are designed and positioned to ensure good visibility for all road users, and to allow safe passage, access and egress. The proposed vehicle crossing is existing and although its use is proposed to increase, the vehicle crossing location and design can allow safe passage, access and egress. No signs are proposed.	<b>Consistent.</b>

## 5.2 Partially Operative District Plan

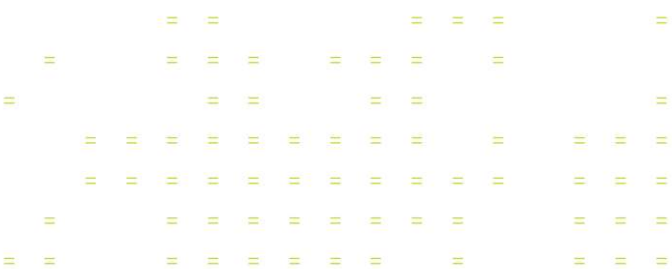
Objective or Policy	Proposal	Assessment
<b>GRUZ – General Rural Zone</b>		
<p>GRUZ-01</p> <p>Subdivision, use, and development in rural areas that:</p> <ol style="list-style-type: none"> <li>1. supports, maintains, or enhances the function and form, character, and amenity value of rural areas;</li> <li>2. prioritises primary production, over other activities to recognise its importance to the economy and wellbeing of the district;</li> <li>3. allows primary production, those activities that directly support primary production and have a functional or operational need to locate with the General Rural Zone and important infrastructure, to operate without being compromised by incompatible sensitive activities and reverse sensitivity effects;</li> <li>4. retains a contrast in character to urban areas; and</li> <li>5. protects highly productive land.</li> </ol>	<p>The proposal use of the site will not detract from the function, form or character and amenity values of the surrounding rural area given the proposed buildings meet all the bulk and location standards for the zone.</p> <p>The proposal maintains the productive use of the site through providing community gardens. Given the proposed buildings meet the bulk and location standards for the zone, the contrast in urban to rural character will be maintained.</p>	<b>Not contrary</b>
<p>GRUZ-P1</p> <p>Maintain or enhance rural character and amenity values of rural areas by:</p> <ol style="list-style-type: none"> <li>1. retaining a low overall building density;</li> <li>2. enabling primary production while managing adverse effects of intensive primary production, and mineral extractive industries;</li> <li>3. managing the density and location of residential development;</li> <li>4. retaining a clear delineation and contrast between the district's rural areas and</li> </ol>	<p>The proposal use of the site will not detract from rural character and amenity in this area as the built density will be low, primary production can continue (dry stock grazing, baleage and vegetable production), no additional residential uses are proposed, given the large boundary setbacks the open character of the site will be maintained, which will retain a clear delineation between the district's open rural areas and more densely developed urban areas. , The large boundary setbacks also mean the proposed activity will be separated from intensive primary production sufficiently to avoid reverse</p>	<b>Not contrary</b>



