

Application for Land Use Consent

832 Main North Road (SH1), Woodend



CLIENT	ADDRESS	REFERENCE
Fespacific Group Limited	832 Main North Road (SH1), Woodend	7232

Report Information

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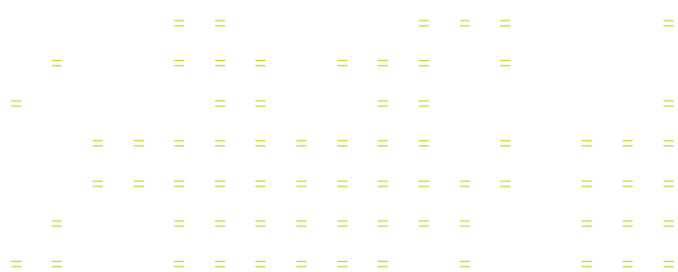
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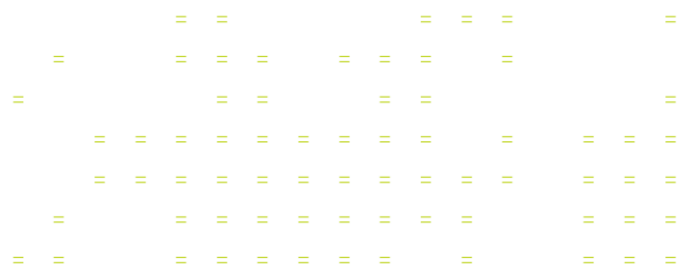


Appendix 1: Record of Title

Appendix 2: Site Plan

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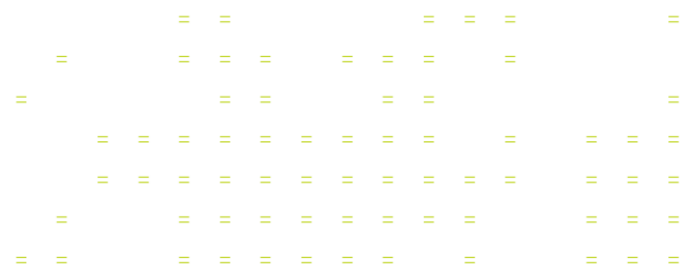


1 Summary of application details

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 housing right at 832 Main North Road (SH1), Woodend. This application has been prepared in accordance with Schedule 4 of the Resource Management Act 1991 ('RMA' or 'the Act').

Applicant:	Fespacific Group Limited
Land Owner:	Fespacific Group Limited
Owner's Address:	33 Te Whenu Crescent, Marshland, Christchurch, 8083
Site Address:	832 Main North Road (SH1), Woodend
Legal Description:	Tawhitioterangiwetea Block Reserve 873 SECTION 9 Block
Record of Title:	CB25K/1062
Site Area:	3035 m2
District Plan Zoning:	<i>Waimakariri District Plan ("the Plan"):</i> Zone: Rural Overlay: Significant Sites #D057 Silent File Areas: Pakiaka and Piki Tu Roa Kaiapoi Maori Reserve 873 Map #176A
Proposed Activity:	The applicant seeks land use consent to allow a new dwelling to be established on an undersized Rural allotment as a non-complying activity .



2 Application site and surrounding environment

2.1 Application site

The application site is located at 832 Main North Road (SH1), Woodend. It is legally described as Tawhitioterangiwetea Block Reserve 873 SECTION 9 Block and contained in Record of Title CB25K/1062, which is attached as Appendix 1 to this application. The application site has a total area of 3,035 m².

The site is located approximately 1.2 km south of the Woodend Township, between State Highway 1 and Sandhill Road (an unformed paper road). The site is predominantly vacant and currently has access via a portion of stopped road (also owned by the applicant) immediately adjoining to the south (Section 21 SO 5097).

The application site is shown in Figure 1 below.



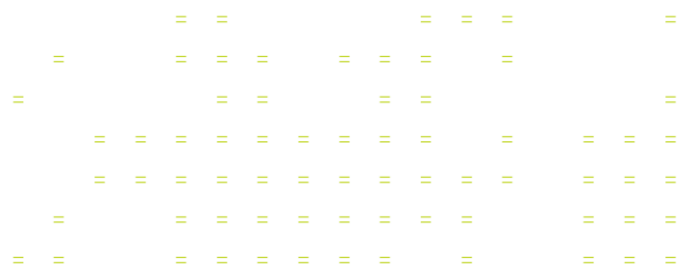
Figure 1: Aerial image of application site taken from Canterbury Maps June 2020

2.2 Surrounding area

The surrounding area consists of small rural allotments with established residential use to the north, northwest and northeast. A cluster of residential dwellings is located northwest of the site at 841, 847 and 845 Main North Road.

Southeast of the site, on the opposite side of Sandhill Road is the Christchurch Ready Mix Concrete: Northend quarry.

Immediately south of the site is a self-storage facility, also owned and operated by the applicant.



3 Description of the proposed activity

It is proposed to establish a housing right on the application site, to allow a new dwelling to be constructed in the future. A Site and Location Plan is attached in Appendix 2.

3.1 Land use

No specific dwelling is proposed at this time. The applicant would like to establish a housing right but has not pursued specific building plans at this time due to the cost involved.

3.2 Services

There are no reticulated services available to the application site. Potable water supply, stormwater disposal and on-site wastewater treatment and disposal would have to be established on the site to support a dwelling.

The take and use of less than 5 L/s and 10 m³ per property per day of groundwater is a permitted activity under the Land and Water Regional Plan, provided the bore is located more than 20 m from the property boundary or any surface waterbody – a complying bore for potable water supply can be located in accordance with the permitted standards. A potable water supply will be provided to any future dwelling prior to construction.

On-site wastewater treatment and disposal would require consent from Environment Canterbury for any future dwelling on the application site. Consent has not been sought at this stage as the applicant is seeking certainty from Council as to whether a dwelling would be acceptable.

Disposal of stormwater on-site can comply with the requirements of the Land and Water Regional Plan as a permitted activity.

3.3 Vehicle access

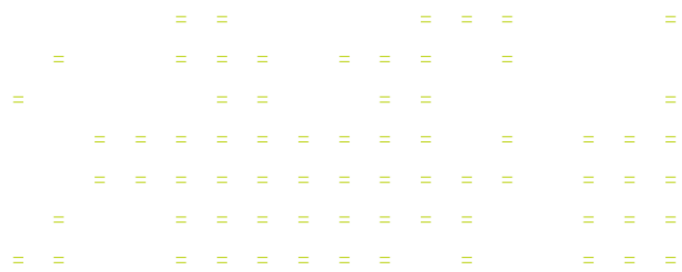
The application site currently has informal vehicle access to the site via the closed road on Section 21 SO 5097. The applicant would like to establish a new vehicle crossing located on the northern most boundary. This new access will be formed appropriate standard to serve a single dwelling (Diagram C for a rural low volume highway crossing). It is noted the adjoining Highway is designated Limited Access Road by the New Zealand Transport Agency (NZTA). NZTA have confirmed there is no existing crossing place allocated to the application site as previously there was a legal road adjoining the southern boundary – which has now been stopped. NZTA have confirmed they will proceed with the process to allocate a crossing place for the application site. This application has been submitted to NZTA for approval concurrent with its lodgement at Council.

3.4 Earthworks

No earthworks, other than those associated with the provision of serves and access to the site are required at this stage as no building is proposed. Due to the presence of the site within two silent file areas, consultation has been undertaken with rūnanga and the results of this are included in Appendix 3. Recommendations have been made with respect to requiring an Accidental Discovery Protocol condition and an Erosion Sediment Control Plan for any earthworks and the applicant will accept such conditions. With respect to the recommendation regarding planting of locally sourced indigenous plants, the applicant would consider this, if required but would prefer it form an advice note on any consent rather than a condition.

