

9 October 2024

Christchurch City Council

Via e-mail: Kasuni Thewarapperuma (kasuni.thewarapperuma@ccc.govt.nz)

Dear Kasuni

RE: RMA/2024/2333 – INTERIM REQUEST FOR FURTHER INFORMATION – 229 KAITUNA VALLEY ROAD

The purpose of this letter is to provide a response to Christchurch City Council's formal request for further information (RFI) of 3 October 2024 regarding the proposed wintering barn, underpass, and associated infrastructure at 229 Kaituna Valley Road (RMA/2024/2333).

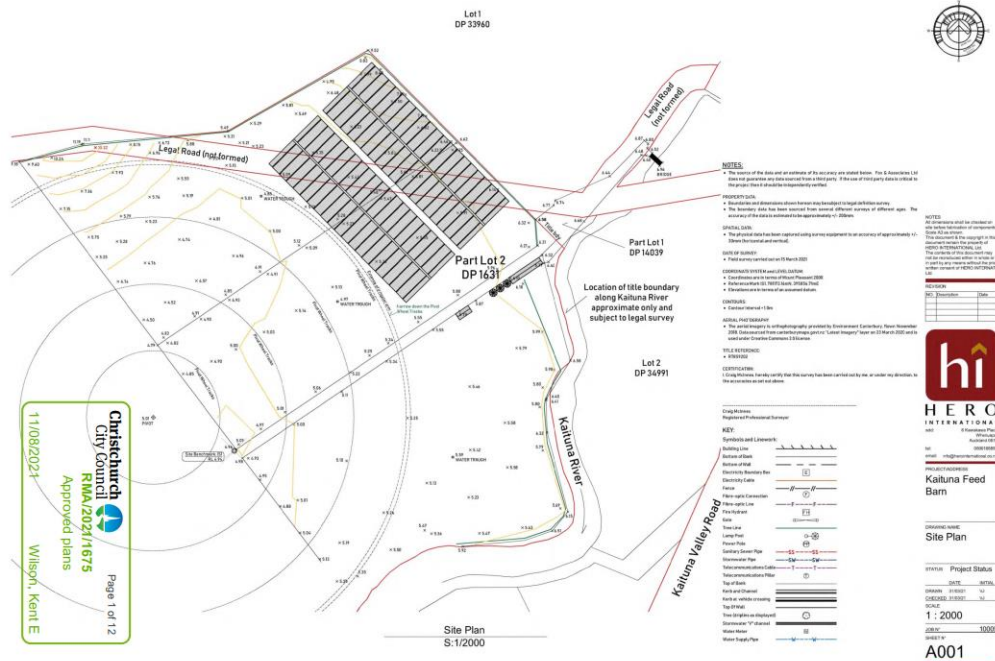
Prior to the responses, some additional explanation and context was also considered necessary with regard to the existing environment/consented baseline. This is set out upfront prior to addressing the RFI queries further below.

Existing environment/consented baseline

Since this application was lodged and processed, it is noted that there have been no changes to the relevant rules and provisions of the Christchurch District Plan (CDP). In considering the current application it is appropriate to have regard to the existing environment (including granted but unimplemented resource consents). This includes CCC decisions RMA20211675 and RMA20221398 that are attached as **Appendix 1** and **Appendix 2** respectively.

RMA20211675 – Granted 13 August 2021 by Independent Planning Commissioner Mr David Mountfort

- This proposal is very similar to that proposed in term of scale, form and the relevant and effects, particularly as they relate to the intensive farming activity and the composting wintering barn.
- The closest point of the wintering barn and associated earthworks is located approximately 70m from the Kaituna River
- The approved size of the barn is 24,000m² (2 x 12,000m² barns adjacent to each other) plus associated buildings and infrastructure including effluent pond/tank totaling around 1000m².
- The approved height of the barn is 15m.
- The site is not located within a Site of Ngati Tahu Cultural Significance or any other cultural overlay.
- This application was processed non-notified with no affected parties.
- Images of the site location and layout plans are provided below.



RMA20221398 – s127 change of conditions to RMA20211675 - Granted 16 August 2022 by Independent Planning Commissioners Mr David Mountfort and David Caldwell

This proposed sought amendments to the proposal granted above as follows:

- Alterations to barn number and area. Four barns now proposed with a total roof area of 19,584m² and height of 9.5m. Each barn will be separated from each other by around 6m.
- Proposed inclusion of hay shed, storage sheds up to 8m in height and area of around 684m².
- Proposed inclusion of three silos being 6m in diameter and a height of 11m and area of 87m²
- Similar earthworks volume and area.
- Same location.
- Removal of effluent pond/tank.
- This application was processed non-notified with no affected parties.
- Images of the site location and layout plans are provided below.



By comparison, the proposed activity in a different location, albeit on the same farm, is as follows:

- Intensive farming/wintering barn area: 4810m² (compared to 24,000m² approved under RMA20211675)
- Intensive farming/wintering barn height: 8m (compared to 15m approved under RMA20211675)
- Similar scale earthworks and supporting infrastructure.
- The site is not located within a Site of Ngati Tahu Cultural Significance or any other cultural overlay.
- The closest point of the proposal to the Kaituna River, including for the associated earthworks, is around 200m (compared to around 70m under RMA20211675).

The above information is provided primarily to ensure that the existing environment/consented baseline context is understood and considered accordingly. These consents already confirm a similar, albeit larger scale, intensive farming activity.

The composting wintering barn(s) and intensive farming activity therefore already form part of the existing environment and consented baseline. This is important, particularly in relation to the intensive farming activity aspect in relation to feedback CCC have sought from MKT (despite not doing so in the previous two applications for a similar, larger scale intensive farming activity on this farm) who have raised the introduction of a new intensive farming activity as a key matter of concern.

From a Resource Management Act perspective, an intensive farming activity is already consented for this farm and can occur without the need for additional CCC consents. The presence of an intensive farming activity therefore already forms part of the environment and the focus of the effects assessment for the current application needs to be limited to the relevant difference in matters such as landscape and visual aspects of the wintering barn.

For clarity and certainty, there is no intention to have multiple wintering barns in two separate locations on this farm. The applicant therefore confirms that, should this application be granted, it will surrender consents RMA20211675 and RMA20221398 and it is happy to have a condition to this effect placed on the consent.

In a more general response to the MKT feedback, it is emphasised that the Resource Management Act 1991 is concerned with the management of effects within the relevant Council's statutory role. "Intensive Farming" is not an effect *per se* and the relevant direct effects arising from it (being mainly discharges) are managed by the Regional Council. The City Council's role is limited to assessing the effects of the current applications from an earthworks and building perspective (again mainly related to amenity and landscape).

Response to Request for Further Information on RMA2024333:

The following lists out each of the RFI queries *in italics* and responds accordingly.

1. *Please confirm the below:*

- a) *The wintering barn dimensions. Varying sections in the application documents state the height to be 7.7m, 8m and 8.05m.*

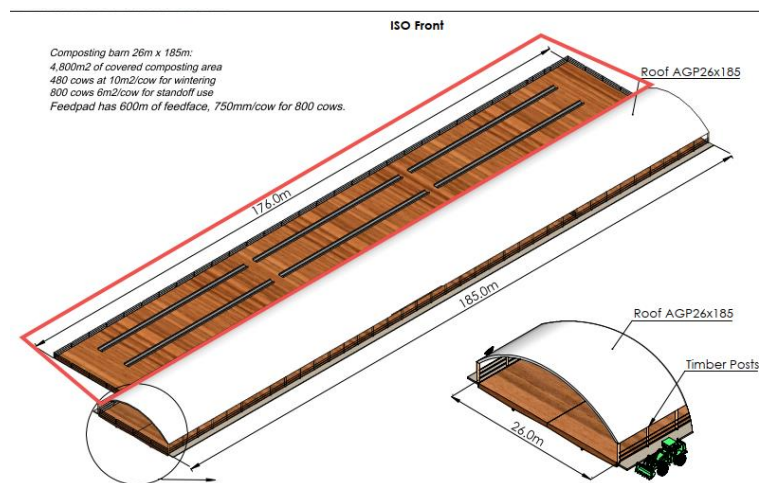
For certainty, it is confirmed that the maximum height of the wintering barn will not exceed 8m. This was the height referenced and assessed within the Landscape Visual Assessment.

- b) *The dairy shed and other farm infrastructure dimensions. The values differ throughout the AEE. The table in the AEE suggests 2013m², the compliance table states 1894m² etc.*

The total area of the farm infrastructure buildings and the dairy shed is not expected to exceed a maximum of 2013m² as set out in the AEE.

- c) *I understand that the area shown in red outline below is showing the floor without the roof. For the avoidance of doubt, can you confirm that this is the case, and not an extension of the barn? The way the drawings floor and the roofed section are set out makes it appear as an extended single structure, rather than floor and roof views of the same barn.*

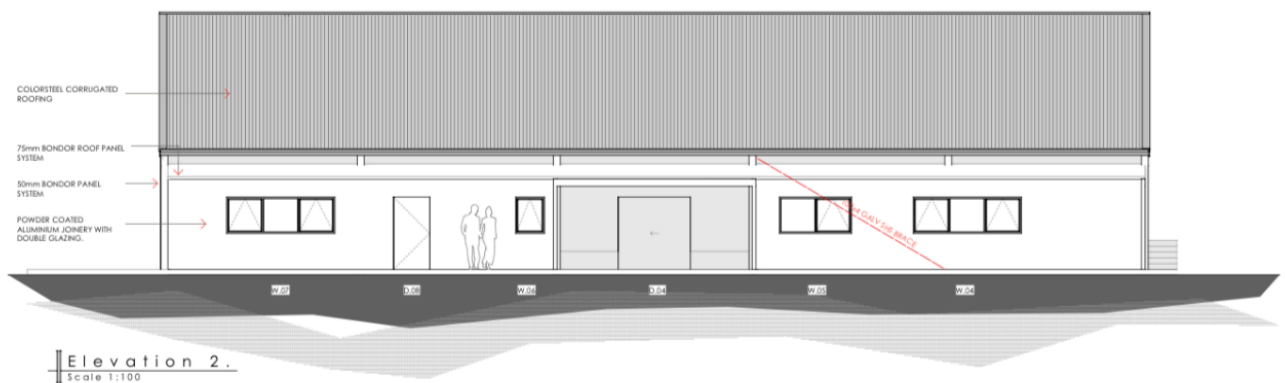
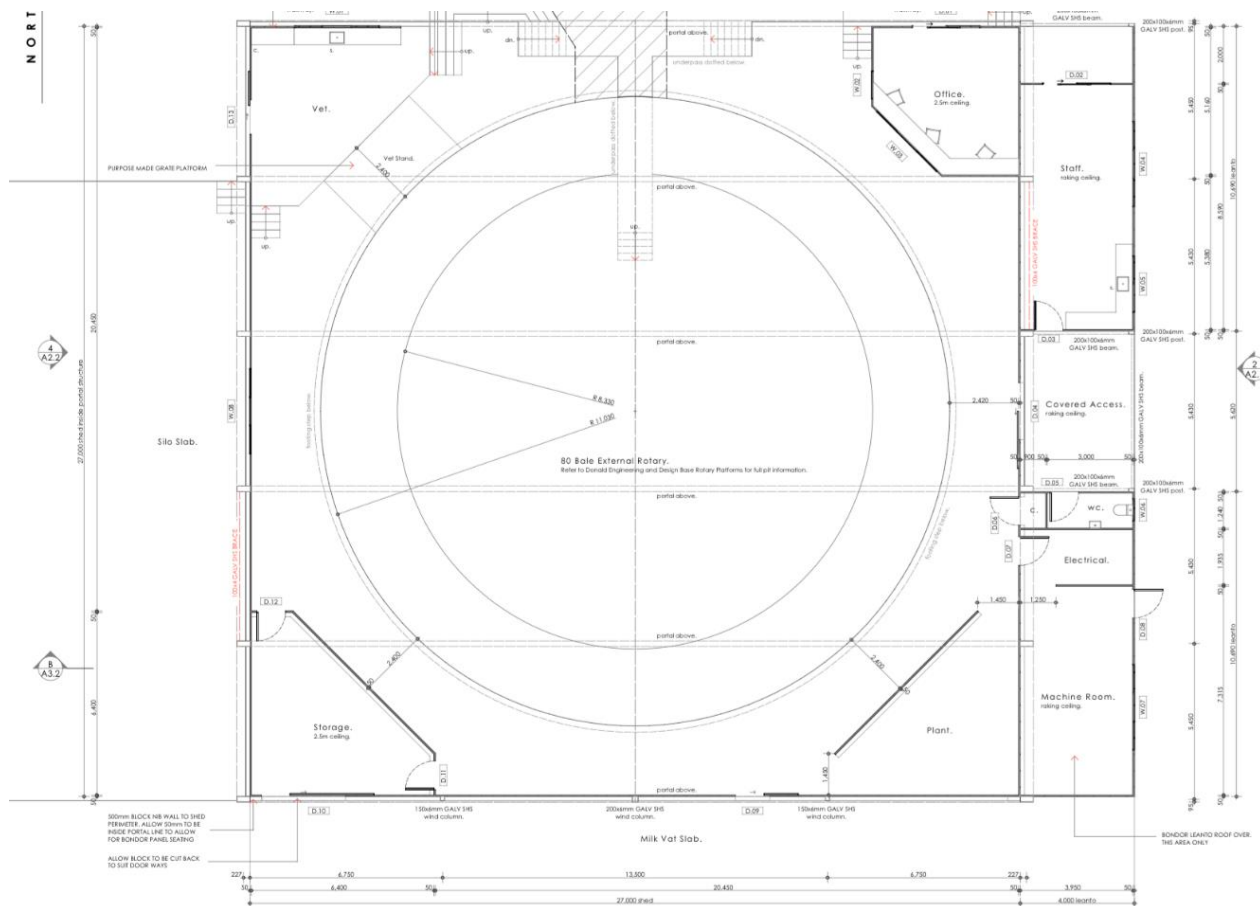
It is confirmed that the area shown in red outline will be an uncovered concrete area. It is not an extension of the wintering barn building which will be fully roofed. This concreted area will be bunded with all effluent and runoff collected and discharged into the effluent system.



2. *Please provide plans and elevations for the dairy shed and associated infrastructure. Spec drawings will also be acceptable. Reason (for 1& 2): to gain an understanding of the full visual appearance of the proposal and for accuracy and consistency. The photograph provided to date is acknowledged, however it does not provide adequate information as to all the structures proposed.*

The dairy shed has not been subject to detailed design to date, so a generic maximum building envelope approach has been used instead. That said, dairy sheds are an extremely common sight within rural zones throughout the country and the size and appearance of this shed will be similar noting that this location will be considerably screened by the existing and proposed shelter belts which will be maintained at a height of at least 6m.

For clarity, the dairy shed building is expected to be no larger than 837m², and height of no greater than 5m above existing ground level. Spec drawings that have formed the basis for the proposed dairy shed building envelope are based on a rotary milking platform and provided below. The external design is also expected to be very similar to these spec drawings. The applicant confirms that the proposed dairy shed building will be no larger than the envelope proposed and would be willing to accept a condition to this effect.



3. To accurately describe the proposal, please confirm whether the farm access tracks are still proposed for the revised proposal. I understand that these will comply with the rules.

It is confirmed that the farm access tracks are still proposed for the revised proposal as they are still needed as part of the overall internal track network on the farm. The farm access tracks and associated earthworks are a permitted activity in accordance with Rule 8.9.3 of the CDP. Regardless, all earthworks associated with this proposal will adhere to an Erosion and Sediment Control Plan (ESCP) as a matter of good practice to ensure there is no risk of overland flow of sediment to the Kaituna River.

Underpass design

4. Please provide drawings/sections as appropriate showing:

- a) Underpass positioning (section view) across the road and the terminus within the road reserve including how it will protect the drainage channels on both sides of the road.
- b) The extent of cuts/batters and how and where it will align with the ground levels (this may link in with the earthworks plan requested)
- c) How the underpass construction and siting will protect the power pole/s one of which appear to be on top of or very close to the end point on the barn side of the proposal.

Reason: The detail is requested to understand the underpass in its site context and assess for earthworks within waterbody setbacks (as the drain is defined as a 'network waterway'), also to assess the appearance, how it will interact with the ground levels, utilities and maintaining existing overland flow paths.

NB: The underpass will require a building consent or a building consent exemption approval with the appropriate documentation. This will be necessary to support the Structures in Roads application.

Advice note: The preference from the roading assets team is to have no aboveground part of the stock underpass to be within the road reserve.

Prior to answering this question, further consideration has first been given to whether the roadside drain within Kaituna Valley Road falls within the definition of a 'network waterway'.

Firstly, the waterway referenced is a very shallow depression (i.e. around 10-20cm deep as shown in the photo below) that commences around 200m north of the vehicle access to the applicant's farm. The drain therefore does not extend further up the valley. The drain extends from this point in southerly direction where it ultimately terminates and discharges to the Kaituna River just north of the SH75 road bridge.



This drain is not spring fed and contains no freshwater. The drain only collects stormwater. According to the applicant who is very familiar with the drain, it is typically dry all the time aside from extremely heavy rain events.

In terms of the definitions in the CDP, the drain is considered to be man-made channel and for the purpose of collecting stormwater only. It has not otherwise been classified under the District Plan or shown on any planning maps including any stormwater maps within Canterbury maps. In addition, the drain does not form or drain into a public stormwater network or the coastal environment. The public stormwater network is considered to be the reticulated Council network which is not applicable in this location and drains into the Kaituna River rather than the coastal environment. Therefore, it is considered that this drain is simply a man-made drain and does not fall under the definition of network waterway or any other waterway definition in the District Plan including a 'Banks Peninsula waterway'. Banks Peninsula waterways apply only to rivers and streams, for which this drain is neither given it contains stormwater only.

