

# 17 Paisley Road, Flaxton

Prepared for: Bourke Family Trust

19 November 2021



**Erick**  
**& CO** PLANNING &  
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Land Use Consent Application prepared for:

# Bourke Family Trust

17 Paisley Road, Flaxton

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Project Manager:	Simon Hedley, Technical Director – Planning
Prepared by:	Lizzie Thomson, Planner
Reviewed by:	Andy Christofferson, Principal Planner

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**ELRICK & CO**  
519 Wairakei Road  
Burnside  
Christchurch 8053  
P 027 289 3988  
E [lizzie@elrick.co.nz](mailto:lizzie@elrick.co.nz)  
[www.elrick.co.nz](http://www.elrick.co.nz)



## Form 9: Application for Resource Consent Under Section 88 of the Resource Management Act 1991

**TO: Christchurch City Council**

**Bourke Family Trust** ('the Applicant') formally applies for:

1. The activity to which the application relates (the proposed activity) is as follows:

**Resource (land use) consent is sought to authorise an existing minor residential dwelling at 17 Paisley Road, Flaxton.**

The proposed activities for which consent is sought will be undertaken in accordance with the details, information and plans that accompany and form part of the application, including the Assessment of Effects on the Environment ('AEE') attached.

2. The site at which the proposed activity is to occur is as follows:

**17 Paisley Road which is legally described as Lot 1 DP 61798. Refer to the Certificate of Title in Appendix 1.**

The natural and physical characteristics of the site and any adjacent uses that may be relevant to the consideration of the application is set out in further detail within the details, information and plans that accompany and form part of the application, including the attached AEE.

3. The full name and address of each owner or occupier of the site to which the application relates are as follows:

**Owners: Jason Richard Bourke, Michelle Kelly Bourke, Daryle Fantham**

4. There are no other activities that are part of the proposal to which this application relates.

5. No additional consents are required at this time in relation to this proposal.

6. I attach an assessment of the proposed activity's effect on the environment that:

- a. includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
- b. addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
- c. includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

7. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.



8. I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1) (b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.
9. I attach an assessment of the proposed activity against the resource management matters set out in the relevant planning documents.
10. I attach all necessary further information required to be included in this application by the District Plan, the Regional Plan, the Resource Management Act 1991, or any regulations made under that Act.

**Lizzie Thomson**  
Planner

DATED: 19 November 2021

(Signature of Applicant or person authorised to sign on behalf)

**Address for service:**

Elrick & Co  
PO Box 1606  
Christchurch 8140

**Attention:** Lizzie Thomson

**T:** 027 289 3988

**E:** [lizzie@elrick.co.nz](mailto:lizzie@elrick.co.nz)

**Address for Council fees:**

17 Paisley Road,  
Flaxton,  
Kaiapoi 7691

**Attention:** Jason and Michelle Bourke

**T:** 027 221 2662

**E:** [jason@smithcranes.co.nz](mailto:jason@smithcranes.co.nz)



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## Introduction

1. Resource (land use) consent is sought to authorise an existing minor residential dwelling at 17 Paisley Road, Flaxton. Land use consent is required as a **non-complying activity** under the Operative Waimakariri District Plan. However, the provisions of the Notified Waimakariri District Plan have also been considered.
2. Section 88 of the Resource Management Act 1991 ('the Act') sets out the particular requirements for persons making an application to a local authority for a resource consent. Section 88(2)(b) states that:

*'... an application must be made in the prescribed form and manner; and include, in accordance with Schedule 4 of the Act, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment'*.

3. The following assessment is made in accordance with these requirements.

## The Existing Environment

4. The application site is known as 17 Paisley Road, Flaxton, which is legally described as Lot 1 DP 61798. The site has a total surveyed area of 6.07 ha. The corresponding Certificate of Title is attached as **Appendix 1** and the site is identified in **Figure 1** below.

