



2 March 2022

Waimakariri District Council
Private Bag 1005
Rangiora 7440

Attention: Emma Frazer

By email: emma@planningnorthcanterbury.co.nz

Dear Emma,

RE: SUPPLEMENTARY INFORMATION – RC215625 – 17 PAISLEY ROAD

1. On behalf of Bourke Family Trust ('the Applicant'), I seek to submit supplementary information in relation to the resource consent application for a minor residential dwelling at 17 Paisley Road, Flaxton (RC215625).
2. This letter provides information on the proposed minor residential dwelling including an indicative Floor Plan, proposed mitigation and an assessment of the relevant provisions of the Canterbury Regional Policy Statement (CRPS).

Canterbury Regional Policy Statement

3. I have reviewed the provisions of the Canterbury Regional Policy Statement ("CRPS"), with particular consideration of the proposed activity.
4. I consider Objective 5.2.1 and Policy 5.3.1 are relevant to the proposed activity.
5. Objective 5.2.1 – Location, Design and Function of Development (Entire Region) states:

Development is located and designed so that it functions in a way that:

1. achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and
2. enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:

(a) maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values;

(b) provides sufficient housing choice to meet the region's housing needs;

(c) ...;

(e) enables rural activities that support the rural environment including primary production;



(f) ...; and

(i) *avoids conflicts between incompatible activities.*

6. The application site is located in the Rural Zone of the Operative Waimakariri District Plan and the Rural Lifestyle Zone in the Proposed District Plan. As such, is not considered to be directly located in or around an existing urban area.
7. However, the minor residential dwelling is considered to enable people and communities to provide for their social, economic and cultural wellbeing and health and safety.
8. The minor residential dwelling is currently occupied by immediate whanau members of the Applicant, who have been forced to leave their previous home as a result of significant safety concerns. The Applicant seeks to continue to be able to assist their whanau through providing housing that is in close proximity to them, thus allowing them to offer both emotional and whanau support, including childcare, where required. On this basis, I consider that the minor residential dwelling enables the social and cultural well-being of the Applicant and their whanau, enabling the Applicant's wider whanau to contribute to the social and cultural well-being of the Waimakariri and Canterbury regions.
9. In addition to providing whanau housing, the minor residential dwelling is occasionally used to house specialist crane operators who are required to relocate to Christchurch temporarily, and who are employed by either Smiths Crane and Construction Ltd or Bourke Cranes Rentals Ltd. The specialist crane operators are relocated from other towns or cities in New Zealand, and on occasion, outside and New Zealand.
10. While I note that crane operation is not specifically considered to be a rural activity, it does support rural activities and is an important service provided in the local area that can be applied to urban, rural and industrial zones. Cranes are necessary for building construction, relocating or moving farm machinery, and during emergency events. As such, it is considered that crane operating activities can assist in enabling rural activities and support the rural environment.
11. Finding local experienced and skilled crane operators can be difficult and it is common practice to contract employees from outside New Zealand as a skilled worker visa can be obtained. With COVID-19 restrictions, Smiths Crane and Construction Ltd and Bourke Cranes Rentals Ltd have found it difficult to find suitable employees locally, due to a shortage of skilled crane operators in New Zealand. As such, crane companies are contracting people outside of the local area for fixed terms. The ability to supply temporary accommodation makes these roles more attractive to potential employees and is a positive for the business without resulting in additional costs. Utilising the minor residential dwelling for employee accommodation is considered to enable economic development of the area and provide for the economic well-being of the community.
12. The minor residential dwelling is well established and is screened from both Paisley Road and State Highway 71 by mature vegetation. It is proposed to maintain the existing landscaping as it provides visual amenity and rural character value to the area.
13. The proposed activity provides a housing choice that suits both the Applicant's whanau and business. On this basis, it is considered to support their social, economic and cultural well-being.
14. The minor residential dwelling is not considered to be an activity that is incompatible with other activities in the area. The application site has had a principal and minor residential dwelling for almost 8 years and



the Applicant has not experienced any complaints from neighbours or reverse sensitivity effects from surrounding rural activity.

15. Although the proposed activity is not consistent with clause 1 of Objective 5.2.1, it is considered to be largely consistent with clause 2 of Objective 5.2.1.