Interestingly, a similar discussion was also undertaken in relation to an open man-made drain that ran north of the proposed development area in RMA20211675 where the Council planner ultimately determined that upon further

examination of the planning provisions, that this was a man-made drain rather than network waterway or Banks Peninsula waterway.

Without prejudice to the above position, and to assist, the following information has been also provided with regard to queries 4(a)-(c).

The final design detail of the stock underpass has not yet been confirmed. However, as set out in the interim RFI response of 13 September 2024, the underpass is planned to be in the order of 17.05m in length constructed of 11 box sections of 1.55m. The 17.05m length will provide for almost fence to fence construction in this location.

With regard to the existing man-made road drain (western site) and man-made depression on the eastern side of the road, the proposed underpass will be constructed only during periods of dry weather when these areas are completely dry and not carrying any stormwater. The stock underpass will ultimately be located underneath the roadside stormwater drains. During construction, it is likely that these drains will be temporarily impacted for a period of 1-2 days each while the respective underpass section is installed in that location. If there is any interception of these drains, they will be reinstated to the exact same depth and profile immediately following the construction. While this is considered more a matter for the scope of the 'Structures on Road Policy' process, the applicant is willing to provide evidence of the reinstatement of these drains following construction as a condition of this consent. In addition, all works will be undertaken in accordance with an ESCP.

A slight fall in the underpass is expected from east to west noting the land topography in this wider location. It is confirmed that the full length of any approach slope batters will be graded to align with existing ground levels, and these will be planted in either grass and/or indigenous species to ensure slope stability and minimise sediment runoff. Again, the applicant is willing to accept a condition to this effect.

With regard to the power pole, until design detail is confirmed (which will be via the building consent and the Structures on Road Policy process), it cannot be confirmed if there will be a need to relocate the power pole. However, the intent is to avoid the need to relocate this where possible. If this cannot be avoided, its relocation will be undertaken in accordance with the requirements of the utility operator i.e. Orion.

Earthworks, stormwater and flow paths

For context prior to answering the RFI queries in relation to earthworks, stormwater and flow paths, the following consideration of relevant definitions is provided.

While the wider application site paddock has been fully developed for agricultural purposes, further east of this paddock i.e. uphill of the tree line, the land steepens considerably. This hillside land is home to hundreds if not thousands of small rivulets that have been created through erosion of the loess layer from rainfall over the years. This is a similar situation to the land adjacent to the application site under RMA20211675. Given the nature of the hillside, it is not practical or necessary to try and map these.

All of these rivulets essentially cease, in terms of any defined channelisation, prior to meeting the base of the hill where there is an existing farm access track (east of the tree line on the application site). From this point, there are no formed channels and any flows from the hills are then generally subject to variable overland flow across the farmland and towards Kaituna Valley Road. Given the steepness of the hillside to the east, some of these rivulets (where a channel is more defined) could be considered to be 'hill waterways' although even these are difficult to definitively confirm. That said, these rivulets are not located within the application site. The application site itself only contains moderately sloping agriculturally worked land with no defined channels or waterway banks/margins.

Regardless of the above interpretation, it is confirmed that no buildings or earthworks will occur within 15m of any defined hill waterways on these upper slopes and all overland flow will be managed through gentle grading of the site area near the proposed buildings to ensure it is not directly towards any buildings.

5. *Please provide an earthworks plan taking into account the points below. This is requested to understand the changes in ground levels, flow paths and where the soils will be removed/retained on site.*

Given the application complies with the permitted standard for earthworks, and all setbacks from any waterways, it is not considered necessary to prepare an earthworks plan. Further explanation and reasoning is set out in the other earthworks related responses below.

6. *The AEE states that there will be a total of ~8500m³ of earthworks retained on site and used for the bund. A bund at 1.5m high, 10 m wide, with 0.5m top equates to a ~1079m long bund (or for a 2m high bund, 809m).*

There is approximately 500m frontage on the site; please advise on the earthworks plan where the rest of the soil would be placed.

Of the circa 8500m³ earthworks expected to be required, a small amount of this is intended to be used in the landscape bund area. However, the bulk of the earthworks will be reutilised directly within the footprint of the proposed buildings to assist with creating a level building platform. The combination of the bund and building platforms is expected to utilise virtually all soil with little to no excess. No excavated material will therefore be taken off-site.

In addition to the above use, some very minor grading i.e. within the permitted limits of the CDP, of the immediate slope east of the proposed buildings is proposed to assist with managing any overland flow and to prevent this from flowing directly towards the buildings. Similarly, the eastern edge of the landscape bund will also be graded to ensure flows are directly around the bund.

Despite meeting the permitted rule for earthworks, the applicant has offered conditions in relation to undertaking all earthworks in accordance with an Erosion and Sediment Control Plan and Construction Management Plan. These will include measures such as undertaking the works during dry conditions and ensuring any bare soil is grassed or planted as soon as possible following the completion of the works. A water supply is also available on site for dust suppression if necessary.

7. *How the stormwater drainage and existing flow paths will be managed particularly in relation to*
- a) *From the slopes above the barn – there appear to be gullies and scouring which suggest existing flow paths draining towards this site*
 - b) *From behind the bund, which appears to be continuous and uncontrolled surface flows may scour and destabilise the bund. How will stormwater be captured and disposed of?*
 - c) *Collection and disposal of roofwater from the barn and other impervious areas*
Reason: to understand how the flow paths and capacities are maintained and/or managed, and whether the proposal may adversely affect the roadside drainage capacity and to assess against the historical flooding in this area. The stormwater team recommends that no significant flows through the underpass unless as an emergency provision, or the area downstream of this designed to convey to a suitable discharge point.

As discussed above, the earthworks associated with the development will include gentle grading of the land immediately east of the proposed buildings and structures to ensure that overland flow can travel around them. This is the same for the bund design where the bund edge will be graded to ensure overland flow in this area will continue to progress down the slope of the land and will not collect at the base of the bund.

All roof water (stormwater) from the wintering barn will be discharged in accordance with the permitted standards of the Land and Water Regional Plan and is not considered to be within the scope of this application but rather that of the Canterbury Regional Council. All other impervious areas, including the stock underpass will be collected, pumped and managed via the effluent system again in accordance with requirements of the Canterbury Regional Council consents which are being sought from ECan presently.

Overall, any general runoff across the site and down towards Kaituna Valley Road will be similar, or slightly less, than that which occurs presently given the impervious areas will be collected and managed as part of the effluent system.

8. *Page 8 of the LVA shows that the ground levels are to be significantly altered including the hillside. Please note the definition of 'hill waterway' in the District Plan, which captures waterways including gullies. Further information is requested to understand whether the existing hillside waterway flow paths are altered by this proposal and how the flows will be managed on an ongoing basis. Please update the proposed plans to show all waterbodies and show all work within waterbody setbacks.*

As confirmed above, there are no hill waterways on the application site and the application will comply with all earthworks and buildings setbacks from existing hill waterways located further uphill from the application site paddock. Regardless, the applicant has confirmed that overland flow will be managed by slightly grading the existing land to avoid water entering or collecting near the proposed buildings or the landscape bund.

9. *Noting the existing scouring on the hillside adjacent, please outline what measures are in place to protect the proposed development from potential run off, erosion, scouring from upper slopes?*
Reason (for 8 and 9): The management of existing flow paths, including those from the slopes above the construction area was raised in the pre-app however it does not appear to be addressed in detail. It was my understanding at the preapp that the flow paths were not to be affected. The LVA drawings suggest significant changes to the hillside waterways. Note the definition of 'hill waterway' includes gullies etc. which may not be shown on the district plan.

This question has been addressed by way of the responses above.

10. *Please provide details on the access design for gradients, and how the existing drainage patterns on this side of the road are maintained once the proposed vehicle access is constructed, e.g., pipe/culvert or similar.*
Reason: to determine whether the gradients are compliant and are maintaining existing drainage patterns

The proposed access has been confirmed as meeting all relevant permitted standards in the CDP including the ability to meet the gradient requirements. To ensure the appropriate gradient will be achieved without disrupting the roadside drain (which is little more than a small depression in the land), the applicant will install any necessary pipe, culvert or similar. The applicant is willing to accept a condition that requires evidence that the access has been installed in accordance with the permitted standards of the CDP to be supplied to Council following installation.

11. *Provide an assessment of effects for earthworks within waterway setbacks. This should include a methodology for the earthworks under the roadside drainage channels.*
Reason: the interim RFI noted that the underpass will be underneath the channels. Note the definitions of 'network waterway' and 'hill waterways' include waterways for capturing/conveying stormwater which may not be shown on the district plan.

As stated above, it is not considered that the roadside drain within Kaituna Valley Road is a network waterway or any other waterway in terms of the definition of the CDP. Rather, it is a man-made drain for stormwater purposes that ultimately discharges into the Kaituna River upstream of the road bridge with SH75.

Therefore, there is no non-compliance with the any setback rule in relation to this roadside drain. Despite this, and as discussed earlier, the applicant confirms that when the stock underpass is installed, any temporary interception of this drain, will be undertaken during dry conditions only and will reinstate the drains to the same capacity and contour as existing. This will be addressed via the ESCP and CMP conditions that have been offered and ensure that any effects will be fully mitigated.

Other

12. *For completeness, please advise whether the following will comply with the District Plan:*
- *Outdoor lighting spill/glare*
 - *Signage none*

No outdoor lighting or signage is specifically provided for as part of this application. Should either be proposed in the future, it will be undertaken in accordance with the permitted standards of the CDP, or a separate resource consent sought at that time.

Odour management

13. *The EHO has raised a query with regards to the layout. The Chertsey example shows a concrete strip next to the compost area where the cows would stand during feeding, allowing the area to be washed down to the effluent pond. Please confirm whether a similar concrete strip can be implemented on this proposal – it is unclear whether this is/can be provided.*
Reason: EHO advises that without the concrete strip the saw dust may be compressed and potentially saturate with effluent; they have also advised that if this were the case, the rotary hoe would only aerate the top 300mm which potentially leads to nuisance odour effects.

While this is not considered to be a matter within the scope of CCC for this land use consent, it is confirmed that the strip next to the wintering barn will be a concreted and fully bunded. Therefore, all effluent captured within this

area will be contained and drained into the effluent system. The bunding will either be through the use of a concrete strip/nib or other design to ensure no runoff enters the composting area.

Cultural

14. *Please see attached the cultural advice. Please provide any comments, measures and mitigation to address the assessment matter 9.2.8.2 (e) Whether the proposal recognises the context and values of historic and cultural significance and the relationship, culture and traditions of Ngāi Tahu (pages 8-11 provide detailed commentary).*

This should cover matters such as ongoing management of effluent, run off (noting that discharges are managed in the remit of ECan), any environmentally sustainable farming practices employed in this proposal, opportunities for indigenous planting etc.

Note particularly the concerns of the 3 runanga who oppose it, and the recommended conditions for the 4th Runanga partially in support.

Following a request from CCC, MKT have provided a Cultural Advice Report (CAR) to CCC for their consideration.

In considering and responding to this CAR, it is important to reiterate that the application site is not located within a Site of Ngati Tahu Cultural significance, or any other cultural, or ecological overlay identified in the CDP or a statutory acknowledgement area. In addition, the proposal does not intrude any earthworks or building setbacks from any waterways, particularly the Kaituna River, while all earthworks proposed will meet the permitted standard rule in the CDP.

It is also important to reiterate the information provided earlier within this RFI response with regard to the consented baseline/existing environment. This confirms that a wintering barn composting building with associated infrastructure for a larger scale intensive farming activity has already been authorised on this farm, albeit in a slightly different location. It is unclear as to whether iwi have been made are fully aware of the existing consents referenced at the start of this response letter but given there is no recognition or reference to them, it appears this may not be the case.

Of the small number of non-compliances for this restricted discretionary activity, there is only one matter of discretion that specifically refers to cultural values or effects. This is set out under Clause 9.2.8.2 which lists matters of discretion as they relate to outstanding natural features and landscapes, significant features, rural amenity landscapes, and natural character in the coastal environment. Of these, it is only the rural amenity landscape that is relevant to this application as none of the other features or overlays are located on the application site.

The relevant assessment matter of 9.2.8.2 is Clause (l) which is set out below:

4. *Whether the proposal recognises the context and values of historic and cultural significance and the relationship, culture and traditions of Ngāi Tahu.*

CAR - Page 8-9 - 'Guidance to moderate impact on cultural values'

The potential for impacts on wai (freshwater) is highlighted as the primary impact of concern associated with the proposed development with the Kaituna River and its tributaries, the Kaituna Lagoon and Te Waihora and the associated mahinga kai being one of the most important cultural values in the Te Waihora catchment.

In response, it is noted that the primary concern around wai and the Te Waihora Catchment appears to be one directed more towards water quality in the catchment of Te Waihora. For context, the proposed farming activity and associated effluent discharge are the subject of separate a separate application and process with the Canterbury Regional Council. Under this Regional Council consent process, consents are required for:

- Discharge to land under Regulation 19 of the National Environmental Standards for Freshwater, and
- Discharge to land of collected effluent under Rules 5.36 and 11.5.4. of the Canterbury Land and Water Regional Plan.

Under this Regional consenting process, an overall improvement is proposed to water quality in the catchment. It is also noted that there are a range of permitted activities that will be met by the applicant. These include the discharge of stormwater from the site, earthworks, and discharges to air. In addition, consent is already held from the regional council for farming as a land use.

Overall, it is considered that the wider concerns raised with regard to wai are largely beyond the scope of this particular restricted discretionary land use process which is focused more on the establishment of rural buildings in a rural amenity zone and associated landscape and visual effects. Any actual potential effects on the wai from the proposed activities subject to this CCC land use process are in effect only related to earthworks and the potential for

any runoff to reach any waterways including the Kaituna River which is 200m away. As outlined in the application as lodged and within this RFI response, the earthworks proposed will meet the permitted standards of the CDP and could be undertaken presently, with or without the wintering barn. That said, good practice mitigation is proposed in the application and conditions, which will ensure appropriate ESCP and CMPs are in place to avoid the risk of runoff towards any waterways or areas that could reach waterways.

CAR – Pages 9-10 ‘Guidance Provided by Te Hapū o Ngāti Wheke (Rāpaki), Te Taumutu Rūnanga and Wairewa Rūnanga’

The concerns raised under this section are focused on the effects of earthworks and proposed land use in relation to the high cultural value of Kaituna River and Te Waihora, and the historical significance of the Kaituna Valley as a whole with activities on the margins of the lake such as grazing, sewage discharge, and run-off (urban and rural) considered by iwi to have effects on lake health through direct environmental impact.

As noted above, the cultural values of the Kaituna River are not considered to be affected by the proposed activities subject to this application which are well separated from the river and will be managed through appropriate mitigation measures such as an ESCP and CMP. In addition, the entire farm is already used for associated farming activities such as grazing of stock with consent already obtained that provides for a larger scale intensive farming activity to that proposed. It is therefore considered that the focus of these comments is ultimately more relevant to the scope of the Regional Council consent process.

Page 9-10 4.1.2 Guidance Provided by Te Rūnanga o Koukourarata

Iwi have considered the application and have noted that current regulations may allow for this activity to be approved but to help mitigate the effects of this proposed activity and to align the proposal to the Mahaanui Iwi Management Plan, Te Rūnanga o Koukourarata have provided consent conditions and advice notes. This position is noted by the applicant and comments on these conditions are provided further below.

Response to the positions of Iwi

In this CAR, the position of respective iwi along with the reasoning for this position is set out in Section 5 and summarised below:

Te Hapū o Ngāti Where (Rāpaki), Te Taumutu Rūnanga and Wairewa Rūnanga

- Opposed due to:
 - A significant increase in intensive farming activity, and
 - Earthworks and land use in an environment close to Te Waihora and associated waterways.

Applicant’s comment

- As referenced above, there are already consents granted for an intensive farming activity, which is actually a larger scale than that proposed under this application. Therefore, there will not be a significant increase in intensive farming activity. There will actually be a decrease from this consented baseline noting the applicant will surrender the already approved intensive farming consents (RMA20211675 and RMA20221398) if this consent is approved and prior to it being implemented. To the extent that the concern relates to potential increases in nutrients, it is confirmed that nutrients have been assessed as decreasing from those of the existing lawfully established farming operation, with this being addressed through separate resource consent requirements with the Regional Council.
- The proposed earthworks meet the permitted standards of the CDP including any setbacks from the Kaituna River (200m setback compared to around 70m from the already approved resource consents) or other waterways. All earthworks will be temporary and managed through a ESCP and CMP to prevent any potential sediment or runoff into any waterways or tributaries in the wider area.
- The land use effects in terms of the landscape and visual impact have been assessed in the application and supporting Landscape and Visual Assessment and will be mitigated through the retention of an existing shelterbelt coupled with additional planting to provide additional screening. The buildings will not be readily visible from Te Waihora which is located some 2.3km south of the application site. The buildings will also be screened from the Kaituna River and located a considerable distance further back than the currently consented, and larger, wintering barn location.

Te Rūnanga of Koukourarata

- If the proposed consent conditions are provided, it is considered that the proposal aligns with the provisions in the Mahaanui IMP.

Applicant's response

- This position is acknowledged, and the proposed conditions are still all largely applicable.
- With regard to the proposed conditions, given the amendments to the application the following is noted:
 - All works will be confined to agricultural land with no indigenous species present i.e. only pastoral grass. Therefore, no removal of any indigenous vegetation is required.
 - Indigenous species are proposed to be utilised in the planting of the landscape bund and batters of the approaches to the stock underpass.
 - As the bridge components of the proposal are no longer proposed there is no specific need or scope for a condition to require riparian planting of the Kaituna River under this particular consent. However, the applicant has a Regional Council consenting process in place at present and through this process, it has been committed to ensure the Kaituna River riparian margins will be planted with indigenous species. Therefore, this request, while not considered applicable to the scope of this land use consent, will ultimately be addressed by the separate regional consenting process.