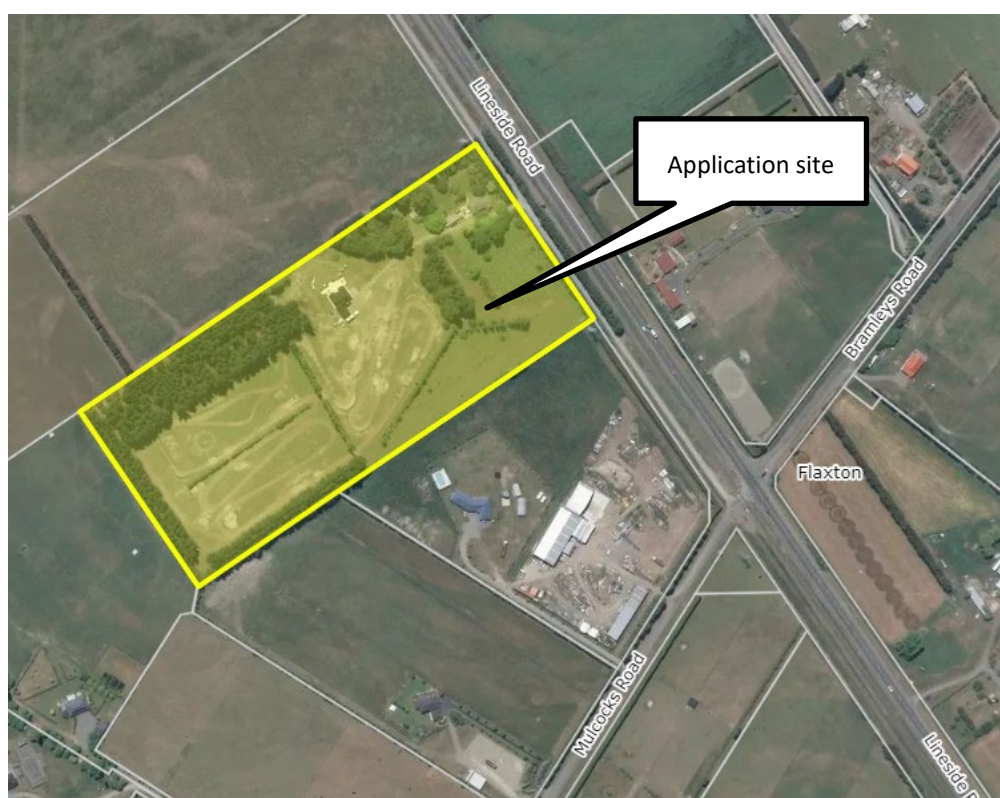


Figure 1: Site location (Source: GRIP)

5. The site is zoned *Rural* in the Operative Waimakariri District Plan ('the District Plan').



6. Paisley Road is sealed and is classified as a *local road* in the District Plan and has a posted speed limit of 80km.
7. The application site contains a principal residential dwelling and a secondary residential dwelling. The site is flat with small stands of established vegetation and trees.
8. The Operative Waimakariri District Plan defines a ‘dwellinghouse’ as:
9. *“Dwellinghouse means any habitable structure, occupied or intended to be occupied in part or in whole as a residence and, except in relation to any cluster housing within Māori Reserve 873, includes one additional physically separated dwellinghouse that is no more than 75 square metres in gross floor area and is located within 30 metres of the primary dwellinghouse. For the purposes of this definition there shall be only one kitchen facility under any individual roof structure.”*
10. The immediate surrounding area is largely characterised by rural productive land and rural – residential properties. The application site is adjoined by a vacant site that is subject to the *Heritage (H009)* overlay, on the northwestern boundary, three approximately 4ha rural – residential properties along the southwest, and south east boundaries and by legal road on the north eastern boundary.

## The Proposed Activity

11. In February 2014, Waimakariri District Council (WDC) granted a resource consent (RC135396) authorising a second dwelling on the property. The resource consent expired on 16 April 2016 and the second dwelling was required to be removed. In August 2016, WDC granted a resource consent, extending the authorisation of the second dwelling. The resource consent expired on 30 June 2021, whereupon the second dwelling was to be removed from the property.
12. A pre-application meeting was held on 6 July 2021 with Council staff (Wendy Harris, Consents Manager, and Simon Clark, Compliance Officer). It was agreed to undertake a process aimed at authorising the second dwelling, as a “minor residential dwelling”. However, it is now apparent that the second dwelling has a larger footprint and much larger floor area than the first dwelling.
13. The original, first dwelling has a building footprint of approximately 110.25m<sup>2</sup> and the new, second dwelling has a building footprint of approximately 175m<sup>2</sup> and attached three car garage of approximately 58m<sup>2</sup>. The second dwelling is two storeys so has a much greater floor area than the building footprint suggests.
14. As such, the applicant seeks consent that authorises the existing original dwelling as a minor residential dwelling, due to its much smaller size in comparison to the newer dwelling. The proposed minor residential dwelling is located on the northeastern corner of the application site, approximately 112m from the new dwelling (now referred to as the “principal dwelling”).
15. Given the size of the minor residential dwelling and the separation distance from the principal dwelling exceeding 30m, both buildings cannot be considered as one single dwellinghouse under the Operative Waimakariri District Plan.
16. The minor residential dwelling is an established building with connections to services. The minor residential dwelling has been occupied by various family members of the applicant who relocated to the site following the Christchurch Earthquake and subsequent ‘red zoning’ of their own property. Presently,