Objective or Policy	Proposal	Assessment
<p>urban areas; and</p> <p>5. recognising that primary production activities can produce noise, dust, odour and traffic that may be noticeable to residents and visitors to the General Rural Zone.</p>	sensitivity effects.	
<p>GRUZ-P1A</p> <p>Avoid the inappropriate use and development of highly productive land, except as provided for by the National Policy Statement for Highly Productive Land 2022.</p>	<p>As discussed in the Productivity Report, the subject site is not currently operating at its maximum agriculture productive potential. Low pasture quality, insufficient fencing lack of irrigation infrastructure and machinery limit the potential productivity making it improbable for high-value agricultural endeavours to be established. It is considered the proposal can satisfy the requirements of clause 3.9(2) of the NPS-HPL as an exception and is therefore consistent with this policy.</p>	<b>Consistent</b>
<p>GRUZ-P4</p> <p>Provide for the economic development potential of the rural area by enabling a range of activities that:</p> <ol style="list-style-type: none"> <li>1. have a direct relationship with, or are dependent on, primary production;</li> <li>2. have a functional need, or operational need to locate in the rural area;</li> <li>3. represent an efficient use of natural and physical resources; and</li> <li>4. maintain or enhance the character and amenity values of the surrounding area.</li> </ol>	<p>The temple does not have a functional or operational need to locate in the rural area nor will it provide for the economic development potential of this rural area; however, the proposal supports the community and cultural development potential of this rural area by providing a facility that does not currently exist here.</p> <p>Although the proposal is not dependant on primary production, it's ethos (to provide vegetarian meals to temple attendees) will mean the temple will have a direct relationship with the land by growing vegetables for their meals onsite.</p> <p>The proposal will maintain the character and amenity value of the rural environment, by providing appropriate internal boundary setbacks</p>	<b>Not contrary</b>
<p>GRUZ-P4A</p> <p>Provide for the establishment or expansion of community facilities that have a functional or operational need to locate in the General Rural Zone, whilst maintaining the character and amenity values of the surrounding area.</p>	<p>The proposal seeks to establish a new community facility in a rural zone. Given community facilities are not provided for as a permitted activity within any zone and the site provides sufficient space for the building car parking and add on activities (such as growing food for the attendees), it is considered there is a functional need for the proposed building to be located in the rural zone, partway between Rolleston and Christchurch City.</p>	<b>Consistent</b>
<p>GRUZ-P5A</p> <p>Enable the maintenance, operation or upgrade of any existing activity on highly productive land, while minimising the loss of highly productive land.</p>	<p>The proposal provides the opportunity to increase the productive capacity of the underutilized rural land resource through more intensive cultivation for the members of the Shik society, while minimizing the footprint for non-productive use.</p>	<b>Consistent</b>
Reverse Sensitivity	Due to the intermittent use of the community facility (i.e. not occupied full time) it is not	<b>Consistent</b>



Objective or Policy	Proposal	Assessment
<p>GRUZ-P7</p> <p>Avoid reverse sensitivity effects on:</p> <ol style="list-style-type: none"> <li>1. lawfully authorised or established primary production activities;</li> <li>2. activities that have a direct relationship with, or are dependent, on primary production; and</li> <li>3. important infrastructure.</li> </ol>	<p>considered a particularly sensitive use and is setback sufficiently from any other internal boundary to avoid any adverse reverse sensitivity effects.</p>	
<b>TRAN - Transport</b>		
<p>TRAN-01</p> <p>People and places are connected through safe, efficient, and effective land transport corridors and land transport infrastructure for all transport modes, which are well integrated with land use activities and subdivision development and reduce dependency on private motor vehicles.</p>	<p>The application site is well connected to the existing transport network, although with limited integration with other modes of transport.</p>	<b>Not contrary</b>
<p>TRAN-02</p> <p>Land transport corridors and land transport infrastructure are protected from incompatible land use activities and subdivision development.</p>	<p>It is proposed to upgrade the vehicle crossing to an appropriate standard and sightlines are adequate. The traffic generation of the site will be an increase but is not likely to exceed the threshold for an ITA.</p>	<b>Not contrary</b>
<p>TRAN-P1</p> <p>Maintain the safety and efficiency of the District's land transport network and systems by:</p> <ol style="list-style-type: none"> <li>1. Managing the levels of service, formation standards and the types of land transport corridors and land transport infrastructure, including through the network road classifications and compliance with the design and operational standards;</li> <li>2. Providing land transport infrastructure that is consistent with the form, function, and character of each zone;</li> <li>3. Ensuring there is enough space within land transport corridors to support the safe, efficient and effective installation, operation, upgrade, repair and maintenance of network utilities;</li> <li>4. Providing for the safe and efficient movement and operation of emergency services; and</li> <li>5. Recognising cross-boundary connections with adjoining districts.</li> </ol>		
<p>TRAN-P3</p> <p>Require Integrated Transport Assessments to assess the effects of high trip generating activities on the surrounding land transport network to:</p>	<p>An ITA has not been provided as it is assessed the traffic generation will not exceed the applicable threshold.</p> <p>Given the location, active travel modes are not practicable, although car pooling is common for</p>	<b>Not contrary</b>