Conclusion on Cultural Effects

Given the:

- narrow scope of discretion for this application,
- absence of any cultural overlays or identification of sites of cultural significance on the application site,
- context of the consented baseline/existing environment,
- mitigations in place to manage any effects from earthworks or potential runoff, and
- mitigations in place to screen the proposed wintering barn and associated infrastructure,

it is the applicant's view that any effects on cultural values will be less than minor, and iwi are therefore not considered to be an affected party. It is also noted that iwi were not considered an affected party to the previously approved consents for similar activities.

Other matters

In addition to the above matters, I've outlined these below as you may wish to consider them while preparing the further information response:

Potential Conditions and other notes:

- *As part of a structures on roads application, a number of documentation will be required. The engineering certification (Producer Statement 4 - PS4, with a building consent or an exemption), a Corridor Access Request etc. A Traffic Safety Audit condition may also be recommended for the underpass.*

This is noted and will be considered, as necessary, for that process.

- *For the construction phase, I have accepted your TMP condition.*

This is noted.

- *Given the iwi feedback, if this consent were to be recommended for approval, it will need to be decided by an independent commissioner with expertise in cultural matters.*

Specific expertise in cultural matters is not considered necessary given the very limited scope of this restricted discretionary consent and in light of the further information and consideration that has been provided above. The applicant has no objection more generally to an independent hearing commissioner being engaged on the proposal - but this is not for the reason of needing to consider cultural matters (noting that an independent planning commissioner was also used for RMA20211675 and RMA20221398 for a very similar but larger scale proposal on the same farm which were processed non-notified and with no affected parties).

Application on hold status:

It is noted that the applicant does not accept the Council's interpretation of when the application is to be considered 'on hold'. They consider the correct legal position under the RMA is based on the number of working days up and until the formal RFI was received which was 3 October 2024 and then the number of working days after Council have received the requested information. This matter can be discussed further at the conclusion of this process.

Please do not hesitate to contact us if you require any further queries or wish to discuss any of the comments provided in this letter.

Yours sincerely,



Sam Flewellen

Planz Consultants Ltd

email: sam@planzconsultants.co.nz

Appendix 1

RMA20211675

Report / Decision on a Resource Consent Application
(Sections 95A, 95B and 104 / 104C)

Application number:	RMA/2021/1675
Applicant:	Wongan Hills Limited
Site address:	The overall property address in Council records is 2651 Christchurch Akaroa Road, however the specific address for that part of the property considered the site is 297 Kaituna Valley Road, Kaituna Valley.
Legal description:	While numerous legal descriptions apply to the overall property, the parcel affected by the application is Pt Lot 2 D.P. 1631. This parcel is 28.0703 hectares in area, whereas the property holding in Council records is 3,361 hectares, although I note that the applicant advises that the overall farming property comprises 4,106 hectares, and includes land in Prices Valley, Waikoko Valley and Kaitorete Spit, in addition to the land in Kaituna Valley.
Zone:	Rural Banks Peninsula
Overlays and map notations:	Liquefaction Management Area
Activity status:	Restricted Discretionary Activity
Application:	To undertake intensive farming, including the construction of two composting cattle feed barns and other ancillary sheds/structures.

Proposed activity

The proposal is described in detail at Section 3 of the application. The key aspects are:

- The establishment of an intensive beef farming operation based around two composting feed barns of a maximum of 12,000 m² for each barn, and each capable of accommodating around 800 to 1000 cattle. Each building will be a maximum height of 15 metres.
- The feed barns will be finished in mist green or a closely related colour with a Light Reflectance Value (LRV) of 25 per cent.
- Complementing the barns will be various ancillary sheds and structures consisting of grain/feed silos, wastewater storage and treatment system, as well as associated vehicle access and gravel curtilage. The ancillary building comprise around 330 m² of building footprint. However, I note that the applicant states that an effluent tank may be used as an alternative to an effluent pond. The applicant advises that such a tank would be no more than 4 metres in height, and given that it would replace the proposed 600 m² effluent pond, would be of the same or similar size.
- The animals will be housed on a 700-800 mm deep layer of composting sawdust within each barn, which is designed to absorb waste. This compost is maintained at temperatures between 40 to 60 degrees which kills bacteria and “cooks off” liquid effluent.
- The compost is mechanically aerated once a day when the animals are moved into feed lanes for five hours. Waste from the feed lanes is flood washed into a screw press where the solids are removed, while the wastewater is sent to the treatment pond for further settling before reuse in the washdown process. Once no longer useable the wastewater is spread onto pastures as fertiliser.

- The sawdust is renewed every 18-24 months, with waste sawdust being added to the solid waste from the feed lanes and then used as fertiliser on the farm.
- With respect to the spreading of effluent as fertiliser, the applicant advises that this is within the nutrient budget of the applicant's landholding and that the applicant is in the process of seeking an amendment to their existing discharge consent from Environment Canterbury (ECAN) to authorise the discharge. The applicant also advises that a further consent from ECAN may be required for the earthworks for the wastewater pond in relation to the Kaituna River, but this will depend on the depth of groundwater at the final site chosen and its distance to the river.

Description of site and existing environment

The application site and surrounding environment are described comprehensively at Section 3.0 (The Receiving Environment) of the Landscape Assessment Report prepared by Rough and Milne Landscape Architects, which forms part of the application. I adopt the applicant's description for the purposes of this report. That being said, the summary provided in that report nicely encapsulates the character of the landscape and values present and I repeat an excerpt from it here:

“Overall the site is rural in character and forms part of a wider rural working landscape. It is enclosed by the hillside, poplars, amenity trees and is immediately north of the farm base area. The site along with the farm base area are well contained to this area. As such, they do not otherwise compromise the open rural character of the Kaituna Valley.”

The nature of the site and surrounding area are illustrated in the images at **Figures 1** and **2** below. The latter is a view to the site from the south from Kaituna Valley Road.



Figure 1: Site and surrounding area

The building that can be seen to the left of Kaituna Valley Road comprise two dwellings and various farm buildings and yards, all of which are owned by the applicant. It should be noted that the dwelling shown on the heavily wooded site in the centre of the image is no longer present, having burnt down recently.

As set out in the application, the paper road that traverses the feed barn site is in the process of being stopped and in this regard the applicant is working with Council staff on this. I understand that a new section of legal road will vest in Council that diverts around the barn location to ensure ongoing continuity in the paper road network as a replacement for the portion to be stopped.



Figure 2: View from the south to the feed barn site from Kaituna Valley Road

A site visit was undertaken on the 15th of June, 2021, with those present being:

- Mr Brent Thomas – applicant,
- Mr Matt Iremonger – applicant,
- Mr Nick Boyes – consultant planner for the applicant,
- Mr Jeremy Head – landscape architect on behalf of Council, and
- Myself.

The applicants conducted all parties to the site of the feed barns, but the site was also viewed from Kaituna Valley Road and from land on the eastern side of the road owned by the applicant. In the case of the latter, all present walked up close to the boundaries of 12 and 16 Okana Road adjacent to the dwellings on those properties, in order to understand any effects on those property owners.

Activity status

Christchurch District Plan

The site is zoned Rural Banks Peninsula in the Christchurch District Plan. This zone provides for farming and rural based productive activities, along with conservation and recreational activities as permitted activities. However, while anticipated, more intensive animal based activities require an assessment on a case by case basis through a consent process to ensure that rural amenity values will be upheld.

The proposal requires resource consent for a Restricted Discretionary Activity under the following rules:

Activity status rule	Standard not met	Reason	Matters of control or discretion	Notification clause
Rule 8.9.2.3. RD1	Rule 8.9.2.1. P1	The proposed earthworks for the wastewater pond will exceed the 100 m ³ volume and 600 mm depth standards, given that works extend to a depth of 3 metres over an area of 600 m ² .	Rule 8.9.4 (as relevant): <ul style="list-style-type: none"> • Nuisance, • Resources and assets, • Land stability, • Amenities, • Indigenous biodiversity, natural character and landscape features. 	May be limited notified but not publicly notified.
Rule 17.4.1.3. RD1	Rules: <ul style="list-style-type: none"> • 17.4.2.2 (Building reflectivity), • 17.4.2.9. (Site coverage), • 17.4.2.10. (Building footprint). • 17.4.2.7 (Building setback from internal boundaries) 	The proposed northern-most feed barn will be located around 5 metres from the adjoining title boundary, thus breaching the 10 metre internal boundary setback. The proposal breaches the maximum permitted site coverage of 2000 m ² , as around 24,330 m ² is proposed. Similarly, the 300 m ² maximum building footprint will be breached as each feed barn will be a maximum of 12,000 m ² in area, and an effluent tank could be up to 600 m ² in area. Finally, the accessory sheds and silos will be constructed of galvanised steel which will breach the maximum reflectivity standard of 40%.	Rule 17.11.1.4. – Building setbacks from internal boundaries. Rule 17.11.1.6. – Site coverage and building footprint. Rule 17.11.1.9. – Building reflectivity.	No.
Rule 17.4.1.3. RD6 – Intensive Farming		Consent is required for Intensive Farming as a Restricted Discretionary Activity.	Rule 17.11.2.3 – Intensive Farming, Rule 9.2.8.2 – Significant features and rural amenity landscapes.	

For completeness I note that:

- An open drains runs to the north of the proposed development and that access track upgrading will involve earthworks in proximity to it and the installation of a culvert within it. This was a matter discussed on site with Mr Boyes who subsequently addressed it (inter alia) in his letter to Council of the

24th of June, 2021. In that letter Mr Boyes sets out that the drain could either be a Network Waterway or a Banks Peninsula Waterway and goes on to make the appropriate assessments.

Having examined the District Plan provisions I am of the view that the drain does not fall under any of the listed categories of waterways. Specifically, it cannot be a Network Waterway as it does not drain into the public stormwater network or the coastal environment, and cannot be a Banks Peninsula waterway as the setback standards for these waterways tell us that setbacks are to be measured from the banks of rivers and streams on Banks Peninsula. This waterway is neither, but is instead a manmade drain. Finally, it cannot be a Hill Waterway, as it must have a gradient of steeper than 1 in 50 to qualify as such, and in this case I estimate that the gradient is closer to 1 in 100, based on site levels provided in the application. Consequently I do not intend to trigger a breach of any District Plan rules in relation to the drain. Having said that, I am grateful for Mr Boyes assessment of this matter.

- That the site is not located within a Site of Ngai Tahu Cultural Significance.
- The Liquefaction Management Area provisions have no relevance to this proposal.
- I have not triggered a breach of the road boundary setback in relation to the paper road that traverses the site of the proposed feed barns as in order for the proposal to proceed that road must be stopped. That process is underway with Council.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES)

The [NES](#) controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out.

The application site has not been identified as HAIL land, although I note that the site has been used for intensive horticulture. Having said that, and having examined historical aerial photographs dating back to 1941, there is no evidence to suggest that any buildings that may have been used to store agrichemicals ever occupied the site, as all of the farm buildings for this part of the property are located close to Kaituna Valley Road. Furthermore, and based on advice from Ms Isobel Stout, the proposed change of use is unlikely to create a pathway that could result in harm to human health, even should there be residual agrichemicals present in the soil. Consequently I am satisfied that the NES is not applicable to this proposal.

Written approvals [Sections 95D, 95E(3)(a) and 104(3)(a)(ii)]

No written approvals have been provided with the application.

NOTIFICATION ASSESSMENT

Adverse effects on the environment and affected persons [Sections 95A, 95B, 95E(3) and 95D]

When assessing whether adverse effects on the **environment** will be, or are likely to be, more than minor, any effects on the owners and occupiers of the application site and adjacent properties must be disregarded (section 95D(a)). The assessment of **affected persons** under section 95E includes persons on adjacent properties as well as those within the wider environment.

As a restricted discretionary activity, assessment of the effects of this proposal is limited to the matters of discretion for the rules breached.

The objectives and policies in the District Plan set the context for assessing the effects of the application. The relevant provisions can be found in Chapter 17 (Rural Zones). They are as follows:

17.2.1.1 Objective – The Rural Environment

a. Subdivision, use and development of rural land that:

- i. *Supports, maintains and, where appropriate, enhances the function, character and amenity values of the rural environment and, in particular, the potential contribution of rural productive activities to the economy and wellbeing of the Christchurch District;*
- iv. *Maintains and enhances the distinctive character and amenity values of Banks Peninsula and Port Hills, including indigenous biodiversity, Ngai Tahu cultural values, open space, natural features and landscapes, and coastal environment values.*

17.2.2.1 Policy – Range of activities on rural land

- a. *Provide for the economic development potential of rural land by enabling a range of activities that:*
 - i. *Have a direct relationship with, or are dependent on, the rural resource, rural productive activity, or sea based aquaculture;*
 - ii. *Have a functional, technical or operational necessity for a rural location;...*

17.2.2.2 Policy – Effects of activities utilising the rural resource

- a. *Ensure that activities utilising the rural resource avoid significant adverse effects on areas of important natural resources and avoid, remedy or mitigate other adverse effects on rural character and amenity values.*

Policy 17.2.2.3 sets out that elements contributing to rural character and amenity values (as relevant to this proposal) include a landscape dominated by openness and vegetation, buildings integrated into a predominantly natural setting and natural character elements of waterways and natural landforms.

17.2.2.4 Policy – Function of rural areas

- a. *Ensure the nature, scale and intensity of subdivision, use and development recognise the different natural and physical resources, character and amenity values, conservation values and Ngai Tahu values of rural land in the Christchurch District, ...*

Sections 95D(b) and 95E(2)(a) allow the adverse effects of activities permitted by the District Plan or an NES to be disregarded (the “permitted baseline”). There is no relevant permitted baseline in this case, given that largest permitted single building in the zone is 300 m².

In the context of this planning framework, I consider that the potential effects of the activity relate to:

- Visual and landscape effects,
- Odour, noise and dust
- Earthworks,
- Traffic effects, and
- Building setbacks.

Each of the above will be discussed in turn.

Visual and Landscape Effects

The most important consideration in relation to visual and landscape effects relates to the very large scale of the buildings proposed. Relevant assessment matters for this aspect of the proposal are to be found under Rule 17.11.2.3. for Intensive Farming, Rule 9.2.8.2. for Rural Amenity Landscapes, and even more specifically, under Rule 17.11.1.6. in relation to site coverage and building footprints.

Under Rule 17.11.2.3. relevant matters include existing and proposed landscaping, the sensitivity of the receiving environment, any proposed visual screening and the extent to which the proposal will maintain rural amenity values, including built form standards.

In summary, the relevant assessment matters under Rule 9.2.8.2. are as follows:

- Whether the proposal will maintain rural amenity values,

- Whether the proposal will be visually integrated into the landscape, including a consideration of any mitigation measures such as plantings,
- The visibility from public viewing points, including the significance of the viewing point,
- Whether landforms and vegetation mitigate the visibility of the development,
- The capacity of the landscape to absorb the change,
- Any cumulative effects that may arise,
- Whether the proposal will support the continuation of farming activities, and
- Whether the proposal has a technical or operational need for its location.

The assessment matters under Rule 17.11.1.6. seek to ensure the maintenance of rural amenity values and that sites remain dominated by open space rather than buildings and generally repeat the matters set out above.

A comprehensive visual and landscape assessment has been undertaken by Mr Paul Smith of Rough and Milne Landscape Architecture for the applicant and that assessment forms part of the application. In addition, the proposal and that assessment has been reviewed by Mr Jeremy Head of WSP on behalf of Council. It is my intention to rely on the advice of Mr Smith and Mr Head.

Before considering their advice it is necessary to understand the site and its context, and consequently the visibility of the proposed buildings. This is probably best illustrated by imagery from the Rough and Milne assessment, and I refer the decision maker to the series of viewpoints in the Graphic Attachment to the assessment. What is apparent is that the site for the barns is tucked at the base of a hill in a paddock that is to a large extent surrounded by a mature ring of poplars and that along with roadside vegetation and existing buildings along Kaituna Valley Road (the road), views to the building site are often obstructed. Exceptions to this comprise two viewing points along the road to the south of the site and a further view through a gap in the poplar belt when viewing the site from the north.

It is also worth noting that Mr Smith's assessment was undertaken when the poplars were in leaf and provided a more comprehensive visual screen to the site. The image below at **Figure 3**, looking to the site from the north-east, provided by Mr Head, illustrates the visual screening that will be provided when the poplars are not in leaf. As can be seen, the trees will only be a partial screen during the cooler months of the year. The other point to note is that the trees in the image are around 25 to 30 metres in height, with the result that no part of the proposed buildings will be seen unobstructed by the trees, with the exception of from the gap areas mentioned above.



Figure 3: View to the site from the north-east adjacent to the house on 16 Okana Road

The above image also illustrates the gap in the trees where a direct view into the site is visible. By way of comparison the image at **Figure 4** (Courtesy of Jeremy Head), shows a view to the site opposite the dwelling on 12 Okana Road.



Figure 4: View to the site from the north-east opposite the dwelling at 16 Okana Road.

Turning now to Mr Smith's assessment, his conclusions are set out at Section 6.0 of his assessment. In summary they are that:

- The proposal will have a very low to low degree of adverse effects on landscape values of the site and surrounds given that open space values of the wider landscape will be maintained, it will not affect the natural character values of the Kaituna River and the development will be located where it will be associated with and in keeping with the adjoining farm base operations.
- The proposal will have a very low to low degree of adverse effects on the existing visual amenity that is experienced when travelling along two short sections of the road, where the development will be directly visible, and will have low adverse effects on visual amenity experienced from 12 and 16 Okana Road.
- Overall, the proposal satisfies the District Plan as it will maintain the landscape values and qualities of the rural amenity landscape of Kaituna Valley.

As stated earlier, Mr Head reviewed the application and Mr Smith's assessment. In summary, Mr Head agreed in principle with Mr Smith's conclusions, and specifically that the visual and amenity values of the Rural Amenity Landscape will be maintained and that there will be low to very low adverse landscape / character effects.