the minor residential dwelling is occupied by a family member who has been displaced from their home due to safety. It is anticipated by the applicant that the minor residential unit will continue to be occupied by their family. Photos of the minor residential dwelling are attached as **Appendix 2**.

17. The principal dwelling is a Fowler Home constructed in timber with linear weatherboard cladding and a long run iron roof. The dwelling was relocated to the application site in 2014, when it was authorised by Council (RC135396). Photos of the principal dwelling are included as **Appendix 3**.
18. The applicant has also installed a new wastewater discharge system (CRC144252) and water supply tank therefore, the principal dwelling is also appropriately serviced.
19. A member of the Bourke Family Trust (the applicant) is the National Crane Manager for Smith Crane & Construction Ltd, the largest term-hire crane business in New Zealand. Smith Crane & Construction Ltd has branches in Auckland, Wellington, Christchurch, Queenstown and Invercargill. This role includes arranging accommodation and travel for staff on a regular basis. From time to time, the principal dwelling will also be used as temporary accommodation for essential crane operators, dogmen and crane technicians, who are required for short-term work in the wider Christchurch area and employed/contracted by Smith Crane & Construction Ltd. The staff generally stay in the principal dwelling for periods of 6 – 12 months.
20. The proposal is compliant with the relevant transport standards contained in the District Plan.
21. There are **no** physical works proposed, as the minor residential dwelling and associated servicing has already been established on site.

## Statutory Framework

### National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 ('NESCS')

22. Based on a review of the LLUR held by Environment Canterbury, there is no evidence of ground contamination or of activities described on the Hazardous Substances and Industries List (HAIL) occurring or having occurred on the site. Accordingly, the NESCS does not apply to the activity.

### Operative Waimakariri District Plan

23. The application site is zoned *Rural* under the District Plan, and is not subject to any additional overlays.
24. An assessment of the proposal's compliance with the applicable rules in the District Plan is set out in **Appendix 4**. Based on that assessment, resource consent is required in respect of the following matters:
  - Rule 21.8.2: The proposal does not meet the required density of the zone.
  - Rule 31.5.1: The proposal does not comply with Rules 31.1.1.1 and 31.1.1.2(b) relating to site density.



### Activity Status

25. Overall, the application requires consent as a **non-complying activity** under the Operative Waimakariri District Plan.

### Assessment of Environmental Effects

26. This application requires resource consent as a non-complying activity; therefore, Council has discretion to assess all aspects of the proposal. As the minor residential dwelling complies with transport standards and the zone's built form standards, with the exception of site density, the potential effects are considered to relate to rural character, visual amenity and landscape and intensity of use.

### Rural Character, Visual Amenity and Landscape Effects

27. Rule 31.1.1.1 requires that a dwelling is located on a site with a minimum area of 4ha, in the Rural Zone. The proposal seeks to authorise the minor residential dwelling (original residential unit) that is ancillary to the principal dwelling, which was established on site in 2014. The site is 6.07ha, therefore, there is a shortfall in area of approximately 2ha.
28. The proposal results in an increase in density of the application site, which has potential to have adverse effects on the visual amenity and landscape.
29. The principal residential dwelling is setback approximately 15m from the road boundary and cannot be seen from Paisley Road. Notably, the application site has one letterbox that serves both the principal dwelling and minor residential dwelling. Additionally, there is established vegetation with heights up to 20m on all sides of the minor residential dwelling. The principal dwelling also has established vegetation on the east, west and south sides. The applicant will accept a condition of consent that requires this vegetation to be maintained. Based on aerial imagery, there is a 40m gap in the vegetation on the northwestern boundary, where the site adjoins a paddock. This is illustrated in **Figure 2** below.