16. Policy 5.3.1 – Regional growth (Wider region) states:

To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:

1. *ensure that any*

a. urban growth; and

b. limited rural residential development

occurs in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;

2...

17. Although not directly attached to an existing urban area, the application site is approximately 3km south of Rangiora.

Permitted baseline

18. Proposed District Plan allows for a minor residential unit with a gross floor area (GFA) of 90m². The minor residential unit has a GFA of approximately 118.5m². I note that this is greater than what was specified in the consent application, however, the new GFA is based on a site visit and the attached Indicative Floor Plan (**Appendix 1**).

19. The permitted baseline is relevant to this application in terms of considering the difference in effects from what is permitted in comparison to that which is proposed. In terms of the Operative District Plan, the proposed activity complies with the relevant standards with the exception of minimum allotment size. The Proposed District Plan provides more guidance on minor residential units, as such, GRUZ-R4 states the standards for a minor residential unit. These are:

1. *the maximum GFA of the minor residential unit shall be 90m² (excluding any area required for a car vehicle garage or carport up to a maximum of 40m²);*
2. *there shall be only one minor residential unit per site; or*
3. *there shall be only one minor residential unit per delineated area within a site; or*
4. *for any site where there is a residential unit and a bonus residential unit there shall be a maximum of two minor residential units per site; and*
5. *a minor residential unit shall only be erected on a site less than 4ha where the site exists and is a site or allotment that was created by subdivision and was on a subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates).*

20. I note that the application meets standards 2, 3 and 5 of this Rule (4 is not applicable). In respect of 1. **Figure 1** below shows the approximate footprint of a compliant 90m² unit, based on the existing minor residential unit with an area of approximately 118.5m². To comply with the 90m², the existing dwelling



would need to remove an ensuite, bedroom and portion of the dining room and kitchen area. Given the age of the house, this is not considered to be a feasible or cost-effective approach.

21. The Record of Title for the application site was issued in February 1993, therefore, falls within the timeframes specified in GRUZ-R4 5.

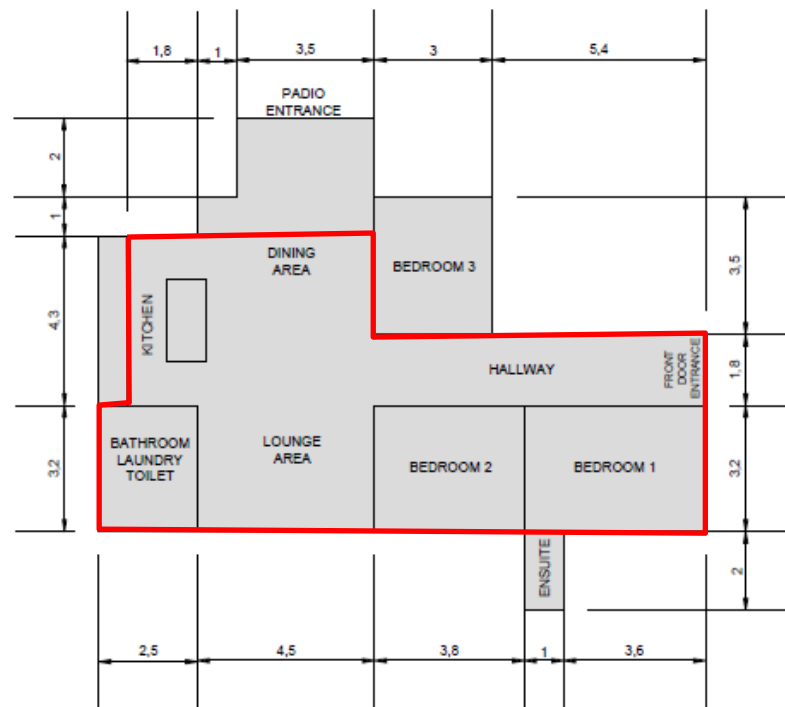


Figure 1: Red outline showing a compliant Floor Plan

Traffic and Noise

22. Potential noise and traffic movements are discussed in Paragraphs 40 – 44 of the resource consent application. As discussed, the existing minor residential unit is considered unlikely to cause a discernible increase in vehicle movement.
23. As such, the effects of the potential increase in traffic are considered to be *less than minor* and *acceptable*.