It is worth noting at this point that Mr Head's views about the development are premised to some degree on experience of actual feed barns in operation at Chertsey, as the applicant, his agents, myself, Mr Head and Ms Kirsten Rayne (Council Environmental Health Officer) undertook a site visit on the 18th of February, 2021 to view those barns in operation. Mr Head comments in his review about those buildings as set out below:

"During the Couplands farm site visit, it was generally agreed between Council and the applicant that the feed barns did not appear as large constructed as what was expected given their large size. This was due to a combination of recessive colour, low open sides, internal shadow created by the openness of the building, rather than vertical reflective walling and surrounding planting."

Figure 5 below shows a view of the Coupland feed barns. What is evident is that the buildings, while large, do not appear obtrusive in the landscape (which is aided by the recessive colour) and that the relatively young poplar shelter belts surrounding the buildings are quite effective in breaking their visual mass.



Figure 5: View of the Coupland feed barns at Chertsey

The plantings in the above image are a close approximation of the effectiveness of the existing poplar plantings on the subject site when they are not in leaf. Mr Head states that those trees will “buffer” the buildings at those times, rather than visually screening them. I agree with that view, and would also note that plantings on the subject site are more mature than the plantings shown in the image at **Figure 5**, and hence will be quite effective in breaking the visual mass and form of the proposed buildings.

Mr Head does, however, go on to raise a number of areas where the proposal could be improved, these being in relation to colour and further mitigation plantings. Specifically, three gaps in shelterbelts surrounding the site were identified which would provide views to the site from Kaituna Valley Road which would benefit from additional plantings, the colour of the feed barns should be changed from Mist Green to Sandstone Grey (LRV of 27 per cent), as this would provide better visual integration year round, particularly when the poplar shelter belts were without leaves, and that clarification of the feed barn sizes should be provided.

Mr Boyes responded to these matters in his letter of the 24th of June, 2021, in which an amended landscape plan was provided that showed additional plantings of Lombardy poplars in the three gap areas. That plan also set out that those plantings would be watered with an automatic irrigation system for the first three years. Mr Head was satisfied with this response. As to the colour of the barns, the applicant advised that they were willing to accept a condition requiring that either colour be used, but that they needed to ensure that if Sandstone Grey was chosen that it would still allow the barns to operate within acceptable temperatures. Finally, Mr Boyes clarified that each barn will be:

- “approximately 200m long x 60m wide (12,000m² in area).”
- “will be approximately 15m tall.”

Mr Boyes explained that the slightly larger size of the buildings than shown on the plans was to provide the applicant with some flexibility and avoid the need for a subsequent variation to any consent, and that the buildings would likely be built to the size shown on the plans. Mr Head was of the view that the slightly larger size specified by Mr Boyes was of no moment as the buildings would be very large regardless of which size they were built to.

Mr Head then went on to discuss effects on adjoining property owners at 12 and 16 Okana Road. Mr Head generally agrees with Mr Smith's conclusion that any effects on the owners of these properties would be low in the short term and during winter and very low or negligible during summer after 7 to 10 years when the additional trees have matured sufficiently to fill the gaps.

Advice provided to this Council previously from Mr Head was that:

“It is generally understood that ‘less than minor’ effects are equivalent to very ‘Very Low’ and ‘Low’ effects are equivalent to ‘minor’ effects in an RMA 1991 context within the NZ Landscape Guidelines...”

However, in discussion with Mr Head on this point he advised that the Seven Point Landscape Assessment used by Mr Smith does not exactly align with the statutory effects framework of the Resource Management Act 1991 (RMA) and that ‘Low’ effects could be less than minor, or minor effects under the RMA, depending on the circumstances.

In my view there are two elements to the effects on owners and occupiers of 16 Okana Road, the first being the direct view of the buildings that will be afforded by the existing gap in the poplar shelter belt, and the second, effects arising from the views of the buildings during the winter months when the trees only provide partial screening. Mr Head describes effects arising from both as ‘Low’. Notwithstanding that I believe they can be distinguished.

Turning to the matter of the gap in the trees, it is my view that the effect on owners or occupiers of 16 Okana Road would be minor as a direct view of the buildings would be afforded to them from both the dwelling and the outdoor living areas around the dwelling and the remainder of their property until such time as the proposed landscape plantings had matured sufficiently to screen the buildings. Consequently that would necessitate identifying them as affected parties from whom written approval would need to be obtained in order for the application to be processed on a non-notified basis.

This matter was discussed with the applicant and Mr Boyes responded by way of email of the 2nd of August, 2021. That advice included an addendum to the Landscape Assessment report from Mr Smith wherein it was proposed that a four high stack of large rectangular hay bales be placed in the gap in the shelter belt until such time as the additional screen plantings have matured. The bales will achieve a height of no less than four metres. Mr Smith is of the view that the introduction of the hay bales will reduce the view through the gap by half from 12 Okana Road and by more than half for 16 Okana Road and as a result any effects on the owners of the aforementioned properties will be very low. Mr Head has assessed Mr Smith's addendum and agrees with his findings. I accept the findings of Messrs Smith and Head. In this regard, while the hay bays will not completely block views of the proposed buildings sufficient of the visual mass and form will be blocked to render any effects less than minor on other parties.

The second matter is the views to the buildings through the trees during the winter months, and effects that may arise from that. It is my view that these effects will be less than minor for the following reasons:

- The existing plantings will provide sufficient screening to effectively break up the visual mass and form of the buildings.
- Once the gap in the trees has been filled, no clear view of the buildings will be available.
- The buildings will be gable end on when viewed from 16 Okana Road, thus presenting their smallest profile to view.
- The recessive colour of the buildings will visually integrate them into the landscape.
- They will be viewed from a distance of around 710 metres, thus reducing the apparent scale of the buildings.

Mr Head's visual simulation of alternative colours provides a useful simulation in assessing effects on parties at 16 Okana Road. The image at **Figure 6** below shows a view to the site with the proposed building profiles modelled in Sandstone Grey and Mist Green. Regardless of the colour if one imagines those profiles behind the trees I am of the view that any effects on other parties, including owners and occupiers of 12 Okana Road further to the north, will be less than minor for the reasons given above.



'Mist Green' (25% LRV)



'Sandstone Grey' (27% LRV)

Figure 6: View to the site from adjacent to 16 Okana Road, with modelled profiles.

In summary it is my view that any visual effects or landscape effects will be less than minor and consequently that no other parties need to be identified as affected parties. On this point I note that views to the site from the property at 230 Kaituna Valley Road are blocked by existing extensive vegetation on the subject property, hence they will not be affected by the proposal. Having said that, there is often a degree of uncertainty when assessing visual effects, particularly when a development is not modelled in the landscape, and to this end the use of a review condition was discussed with the applicant to address any unforeseen visual effects. This was agreed to by the same, who supplied wording for the condition, and consequently I have recommended such a condition. That condition will allow Council to review the application and require additional landscape plantings as screening should it be deemed necessary.

I am also satisfied that any effects arising from the views of the site from the two gaps along Kaituna Valley Road to the south of the site will only provide transitory and brief views of the development and as such any effects will be less than minor on persons passing up and down the road. That is not to say that there will be no effects and to this end the applicant has indicated that additional plantings will be undertaken to fill those gaps. Both myself and Mr Head believe that will be beneficial to maintaining rural amenity values, particularly since these buildings are of an industrial scale and will be placed in a rather intimate and enclosed rural landscape. This is in contrast to the expansive, open landscape at Chertsey where the buildings were absorbed to a large degree by the expansiveness of that setting.

It is also necessary to consider the possibility set out in the application that effluent may be held in a tank rather than a pond. The nature of any such tank is not discussed in the application, but given that the proposed pond will be in the order of 600 m² in area, a tank could be of a similar size. Having discussed this matter with the applicant, I was advised that any such tank would be no more than 4 metres in height. Both Mr Head and myself are of the view that any tank will be effectively screened for the most part by the existing poplar shelter belts and that, as a result, the scale will not be out of keeping from a rural perspective. Having said that, we are also of the view that it will be important that any tank be finished in a recessive colour with a light reflectance value of 40

per cent or less to ensure that it can be visually integrated into the landscape, particularly when the poplar trees are not in leaf, as it will be a large building in its own right, even though small compared to the proposed fattening sheds. This will also be beneficial in managing any cumulative visual effects in relation to the other proposed buildings.

I am of the view that the proposal satisfies the relevant assessment matters set out at the beginning of this section of this report, in so far as I believe it has been established that the development can be visually absorbed by the landscape, that rural amenity values will be maintained, that views from public viewing points are transitory, that by locating the development close to the existing farm buildings open space will be maintained, and that while some cumulative effect will arise this is mitigated by the circumstances of the site (i.e. the visual screening), and that the development clearly has both a technical and operational need to be located in the proposed location. On this point, while the barns do not need to be located in this precise location, it is necessary that they be located on rural farmland that forms part of the overall farming property, as stock from that property will pass through the barns. In addition, a rural location is required to provide the necessary space for the operation.

Finally, there is the matter of the breach of the reflectivity standards for the ancillary sheds and silos, which are to be finished in galvanised steel, which I anticipate would have reflectivity values around 65 per cent. Notwithstanding that, I am of the view that the breach will not give rise to any meaningful effects due to the location proposed for these buildings being extensively screened by existing poplar shelter belts. I am also mindful that they will weather within a few years to a dull grey.

Odour, Noise and Dust

Having visited operational barns at Chertsey it was apparent that effects arising from odour, noise and dust were negligible and no different from that would arise from a normal farming operation. In this regard the effluent pond and solid waste were largely odourless. Ms Rayne was satisfied that the operation was not giving rise to effects that would constitute a nuisance for other parties. Consequently, I accept Mr Boye's assessment that any effects will be less than minor.

However, it is also important, given the scale of the proposed buildings, that construction noise is appropriately managed. Consequently, conditions to this effect have been recommended.

Earthworks

As set out in the application, earthworks will be necessary to create a level platform for the proposed buildings and curtilage area, which in total is around two hectares. In addition, earthworks of up to three metres in depth, over an area of 600 m² will be necessary if an effluent pond is to be created. This pond would be located no closer than 50 metres from the Kaituna River in order to comply with Rule 5.175 of the Canterbury Land and Water Regional Plan.

The applicant advises that no spoil will be removed from the site, but will be retained on site for use in earth bunds, which will then be grassed, or otherwise stockpiled on site for use elsewhere on the farm. Any stockpiles will be no more than 6 metres in height to reduce effects from windblown material. Finally, earthworks are to be undertaken in accordance with an Erosion and Sediment Control Plan (ESCP) prepared by a suitably qualified expert.

I am satisfied that as long as earthworks are undertaken in accordance with a competently prepared ESCP and standard conditions that any effects will be less than minor, as the site is effectively flat, hence any potential for sediment discharges will be low, and it is well separated from adjoining properties in separate ownership.

Traffic Effects

I accept Mr Boye's assessment of traffic effects for the purposes of this application and that any effects will be less than minor. Having said that, it will be imperative that the access off Kaituna Valley Road, which is to be upgraded, is formed to an appropriate standard, along with the access track itself, to ensure that traffic safety is maintained on that road, that extraneous material is not tracked onto the road and that the carriageway of the road is not damaged. I have recommended conditions to achieve this. It is also apparent that clear sight lines are

available in excess of 100 metres in either direction from the access point, hence the access is appropriate with respect to visibility.

I note that for the most part the access to the site is formed to a sturdy gravel formation and that it will likely only be the last section of the track, comprising around 120 metres, that will need additional formation. That will include a culvert crossing of the drain discussed earlier in this report. While I am of the view that no consent is required for earthworks in proximity to this drain, it will still be important that any works undertaken do not give rise to discharges of sediment that might enter the Kaituna River, hence I have included an advice note to this effect, and in particular, suggested that the works be undertaken when the drain is not flowing.

While construction stage traffic has not been addressed in the application I have discussed this with Mr Boyes, who advised that vehicle movements for construction workers would occur early in the morning and again at the end of the day, and that for the remainder of the day vehicle movements would be minimal. In addition, he advised that construction materials would be brought to the site on a staggered basis as required throughout the construction period and would not generate frequent vehicle movements. Having also discussed this with Mr Andy Milne (Council Senior Transport Planner) it was agreed that a Traffic Management Plan was not necessary in this instance given the low vehicle numbers associated with the construction of the barns and the low volume of traffic on Kaituna Valley Road. Mr Milne also confirmed that a Corridor Access Request was not necessary in relation to the aforementioned road, even though the upgrading of the access would occur in part within the legal road corridor, as the access was existing.

Boundary Setbacks

A breach of the 10 metre internal boundary setback arises in relation to a title boundary immediately to the north of the proposed feed barns as those buildings are proposed to be located around 5 metres from this boundary. This is effectively a technical breach as the applicant owns both the subject site and the adjoining land to the north, and as a result is the only party likely to be affected by the breach, hence no more needs to be said about this.

Conclusion

Overall, I consider that any adverse effects on the wider environment will be less than minor and that there will be no affected persons.

Notification tests [Sections 95A and 95B]

Sections 95A and 95B set out the steps that must be followed to determine whether public notification or limited notification of an application is required.

PUBLIC NOTIFICATION TESTS – Section 95A	
Step 1: Mandatory notification – section 95A(3)	
➤ Has the applicant requested that the application be publicly notified?	No
➤ Is public notification required under s95C (following a request for further information or commissioning of report)?	No
➤ Is the application made jointly with an application to exchange reserve land?	No
Step 2: If not required by Step 1, notification is precluded if any of these apply – section 95A(5)	
➤ Does a rule or NES preclude public notification for all aspects of the application?	No
➤ Is the application a controlled activity?	No
➤ Is the application a boundary activity?	No
Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)	
➤ Does a rule or NES require public notification?	No

➤ Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor (discussed above)?	No
Step 4: Relevant to all applications that don't already require notification – section 95A(9)	
➤ Do special circumstances exist that warrant the application being publicly notified?	No

In accordance with the provisions of section 95A, the application **must not be publicly notified**.

LIMITED NOTIFICATION TESTS – Section 95B	
Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)	
➤ Are there any affected protected customary rights groups or customary marine title groups?	No
➤ If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is Te Rūnanga o Ngāi Tahu an affected person in this regard?	No
Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)	
➤ Does a rule or NES preclude limited notification for all aspects of the application?	No
➤ Is this a land use consent application for a controlled activity?	No
Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)	
➤ Are there any affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval (discussed above)?	No
Step 4: Relevant to all applications – section 95B(10)	
➤ Do special circumstances exist that warrant notification to any other persons not identified above?	No

In accordance with the provisions of section 95B, the application **must not be limited notified**.

Notification recommendation

That, for the reasons outlined above, the application be processed on a **non-notified** basis pursuant to sections 95A and 95B of the Resource Management Act 1991.

Reported and recommended by: Kent Wilson – Senior Planner


Date: 11th of August, 2021

Notification decision

That the above recommendation be accepted for the reasons outlined in the report.

Commissioner:

Name: David Mountfort

Signature: 

Date: 13 August 2021

SECTION 104 ASSESSMENT

Actual and potential effects on the environment [Section 104(1)(a)]

The adverse effects on the environment are assessed in the preceding section 95 discussion, and that assessment is equally applicable here.

Overall, I consider that the effects on the environment are able to be mitigated through compliance with recommended conditions such that they will be less than minor and acceptable.

Relevant objectives, policies, rules and other provisions of the Plan [Section 104(1)(b)(vi)]

Regard must be had to the relevant objectives and policies in the District Plan. The relevant provisions are set out in the Section 95 report and will not be repeated here.

It is clear from the policy framework that rural productive activities (which include intensive farming) are contemplated within rural zones, particularly given the potential contribution they will make to the local economy. However, they should have a demonstrated justification for a rural location, and at the same time maintain rural amenity values.

Based on the assessment in the Section 95 report I am satisfied that the proposal is in accord with the all of the relevant objectives and policies.

Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]

As set out in the Section 95 report the National Environmental Standard for managing contaminants in soil to protect human health is not relevant to this application.

The District Plan gives effect to the relevant higher order documents referred to in s104(1)(b), including the Regional Policy Statement and Regional Plans. As such, there is no need to specifically address them in this report.

Part 2 of the Resource Management Act [Section 104(1)]

Taking guidance from the most recent case law¹, the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared through an independent hearing and decision-making process in a manner that appropriately reflects the provisions of sections 5-8 of the Act.

Accordingly no further assessment against Part 2 is considered necessary.

Section 104(3)(d) notification consideration

Section 104(3)(d) states that consent must not be granted if an application should have been notified and was not. No matters have arisen in the assessment of this application which would indicate that the application ought to have been notified.

¹ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

Section 104 Recommendation

That, for the above reasons, the application **be granted** pursuant to Sections 104, 104C, 108 and 108AA of the Resource Management Act 1991, subject to the following conditions:

1. The development shall proceed in accordance with the information and plans submitted with the application (including the amended landscape plan dated 24/6/2021), recorded in Council records as RMA/2021/1675 – Approved Plans (12 pages).

Landscaping

2. The proposed landscaping shall be established in accordance with the Landscape Plan labelled RMA/2021/1675 Page 12 of the Approved Plans.
3. The existing landscaping comprising a single row of Lombardy Poplar trees and coloured blue on the Landscape Plan, shall be maintained in perpetuity.
4. The proposed landscaping shown as orange and yellow on the Landscape Plan shall be established on site within the first planting season (extending from 1 April to 30 September) following the issuing of this consent and be irrigated for the first three years thereafter.
5. All landscaping required for this consent shall be maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.
6. Within 12 months of issue date of this consent the consent holder must submit photographic evidence, of sufficient quality and detail, to demonstrate compliance with Condition 4. This should be sent via email to rcmon@ccc.govt.nz, Attention: Compliance Officer.
7. That a stack of hay bales no less than four high and attaining a minimum height of 4 metres be placed in the gap in the Poplar shelter belt beside the proposed accessway to the proposed fattening sheds and maintained in that location until such time as the proposed additional landscape plantings for this location have reached a minimum height of 5 metres.