**Figure 2: Minor residential dwelling (blue), surrounding vegetation (highlighted in yellow) and principal dwelling (red)**  
(Source: Google Earth)

30. The property at 35 Paisley Road adjoins the northwestern boundary of the site. This is a vacant site with the *Heritage (H009)* overlay in the Operative Waimakariri District Plan, however, the Proposed Waimakariri District Plan does not identify a heritage item on this site.
31. Neither of the residential dwellings can be seen when the application site is viewed from the road boundary at 35 Paisley Road, as shown in **Photo 1** below. Additionally, the gap in vegetation has grown smaller since the aerial image was taken, and views of the principal dwelling are insignificant. **Photo 2** shows the gap in vegetation when viewed from the application site.



**Photo 1: View of north western boundary of application site from the road boundary at 35 Paisley Road**



**Photo 2: Gap in vegetation, viewed from the principal dwelling**

32. The property at 35 Paisley Road is 10.1ha in size and appears to be used for rural activities, such as stock grazing. Given the size and flat nature of the site along with the current rural use, it is considered that the view of the principal dwelling through the gap in landscaping will have less than minor effects on the visual amenity of the property.



33. It is noted that the application site and the wider area are relatively flat, therefore there are no variable ground levels that may result in views of either the principal or minor residential dwelling from outside of the site, with the exception of the gap in landscaping on the northwestern boundary.
34. The principal dwelling and minor residential dwelling are contained in their own designated area, appropriately set back from internal boundaries and each other. As such, it is considered to be visually unobtrusive to the surrounding area. The proposal maintains compliance with the standard for site coverage and does not detract from the sense of open space and character that the Rural Zone provides.
35. The minor residential dwelling has been established on site in a manner that is consistent with the rural lifestyle nature of the area and is compliant with relevant built form standards.
36. To ensure that no further development occurs on the application site, the applicant proposes to volunteer a condition of consent that prohibits the minor residential dwelling being used as a rationale for any future subdivision of the application site.
37. While the separation between the dwellings could increase effects over and above that anticipated by a cluster of buildings anticipated by the 30m maximum separation for minor residential units, the factual matrix here given the aforementioned landscaping and restricted views of the activity from outside the site avoids adverse effects in this respect.
38. It is also considered that the additional site area provides some further mitigation insofar as a 4ha site anticipates a single dwellinghouse including a minor residential unit. This site, being 6.07ha, can better absorb the effect of any additional floor area associated with a larger minor unit (i.e. greater than 75m<sup>2</sup>). Moreover, the site to the north is 10.1171ha in area. This is presently undeveloped, but at most could accommodate two dwellings achieving the 4ha requirement in terms of the future environment, being a lower net density than anticipated by the Plan.
39. Based on the above assessment, any potential adverse effects on rural character and visual amenity and landscape as a result of the site density non-compliance are considered to be **acceptable** and **less than minor**.

## Intensity of Use

40. The addition of the minor residential unit has the potential to increase the intensity of the use of the site. This may be evident through increased generation of noise and traffic from general use of the unit.
41. Rule 31.12.1.2 sets noise limits for activities in the Rural Zone. The activities associated with the minor residential unit are unlikely generate any noise more than what is usual for residential activity in the Rural Zone. Additionally, any noise associated with the minor residential dwelling is anticipated to be less than what is emitted from general rural activities (i.e. operation of machinery, tractors).
42. The principal dwelling and minor residential dwelling share a formed access from Paisley Road. The minor residential unit includes a detached garage and generates additional vehicle movements to and from the site. Based on the relative size of both dwellings, it is anticipated that the number of vehicle movements associated with the minor residential dwelling will be similar or less than those of the principal dwelling. It is noted that Paisley Road is a no exit road, as vehicle access is blocked at the Fernside Road intersection, north of the application site. As such, it is expected that vehicle movements are likely to be associated with landowners / occupants of Paisley Road.



43. It is also appropriate to have regard to, and disregard effects of, permitted activities within the site. In this context the definition of dwellinghouse notably permits a second residential unit up to 75m<sup>2</sup> and within 30m of the main unit. Effects of additional traffic movements and noise from such a permitted activity are likely to be similar to that proposed. The separation distance between the two units will have no discernible effect in relation to traffic generation, and whether there is likely to be increased noise is more a function of the nature of occupants and how they use the site rather than the separation distance. Where building size increases, there could be the potential for more persons to occupy the unit, which in turn could increase noise. However, it is considered that any increase beyond that anticipated would largely be indiscernible and could be absorbed in the rural environment and would certainly be less than minor on any persons.
44. Based on the above assessment, any potential effects relating to the intensity of land use from noise and vehicle movements associated with the minor residential dwelling are considered to be **acceptable** and **less than minor**.