Objective or Policy	Proposal	Assessment
<i>1. Maintain the safety and efficiency of land transport infrastructure by ensuring there is sufficient capacity in land transport corridors; and</i> <i>2. Establish whether the high trip generating activity can be supported by active transport modes, including accessibility to safe and convenient walking and cycling connections and access to public transport and public transport facilities.</i>	the community facility users.	
TRAN-P4 <i>Manage the adverse effects of activities within the General Rural Zone that exceed the maximum number of vehicle movements for each site.</i>	The proposed activity does not exceed the maximum number of vehicles averaged over a week.	<b>Consistent</b>

5.3 Canterbury Regional Policy Statement

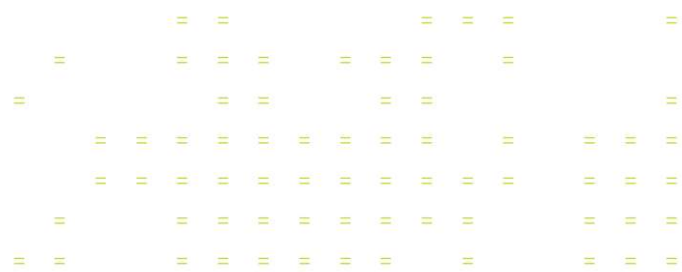
Under sections 73(4) and 75(3)(c) of the RMA, local authorities must ensure their district plans continue to give effect to the relevant regional policy statement. Therefore, it is considered if an activity is consistent with the objectives and policies of the relevant district plan or proposed plan, it is also consistent with the objectives and policies of the regional policy statement.

As determined earlier, the proposed activity is considered to be not contrary to any of the objectives and policies of the Plan and therefore, the proposed activity is considered to be consistent with the objectives and policies of the Canterbury Regional Policy Statement.

5.4 Summary

On balance, it is considered the proposal is consistent with the relevant objectives and policies of the Plan and CRPS.





## 6 Assessment of environmental effects

In accordance with section 88 of the RMA and the Fourth Schedule, the following is an assessment of the actual and potential effects on the environment arising from the proposed community facility. This assessment includes consideration of the relevant matters set out in Clauses 6 and 7 of the Fourth Schedule.

As a discretionary activity there are no matters to which council's discretion is limited.

The potential effects of the activity can be categorised into the following key areas:

- Rural character and amenity
- Neighbourhood and Community Effects
- Effects on the productive capacity of the land
- Effects on the transport network
- Temporary effects
- Reverse sensitivity effects
- Positive effects

### 6.1 Rural character and amenity effects

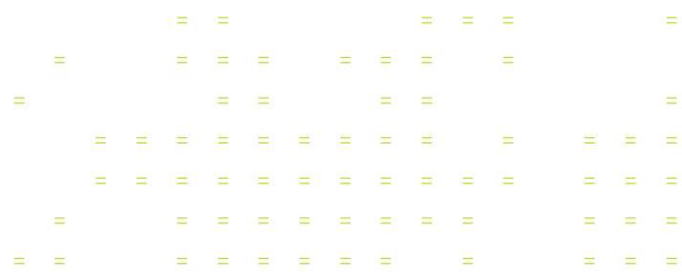
The general rural zone primarily provides for productive uses and other compatible activities. Establishing new sensitive activities, inclusive of community facilities, is generally not appropriate in the General Rural Zone. However, in this case, it is considered the proposed use is compatible for the following reasons:

- Contextually large site surrounded by smaller lifestyle allotments;
- Proximity to the motorway and location between Christchurch City and the Selwyn townships;
- Productive use of site associated with the community facility (gardens for vegetable growing to support feeding members).
- Given the land area requirements, rural land is more economically viable to support the cultural needs of the Sikh community.

