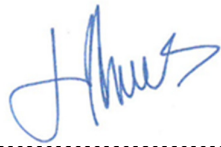


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# Resource Consent Application

**390 Loburn Terrace Road  
Rural Subdivision**

Prepared By



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Joshua Thomas  
Licenced Cadastral Surveyor

Joshua Thomas Surveying Ltd  
joshua@jtsurveying.co.nz  
www.jtsurveying.co.nz

Telephone: 0274 699 547

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# 1 Executive Summary

To:	Waimakariri District Council
Applicant:	Longmead Downs Ltd
Location:	390 Loburn Terrace Road
Legal Description:	<i>Lots 2&amp;3 RC 205095 (soon to be Lot 2 DP 559709)</i>
Proposal:	To subdivide the site into 16 lots
Zoning:	Rural
Activity Status:	Subdivision: Controlled
Address for Service:	Longmead Downs Ltd  C/O- Joshua Thomas Surveying Attention: Joshua Thomas  E-mail: Joshua@jtsurveying.co.nz Telephone: (0274) 699 547

## 2 Introduction

This subdivision consent application is submitted to further subdivide the balance land created by Stage 1 of granted consent RC 205095. The proposal will create additional lots as shown in the attached consent plan.

New titles will be created by means of a new Land Transfer subdivision plan.

## 3 Description of Site

<b>Legal Description</b>	<b>Record of Title</b>	<b>Area</b>
<i>Lots 2&amp;3 RC 205095 (soon to be Lot 2 DP 559709)</i>	436299 (original title for Lot 1 DP 409904)	81.7945 ha

A copy of the CFR and interests for this lot is attached in Appendix II.

The lot is zoned Rural, shown on planning map 12.

The site is located in the rolling hills of North Loburn, at the base of Ashley Forrest. The site has some undulation, with a couple of small valleys running through. An existing dwelling house and several farm sheds are located on site. The remainder of the area is grassed paddocks.

## 4 Site Use History

The site has been in rural use for many decades; historic aerial photos show grassed paddocks.

## 5 Description of Proposal

Stage 1 of RC 205095 will remain unchanged as Lot 1 and the balance land. The Section 223 and 224c certificates for this stage have been applied for. Stage 2 of RC 205095 will not proceed, this application will take its place.

This application comprises Lots 2 – 17, created in four stages. Stages may not be carried out sequentially, they may be created in any order. The Lots created by each stage will be:

Stage 1	LOTS 2, 7 & 8
Stage 2	LOTS 3, 4, 9 & 10
Stage 3	LOTS 5, 6 11 & 12
Stage 4	LOTS 13 - 17

Two right of ways will be required, one accessing Loburn Terrace Rd via a new culvert/bridge. This will adjoin the existing access for Lot 1. The other ROW will access Loburn Kowhai Rd.

## 6 Waimakariri District Plan

### 6.1.1 Relevant Rules Pertaining to Subdivision Proposal

Rule	Requirement	Comment	Status
<b>Chapter 30 Utilities and Traffic Management – Rules</b>			
<b>Table 30.4</b>	Distance between crossings: Less than or equal to 10m or greater than 180m		Complies
<b>Chapter 31 Health, Safety and Wellbeing – Rules</b>			
<b>31.1.1.1</b>	31.1.1.1 In the Rural Zone any dwellinghouse shall be on a site which has a minimum area of 4ha		Complies
Table 31.1 Setbacks	20m for any dwellinghouse to any road boundary  20m for any dwellinghouse to internal site boundary  3m for any structure other than a dwellinghouse to internal site boundary	Existing dwelling is much greater than 20m to all proposed boundaries	Complies  Complies

<b>Rule</b>	<b>Requirement</b>	<b>Comment</b>	<b>Status</b>
<b>Chapter 32. Subdivision – Rules</b>			
32.1.1.1 Allotment areas	4ha with 120 x 120m square		Complies
32.1.1.3 Allotment areas	Any allotment in the Rural Zone shall contain one or more building platforms, and, unless otherwise required to be serviced by a reticulated sewage disposal utility by Rule 23.1.1.16, a sewage disposal area for a dwellinghouse shall be provided	Building platforms shown on plan. Sewage disposal area will be provided.	Complies. Confirmed at 224c Stage.
32.1.1.52 Water Supply	Any new allotment in the Rural Zone shall be connected to a reticulated potable water supply	Will be connected to the Hurunui water scheme	Complies
32.1.1.64	Any new allotment in any Rural Zone shall connect to a public drain if the allotment is within a rural drainage area.	Site is not within a rural drainage area	Complies
32.1.1.58 Energy supply and communications	Any new allotment in any zone shall be serviced by an energy supply and a communications system, and those services shall be available at the boundary of the allotment.	The capacity to connect to such networks will be confirmed.	Confirmed at 224c Stage.