3.5 Other matters

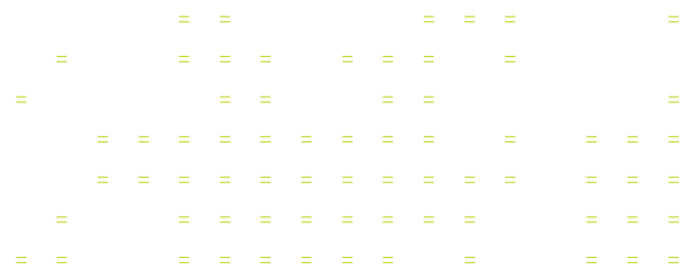
Resource consent for on-site wastewater treatment disposal will be required and a separate application for this will be made to Environment Canterbury, prior to any dwelling being constructed.



3.6 Conditions of consent

The application site is within the Reverse Sensitivity Buffer and Effects area as identified by New Zealand Transport Agency (NZTA). In consultation with NZTA the following consent notice is proposed:

“Any dwelling on Tawhitioterangiwetea Block Reserve 873 SECTION 9 Block must be designed, constructed and maintained to achieve a design noise level of 40 dB L Aeq(24h) inside all habitable spaces within 100 metres from the edge of the sealed road of State Highway 1.”



4 Planning framework

The Plan contains the relevant planning framework relating to the proposed activity to establish a housing right on the application site.

4.1 Zoning

The application site is zoned Rural in the Plan, as shown in Figure 2 below. The site is also contained in the Significant Sites and Silent File Areas: Pakiaka and Piki Tu Roa overlays and subject to Designation #D057 for the widening of State Highway 1.

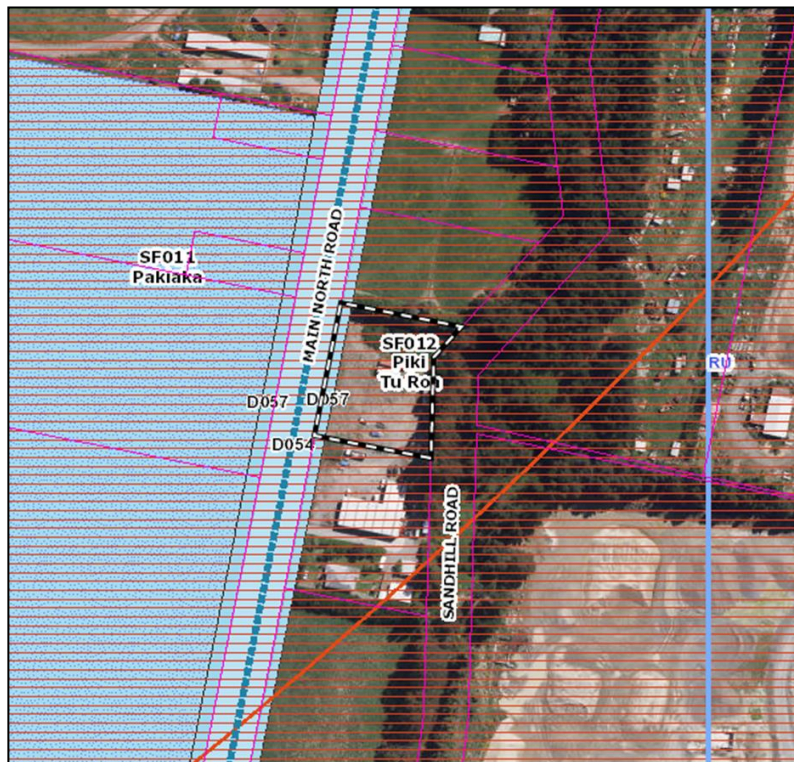


Figure 2: Excerpt from online Planning Map with the application site identified by a black and white outline

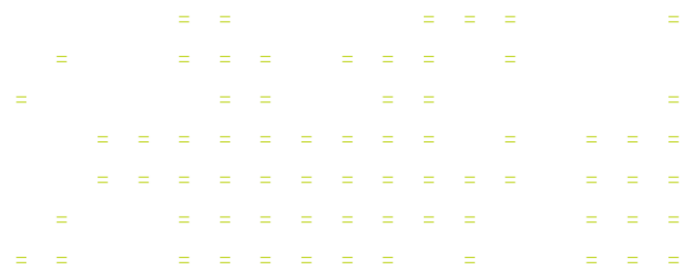
The application site is located on Main North Road which is classified as a Strategic Road in the Plan.

4.2 Land use

For completeness it is noted the site is within the Rural Zone Maori Reserve 873 cluster housing overlay – however these rules are only applicable for decedents of the original grantees from the Canterbury Purchase (Kemps Deed - 1848) and the Crown Grant Act and cannot be applied in this case.

Pursuant to Rule 21.8.2 any erection of a dwelling which does not meet the existing or required density of the zone is a non-complying activity. The minimum complying allotment area in the Rural Zone is 4 ha, which the existing allotment cannot comply with. Given this the proposed activity to establish a housing right on a rural allotment is assessed as a non-complying activity.

The following is an assessment against the relevant rules with respect to Buildings and Structures of the Plan:



Rule	Proposal	Compliance
31.1.1 Conditions		
<i>Dwellinghouses</i>		
31.1.1.1 <i>In the Rural Zone any dwellinghouse shall be on a site which has a minimum area of 4ha.</i>	The application site has a total area of 3,035 m ² .	Does not comply
<i>Structure Coverage</i>		
31.1.1.10 <i>The structure coverage of the net area of any site shall not exceed: c) 20% in the Rural Zone;</i>	Given the site area a dwelling with a structure coverage of up to 607 m ² could comply with this requirement.	Complies
<i>Setbacks for Structures</i>		
31.1.1.15 <i>Any structure shall comply with the minimum setback requirements in Table 31.1 and measurements shall be taken from the nearest point of any part of any structure (or dwellinghouse). 20 m road boundary setback required; 20 m internal boundary setback</i>	A complying building area is identified on the Site Plan in Appendix 2.	Complies
31.1.1.19 <i>All structures, earthworks and other activities must comply with the requirements in NZECP 34:2001.</i>	Any future dwelling can comply with this requirement as a condition of consent.	Complies

Given the above assessment the proposed activity is assessed as a **non-complying activity**.