Review Condition

8. Pursuant to Section 128 of the Resource Management Act 1991, the Council may review consent conditions by serving notice on the consent holder within a period of 12 months from the date of consent commencement, to deal with any unforeseen adverse visual effects of the feed barns on the environment which may arise from the exercise of this consent. Any such review is to be limited to the provision of additional screen planting to be undertaken by the Consent Holder to further reduce the visibility of the feed barns from beyond the application site.

Condition Note: The date of commencement for the purpose of this condition is the date on which the Council issues the Code Compliance Certificate for any feed barn authorised under this consent.

Building Colour

9. That the feed barns be finished in either Mist Green or Sandstone Grey, but preferably the latter, as it will allow the barns to visually blend in better during the winter when they are most visible.
10. Should an effluent tank be used instead of an effluent pond any such tank must be finished in a recessive colour with a light reflectance value of 40 per cent or less.

Noise/ Hours of Operation/ Vibration

11. No construction work, other than maintenance of dust and erosion and sediment control measures, shall be undertaken on Sundays, Public Holidays or outside the hours of 7.30am to 6.00pm Monday to Saturday, without the Council's prior consent.
12. All construction work (including any demolition and/or site preparation works) shall be designed, managed and conducted to ensure that construction noise complies with the requirements of NZS 6803:1999 Acoustics – Construction Noise for residential / rural / industrial / commercial areas (see applicable Table on Page 11 of this standard).
13. Vibration from construction work shall not exceed the limits of, and shall be measured and assessed in accordance with, German Standard DIN 4150 1999-02 Structural Vibration – Effects of Vibration on Structures.

Access

14. That the existing gravel entranceway be formed to a two coat chip seal standard in a fish tail shape extending for a distance of ten metres down the existing access (i.e. into the subject site) from the edge of the seal in Kaituna Valley Road, in accordance with Figure 12 of Appendix 7.5.10 of the District Plan.

Earthworks

15. All earthworks shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury <http://esccantebury.co.nz/>. The ESCP must be held on site at all times and made available to the Council on request.
16. The consent holder must notify Christchurch City Council no less than three working days prior to works commencing, (via email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor. The consent holder shall at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 15 above.
17. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road, or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site.
18. No earthworks shall commence until the ESCP has been implemented on site. The ESCP measures shall be maintained over the period of the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces shall be adequately topsoiled and vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
19. Dust emissions shall be appropriately managed within the boundary of the property in compliance with the Regional Air Plan. Dust mitigation measures such as water carts, sprinklers or polymers shall be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
20. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
21. Any surplus material from the project works shall be formed into bunds and stabilised with grass, or if stockpiled, be located out of public view, with stockpiles to be no greater than six metres in height. Any

such stockpiles shall also be stabilised with grass to minimise potential dust emissions. Grass seeding of bunds and stockpiles shall occur no later than two weeks following the completion of the bund or the stockpile.

Accidental Discovery Protocol

22. In the event of the discovery/disturbance of any archaeological material or sites, including taonga (treasured artefacts) and koiwi tangata (human remains), the consent holder shall immediately:
- Cease earthmoving operations in the affected area of the site; and
 - Advise the Council of the disturbance via email to rcmon@ccc.govt.nz
 - Advise appropriate agencies, including Heritage New Zealand Pouhere Taonga and the local Mana Whenua (Ngāi Tūāhuriri Rūnanga or swap in relevant rūnanga) of the disturbance.

Advice Notes

- This site may be an archaeological site as defined and protected under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological sites are defined in the HNZPTA as any place in New Zealand where there is physical evidence of pre-1900 occupation, regardless whether the site is known or not, recorded in the NZAA Site Recording Scheme or not, or listed with Heritage New Zealand or the local council. Authority from Heritage New Zealand is required for any work that affects or may affect an archaeological site. **Please contact the Heritage New Zealand regional archaeologist on 03 363 1880 or archaeologistcw@heritage.org.nz before commencing work on the land.**

It is unlawful for any person to destroy, damage, or modify the whole or any part of an archaeological site without the prior authority of the Heritage New Zealand Pouhere Taonga. This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The Heritage New Zealand Pouhere Taonga Act 2014 provides for substantial penalties for unauthorised damage or destruction.

Refer also to the Accidental Discovery Protocol (ADP) set out in Appendix 3 of the Mahaanui Iwi Management Plan (IMP).

- It is recommended that any works to form the access in proximity to, or across the existing drain running to the north-east of the feed barn site be undertaken during dry weather when the drain is not running and there is no immediate prospect of it doing so.
- The Council will require payment of its administrative charges in relation to monitoring of conditions, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:
 - (i) A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and
 - (ii) A monitoring fee of \$175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
 - (iii) Time charged at an hourly rate if more than one inspection, or additional monitoring activities (including those relating to non-compliance with conditions), are required.
- The monitoring programme administration fee and initial inspection fee / documentation fee / inspection fees will be charged to the applicant with the consent processing costs. Any additional monitoring time will be invoiced to the consent holder when the monitoring is carried out, at the hourly rate specified in the applicable Annual Plan Schedule of Fees and Charges.
- This resource consent has been processed under the Resource Management Act 1991 and relates to District planning matters only. You will also need to comply with the requirements of the Building Act 2004 and any other legislative requirements (including but not limited to Environment Canterbury Regional Plans,

health licence, liquor licence, archaeological authority, certificate of title restrictions such as covenants, consent notices, encumbrances, right of way or easement restrictions, landowner approval where required).

- For more information about the building consent process please contact our Duty Building Consent Officer (phone 941 8999) or go to our website <https://ccc.govt.nz/consents-and-licences/>

Development Contributions Assessment

This proposal has been assessed for development contributions (DCs) under the provisions of the [Christchurch City Council Development Contributions Policy](#) (DCP). The proposal has been found to create additional demand on network and community infrastructure or reserves.

To help fund community facilities, the Local Government Act 2002 (LGA) allows a council to require development contributions if the effect of a development requires the council to provide new or upgraded infrastructure.

This Notice informs you of the DCs required by the Council for the development but is not a request for payment. An invoice will be issued by the Council when it requires payment of the DC's. Payment will be required before issue of a code compliance certificate for a building consent, commencement of the resource consent activity, issue of a section 224(c) certificate for a subdivision consent or authorisation of a service connection, whichever is first. An invoice can be issued earlier at your request. Council may also issue an invoice, at its discretion, if it considers the development is already utilising Council infrastructure for which DCs are being required.

Development contribution assessment summary

DEVELOPMENT CONTRIBUTIONS SUMMARY						Application Ref:		RMA/2021/1675		
Customer Name		Wongan Hills Limited						ASSESSMENT		
Project Address		297 Kaituna Valley Road								
Assessment Date		30/06/2021								
Assessment Summary										
		Existing HUE (Credit)	Proposed HUE (Demand)	Discount	Assessed HUE After Discount	Chargeable HUEs	DC HUE Rate (incl GST)	DC Charge (incl GST)	Reduction (incl GST)	Net DC Charge (incl GST)
Activity	Catchment	A	B	C	D	E	F	G	H	I
Network Infrastructure										
Water supply	District-wide	0.00	0.00	0.00%	0.00	0.00	\$2,395.45	\$0.00	\$0.00	\$0.00
Wastewater collection	District-wide	0.00	0.00	0.00%	0.00	0.00	\$6,349.15	\$0.00	\$0.00	\$0.00
Wastewater treatment & disposal	District-wide	0.00	0.00	0.00%	0.00	0.00	\$2,904.90	\$0.00	\$0.00	\$0.00
Stormwater & flood protection	Southern Bay	0.00	0.00	0.00%	0.00	0.00	\$724.50	\$0.00	\$0.00	\$0.00
Road network	Rest of Banks	0.00	0.24	0.00%	0.24	0.24	\$907.35	\$215.68	\$0.00	\$215.68
Active travel	District-wide	0.00	0.24	0.00%	0.24	0.24	\$425.50	\$101.14	\$0.00	\$101.14
Public transport	District-wide	0.00	0.24	0.00%	0.24	0.24	\$717.60	\$170.57	\$0.00	\$170.57
Total Community and Network Infrastructure								\$487.39		\$487.39
Reserves										
Regional parks	District-wide	1.00	1.00			0.00				\$0.00
Garden & heritage parks	District-wide	1.00	1.00			0.00				\$0.00
Sports parks	District-wide	1.00	1.00			0.00				\$0.00
Neighbourhood parks	Rest of Banks	1.00	1.00			0.00				\$0.00
Total Reserve Contributions										\$0.00
							GST 15%			\$63.57
							Total Development Contribution			\$487.39

The DC assessment is valid for 24 months from the date the assessment is issued (usually with the consent). If the original assessment expires before payment is made, reassessment of the DCs required will be carried out at the same time the invoice is generated.

Reassessments will incorporate any increases to the development contribution requirement in line with the Producers Price Index (PPI) as described in Parts 2.9 and A.7.3 of the DCP. PPI adjustments will incorporate all years between the original application and the time the reassessment is carried out.

Reconsideration and Objections

Under section 199A of the Local Government Act 2002 you can request that the Council reconsider the required DC on the following grounds:

- the development contribution was incorrectly calculated or assessed under the DCP; or
- the Council incorrectly applied its DCP; or
- the information used to assess your development against the DCP, or the way the Council has recorded or used it when requiring a development contribution, was incomplete or contained errors.

A Request for Reconsideration form must be lodged with Council within 10 working days of receiving this DC Notice.

Under section 199C of the Local Government Act 2002 you can object to the assessed DC requirement on the following grounds:

- the development contribution was incorrectly calculated or assessed under the DCP; or
- the territorial authority incorrectly applied its DCP; or
- the information used to assess your development against the DCP, or the way the territorial authority has recorded or used it when requiring a development contribution, was incomplete or contained errors.

An Objection to DCs form must be lodged with the Council within 15 working days of receiving this DC Notice or a reconsidered assessment. A deposit of \$1,000.00 will be required to lodge an objection.

A form to request a reconsideration or lodge an objection can be found on our website.

To request an invoice please contact a Development Contributions Assessor by phone on (03) 941-8999 or email developmentcontributions@ccc.govt.nz. Once an invoice has been issued payment is required within 30 days. Please quote the project number with all correspondence.

Further information regarding development contributions can be found on our website www.ccc.govt.nz or by contacting a Development Contributions Assessor on (03) 941-8999.

Reported and recommended by: Kent Wilson – Senior Planner

Date: 11th of August, 2021

Section 104 Decision

That the above recommendation be accepted for the reasons outlined in the report.

☒ I have viewed the application and plans.

☒ I have read the report and accept the conclusions and recommendation.

Commissioner:

Name: David Mountfort

Signature: 

Date: 13 August 2021



DP 33960



Site Plan
S:1/2000

NOTES:

- The source of the data and an estimate of its accuracy are stated below. Fox & Associates Ltd does not guarantee any data sourced from a third party. If the use of third party data is critical to the project then it should be independently verified.

PROPERTY DATA:

- Boundaries and dimensions shown hereon may be subject to legal definition survey.
- The boundary data has been sourced from several different surveys of different ages. The accuracy of the data is estimated to be approximately $\pm 200\text{mm}$.

SPATIAL DATA:

- The physical data has been captured using survey equipment to an accuracy of approximately ± 30 mm (horizontal and vertical).

DATE OF SURVEY

- Field survey carried out on 15 March 2021

COORDINATE SYSTEM and LEVEL DATUM:

- Coordinates are in terms of Mount Pleasant 2000
- Reference Mark (SI, 781173.16mN, 395856.71mE)
- Elevations are in terms of an assumed datum.

CONTOURS:

- Contour Interval = 1.0m

AERIAL PHOTOGRAPHY

- The aerial imagery is orthophotography provided by Environment Canterbury, flown November 2018. Data sourced from canterburymaps.govt.nz "Latest Imagery" layer on 23 March 2020 and is used under Creative Commons 3.0 license.

TITLE REFERENCE:

- RT059202

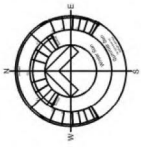
CERTIFICATION:

I, Craig McInnes, hereby certify that this survey has been carried out by me, or under my direction, to the accuracies as set out above.

Page 1 of 12

11/08/2021

Wilson, Kent E



NOTES:
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NO	Description



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email: info@herointernational.co.nz

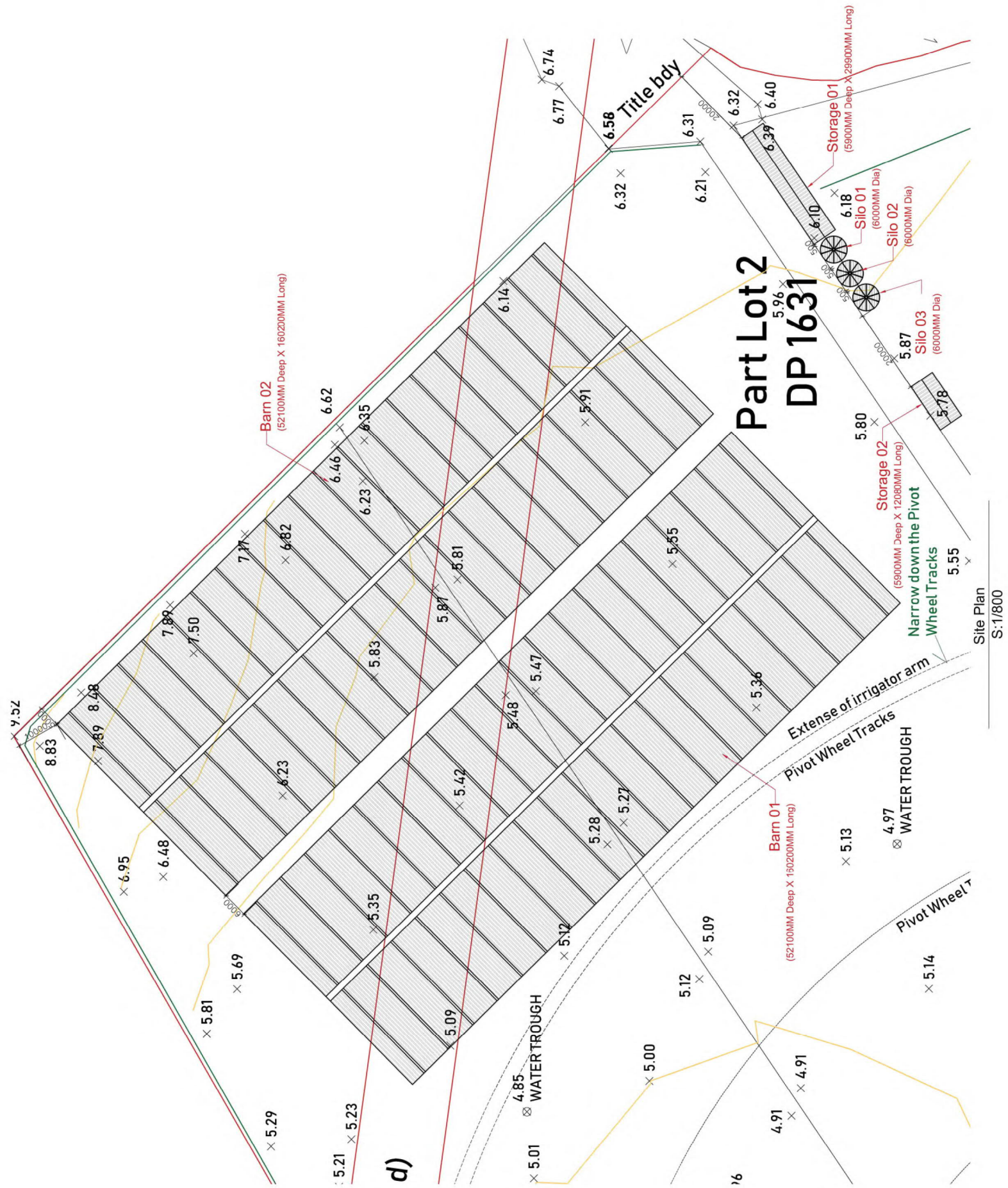
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**Kaituna Feed
Barn**