### Summary of Effects

45. Based on the above assessment, actual and potential effects are considered to be **less than minor** and **acceptable**. No persons are considered to be adversely affected.

### Relevant Provisions of Planning Instruments

46. The planning documents of relevance to this application and the provisions therein are listed and assessed in turn below:

### Operative Waimakariri District Plan – Objectives and Policies

47. The objectives and policies in the District Plan of relevance to this application are assessed below in **Table 1**.

**Table 1: Assessment of relevant plan provisions**

District Plan provision	Comment / Assessment
<b>Chapter 12 – Health, Safety and Wellbeing</b>	
<i>Objective 12.1.1 – Maintain the amenity values and a quality of environment appropriate for different parts of the District which protects the health, safety and wellbeing of present and future generations, and ensure that any potential adverse environmental effects from buildings and structures, signs, glare, noise and hazardous substances are avoided or mitigated.</i>	The proposal maintains the rural character and amenity values of the zone and will support the health, safety and wellbeing of the occupants. The potential adverse effects from the minor residential unit are mitigated by the high level of compliance with other standards and the significant stands of vegetation on the application site.
<i>Policy 12.1.1.1 – Maintain and enhance the positive contribution that buildings and structures, and the spaces between them, make to the character and amenity of urban areas where people reside, the neighbourhood and streetscape.</i>	It is considered that there is a sufficient separation distance between the principal dwelling and minor residential dwelling, including a large stand of trees / shelter belt. The proposal provides a sense of open space, and maintains the rural character and amenity of the area given the limited views of the activity outside of the site.



District Plan provision	Comment / Assessment
<i>Policy 12.1.1.5 – In the Rural Zones maintain the amenity values and quality of the environment by ensuring that the land is not dominated by dwellinghouses.</i>	The application site will not be dominated by dwellings as a result of the minor residential dwelling. The minor residential dwelling maintains compliance with internal boundary setbacks and site coverage and is sufficiently screened from adjoining properties with established vegetation. There is a less than 40m gap in vegetation along the north western boundary, however, as discussed in the AEE, the effects of the gap on the adjoining property are considered to be less than minor.
<i>Policy 12.1.1.11 – Avoid noise adversely affecting the amenity values and health and safety of people on neighbouring sites or zones.</i>	The proposal will not result in noise generation that exceeds the permitted standards of the District Plan. There is will be noise associated with the typical use of a residential dwelling, however, this will be limited and maintains sufficient separation from adjoining properties. Any noise generated is likely to be less than what normally occurs in the rural environment (i.e. farm machinery etc).
<i>Objective 12.1.2 – The establishment and expansion of both farming activities and other activities in the Rural Zones in a way which gives consideration to existing activities while maintaining a quality environment appropriate for the zone.</i>	The proposal does not include the establishment and expansion of farming activities. The rural activities occurring on the adjoining properties have not been an issue for the occupants of either the principal or minor residential dwelling since its establishment on site.
<i>Policy 12.1.2.1 – Encourage farm activities to avoid or mitigate adverse effects through appropriate management, siting and design of operations.</i>	The rural activities occurring on adjoining properties do not have adverse effects on the minor residential dwelling due to sufficient setbacks and screening. No new farm activities are proposed as part of this application.
<i>Policy 12.1.2.2 – Protect lawfully established farm activities by controlling the establishment of dwellinghouses and other land uses sensitive to the adverse effects of farming activities.</i>	As above, the established minor residential dwelling has not been affected by farming activities on adjoining properties. The dwelling is sufficiently set back from internal boundaries and screened from adjoining properties, therefore reverse sensitivity effects are avoided.
<i>Policy 12.1.2.3 – Protect lawfully established dwellinghouses and other sensitive land uses from significant adverse effects from future farm activities.</i>	The proposal supports this policy because the minor residential dwelling has sufficient screening and setbacks from internal boundaries to avoid significant adverse effects from farm activities.
<i>Objective 12.1.4 – The retention of plants that contribute significantly to the amenity of a site, or the character or quality of the surrounding environment.</i>	The application site contains a significant area of established vegetation that enhances the amenity of the application site. This vegetation is not proposed to be removed, therefore, the proposal is consistent with this policy.
<i>Policy 12.1.4.1 – Plants that contribute significantly to the amenity of a site, or the immediate area, shall be recognised and provided for in any work or subdivision of land, including being protected as a condition of consent.</i>	The applicant seeks to retain the existing established vegetation and will accept a condition of consent requiring this. As such, the proposal is consistent with this policy.
<i>Policy 12.1.4.2 – Retention and protection of significant plants will be taken into account in determining the extent of adverse effects in assessing land use and development.</i>	As above, the existing vegetation on site will be retained, therefore, the proposal is consistent with this policy.