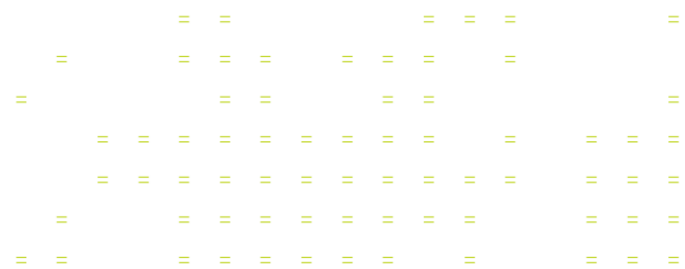
4.3 Traffic Management

Pursuant to Rule 30.6 any land use is a permitted activity if it:

- a) *is not otherwise listed as a controlled discretionary (restricted), discretionary or non-complying activity under Rules 30.7, 30.8, 30.9 and 30.10; and*
- b) *complies with the conditions under Rule 30.6.1; and*
- c) *complies with all the conditions and provisions for permitted activities in this and all other chapters.*

The following is an assessment against Rule 30.6.1, where relevant:

Rule	Proposal	Compliance
30.6.1 Conditions		
<i>Access to roads</i>		
30.6.1.1 <i>All land uses in any Residential Zone or Business Zone, and any dwellinghouse in any Rural Zone, shall be located on a site that has access to a road which complies with the design attributes of Table 30.1...</i>	The application site has access to Main North Road (State Highway 1) a formed legal road.	Complies
30.6.1.20 <i>The minimum distance between crossings for any vehicle crossing accessing a State Highway where the posted speed limit is 70km/hr or greater shall be: 100km/hr - 200m provided that there shall be no more than five individual crossings along any 1km section of State Highway (on both sides) measured</i>	The nearest crossing on the opposite side of Main North Road is almost directly opposite the application site. The nearest formed crossing on the same side is approximately 30 m south of the application site.	Does not comply



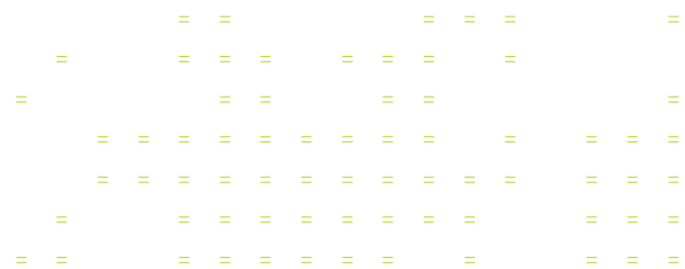
Rule	Proposal	Compliance
30.6.1 Conditions		
<i>500m on either side of a proposed crossing, on a State Highway with a posted speed limit of 100km/hr.</i>		
<i>30.6.1.24 Vehicle crossings on arterial, strategic and collector roads shall have minimum unobstructed sight distances that comply with Table 30.5 and there shall be no obstruction to visibility inside the area bounded by the sight lines as depicted in Figure 30.4</i>	A sight distance of 250 m is required and can be achieved from any future vehicle crossing to the site.	Complies
<i>30.6.1.30 For vehicle crossings accessing a State Highway with a posted speed limit of 70km/hr or greater, and with 30 or fewer equivalent car movements per day, the crossing shall be constructed in accordance with Figure 30.6.</i>	A new vehicle crossing to serve the application site can be constructed and this is offered as a condition of consent.	Complies
<i>Parking, Loading and Manoeuvring</i>		
<i>30.6.1.34 Except as provided for by Rule 30.6.1.40, all parking spaces shall: a) be provided on-site for the activity and in accordance with Table 30.8 and explanatory Figure 30.8, and Tables 30.9, 30.10. and 30.11; 2 spaces per dwellinghouse.</i>	The application site is of sufficient size to accommodate the required on-site parking for one dwelling.	Complies

Given the above assessment and pursuant to Rule 30.9.1 any land use that does not comply with one or more of the conditions under Rule 30.6.1.1 to 30.6.1.32 or 30.7.1 is a discretionary activity except where it is a non-complying activity under Rule 30.10 or it is exempted by Rule 30.6.2. The proposed activity would require a vehicle crossing which could not comply with Rule 30.6.1.20 and therefore is assessed as **discretionary activity**.

4.4 Activity status

Overall, land use consent is sought for a **non-complying activity** under the Waimakariri District Plan due to:

- Rule 21.8.2 for not meeting the minimum density requirement; and
- Rule 30.9.1 for non-compliance with vehicle crossing location.



5 Assessment of relevant objectives and policies

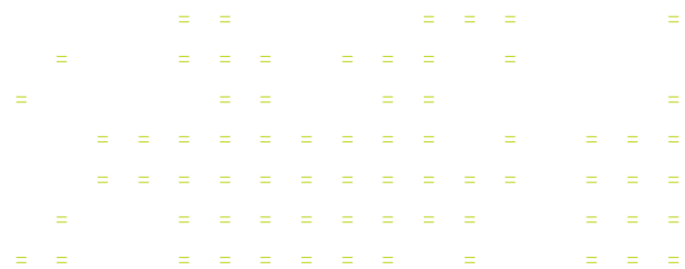
Under Schedule 4 Clause 2(g) of the RMA, the following is an assessment of the activity against the relevant objectives and policies of the Waimakariri District Plan and of the Canterbury Regional Policy Statement (“the CRPS”).

5.1 Waimakariri District Plan

Objective or Policy	Proposal	Assessment
Rural Zones		
Objective 14.1.1	The application site has limited rural production capability due to the size and location. A dwelling can be located on the site within the required setbacks	Consistent
Policy 14.1.1.1	The application site is located between a State Highway and an unformed paper road – both of which provide a buffer of 20 metres between adjacent rural activities on the western and eastern boundaries. The property adjoining the southern boundary is also owned by the applicant and currently has a storage facility and dwelling present. It is considered due to the unique characteristics of the site establishing residential use will not result in the loss of rural character of the wider rural zone. The sites north of the application site exhibit similar dimensions, and whilst no houses currently occupy these sites, their creation would signal a willingness to allow residential activity to follow within this portion of Main North Road. In this regard, the application can comply with the land use controls by ensuring a 20 metre setback from the boundary and ensuring the building footprint is within this area. Any existing rural activity will not be impacted by this proposal.	Not contrary
Policy 14.1.1.2	Given the size of the application site, without establishing residential use there are limited opportunities to accommodate extensive agricultural, pastoral or horticultural land activities.	Consistent
Policy 14.1.1.3	The application site has been vacant since its creation in 1984. The current owner has tried several different uses of the site however these have not proven economic. As once part of other adjoining properties to the north and south it is modified with no natural features remaining. Noise associated with residential use are anticipated within the rural area and residential use will not require any signage and will therefore maintain the character of the rural zone.	Consistent
Health safety and wellbeing		
Objective 12.1.1	The proposed residential use can be appropriately located within the application site to provide setbacks from both the Highway and internal boundaries.	Consistent
Policy 12.1.1.1	A potential building area has been identified on the Site Plan in Appendix 2 which provides a 20 m setback from all road and internal boundaries, providing space around any future dwelling characteristic of dwellings in the rural zone.	Not contrary
Policy 12.1.1.5	The proposed activity will add an additional dwelling into a rural area. However, the unique location of the application site between two roads limits the opportunities for this land to be effectively used for rural purposes. Setbacks appropriate to the rural zone can be provided within the application site maintaining the sense of space within the rural zone.	Consistent

5.2 Canterbury Regional Policy Statement

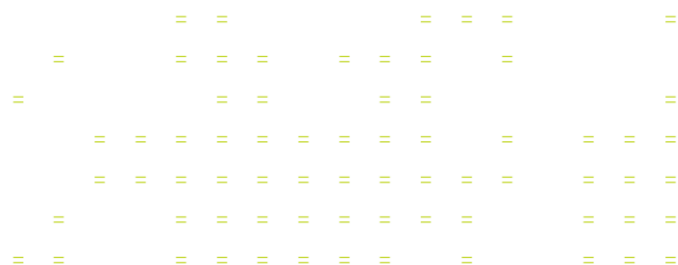
The objective and policies of the CRPS relevant to the proposed development are outlined as follows:



Objective or Policy	Proposal	Assessment
Chapter 5 – Land Use and Infrastructure		
Policy 5.2.1 Location, design and function of development (Entire Region)	The use of the application site for residential purposes will provide housing choice within the district and could enable rural activities to be established on the site. In addition, reverse sensitivity due to the presence of the highway can be mitigated through setbacks and achievement of appropriate internal noise levels.	Not contrary
5.2.2 Integration of land-use and regionally significant infrastructure (Wider Region)	Adverse effects of the State Highway due to the presence of a new sensitive use can be mitigated through conditions of consent and a consent notice on the title requiring achievement of indoor noise levels.	Not contrary
Policy 5.3.1 Regional growth (Wider Region)	The proposed activity on the application site does not fit the definition of a rural activity as it is less than 4 ha. Rural Residential activities are defined as residential unit outside the Greenfield Priority Area. The proposed development has a residential density of less than 1-2 households per hectare and therefore cannot be considered a rural residential activity. By definition the proposal meets the requirements of an Urban activity, as it is one household per 4 hectares, although given the rural setting it is more akin to a rural residential activity, particularly as there are not Council reticulated services to connect to.	Not contrary
Policy 5.3.2 Development conditions (Wider Region)	The proposed activity will allow development, while ensuring adverse effects are avoided or mitigated. The application site is an existing undersized rural allotment between two legal roads and the opportunities for its use as rural productive land are limited.	Consistent
5.3.5 Servicing development for potable water, and sewage and stormwater disposal (Wider Region)	The proposed development can comply with the requirements of the Land and Water Regional Plan for the provision of potable water and disposal of stormwater. Consent for on-site wastewater treatment and disposal will be required.	Consistent
5.3.6 Sewerage, stormwater and potable water infrastructure (Wider Region)	Any establishment of on-site water treatment and disposal would serve the application site only.	Not contrary
5.3.12 Rural production (Wider Region)	The application site is a relatively small rural site and is essentially already fragmented from larger primary production as it is on its own title and adjoins legal road on two boundaries. Residential use of the site will provide for the economic well-being of the applicant as due to the size of the site there are limited rural production opportunities.	Not contrary

5.3 Summary

On balance, it is considered this proposal is generally not contrary with the relevant objectives and policies for the rural zone. With respect to the Canterbury Regional Policy Statement the proposed residential use does not fit within the definition of rural use or rural residential use and can therefore be considered an urban activity. The proposed use of the site is not contrary to the objectives and policies of the CRPS, which is the higher order policy document.



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 to establish a housing right on an undersized rural allotment. This assessment includes consideration of the relevant matters set out in Clauses 6 and 7 of the Fourth Schedule.

The proposal is to establish residential use on the application site is a non-complying activity, therefore there are no matters to which council's discretion is limited.

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

- Rural character and amenity
- Visual effects
- Physical effects
- Reverse sensitivity effects
- Discharge effects
- Positive effects

6.1 Rural character and amenity effects

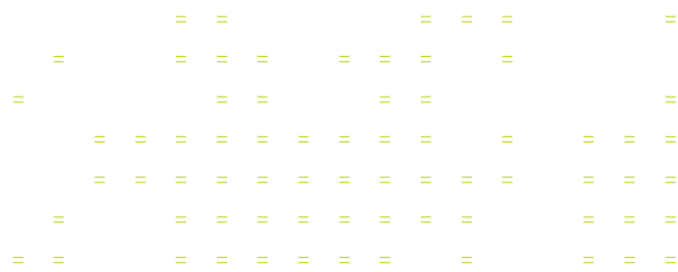
The application site has its own title, created in 1984 and has a total area of 0.3035 ha (3,035m²). Establishing residential use on the site does not meet the required density of the Rural Zone. Notwithstanding this there are limited options for the use of the site given it adjoins legal road on two boundaries and its size, which does not lend itself to rural productive purposes. The use of the site for residential purposes will not fundamentally undermine the rural zone as this application is not seeking to create the allotment, simply use an existing allotment. The open space and amenity of the Rural Zone will be maintained through the setbacks and screening provided for the proposed residential use. It is considered the effects on rural character and amenity from the use of an existing undersized rural allotment will be less than minor.

6.2 Visual effects

The application site currently has an established shelter belt along the north and west boundaries. No changes to this are proposed and the presence of this established vegetation will effectively screen any dwelling on the application site when viewed from the Highway driving south. The applicant is also the owner of the site immediately adjoining to the south, inclusive of a storage facility and an established dwelling. Additional screening on the site could be established to further reduce the visibility of any residential use, when viewed from the Highway travelling north, if required. Overall, the visual effects of the establishment of a new dwelling on the application site are considered less than minor and can be mitigated further, if required.

6.3 Physical effects

A new vehicle crossing to the application site will be required to service the proposed residential use. Given the proximity of other established crossings any new vehicle crossing to the site cannot comply with Rule 30.6.1.20. There are 10 established vehicle crossings within 500 m north of the application site and 8 established crossings in the 500 m to the south. The frequency of vehicle crossings is somewhat mitigated by the long straight stretch of Highway on which the application site fronts. This provides sight distances of at least 400 m to the north towards the intersection of Main North Road with Sandhill Road and in excess of 400 m to the south toward the intersection of Main North Road with Pa Road. A vehicle crossing of a standard required by NZTA can be provided within the



roadway to ensure safe vehicle access to the site. With the sight distances provided and construction of a vehicle crossing to an appropriate standard (as required by NZTA) the physical effects of locating another vehicle crossing along this stretch of Highway are considered less than minor.

6.4 Reverse sensitivity effects

Reverse sensitivity is the vulnerability of an established land use (such as state highways or rural productive uses) to complaint from a newly establishing, more sensitive land use (for example, new houses and other noise-sensitive activities). In practice such complaints can compromise the established land use by restricting when or how it can operate. The application is within the reverse sensitivity buffer and effects area of State Highway 1. Given the proximity of the site to the highway there is the potential for reverse sensitivity effects to arise. A setback of at least 20 m from the highway is proposed and a condition of consent as requested by NZTA has been volunteered.

As the application site does not meet the required residential density for the Rural Zone, there is the potential for reverse sensitivity effects to arise with respect to rural land use. Particularly with the established Christchurch Ready Mix Concrete: Northend Sand and Shingle quarry which is present on the opposite side of Sandhill Road. To a certain extent this is mitigated due to the application site adjoining established residential/commercial use on the southern boundary, legal road on the west and eastern boundaries and only sharing one boundary with a working rural property, to the north. Each of these roads provides a buffer of at least 20 m between the application site and adjoining rural land and uses and setbacks of at least 20 m can be provided from any internal boundary for any future dwelling location. While the provision of 20 m setbacks reduces the area available for a future dwelling, it allows a building footprint of approximately 165 m². It is considered the setback provided combined with the acoustic insulation requirements will adequately mitigate any potential reverse sensitivity effects from rural use on the property to the north and the quarry to the east and will therefore be less than minor.

6.5 Positive effects

The application site currently has its own title, undersized for the zone in which it is located. However, it is unlikely to be used for a standalone rural purpose without having a dwelling present and has limited potential for rural use due to the size. The proposed activity will allow the application site to be used for a purpose suited to its size and allow an otherwise uneconomic piece of land to provide a return to the applicant.

6.6 Potentially affected parties

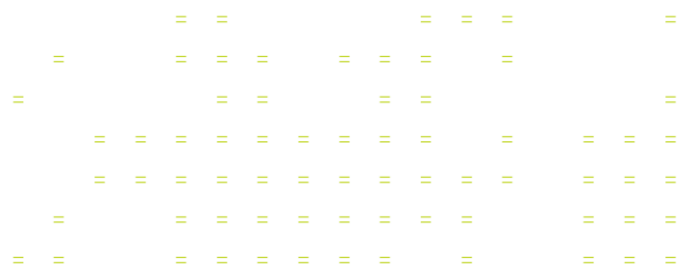
Under Schedule 4, clause 6(1)(f) of the RMA, an application for resource consent must identify the persons affected by the activity, any consultation undertaken and any response to the views of any person consulted.