It is intended the facility will be open to its members seven days a week from 4 am to 10 pm. While these hours would be considered potentially incompatible in an urban residential setting, early starts and late evenings are not unanticipated in a rural context. The morning and evening prayers will have low attendance compared to the main service during the day on Sunday. The proposed hours will ensure the culturally important facility is available to any members at a time convenient for them, providing support to members when needed. By comparison in a residential or urban setting the area of land required is cost prohibitive to the membership, with currently a lease arrangement in place.

The proposed building is single storey, and although large, given the context and location of the site, will not be too dissimilar to a large rural building in bulk and appearance. The location of the building setback a significant distance from both the road and adjoining internal boundaries provides a predominance of open space anticipated in the rural zone. These setbacks also provide for any traffic noise and busyness generated from visitors to the site to be sufficiently away from boundaries with other land uses to avoid adverse effects.

Overall, the effects of the proposal on rural character and amenity are considered not more than minor.



## 6.2 Neighbourhood and community effects

The proposed community facility will have positive effects for the social and cultural well-being of the Sikh community, providing a gathering space, purpose built and owned by the society. Ownership of the site and building provides a critical element of certainty for the community members in perpetuity.

Given the location of the facility near the centre of the site it is considered there are sufficient setbacks provided to avoid any reverse sensitivity effects or incompatibility with surrounding land uses. This includes potential noise effects from traffic and gathering of people at the site during specific events. There is over 138 m to the nearest dwelling not located on the site ensuring actual effects are likely to dissipate before reaching the notional boundary of these dwellings. The effects on the surrounding rural area are assessed as no more than minor.

## 6.3 Effects on the productive capacity of the land

The application site is identified as Land Use Class 3 and a Productivity Assessment has been completed by Agri Intel and is attached in Appendix 7.

Overall, it is concluded there is limited economic return available from the productive use of the application site currently, due to a number of constraints. The proposed use of the site for a community facility inclusive of community gardens will not adversely affect the productive capacity of the application site, other than in the area of the proposed building. It is noted a building of this size associated with rural activities could establish on the site, removing a similar area within the site from productive use. Any effects on productivity capacity of the site are considered less than minor.

## 6.4 Temporary effects

Temporary effects will transpire during the construction of the proposed community facility and formation of the vehicle access and parking area. Any effects associated with this will be temporary in nature and can be adequately managed through appropriate conditions of consent, although it is recognised the scale of earthworks proposed exceeds the permitted standard under the Partially Operative Plan, is not out of character for the rural zone. Any adverse effects associated with the temporary earthworks are considered less than minor.

## 6.5 Reverse sensitivity effects

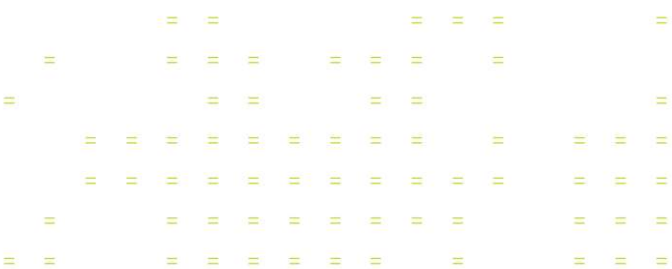
Community facilities are considered a sensitive use and so there is the potential for conflict to arise with surrounding existing established rural uses. It is noted the on the scale of sensitivity, a community facility such as is proposed is less sensitive than residential use, primarily due to the frequency of use (i.e. one main service a week). In this case, it is considered the location of the proposed building is setback sufficiently from any internal boundaries and the frequency of use will ensure there are not potential conflicts with adjoining rural use. Any adverse reverse sensitivity effects are assessed as less than minor.