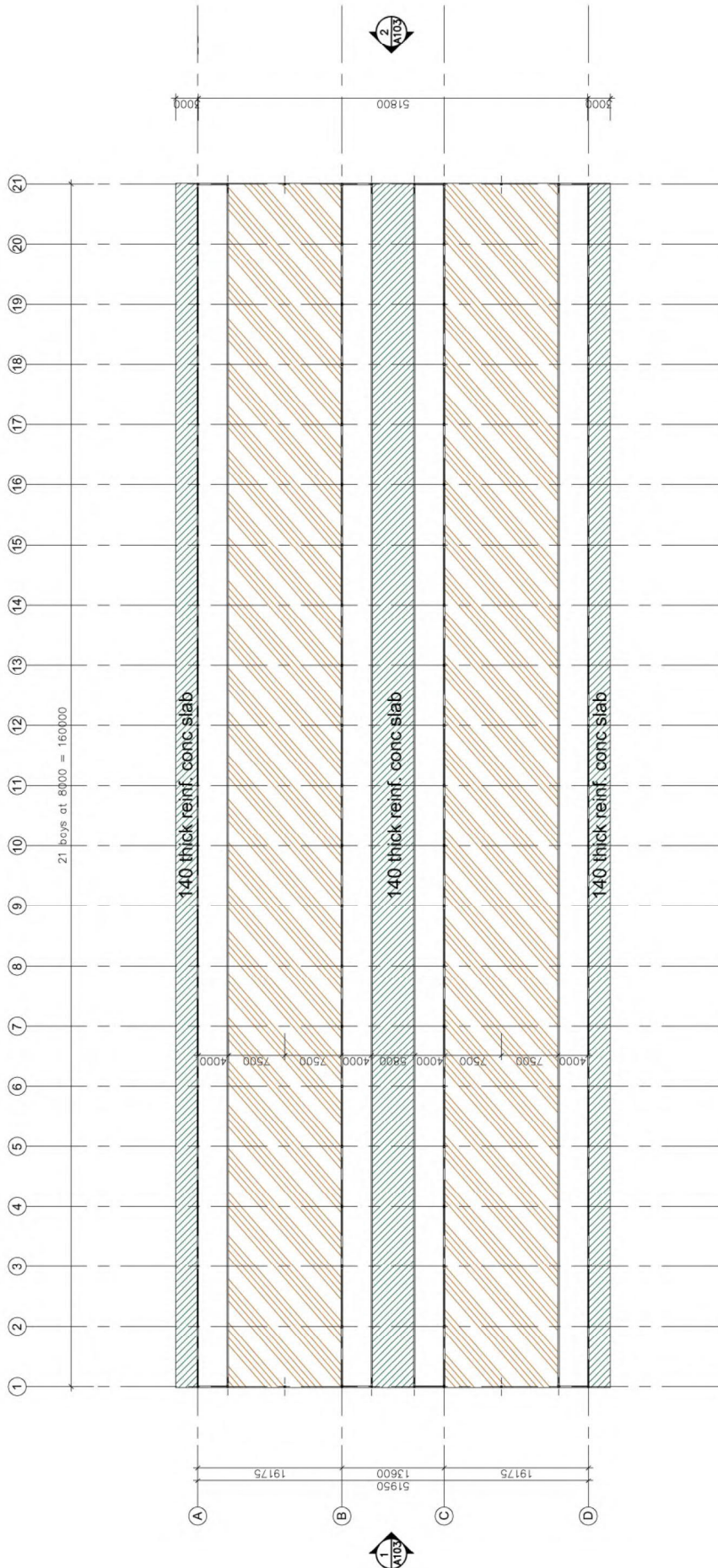
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Site Plan

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CHECKED 31/03/21	VI
SCALE	

JOB N° 10009
SHEET N°

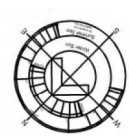
A002





- Compost bedding
- Dung lanes
- Feed lanes

Floor Slab Plan
S:1/600



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 Tel: 0900166899
 email: info@herointernational.co.nz

PROJECT ADDRESS
 Kaituna Feed
 Barn

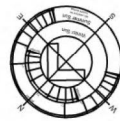
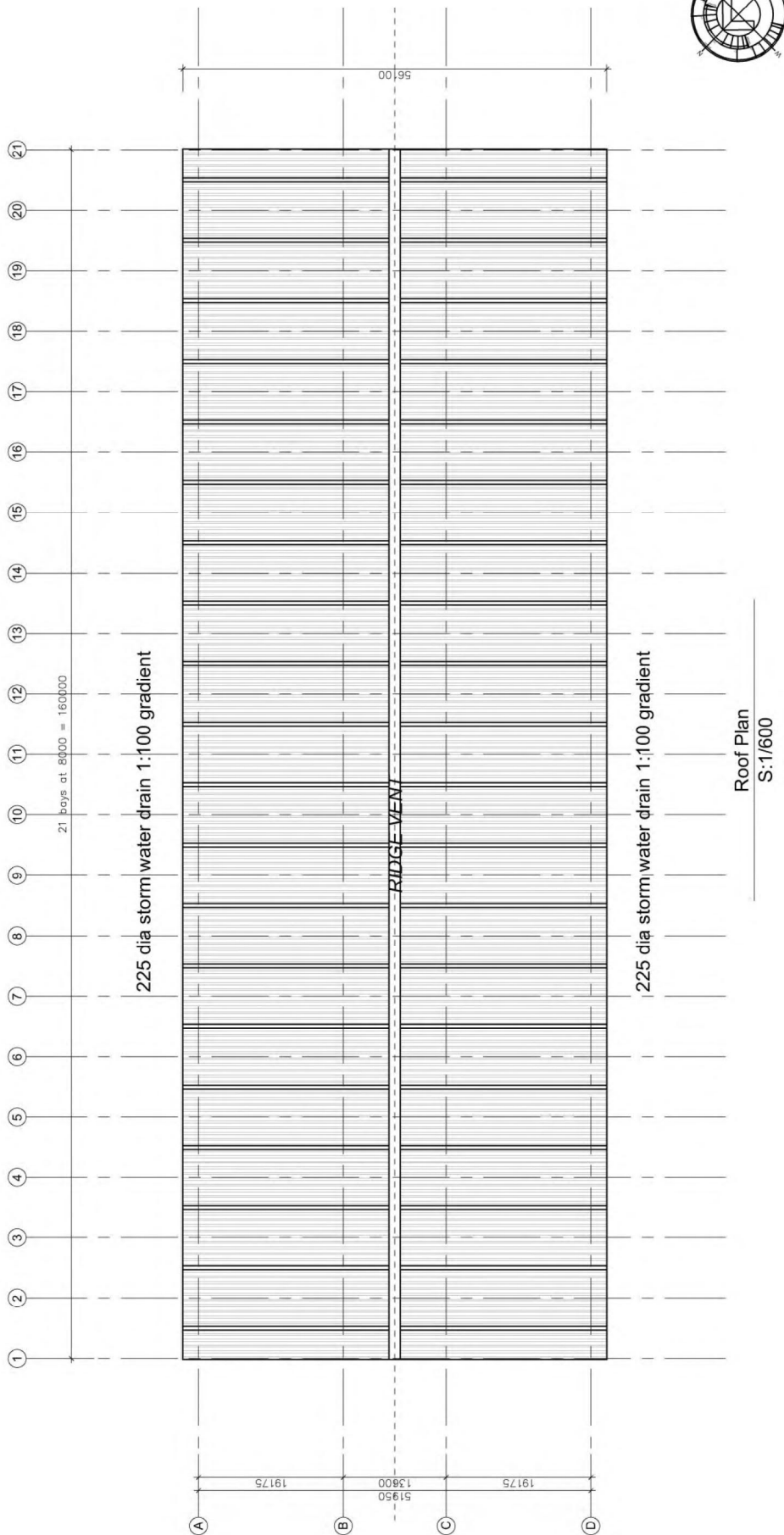
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 Barn 01 & 02
 Floor Slab Plan

STATUS Project Status

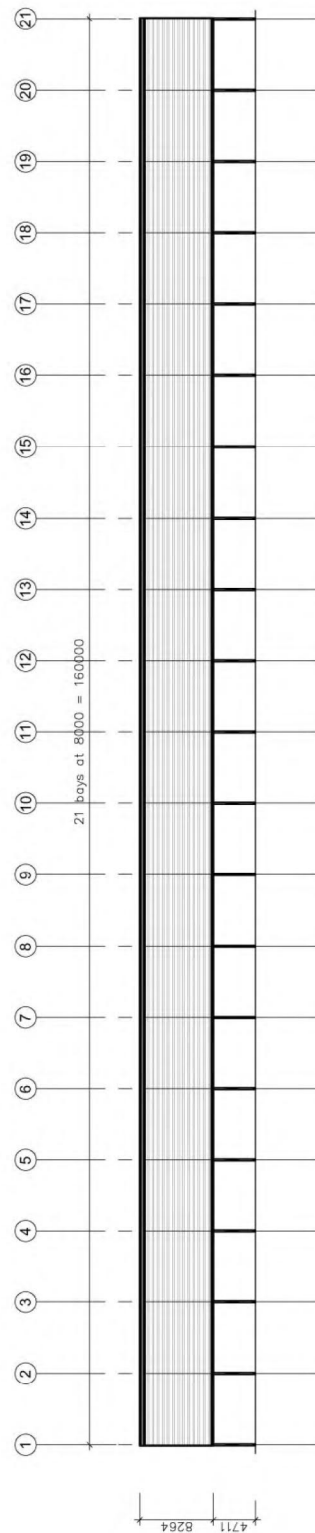
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CHECKED 31/03/21	VJ

SCALE
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JOB N° 10009
SHEET N° A100



Roof Plan
S:1/600



Elevation
S:1/600

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tel: 0800166899
email: info@herointernational.co.nz

PROJECT ADDRESS
Kaituna Feed Barn

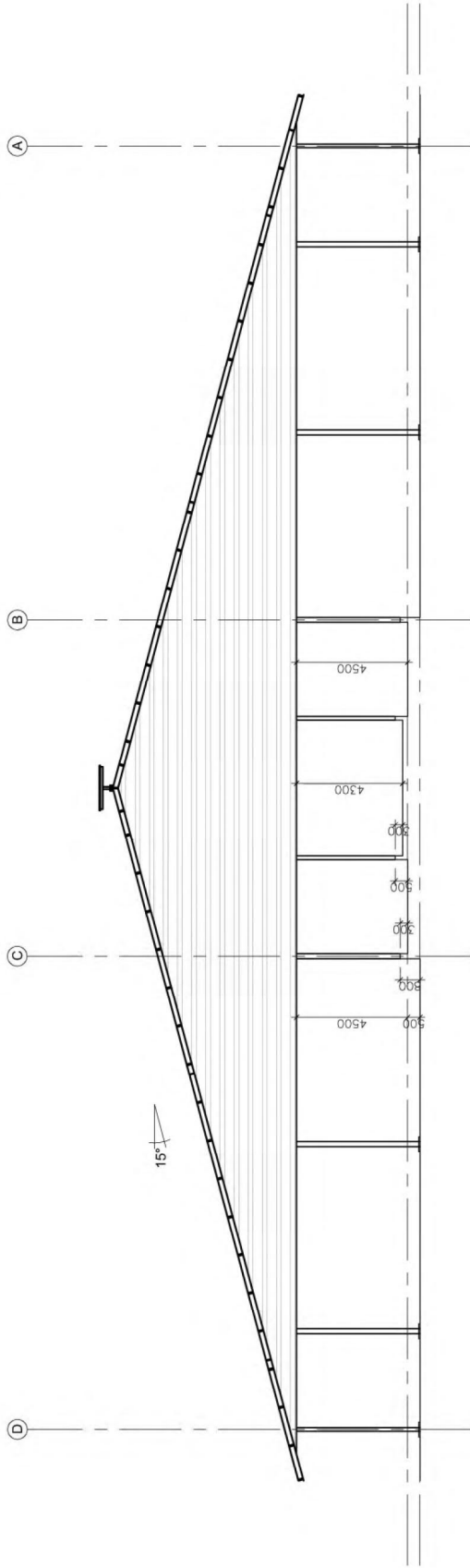
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Roof Plan
Elevation**

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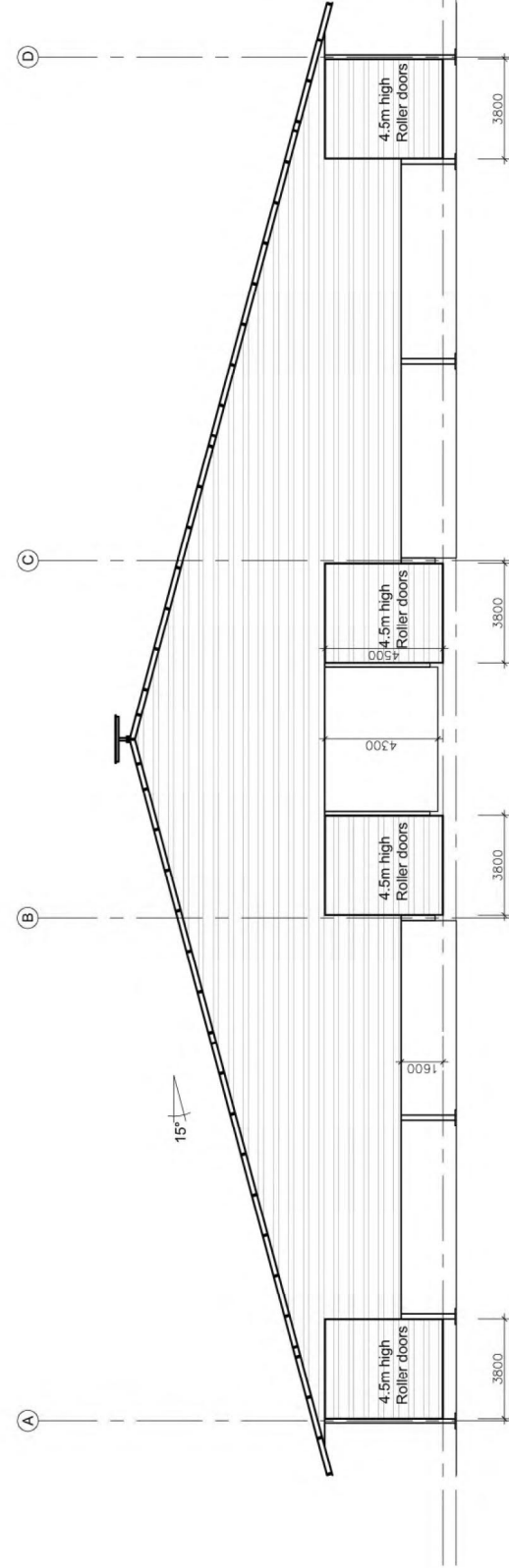
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JOB N° 10009
SHEET N°

A101



End Elevation 01
S:1/200



End Elevation 02
S:1/200

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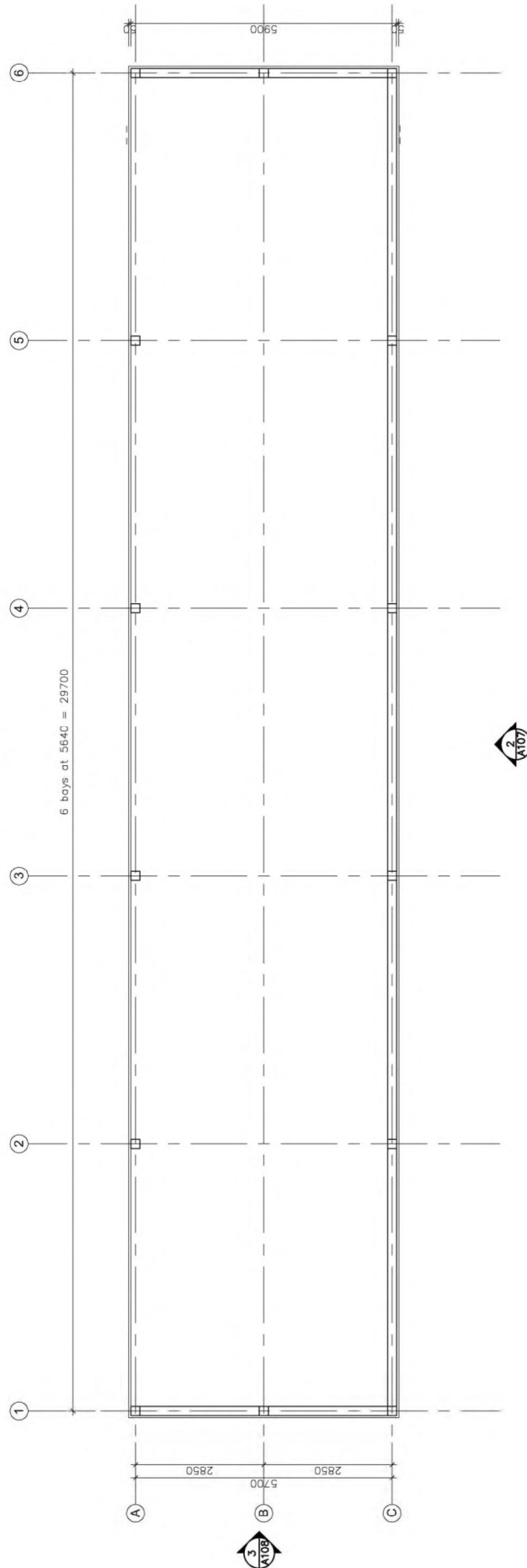
PROJECT/ADDRESS
 Kaituna Feed
 Barn

DRAWING NAME
 Barn 01 & 02
 End Elevations

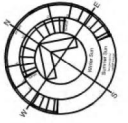
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CHECKED 31/03/21	VJ
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JOB N° 10009
 SHEET N°

A102



Floor Plan
S:1/100



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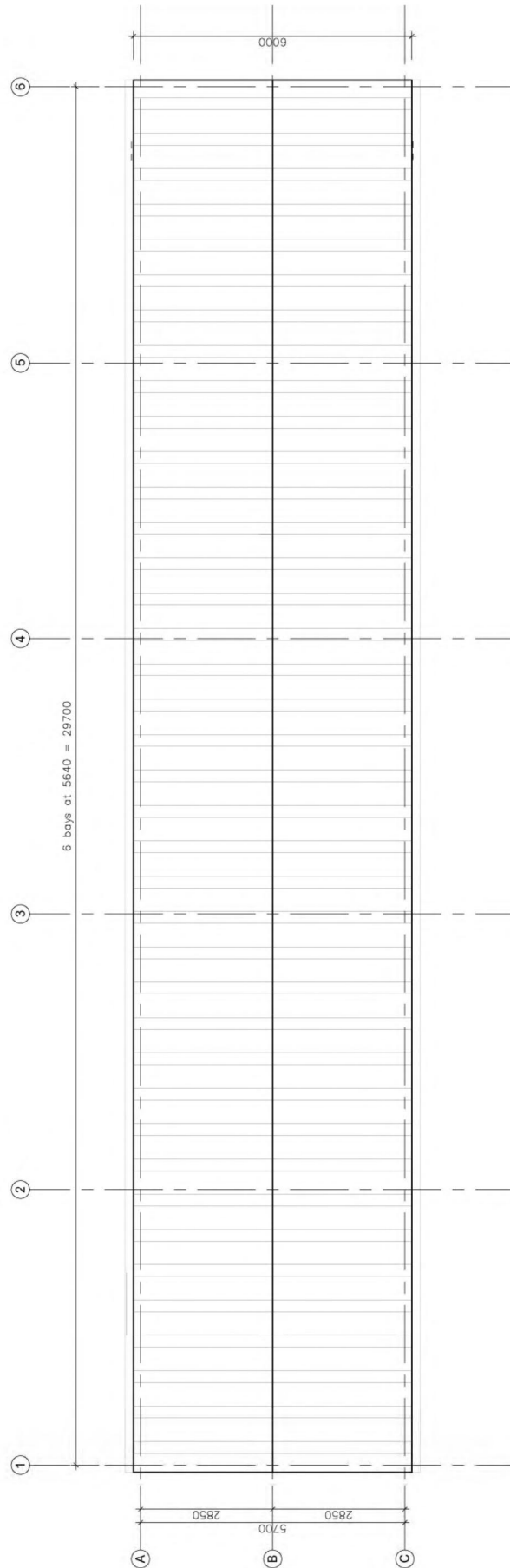
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Date	