In this case due to the proximity of the Highway reverse sensitivity effects are considered potentially more than minor and NZTA are identified as an affected party. Initial consultation has been undertaken with NZTA and a condition volunteered to address reverse sensitivity and confirmation sought as to an appropriate vehicle crossing. This application has also been sent to NZTA seeking affected party approval, which will be provided to Council upon receipt.

Where a resource consent application or plan change request has the potential to adversely affect silent file areas listed in the Plan. In recognition of this the applicant has consulted with Te Ngai Tuahuriri Runanga to determine what the potential adverse effects will be on those areas and the results of this consultation are included in Appendix 3.

6.7 Effects summary

Overall, it is considered the effects on the environment of establishing residential use on an undersized rural allotment are less 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 proposed development is able to satisfy the purpose and principles of the Act, by adequately avoiding and or mitigating any adverse effects on the environment arising from the establishment of residential use on the site.

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 e. is considered of relevance to this proposal given the location of the application site within two silent file areas. It is anticipated further consultation around this matter will be required once Council have indicated whether the proposal is acceptable in principal.

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

- (a) kaitiakitanga:*
- (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:*

Kaitiakitanga means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship. The application site is within two silent file areas and therefore consultation with the relevant mana whenua has been undertaken. The proposed activity will enable the use and development of an undersized rural allotment, which has remained vacant since its creation as a separate title. The use of the application site for this purpose is considered an efficient use of a parcel of land which due to its size does not lend itself to an economically viable rural use. Given the adjoining uses and mitigation proposed the proposed residential activity will fit into the receiving environment without compromising the rural amenity and quality of the environment. Use of the site will contribute to the maintenance and enhancement of the rural setting.

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).

While the principles of partnership, participation and protection of the Treaty primarily relate to the relationship between the Government and Maori – consultation has been undertaken with the relevant iwi for the proposed activity to establish a new dwelling.

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 Environmental Standards – Soil Contamination

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health requires sites subject to a change of land use 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 property statement generated (see Appendix 3) confirms there is no evidence of a HAIL activity having been carried out on the site. Furthermore, the owner of the application site has confirmed to the best of their knowledge, a HAIL activity is not being carried out on the site currently.

It is considered that the obligations under clause 6 of the NES have been met and that the site does not require further investigation.

7.3 Consideration of applications (Section 104-104D)

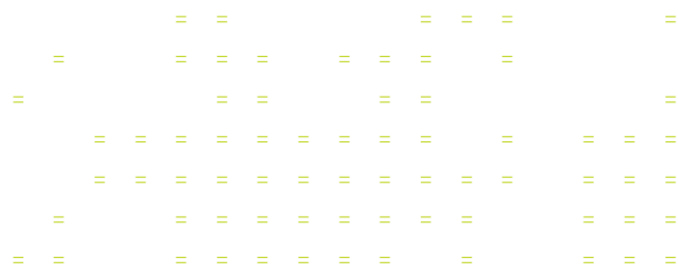
Section 104 sets out those matters that must be considered when assessing an application for a resource consent. Subject to Part 2 of the Act, Section 104(1) requires a consent authority to have regard to the following matters:

- (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 104D of the Act sets out the particular restrictions for non-complying activities:

- (1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either*
 - (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*



- (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
- (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

This application has demonstrated the effects of the proposal are less than minor and the proposal is not contrary to the objectives and policies of the Plan. Therefore, it is considered this proposal meets both limbs of the section 104D threshold test and can 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 less than minor.

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

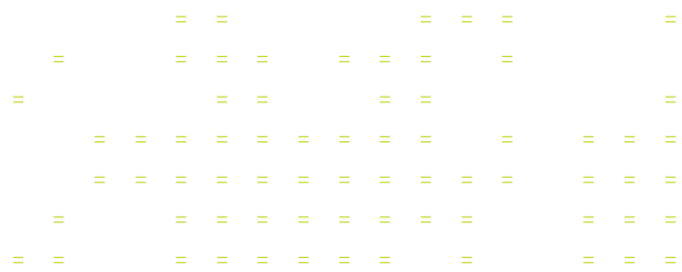
Limited notification assessment

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, it is considered NZTA and Te Ngai Tuahuriri Runanga are potentially affected parties. This application has been submitted to NZTA and consultation with Te Ngai Tuahuriri Runanga has been undertaken with recommendations provided.

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



8 Conclusion

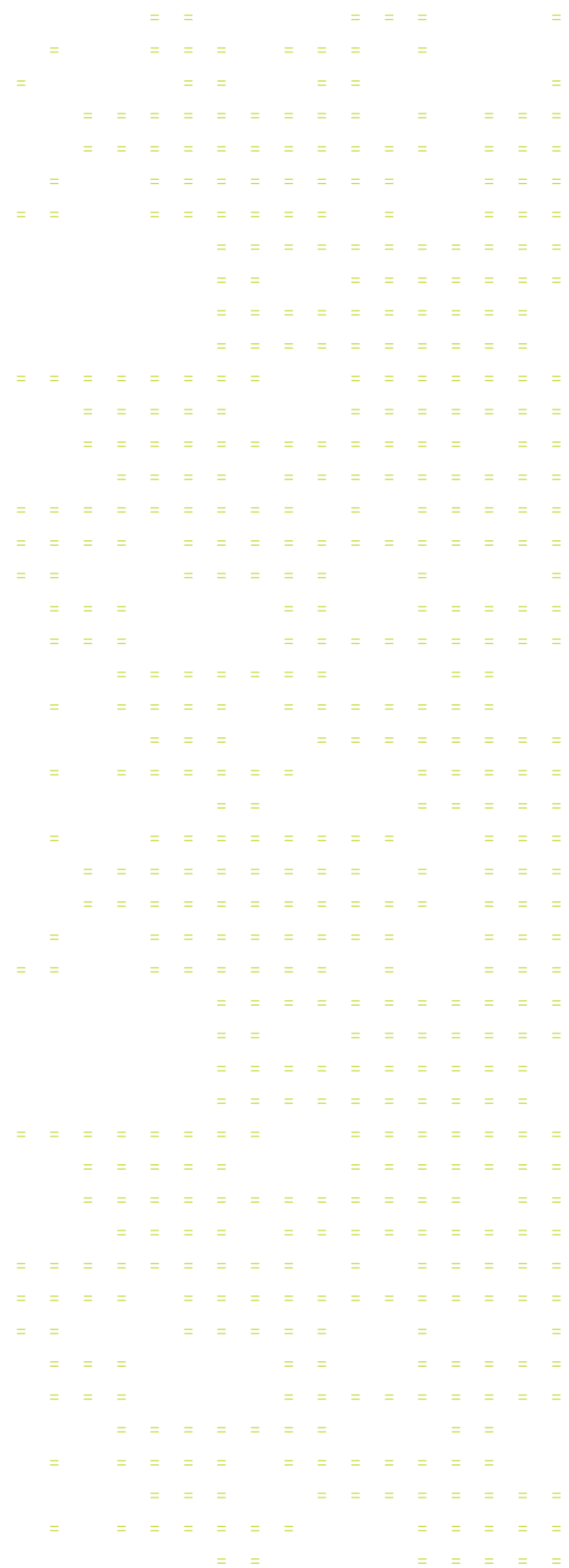
This application seeks land use consent to establish a housing right on the application site. No specific house design is sought at this time.

The proposed activity is a **non-complying activity** under the Plan due to a breach of the density requirements and location of a new vehicle crossing.