## **7 Statutory Requirements**

The subdivision process for an activity needs to be in accordance with the relevant statutory requirements.

### **7.1 Resource Management Act 1991**

#### **7.1.1 Part 2- Purpose and principles**

It is considered that the application is consistent with Part 2 of the RMA.

#### **7.1.2 Section 104- Consideration of Applications**

Section 104 must be taken into account by the consent authority (the Council) when considering an application for resource consent. The matters for consideration by Council under Section 104 (1) are;

*(a) Any actual and potential effects on the environment of allowing the activity; and*

*(b) Any relevant provisions of—*

*(i) A national environmental standard;*

*(ii) Other regulations;*

*(iii) A national policy statement;*

*(iv) A New Zealand coastal policy statement;*

*(v) A regional policy statement or proposed regional policy statement;*

*(vi) A plan or proposed plan; and*

*(c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

**An Assessment of effects on the environment is included in section 8.0. The matter for consideration for this proposal is the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. See Section 7.2.**

### **7.1.3 Section 106- Consent Authority may refuse subdivision in certain circumstances**

Section 106 sets out the circumstances under which the consent authority may refuse to grant resource consent, or grant consent subject to conditions. The matters for consideration by Council under Section 106 (1) are;

*(a) The land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*

*(b) Any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*

*(c) Sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

*If consent is granted subject to conditions, under subsection (2) specifies that the conditions must be;*

*(a) For the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*

*(b) Of a type that could be imposed under section 108.*

**There are no issues arising from Section 106 that are considered to need discussing.**

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

A search of ECAN's Listed Land Use Register and historical aerials was carried out. Also below is a comment from the current landowner.

*“The 8oha block has a history of sheep and beef grazing as long as it has been farmed. There has been one 5ha crop of Barley while under my management since 1992. Also a limited amount of fodder crop for sheep. There is no evidence of and other activities on the entire block. No historical concrete or bricks or excavations. No possibility of contamination sites”*

**All of this information has been used to determine no evidence of HAIL activities past or present, on the site.**

Under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, finding no HAIL activities means that the site fits within Regulation 5(7): There is no evidence of HAIL activities – past or current - on the piece of land. .

The inspection carried out is in accordance with Regulation 6(2) of the NES. This inspection has determined there is no likely HAIL sites, past or present. **In accordance with Regs 5(1), 5(7) and 6(2), the NES does not apply to this land.**

Under Section 6 of the NES, there are two options for establishing whether or not a piece of land is as described in regulation 5(7). Section 6 (4) states the person who wishes to undertake the activity must chose which method to use. We have chosen method 6(2), not a PSI as per 6(3).

As per Section 5(1), as the land is not covered by 5(7), Sections 5(5) Subdividing land, 5(6) Change of use and 6(8) Production land does not apply.

## **8 Assessment of Environmental Effects (AEE)**

Section 88 of The Resource Management Act 1991 requires the Applicant to identify any actual or potential adverse effects on the environment of the proposed subdivision, and any ways in which these adverse effects can be avoided, remedied or mitigated.

A description of the proposal is given as part of the contents above of this report.

### **8.1 Traffic**

The proposed amendment will generate additional traffic onto Loburn Kowhai Road. Loburn Kowhai road is legal and formed, and the site has good visibility in both directions onto the road. No issues regarding traffic are anticipated.

### **8.2 Services**

The subdivision will create additional sewage and stormwater run-off. Both will be managed by installation of complying on site treatment systems.

Evidence of capacity to connect power and telecommunication services will be provided as required.

Water supply is available for all lots from the Ashley Rural Scheme. Please see attached letter from Hurunui District Council confirming capacity will be available.

All services are available so all effects from services will be minor or less than.

### **8.3 Rural Character**

There are no adverse effects on rural character.

Possible building platforms have been shown on the proposed plan and all lots fits a 120m square.

### **8.4 Flooding**

A plan of the subdivision has been overlaid onto the current flood modelling information. There are several valleys and natural low paths which carry water in significant rain fall events. The potential flooding areas are constrained within these channels. Much of the site has no risk of flooding and every lot contains an area suitable for a building platform. The rights of way will be designed with drainage to take care of these existing flow paths. No adverse effects as a result of flooding are expected.

## **9 Consultation**

No formal consultation has been undertaken as part of this application.

## **10 Conclusion**

This application has examined the assessment criteria in terms of the District Plan and the Resource Management Act 1991 that are relevant to this proposal. It is concluded that the activity is a controlled activity and any effects that will arise from this subdivision are no more than minor and can be addressed by conditions of consent to maintain this way.

In this respect we ask that the Council grant this consent in accordance with Sections 104 and 104B of the Resource Management Act 1991.



## **11 Appendices**

**11.1 Appendix I: Proposed Plan of Subdivision**

**11.2 Appendix II: Computer Freehold Register**