Objectives and Policies – Operative District Plan

24. In addition to the assessment contained in Table 1 of the resource consent application, a further assessment of objectives and policies contained in Chapter 14 is set out in the table below.



District Plan provision	Comment / Assessment
Chapter 14 – Rural Zones	
<p><i>Objective 14.1.1 – Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:</i></p> <ul style="list-style-type: none"> <i>a) the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities;</i> <i>b) separation between dwellinghouses to maintain privacy and a sense of openness;</i> <i>c) a dwellinghouse clustered with ancillary buildings and structures on the same site;</i> <i>d) farm buildings and structures close to lot boundaries including roads;</i> <i>e) generally quiet – but with some significant intermittent and/or seasonal noise from farming activities;</i> <i>f) clean air – but with some significant short term and/or seasonal smells associated with farming activities; and</i> <i>g) limited signage in the Rural Zone.</i> 	<p>An assessment of Objective 14.1.1 is set out below:</p> <ul style="list-style-type: none"> a) The application site contains a large number of trees, as well as some open space in the form of paddocks and outdoor living area (i.e. lawn). The proposed activity maintains this character of the application site and it is considered that the existing trees will continue to be dominant features. b) The principal residential dwelling and minor residential unit are separated by approximately 112m and well screened from each other and adjoining properties by the existing established vegetation. Both dwellings have an outdoor area that provides a sense of openness. c) the minor residential unit is in proximity (10m) to its ancillary building (garage). The principal dwelling does not have any ancillary buildings. d) there are no farm buildings or structures on the site. e) the proposed activity is not expected to generate noise greater than usual seasonal farming activities. f) not applicable. g) no signage is proposed.
<p><i>Policy 14.1.1.1 – Avoid subdivision and/or dwellinghouse development that results in any loss of rural character or is likely to constrain lawfully established farming activities.</i></p>	<p>As discussed in the resource consent application and further in this report, it is considered that there is no loss of rural character, given the minor residential unit is relatively unnoticeable from adjoining properties and the road boundary. As such, it will maintain the continued domination of the zone by farming activities. Additionally, the application site does not contain any large scale, lawfully established farming activities.</p>
<p><i>Policy 14.1.1.2 – Maintain the continued domination of the Rural Zones by intensive and extensive agricultural, pastoral and horticultural land use activities.</i></p>	<p>The potential adverse effects from the minor residential unit are mitigated by the high level of compliance with other standards and proposed mitigation through conditions of consent. The application site is not used for intensive or extensive rural land activities, therefore, the proposed activity will not adversely affect existing rural land use activities.</p>

25. I consider the proposal to be consistent with these Objectives and Policies.

Proposed mitigation

26. As specified in the application, the Applicant proposes a condition of consent that prevents the minor residential dwelling from being used as a rationale for any future subdivision on the site; however, does



not provide any wording. As such, the Applicant volunteers the following condition, or similar wording to this effect:

“Lot 1 DP 61789 must not be subdivided where it results in the existing residential dwelling and minor residential dwelling being located on separate lots.”

27. The Applicant also volunteers the following conditions of consent relating to landscaping and use of the minor residential dwelling.

“The landscaping and vegetation shown on the “Landscape Plan” shall be maintained and not removed unless vegetation is diseased or dead. If vegetation is removed, it must be replaced with trees/shrubs of similar species to the existing landscaping within the next planting season (extending from 1 April to 30 September)”

“The occupants of the minor residential unit shall only be family (whanau) members of the occupants or owners of the principal residential dwelling or temporary staff contracted to Smith’s Crane and Construction Limited or Bourke Crane Rentals Ltd. The minor residential unit shall not be occupied by any other persons”.

28. The volunteered landscaping condition will ensure that existing landscaping is not removed and that there is no loss of rural outlook and character of the application site and surrounding area. With the existing landscaping, the minor residential dwelling is located in its own delineated area and is also not visible from Paisley Road. The referenced in the condition is attached as **Appendix 2**.
29. The volunteered condition relating to the occupancy of the minor residential dwelling will prevent the dwelling being inhabited by persons that are not family (whanau) members or employed by either crane business.