It has been demonstrated by the preceding assessment that the effects on the environment as a result of this proposal will be less than minor.

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

Appendix 1: Record of Title





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier **CB25K/1062**
Land Registration District **Canterbury**
Date Issued 22 March 1984

Prior References

CB316/175

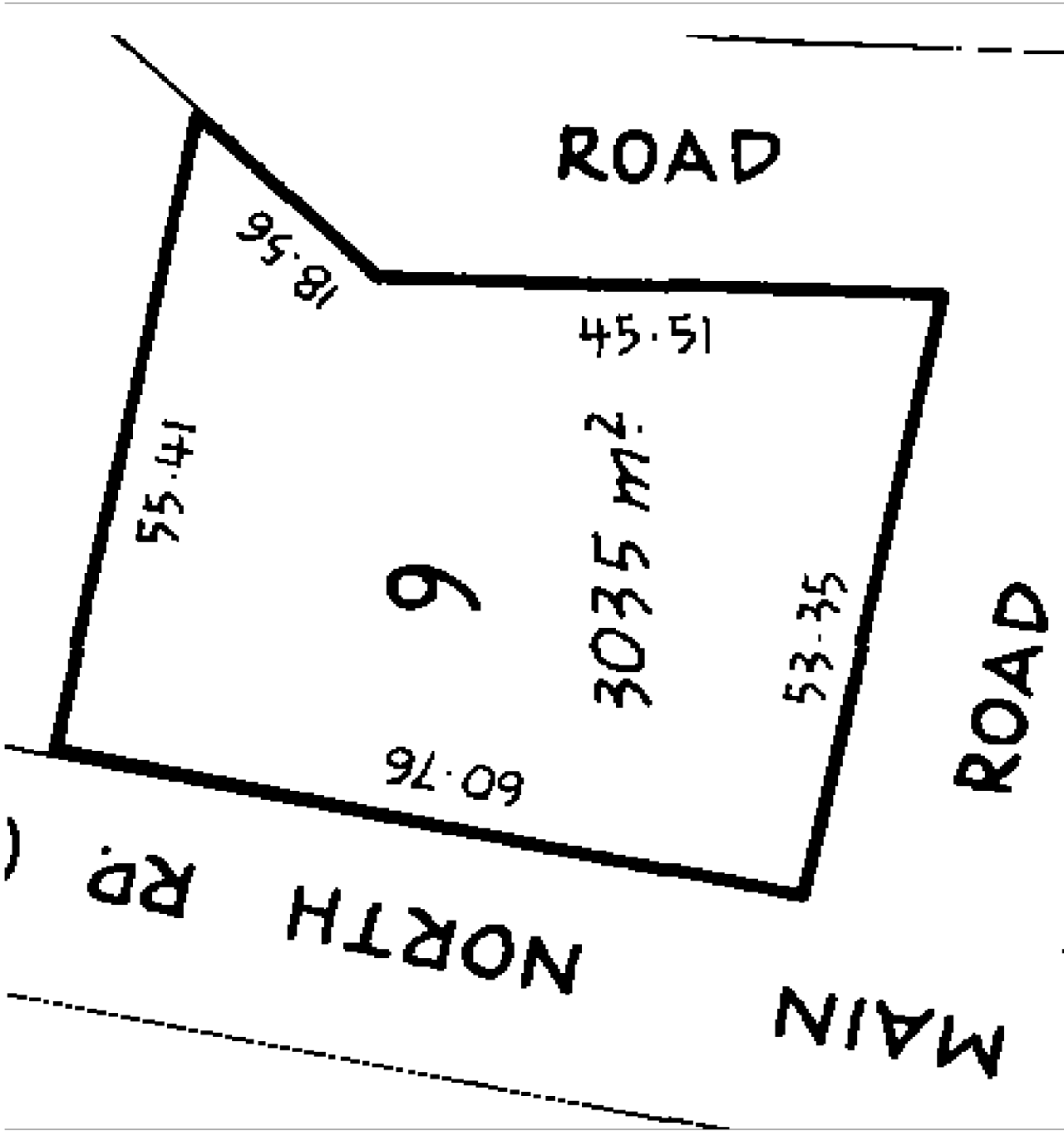
Estate	Fee Simple
Area	3035 square metres more or less
Legal Description	Tawhitioterangiwetea Block Reserve 873 SECTION 9 Block

Registered Owners

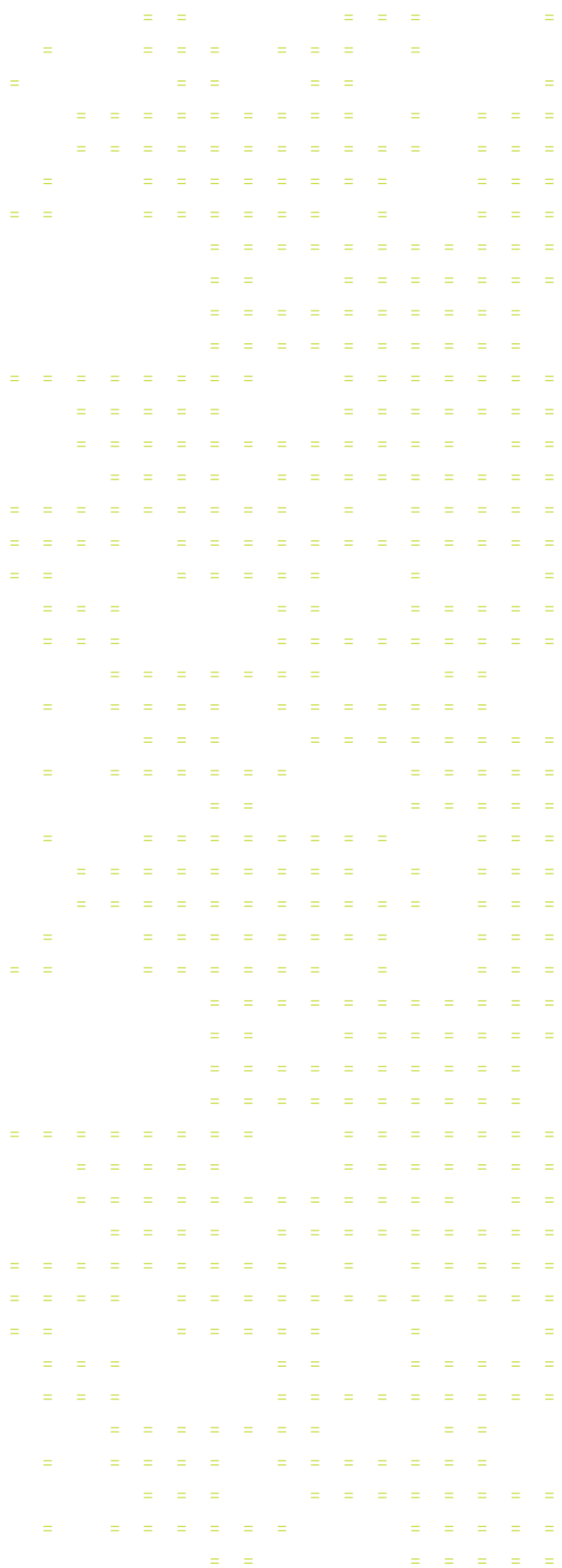
Fespacific Group Limited

Interests

Notice 777194 declaring State Highway adjoining the above land to be a limited access road - 26.9.1969 at 9.30 am