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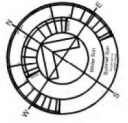
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**Kaituna Feed
Barn**

DRAWING NAME
**Storage Shed 01
Floor Plan**

Project Status	
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CHECKED 31/03/21	VJ
SCALE	
1 : 100	
JOB N°	10009
SHEET N°	
A103	



Roof Plan
S:1/100



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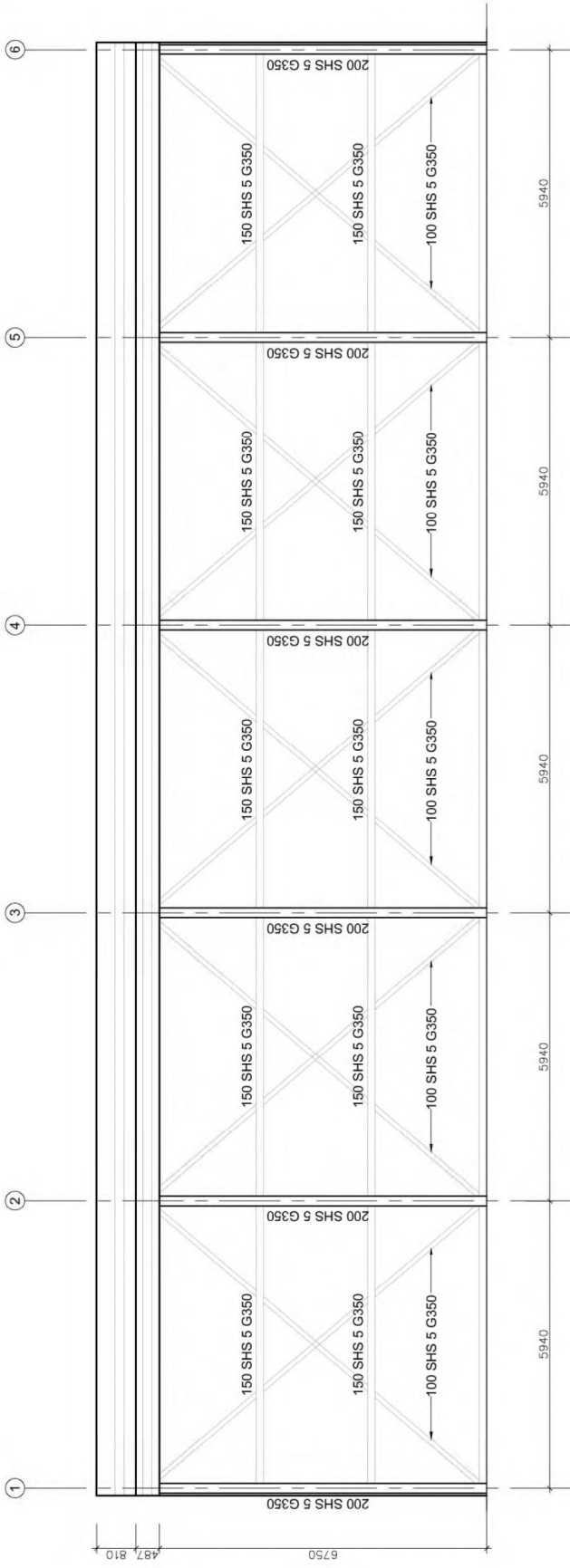


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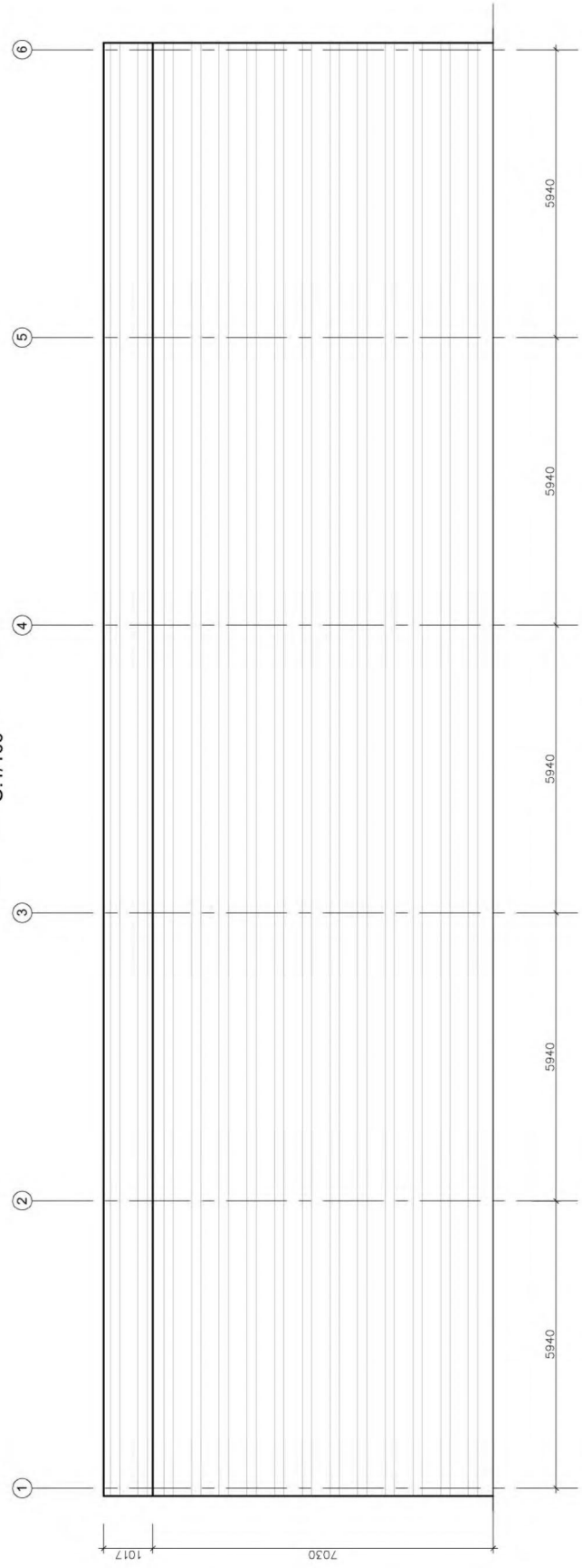
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Kaituna Feed Barn

DRAWING NAME
Storage Shed 01 Roof Plan

STATUS		Project Status	
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CHECKED 31/03/21	VJ	CHECKED 31/03/21	VJ
SCALE		SCALE	
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JOB N°		JOB N°	
10009		10009	
SHEET N°		SHEET N°	
A104		A104	



End Elevation 01
S:1/100



End Elevation 02
S:1/100

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PROJECT/ADDRESS
Kaituna Feed Barn

DRAWING NAME
**Storage Shed 01
End Elevations**

Project Status	
DATE	INITIAL
DRAWN 31/03/21	VJ
CHECKED 31/03/21	VJ
SCALE	

1 : 100

JOB N° 10009
SHEET N°

A105

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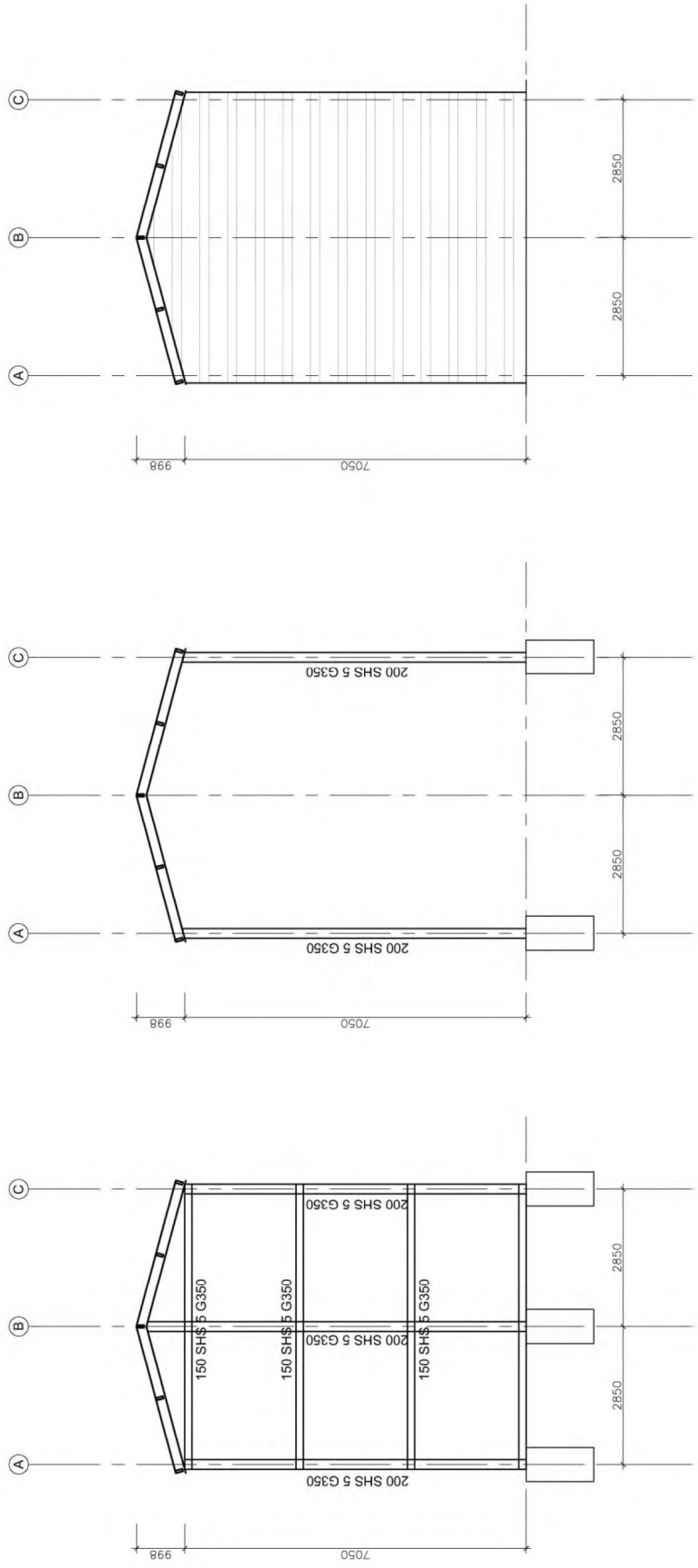


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PROJECT/ADDRESS
 Kaituna Feed
 Barn

DRAWING NAME
 Storage Shed 01
 Elevations

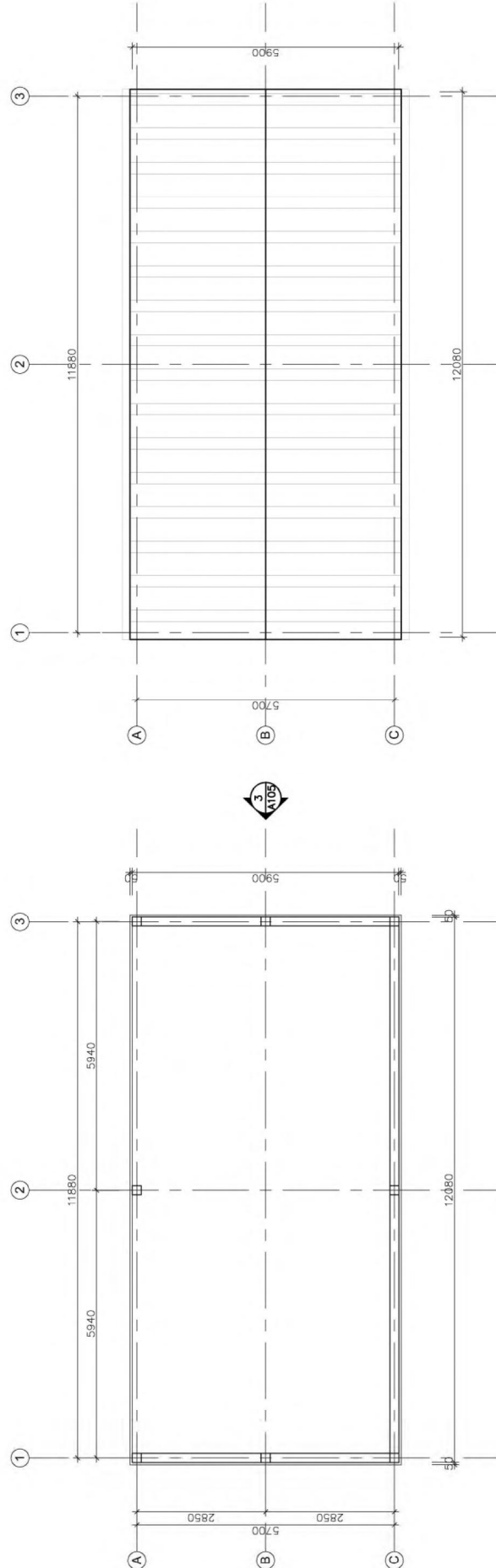
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End Elevation
 S:1/100

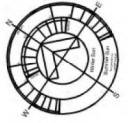
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 S:1/100

Frame Elevation Line 01&06
 S:1/100



Floor Plan
S:1/100

Roof Plan
S:1/100



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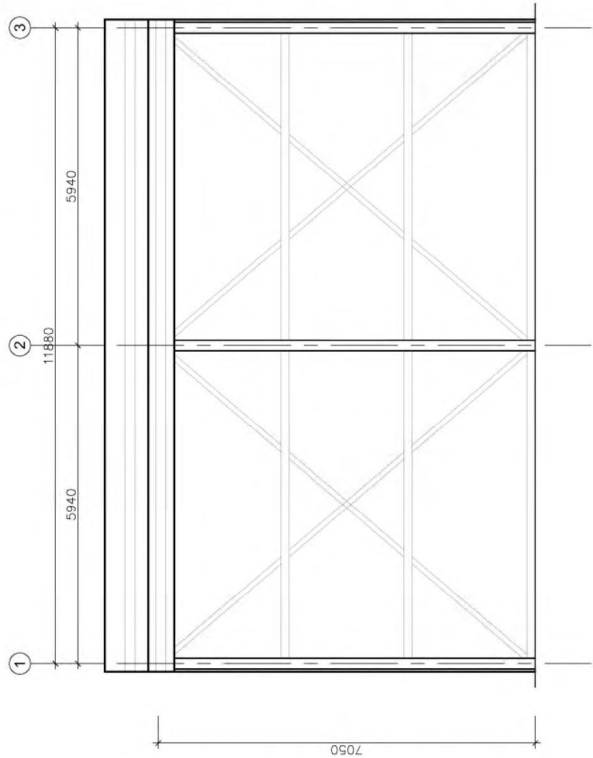
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Kaituna Feed Barn

DRAWING NAME
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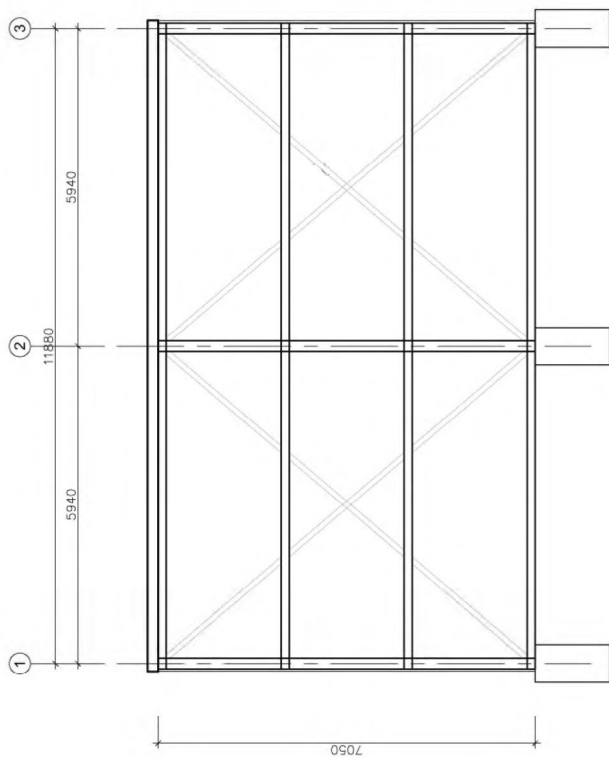
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 CHECKED 31/03/21 VJ
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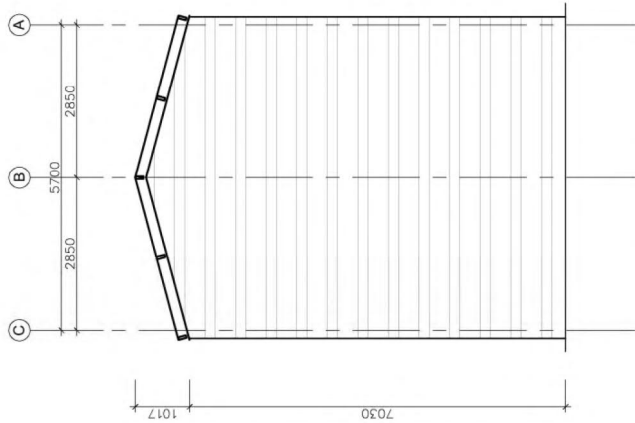
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 SHEET N° **A107**