Comparable resource consent application – RC195105

30. I have reviewed the resource consent application for RC195105 and the decision. This application was for a second residential unit under the same roofline as the primary unit. This application was declined due to effects on the integrity of the Operative Waimakariri District Plan.
31. I consider that there are some significant differences between RC195105 and the proposed activity.
32. Firstly, both of the residential units of RC195105 were of similar size and scale, with a total area of 465m².
33. The proposed minor residential dwelling is single storey and has building footprint that is approximately 56.5m² smaller than the principal residential dwelling. The principal dwelling is two-storey and has, therefore, a much larger floor area than the minor dwelling (approximately 2.60 times larger). I note that the application site, 17 Paisley Road, while still undersized, is two hectares larger than the application site of RC195105.
34. Secondly, the proposed activity differs from RC195105 as the two dwellings are located in their own delineated areas, with no overlap (i.e., located approximately 112m apart). It is noted that this distance does not comply with the 30m specified in the Operative District Plan; however, it is considered to maintain an open rural outlook of the application site.
35. Aerial imagery and photographs provided with the application show that the minor residential dwelling is surrounded by established vegetation. The outdoor living space of the principal dwelling is located on



the north side of the property and the established vegetation prevents views to the minor residential dwelling.

36. The current application also differs from RC195105 as the earlier consent application did not volunteer or provide possible methods to mitigate potential adverse effects associated with the use of a second dwelling / minor dwelling as a rationale for future subdivision of the landblock.
37. The Applicant volunteers conditions of consent that prevent the minor residential dwelling being used as a rationale for subdivision, maintain existing established vegetation and restricts the use of the minor residential unit for family and occasional employee accommodation. The volunteered conditions seek to ensure that the current use of the minor residential unit will not change, and the application site will maintain its current density of one dwelling per 3 hectares.
38. Paragraph 62 of consent application RC215625 acknowledges the potential of establishing a precedent. It is considered that the proposed activity presents unique circumstances in that the use of the minor residential unit will be restricted, future subdivision will be prevented, and visual amenity of the rural environment will be maintained.
39. These proposed mechanisms seek to distinguish the proposal in a way that will maintain the integrity of both the Operative and Proposed District Plans.

Positive effects

40. In addition to providing housing for the Bourke whanau, the minor residential dwelling will also be used as accommodation for skilled and essential workers who are required to temporarily relocate to Christchurch / Canterbury, with either Smith Crane and Construction Limited or Bourke Cranes Ltd. This is considered to have a positive effect on both the Smith Crane and Bourke Crane businesses and the wider community, by providing accommodation for these skilled and essential workers.
41. Border restrictions due to COVID-19 has significantly affected the crane operation work force and resulted in less skilled workers being available. With a limited number of workers available locally, Smith Crane and Bourke Crane have had to resort to providing temporary contracts with people based outside of the wider Christchurch area. The ability for the Applicant to provide accommodation is essential in order to provide housing for employee temporarily relocating to Christchurch / Canterbury.
42. The proposed condition of consent further enforces that the minor residential dwelling occupation will be restricted to contracted employees of Smith Crane or Bourke Crane, or whanau members of the Bourke Family Trust.

Special circumstances

43. The Applicant acknowledges that there may be the view that the granting of this application could have a precedent effect. I consider that the proposed application, with the volunteered conditions of consent contained in this letter, represents special circumstances that differentiate the application from other applications to erect two dwellings in the Rural zone on an undersized allotment.
44. Additionally, I note that the proposal meets matter 5 of GRUZ-R4, that allows a minor residential dwelling on a site less than 4ha.



45. As discussed, the minor residential unit is contained in its own delineated area and is well screened from the road and neighbouring properties. The proposed condition relating to landscape will ensure that the dwelling is continually screened to its existing level.
46. I trust this response addresses the matters raised, confirms the proposed application is not inconsistent with the Objectives and Policies of the proposed and operative District Plan, and the effects of the proposed minor dwelling are *acceptable* and *less than minor*.
47. Please do not hesitate to contact me should you seek further information or clarification of any matter(s).

Yours sincerely

Elrick & Co Limited

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Appendix 1. Indicative Floor Plan – Minor Residential Unit



Appendix 2. Landscape Plan (vegetation that must be retained)