## 6.6 Positive effects

The site is owned by the Sikh Society and will allow perpetuity a safe space for the expression of their cultural identity and religion. It will also allow for the establishment of community gardens to feed members making more efficient use of underutilized rural land.

## 6.7 Potentially affected parties

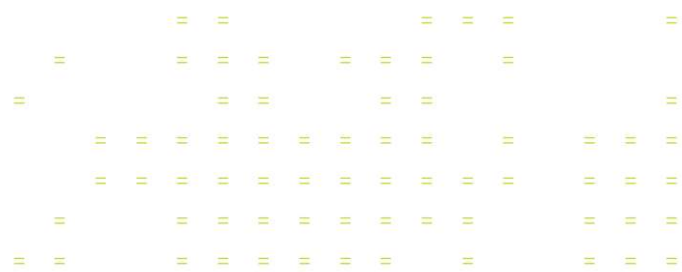
Under Schedule 4, clause 6(1)(f) of the RMA, an application for resource consent must identify the persons affected by the activity, any consultation undertaken and any response to the views of any person consulted.



In this case there are no persons for whom the effects of the proposed community facility would be more than minor and therefore no consultation has taken place.

6.8 Effects summary

Overall, it is considered the effects of this proposal on the environment are no more than minor.



## 7 Statutory framework

### 7.1 Part 2 of the RMA

The Resource Management Act (“RMA” or “the Act”) is the principal legislation for the management of the natural and physical resources of New Zealand. All resource consent applications are subject to the provisions of Part 2 of the Act, which sets out the purpose and principles that guide this legislation.

Section 5 of the RMA states that the purpose of the Act is “to promote the sustainable management of natural and physical resources”.

The term ‘sustainable management’ is defined in the RMA as meaning:

*...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;*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal is able to satisfy the purpose and principles of the Act, by adequately avoiding mitigating any adverse effects on the environment arising from the establishment of a new community facility in a rural zone.

Section 6 of the Act requires certain matters to be recognised and provided for in relation to managing the use, development and protection of natural and physical resources. Matter h. with respect to the management of significant risks of natural hazards is considered of relevance and has been considered and provided for within this application.

Section 7 of the Act lists other matters for which particular regard shall be given to. Subsections (b), (c), (f) and (g) are considered to be relevant to the assessment of the consent application:

- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*

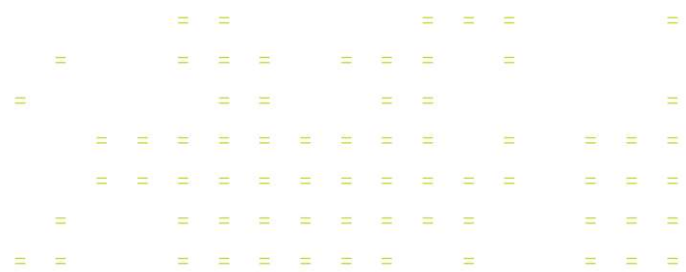
The proposed activity will enable the use of a large rural site, which has limited productive potential for an alternative, yet compatible use. The proposed community facility will maintain the amenity and quality of the rural environment. Particular regard has also been had to the finite characteristic of rural land for productive activities, with the proposed community facility providing an opportunity to increase the production of food for the community members from the site.

Section 8 requires the Council to take into account principles of the Treaty of Waitangi. It states:

*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 take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

It is considered the proposal will not be inconsistent with the principles of the Treaty of Waitangi, including but not limited to, partnership, participation and protection.





## 7.2 Other relevant documents

Under Schedule 4, Clause 2(g) of the RMA, the following is an assessment of the activity against the relevant provisions of any other relevant statutory documents (other than district plans or proposed district plans).