48. Based on the above policy assessment set out in **Table 1**, and noting the relevant assessment matters in the assessment of effects, the proposal is considered to be consistent with the relevant provisions of the Plan.

### Proposed Waimakariri District Plan – Objectives and Policies

49. The Proposed Waimakariri District Plan was notified on 17 September 2021 and is currently open for public submissions. The application site is located in the Rural Lifestyle Zone in the Proposed Waimakariri District Plan. The Rural Lifestyle Zone provides for primary productive activities while recognising the predominant character is derived from smaller sites.
50. The proposed minor residential unit is considered to meet the definition in the Proposed Waimakariri District Plan, which is:

*“a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.”*

51. An assessment of the relevant objectives and policies is in **Table 2** below.

**Table 2: Assessment of relevant plan provisions**

District Plan provision	Comment / Assessment
<b>Part 3 – Area specific matters</b>	
<p><i>RLZ-O1 Purpose of the Rural Lifestyle Zone</i></p> <p><i>Primary production activities and activities reliant on the natural and physical resources of the rural environment occur while recognising that the predominant character is small rural sites with a more intensive pattern of land use and buildings than the General Rural Zone.</i></p>	<p>The proposal supports this objective, as the application site is considered to be a smaller rural site with a more intensive land use than the General Rural Zone. The minor residential dwelling will not impact the potential for primary production activities to occur on both the application site and adjoining properties.</p> <p>This objective recognises that smaller rural sites can maintain the rural character and amenity values of the zone. The potential adverse effects from the minor residential unit are mitigated by the high level of compliance with other standards and the significant stands of vegetation on the application site.</p>
<p><i>RLZ-P1 Character of the Rural Lifestyle Zone</i></p> <p><i>Maintain the character in the Rural Lifestyle Zone which comprises:</i></p> <ol style="list-style-type: none"> <li><i>1. a highly modified landscape strongly influenced by fine grained patterns and processes of human induced activity, including a predominance of small rural lots with a resulting pattern of residential units, buildings, fencing, amenity and domestic planting mixed with smaller scale primary production activities;</i></li> <li><i>2. a dominance of human modified open space and vegetation, including paddocks and trees over buildings; and</i></li> <li><i>3. a zone supporting activities reliant on the natural and physical resources of the Rural Lifestyle Zone.</i></li> </ol>	<p>The proposal supports this policy as the character of the zone is maintained.</p> <p>The application site is a smaller rural lot (~6ha), with two dwellings (one principal residential unit and one minor residential unit) and a significant area of established vegetation.</p> <p>The proposal maintains the site’s sense of open space and stands of vegetation.</p> <p>The proposal is considered to meet the intended character and amenity of the zone.</p>
<p><i>RLZ-P2 Activities in the Rural Lifestyle Zone</i></p> <p><i>Retain opportunities for land within the zone to be used for primary production activities while maintaining the predominant character of small rural lots by avoiding new sites being created, or residential units being erected on sites, that are less than 4ha, unless:</i></p>	<p>The proposal is to authorise an established minor residential dwelling that is ancillary to the principal residential dwelling on a 6ha property. This has created a shortfall of 2ha in site density.</p> <p>The minor residential dwelling was originally erected on site to provide accommodation for</p>