Appendix 2: Site Plan





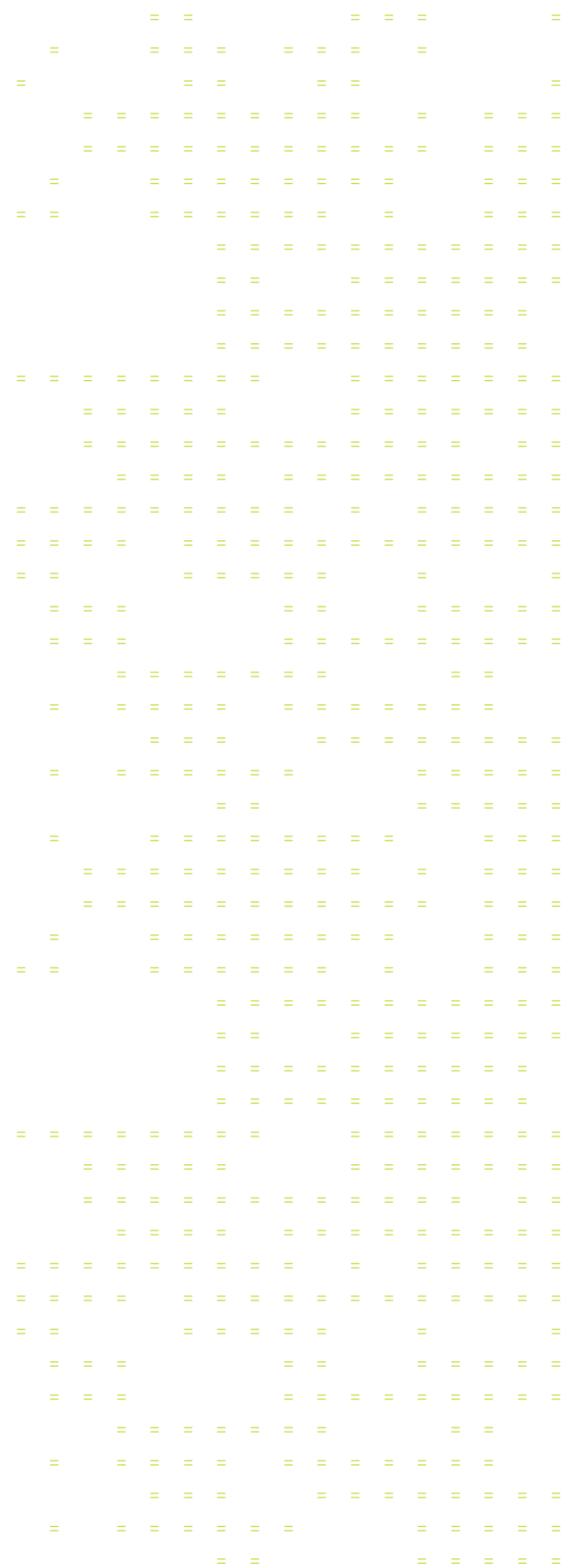
Base map from Canterbury Maps

Scale	1:800 @A3
Date	29 Jun 2020
Design	
Drawn	EL
Review	SE

Rev.	Date	Amendment
Revision		
Sheet 1 of 1		



Appendix 3: Consultation



From: Stuart Pearson <Stuart.Pearson@nzta.govt.nz>
Sent: Monday, 20 July 2020 11:53 AM
To: Sally Elford
Subject: RE: [BLG-7234] 832 Main North Road, Woodend - Potential New Dwelling

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Sally,

I have received some feedback from our network team regarding the potential for a residential property at 832 Main North Road.

Essentially, they have no safety concerns for a new vehicle crossing directly to the property, which will have to be designed to a NZTA Diagram C standard access. They have suggested that the access be constructed where the existing access is located at SH1 RP 317/1.60 (please see the image below).



Photo 1: SH1 RP 317/1.60 – Existing Access #1. 832 Main North Road (no assigned CP number). Access to yard storage area (Image – Google Street View)

However, this access is currently located where the old ‘legal road’ was located and it would require a right of way over the property to the south (830 Main North Road). From my understanding, the property owner is wanting to separate the two properties so this may not work.

The other option would be to relocate the access to the northern boundary to separate the access from the south as much as possible. This is an option we could consider if the proposal was to progress.

They have also stated that the existing hedge will require some maintenance as it is growing over the SH road reserve, which can result in a safety issue. So we would be seeking a volunteered condition to address this if we were in a position to provide written approval. The aforementioned reverse sensitivity for noise and vibration will also have to be taken into account.

Also for your reference there is the Safe Networks Programme project which will be going along this section of SH1. This will be the installation of a wire rope barrier down the middle of the road, which will prevent right turn movements. Currently no funding is allocated for this but it is in the pipeline to occur in the near future.

Overall, we would not be opposed to a residential property at this location with a separate access to the SH. However, we would see ourselves as an affected party for any resource consent application for such activity in this location.

If you have any questions then do not hesitate to get in touch.

Kind regards,
Stuart

Stuart Pearson - Planner
Consents and Approvals - System Design
NZ Transport Agency

DDI 64 3 964 2836 / M 021 584 227

E stuart.pearson@nzta.govt.nz / W nzta.govt.nz

Christchurch Office / Level 1, BNZ Centre 120 Hereford Street,
PO Box 1479, Christchurch 8011, New Zealand



Please consider the environment before you print this email.

From: Sally Elford <sally@blg.nz>

Sent: Tuesday, 30 June 2020 3:27 PM

To: Stuart Pearson <Stuart.Pearson@nzta.govt.nz>

Subject: RE: [BLG-7234] 832 Main North Road, Woodend - Potential New Dwelling

Thanks Stuart,

Thank you for your prompt response, much appreciated!
Will wait to hear back regarding the vehicle crossing place.

Regards

Sally Elford | Senior Planner | Baseline Group

From: Stuart Pearson <Stuart.Pearson@nzta.govt.nz>
Sent: Tuesday, 30 June 2020 3:24 PM
To: Sally Elford <sally@blg.nz>
Subject: RE: [BLG-7234] 832 Main North Road, Woodend - Potential New Dwelling

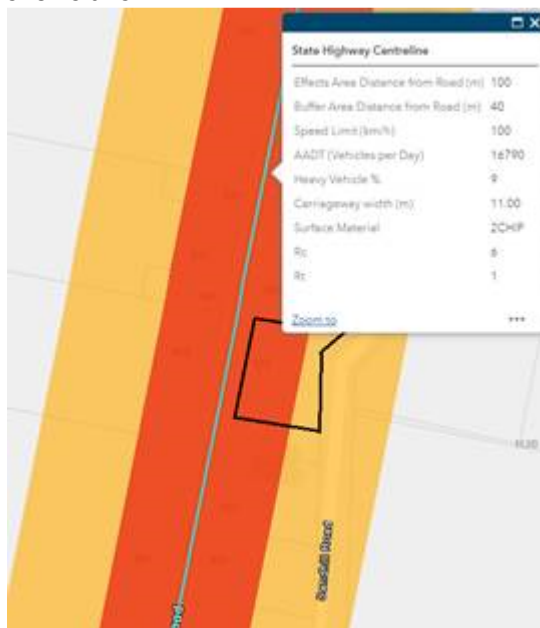
Hi Sally,

This has come to the right place.

I will have a look into the access side of things for this property as this area is identified as a Limited Access Road (LAR), so the legal vehicle crossings will be controlled via crossing place notices to the State Highway along this section of road. If there is an easement over one of the properties to the south and a crossing place notice that identifies this then there may be legal access that way, or there may simply be a direct crossing place registered on this title.

Unfortunately this has not been updated on our online maps, so I will go hunt down the physical files. I can do this tomorrow morning.