### National Policy Statement for Highly Productive Land 2022

The application site is identified as having LUC 3 soils and therefore the NPS-HPL must be considered. See Figure 4 below:



**Figure 4 - Land Use Capability Classification of Application Site**

The NPS-HPL is about ensuring the availability of New Zealand's most favourable soils for food and fibre production, now and for future generations. Use and development of highly productive land should be avoided as per the following:

- (1) Territorial authorities must avoid the inappropriate use or development of highly productive land that is not land-based primary production.
- (2) A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:
  - a) it provides for supporting activities on the land:
  - b) it addresses a high risk to public health and safety:
  - c) it is, or is for a purpose associated with, a matter of national importance under section 6 of the Act:
  - d) it is on specified Māori land:
  - e) it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity:
  - f) it provides for the retirement of land from land-based primary production for the purpose of improving water quality:
  - g) it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land:

- h) *it is for an activity by a requiring authority in relation to a designation or notice of requirement under the Act;*
  - i) *it provides for public access;*
  - j) *it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land.*
- (3) *Territorial authorities must take measures to ensure that any use or development on highly productive land:*
- a) *minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
  - b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.*

A Productivity Assessment is included with this application (Appendix 7) and has assessed the productive capacity of the site, providing a comparison between its historic and current use and the proposed community facility and use. The assessment concludes the site is not currently operating at its maximum productive capacity. The report notes the pasture quality is low, indicating insufficient soil fertility, the fencing requires maintenance and although there is a consent for irrigation, no infrastructure currently exists for this. Overall, significant investment would be required to enable greater land productivity to be realised. In addition, the report notes several limitations on the productive capacity of the land, including the size, potential soil moisture deficit and surrounding potentially sensitive land uses.

The proposal could support productive uses alongside the community facility. The Sikh Society is proposing a vegetable growing area. The surrounding land could also continue to be used for dry stock grazing and baleage making without the risk of reverse sensitivity. The Sikh Society would welcome public access. The proposed land use is also small scale. The productivity assessment concludes:

*the proposed use of this highly productive land aligns with the principles outline in Policy 3.9(2) of the National Policy Statement for Highly Productive Land 2022.*

The factors that support the above conclusion noted in the assessment include:

- *NPS-HP. Policy 3.9(2a) It provides for supporting activities on the land. As per the proposed vegetable growing area to support The Sikh Society's daily tradition of offering vegetarian meals to their temple attendees.*
- *NPS-HP. Policy 3.9(2g) ... The proposed development is small-scale with no adverse impact on the land's overall productivity in terms of the overall financial return from agriculture.*
- *NPS-HP. Policy 3.9(2i) It provides for public access. The proposal accommodates public access, as the Sikh Society warmly invites all members of society to enjoy their property.*

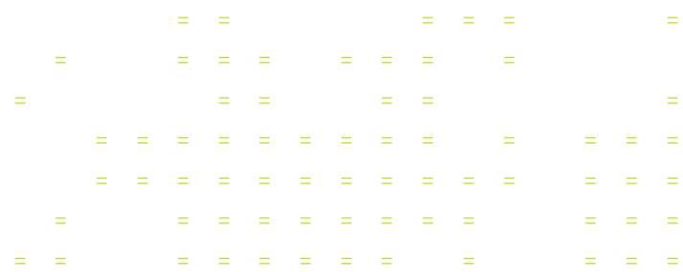
Given the above it is considered the proposed community facility is not inconsistent with the NPS-HPL.

### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) requires sites subject to a change of land use and disturbance of soil to be assessed to determine if:

- (a) *an activity or industry described in the HAIL is being undertaken on it; and/or*
- (b) *an activity or industry described in the HAIL has been undertaken on it; and/or*
- (c) *it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

The site has been investigated on Environment Canterbury's Listed Land Use Register (LLUR). The investigation (see Appendix 6) demonstrated that there is evidence of a HAIL activity having been carried out on the site (LLUR SIT 100837) in relation to a landfill site. The area of the HAIL activity is separated from the location of the proposed community facility by approximately 100 m. Hence, the HAIL activity is unlikely to affect the proposal.