District Plan provision	Comment / Assessment
<p>1. associated with the development of infrastructure which reduces the size of the balance lot or site to below 4ha;</p> <p>2. associated with the establishment of a bonus residential unit or creation of a bonus allotment;</p> <p>3. the erection of a residential unit is protected by a legacy provision in this Plan; and</p> <p>4. is the establishment of a minor residential unit, where the site containing a residential unit is 4ha or greater, or is protected by a legacy provision in this Plan.</p>	<p>the applicant's family who's home had been deemed within a red zone.</p> <p>The minor residential dwelling has connections to water supply and an onsite wastewater system and is sufficiently screened from other properties.</p> <p>The applicant has not received complaints from other property owners relating to the dwelling since its establishment in 2014.</p> <p>Additionally, the applicant will accept a condition that prevents the minor residential dwelling being used as a rationale to subdivide the property in the future.</p> <p>Although the proposal results in a site density of less than 4ha, the screening by the established vegetation and a consent condition preventing subdivision is appropriate mitigation. As such, the proposal is not inconsistent with this policy.</p> <p>This policy refers to minor residential unit and in this case the original dwelling meets the definition of minor unit. Notably it will be in the same ownership and is smaller in footprint and much smaller in floor area and therefore must be considered as ancillary to the principal unit. While the proposed rules prescribe a maximum GFA for minor residential units which is not met, this does not detract from the fact that the building does still meet the definition, which is the concern of the policy and consistent with a top-down approach to plan interpretation (i.e. it would be problematic to suggest that the unit does not meet this policy because that would require a bottom-up approach to plan interpretation which has been criticised by the Environment Court in <i>Fright v CCC</i>.</p>

52. Based on the above policy assessment set out in **Table 2**, and noting the relevant assessment matters in the assessment of effects, the proposal is not inconsistent with the relevant provisions of the Plan.

## Resource Management Act 1991

53. The Operative District Plan is considered a valid, complete and certain planning document. It has already given substance to the principles in Part 2 of the RMA as the plan was prepared in a manner that reflects Part 2, therefore no further assessment against Part 2 matters is required for this application (*R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316).
54. Regardless, the proposed development is considered to recognise and provide for the relevant matters of Sections 6, 7 and 8 and to represent a sustainable management of the land resource and achieve the purpose of the Resource Management Act 1991, as well as give substance to Part 2 of the RMA.

## Sections 5-8 (Part II)

55. It is considered that the District Plan gives effect to the relevant provisions of the higher order instruments. Accordingly, there is no need to comment further on Part II provisions in this assessment.



## Section 104D

56. Section 104D of the RMA states that Council may grant resource consent for a non-complying activity if it is satisfied that either adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of both the relevant plan and relevant proposed plan.
57. The Assessment of Environmental Effects concludes that effects of the minor residential dwelling will be less than minor. Additionally, the assessment of both the Operative and Proposed Waimakariri District Plan concludes that the proposal is not contrary to the objectives and policies.

## Other Matters of Relevance (s104(1)(c))

### Consultation

58. Based on the assessment of effects above and conclusion that no persons will be adversely affected by the proposal, no consultation has been undertaken in respect of this consent application.

### Mitigation Measures and Conditions

59. Based on the assessment of effects in the previous section, no mitigation (beyond that incorporated in the proposal in terms of conditions providing for retention of planting and for not seeking future subdivision) is considered necessary for this proposal.

### Consideration of Alternatives

60. As concluded in the preceding assessment of environmental effects, the proposal will not have any significant adverse effects on the environment. On this basis, an assessment of alternatives is not provided.

### Monitoring

61. The scale and significance of the activity's effects are such that specific monitoring (beyond Council's standard consent monitoring program) is not considered to be necessary.

### Precedent

62. The proposal has the potential to give rise to a precedent whereby if consent is granted others may seek to rely on it and lodge consents for similar activities. This could serve to undermine the integrity of the Plan. The factual matrix for this site includes the existing houses both being physically located on site, appropriately serviced, being well screened by significant vegetation such that the nature of activity is not apparent outside of the site, and the site being over 6ha in area. The houses also provide accommodation for the owner's family and out of town staff associated with the applicant's business. Any precedent setting value can be avoided if the reasons for granting consent relate to the combination of these unique factors that are unlikely to be replicated.

## Conclusion



63. In conclusion, the proposal is consistent with the purpose and principles of the Resource Management Act 1991 in that it enables people to provide for their economic and social well-being, whilst maintaining and enhancing the quality and amenity of the local environment and avoiding adverse effects.
64. The proposal is consistent with the relevant objectives and policies of both the Operative and Proposed Waimakariri District Plan and will have actual or potential effects on the environment which are acceptable and consistent with the environmental outcomes envisaged by the relevant statutory planning framework.
65. The proposal is considered to appropriately avoid, remedy or mitigate any adverse effects on the development to the extent that such effects are considered to be less than minor.
66. Accordingly, we consider that Council should grant consent to the activity on a non-notified basis in accordance with sections 104 and 104D and Part 2 of the Act, subject to appropriate conditions.