In regards to the reverse sensitivity, this property is identified in the buffer area (vibration) and the effects area (noise) identified in the NZTA reverse sensitivity guidelines. Below is a image I captured that shows this:



The NZTA does provide written approval for dwellings in these areas with the following volunteered condition in regards to noise:

- Any dwelling on Lot **(legal description)** must be designed, constructed and maintained to achieve a design noise level of 40 dB L_{Aeq(24h)} inside all habitable spaces within 100 metres from the edge of the sealed road of State Highway 1.

For full reference of the NZTA guidelines for noise and vibration, there is a document which can be found here: <https://www.nzta.govt.nz/resources/effects-on-noise-sensitive-land/>

I will follow up with the LAR information tomorrow.

Kind regards,
Stuart

From: Sally Elford <sally@blg.nz>

Sent: Tuesday, 30 June 2020 2:57 PM

To: Stuart Pearson <Stuart.Pearson@nzta.govt.nz>

Subject: [BLG-7234] 832 Main North Road, Woodend - Potential New Dwelling

Good afternoon Stuart,

Not sure if his query is best directed to you or not!

We have a client who owns the above property and it adjoins State Highway 1 about 1.2 km south of the Woodend Township.

They are intending to seek consent to establish a housing right as it is an undersized rural allotment.

The site is located between the highway and an unformed legal road, as below:



It looks like nearly the entire site is within the reverse sensitivity buffer and effects zone on the NZTA maps.

We have drawn up what a 20 m setback from the highway would look like as per the attached.

I have two questions: 1. Does the site have an allocated vehicle crossing? And 2. Are there any possible mitigation measures which could be put in place on this site which would allow NZTA to accept residential use on the site?

Any guidance on this matter would be greatly appreciated!

Regards

Sally Elford | Senior Planner
Baseline Group | 54 Manchester Street, Central City, Christchurch | 03 339 0401

Appendix 4: LLUR Property Statement

Property Statement from the Listed Land Use Register

Visit www.ecan.govt.nz/HAIL for more information about land uses.

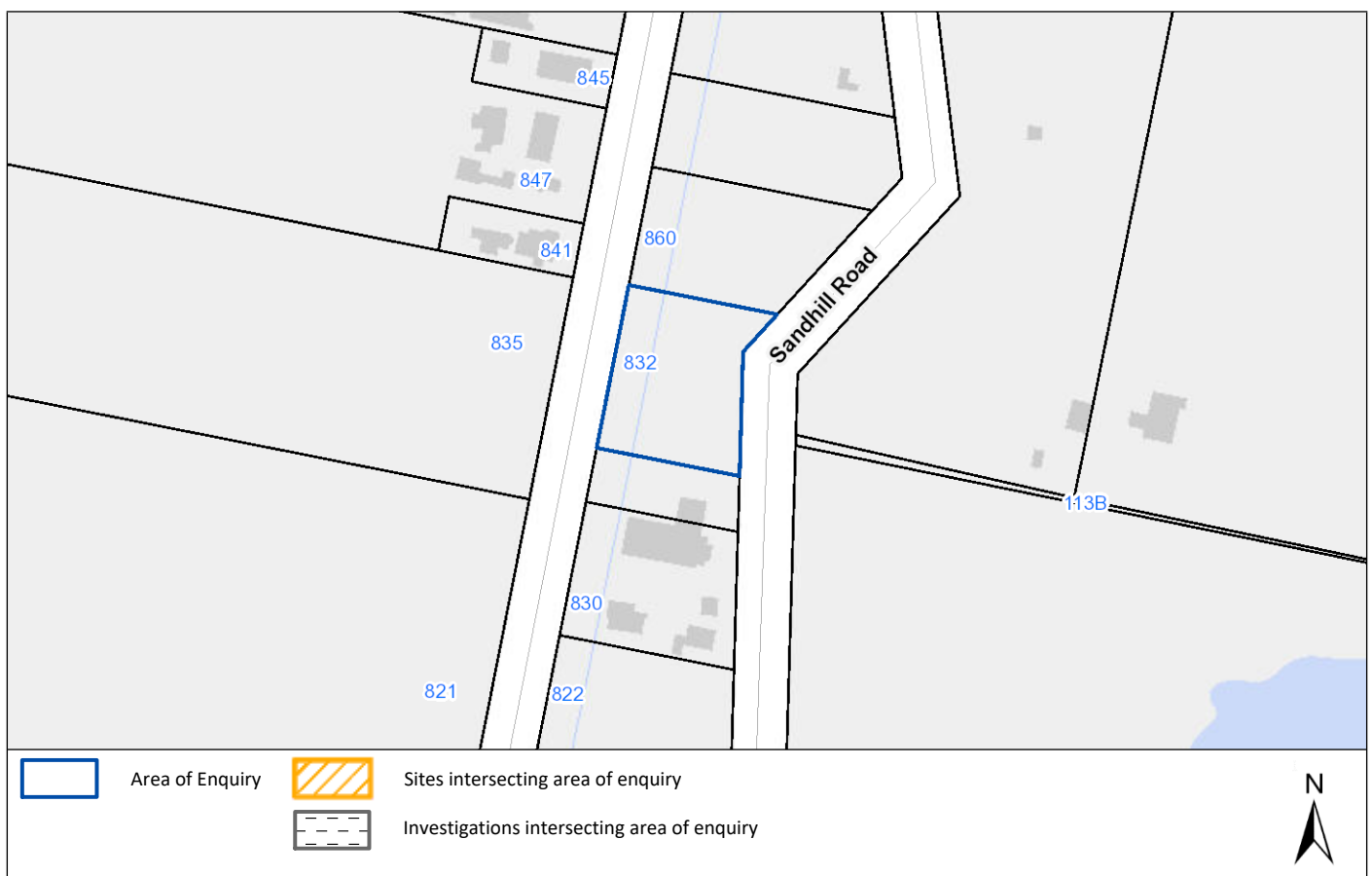
Customer Services
P. 03 353 9007 or 0800 324 636

PO Box 345
Christchurch 8140

P. 03 365 3828
F. 03 365 3194
E. ecinfo@ecan.govt.nz

www.ecan.govt.nz

Date:	02 July 2020	
Land Parcels:	Tawhiti-O-Te-Rangiwetea Maori Reserve 873 9 Block	Valuation No(s): 2161158001



The information presented in this map is specific to the property you have selected. Information on nearby properties may not be shown on this map, even if the property is visible.

Summary of sites:

There are no sites associated with the area of enquiry.

Information held about the sites on the Listed Land Use Register

There are no sites associated with the area of enquiry.

Information held about other investigations on the Listed Land Use Register

For further information from Environment Canterbury, contact Customer Services and refer to enquiry number ENQ258326.

Disclaimer: *The enclosed information is derived from Environment Canterbury's Listed Land Use Register and is made available to you under the Local Government Official Information and Meetings Act 1987 and Environment Canterbury's Contaminated Land Information Management Strategy (ECan 2009).*

The information contained in this report reflects the current records held by Environment Canterbury regarding the activities undertaken on the site, its possible contamination and based on that information, the categorisation of the site. Environment Canterbury has not verified the accuracy or completeness of this information. It is released only as a copy of Environment Canterbury's records and is not intended to provide a full, complete or totally accurate assessment of the site. It is provided on the basis that Environment Canterbury makes no warranty or representation regarding the reliability, accuracy or completeness of the information provided or the level of contamination (if any) at the relevant site or that the site is suitable or otherwise for any particular purpose. Environment Canterbury accepts no responsibility for any loss, cost, damage or expense any person may incur as a result of the use, reference to or reliance on the information contained in this report.

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