It is considered the obligations under clause 6 of the NES have been met and that the site does not require further investigation to enable its soil disturbance and change of use under clause 8(3) and (4) of that standard.

### 7.3 Consideration of applications (Section 104–104D)

Section 104 sets out those matters that must be considered when assessing an application for a resource consent. Subject to Part 2 of the Act, Section 104(1) requires a consent authority to have regard to the following matters:

- (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 standards of–*
  - (i) *a national environment standard;*
  - (ii) *other regulations;*
  - (iii) *a national policy statement;*
  - (iv) *a New Zealand coastal policy statement;*
  - (v) *regional policy statement or proposed regional policy statement;*
  - (iv) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Assessment against these matters has been provided within this application above.

Section 104B of the Act states in relation to the determination of applications for discretionary or non-complying activities:

- After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority–*
- (a) *may grant or refuse the application; and*
  - (b) *if it grants the application, may impose conditions under Section 108.*

As a discretionary activity, land use consent may be granted.

### 7.4 Notification

#### Public notification assessment

None of the criteria listed in section 95A(3) that require public notification are relevant to this proposal.

None of the criteria listed in section 95A(5) precluding public notification are relevant to this proposal.

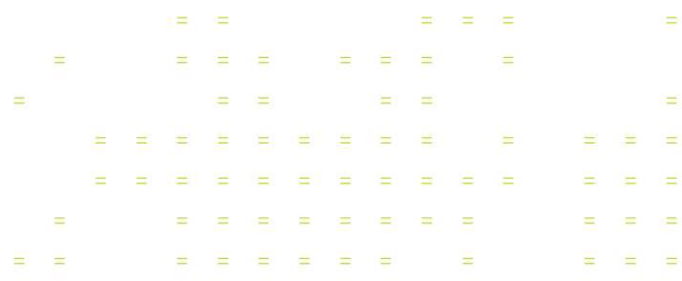
Pursuant to section 95A(8), the proposal is not subject to a rule or national environmental standard that requires public notification and, as assessed in this application, any potential or actual adverse effects are considered to be not more than minor.

Pursuant to section 95A(9)(b), there are considered to be no special circumstances relating to the application that warrant public notification.

#### Limited notification assessment

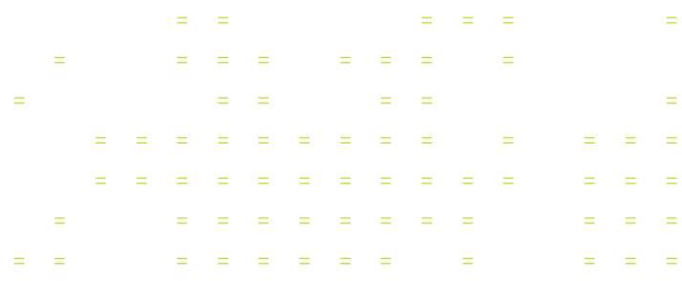
None of the persons listed in section 95B(3) are considered to be affected persons in relation with this application.

None of the criteria listed in section 95B(6) apply to this proposal.



Under section 95B(7), and in accordance with section 95E, no persons are considered to be adversely affected by the proposal and therefore, no persons have been consulted.

Pursuant to section 95B(10)(b), there are considered to be no special circumstances relating to the application that warrant limited notification.



## 8 Conclusion

This application seeks land use consent to establish a new community facility, associated vehicle access and on-site parking.

The proposed activity is a **discretionary activity** under the Operative Plan and Partially Operative District Plans due to the proposed activity (non-rural/non-residential community facility) and non-compliances with hours of operation, earthworks and location of the vehicle crossing.

It has been demonstrated by the preceding assessment that the effects on the environment as a result of this proposal will be no more than minor.

Land use consent may be granted without the need for notification.