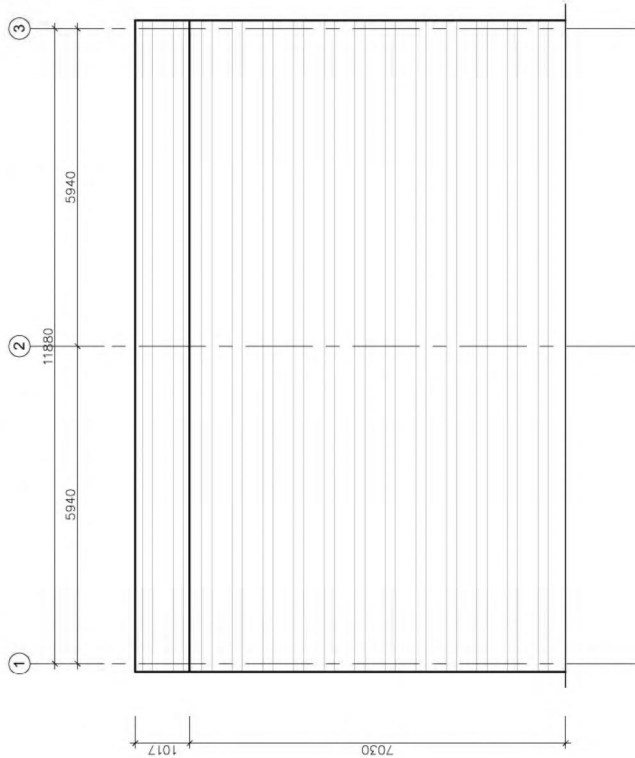
Elevation 01
S:1/100



Frame Elevation Line C
S:1/100



Elevation 02
S:1/100



Elevation 03
S:1/100

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PROJECT ADDRESS
Kaituna Feed
Barn

DRAWING NAME
Storage Shed 02
Section &
Elevations

STATUS Project Status

DATE	INITIAL
DRAWN 31/03/21	VJ
CHECKED 31/03/21	VJ
SCALE	


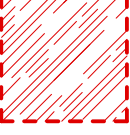




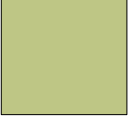
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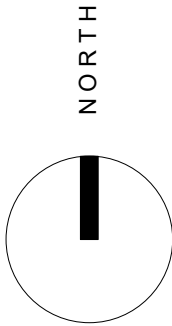
JOB N° 10009
SHEET N°

A108



LEGEND

-  An existing single row of Lombardy Poplar trees are to be maintained in perpetuity. If a tree dies or becomes diseased it shall be replaced with a Lombardy Poplar in the first available planting season.
-  Existing trees are to be maintained until the proposed Lombardy Poplar trees along Kaituna Valley Road reach 5m tall.
-  Proposed single row of Lombardy Poplar trees. These trees are to be planted in the first available planting season following the granting of this Resource Consent. These trees are to be planted at 1m spacings. If a tree dies, it shall be replaced with a Lombardy Poplar in the first available planting season. The proposed Poplar trees shall be irrigated for the first 3 years using an automatic irrigation system.
-  Proposed infilling of the single row of Lombardy Poplar trees. These trees are to be planted in the first available planting season following the granting of this Resource Consent. These trees are to be planted at 1m spacings. If a tree dies, it shall be replaced with a Lombardy Poplar in the first available planting season. The proposed Poplar trees shall be irrigated for the first 3 years using an automatic irrigation system.
-  Approximate alignment of the accessway.
-  Approximate extent of the compacted gravel area.
-  Approximate extent of the area that will contain the wastewater and solid waste treatment activities.



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LANDSCAPE PLAN
Willesden Farms
229 Kaituna Valley Rd

JOB No.	21037
SCALE	1:1,500 @ A1, 1:3,000 @ A3
DATE	24/06/2021
DESIGNED	RMLA
DRAWN	CD
CHECKED	PS
STATUS	
DRAWING No.	REVISION
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SERIES	
2 of 2	

Appendix 2

RMA20221398

Report / Decision on Notification and Change or Cancellation of Condition(s)

(Sections 95A, 95B and 127)

s127 Application number: RMA/2022/1398
Original application number: RMA/2021/1675
Applicant: Wangan Hills Limited
Site address: 297 Kaituna Valley Road, Kaituna Valley.
Legal description: Pt Lot 2 DP 1631 - this parcel is 28.0703 hectares in area.

Zoning Rural Banks Peninsula
Overlays and map notations: Liquefaction Management Area

Activity status: Discretionary activity
Description of application: Change of conditions pursuant to Section 127

Introduction

The applicant is seeking to vary conditions 1 and 2 of an existing resource consent (RMA/2021/1675) which was granted on a non-notified basis by an independent commissioner on 13 August 20221

That consent was for the construction of two 12,000m² barns, each to house 800-1000 cattle as part of an intensive beef farming operation. Each barn had a maximum height of 15m. A number of ancillary structures were also proposed with a total footprint of 330m². The underlying consent also proposed an effluent pond to cover 20% of the waste generated, with the other 80% dealt with by composting. This consented layout is shown at **figure a** below

This application proposes to amend (as shown in **figure b** below) the underlying consent as follows:

- Four barns proposed, with a total footprint of 16,320m² (composting area) / 19,584m² (total roof area) and a maximum height of 9.5m. These will be separated by at least 6m from each other, and will cover a similar land area, albeit with separation, to the underlying consent.
- Proposed hay shed (12m x 27m), storage shed 1 (12m x 30m) and storage shed 2 (7m x 20m). The sheds will have a maximum height of 8m and will be finished in Mist Green or Sandstone Grey. These will have a maximum potential footprint of roughly 684m².
- Three silos (6m diameter) with a maximum height of 11m. These will have a maximum footprint of 87m². These are finished in a zinc allium and are portable, bolted into a concrete slab.
- Total earthworks remain similar to the underlying consent (4,800m³ outside of the building footprints).
- No change to the landscaping requirements of the existing resource consent.
- All waste will be dealt with through the composting system, so no effluent ponds or tanks are required.

I also recommend amending condition 7 to be clearer around the placement of the hay bales and deleting condition 10 as it is no longer necessary given the change to a composting system.

I undertook a site visit on the 17 June 2022, along with Mr Jeremy Head, Principal Landscape Architect at WSP where we also viewed the site from 12 and 16 Okana Road. I'd like to thank those property owners for their time, access to their properties and their helpful insights.

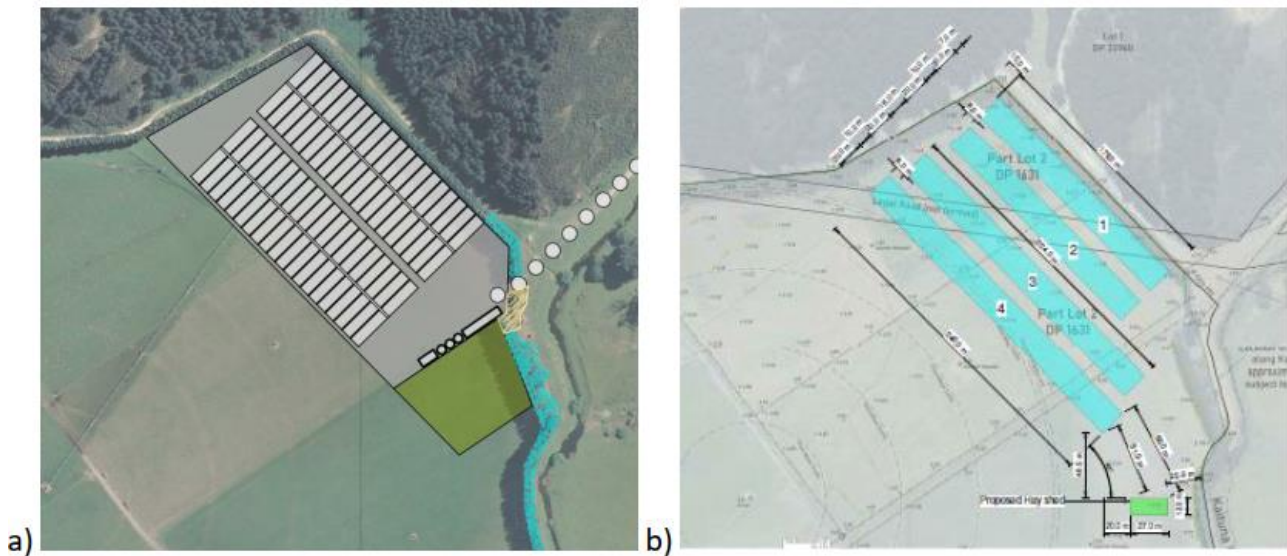


Figure 1. a) Consented buildings as for resource consent RMA/2021/1675 and b) Proposed changes to the built form of the feed barns (feed barns in blue).

Source: Applicants AEE p2

Description of site and existing environment

The application site and surrounding environment are described in the previous consent (RMA/2021/1675) and I do not consider it necessary to repeat this.

Background

Subsequent to the granting of the underlying consent, the proposal has garnered widespread media attention and the Council has received a number of enquiries, particularly from those living nearby. These have raised a number of issues, a number of which are outside the scope of the resource consent process, as noted below:

Climate Change

The RMA requires that considerations for restricted discretionary activities are limited to the matters over which discretion is restricted. In this case the underlying consent was considered as a restricted discretionary activity and the District Plan does not give discretion to assess greenhouse gas emissions. Whilst this s127 application to vary the conditions of resource consent is a discretionary activity, assessment of the variation application can only consider the effects of the variation, rather than reassess the whole of the consented activity.

Animal Welfare

The RMA requires that considerations for restricted discretionary activities are limited to the matters over which discretion is restricted. In this case this discretion does not include animal welfare. Animal welfare is covered by the Ministry of Primary Industries at a national level.

Discharge/Water Quality

This amended proposal includes no discharge of effluent as 100% of the waste is to be composted within the building.

Flooding

The site is not within a flood management area (FMA) or other natural hazard overlay within the District Plan. As such no assessment of flooding was undertaken for the original report. The proposal includes earthworks so the assessment of adverse effects here includes surface drainage patterns and associated effects on drainage problems, inundation run off and flooding. I address this below.

Earthworks

All earthworks that occur within 1.8m around the footprint of each building are exempt under 8.9.3(a)(iv) from the rules for the maximum permitted earthworks. This equates to an area of roughly 19,600m². The proposal is contained within the same curtilage area as the underlying consent, despite the separation into four separate buildings and a reduction in footprint and as such the total earthworks remain similar to those previously

consented This represents earthworks of roughly 4,800m³ being required over the remaining 9,200m². For completeness an assessment is provided below.

Statutory considerations

Section 127 of the Resource Management Act 1991 states:

“127.Change or cancellation of consent condition on application by consent holder

- (1) The holder of a resource consent may apply to the consent authority for a change or cancellation of a condition of a consent, subject to the following:
 - (a) the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
 - (b) no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.**
- (2) Repealed*
- (3) Section 88 to 121 apply, with all necessary modifications, as if-
 - (a) the application were an application for resource consent for a discretionary activity; and*
 - (b) the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.**
- (4) For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who –
 - (a) made a submission on the original application; and*
 - (b) may be affected by the change or cancellation.**

Type of application

The first consideration that is required is whether the application can be treated as one for a change of conditions or whether it will result in a fundamentally different activity or one having materially different adverse effects, such that it should be treated as a new application. The original application sought to establish an intensive beef farming operation across two large sheds. In my opinion this application can be considered as a variation to the original resource consent as the nature of the activity will not fundamentally change and the adverse effects will not be materially different in nature and type from those associated with the original consent.

Written approvals [Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii)]

No written approvals have been provided with the application.

Effects on the environment and affected persons [Sections 95A, 95B, 95E(3), 95D and 104(1)(a)]

Pursuant to Section 127(3) the application must be assessed as a discretionary activity. As such, the Council's assessment is unrestricted and all actual and potential effects of the variation of the consented activity must be considered. In my opinion the adverse effects on the environment associated with the proposed change/cancellation of conditions relate to visual and landscape (from the change in built form), rural amenity, odour (from the change to a composting system) and earthworks.

Adverse Visual and Landscape Effects

Context of Assessment.

I note Table 7 from the original RMM Landscape Visual Assessment for the original consent sets out a comparative scale between Resource Management Act effects and New Zealand Institute of Landscape Architects effects, as below.

Very Low	Low	Low - Moderate	Moderate	Moderate - High	High	Very High
Less than Minor	Minor		More than Minor		Significant	

I note the following from the original Council Decision for the underlying consent.

Advice provided to this Council previously from Mr Head was that:

"It is generally understood that 'less than minor' effects are equivalent to very 'Very Low' and 'Low' effects are equivalent to 'minor' effects in an RMA 1991 context within the NZ Landscape Guidelines..."

However, in discussion with Mr Head on this point he advised that the Seven Point Landscape Assessment used by Mr Smith does not exactly align with the statutory effects framework of the Resource Management Act 1991(RMA) and that 'Low' effects could be less than minor, or minor effects under the RMA, depending on the circumstances.

I note that on the seven point scale of visual effects that 'very low' and 'low' are defined as follows:

- Low: A low level of effect on the character or key attributes of the receiving and permitted baseline environment and/or the visual context within which it is seen; and/or have a low level of effect on the perceived amenity derived from it. (*Oxford English Dictionary Definition: Low: adjective-below average in amount, extent, or intensity*).
- Very Low: Very low or no modification to key elements/features/characteristics of the receiving and permitted baseline environment or available views, i.e. approximating a 'no-change' situation.

And the landscape effects for 'very low' and 'low' are defined as follows:

Magnitude/Degrees	Use and Definition
Very Low	Negligible loss of or modification of key elements, features, characteristics, and/or values of the baseline. Influence of new elements on landscape character and/or landscape value is barely discernible.
Low	Very little material loss of or modification to key elements, features, characteristics and/or values. New elements integrate seamlessly into the pre-development landscape character and/or landscape values. Concise Oxford English Dictionary Defn Adj. Below average in amount, extent or intensity.

Both of the above are taken from 'New Zealand Institute of Landscape Architects Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines, April 2021. The definitions come from NZILA national workshop discussions prior to the publication of the guidelines'

In the context of the above, and my experience, I am of the view that there is overlap between the 'low' and 'less than minor' comparative scale, whereby 'low' effects can be 'less than minor' or 'minor' depending upon their specific context and circumstances.

Assessment

The original application was supported by a Landscape Assessment, by Rough & Milne Landscape Architects, dated 21 May 2021, as well as a subsequent addendum dated 30 July 2021. This variation application is supported by a Landscape Comment, also by (the now rebranded) RMM (Rough Milne Mitchell) Landscape Architects dated 19 April 2022. The original application and this variation have been assessed on behalf of the Council by Mr Jeremy Head, Principal Landscape Architect at WSP.

For the underlying consent, the landscape assessments considered that the proposal would be directly associated with the farm base, would maintain the open space values of the wider rural landscape and would not adversely affect the natural character, including those associated with the Kaituna River. In terms of visual effects, when travelling north/south on Kaituna Valley Road, these would be very low to low, and when viewed by the two closest persons, at 12 and 16 Okana Road, would have a low degree of adverse effects. These assessments were on the basis that the consent holder would provide additional planting of Lombardy Poplars along the road boundary (within the applicant's land) to visually fill two gaps between the existing shelter belt planting. A small gap immediately adjacent to the proposed buildings, which allowed limited unfiltered views from

12 and 16 Okana Road, was also required to be filled with Poplars, and whilst these mature to ~5m, a 4m high hay bale wall was proposed.

The variation proposal has now been split into four separate buildings, measuring 20m wide each (composting area) and 24m wide (at the roof), with at least 6m between the roofs of each building. This has had the effect of reducing the overall height to a maximum of 9.5m above the ground level, and reducing the overall bulk of each gable end. The proposal also includes a maximum of 2 sheds (finished in either Mist Green or Sandstone Grey) and 3 silos, which are to be located behind the shelterbelt, in similar locations to the originally consented location.

Landscape Character

In terms of landscape character, these were originally assessed by RMM at section 5.1 of their assessment, where they noted that these include changes to the values and character, which are not necessarily visual in nature. RMM noted that the proposal would be integrated into the existing farm activities and given their location would not reduce the open space values throughout the remainder of the valley. Subsequent assessment, following the public interest, by RMM reaffirms this, noting that whilst *'the landscape may be slightly less susceptible to absorb this type of change than previously considered'* it would still not reduce the open space values or rural character through the remainder of the valley and they conclude that the effects of the variation would have a low degree of change in terms of landscape values.

In terms of 'landscape effects' Mr Head notes that *'landscape effects do not need to be visible to exist'* and that an *'incongruous activity without seeing it in any given setting, may give rise to an adverse landscape effect'*. In terms of this incongruity he identifies that the activity itself (raising stock for meat production) already occurs on the wider site, although I note not at this intensity, the buildings are located at a landscape change point, the buildings are also given a vegetated backdrop and contained within the paddock by the taller poplar trees. Additionally the built form, materiality and colour are reflective of a rural environment and the immediate area also includes a range of farm buildings and activity that provide some context rather than this being a wholly open, undeveloped area.

Overall, Mr Head concludes that landscape effects of the variation, being the landscape character, would be 'low', largely given the siting of the building, its rural use and the screening proposed. This accords with the RMM assessment. I adopt this expert advice and consider adverse landscape effects would be less than minor on the wider environment and on any persons given their separation.

Landscape Visual

The proposed buildings are located at the toe of the hill behind, which provides a backdrop to the north and west, and this scale, along with the proposed finished colour (Sandstone Grey or Mist Green) helps absorb the buildings into the landscape when viewed from public and private viewpoints to the north, east and south. Given this height, the existing and proposed vegetation (including the proposed hay bale wall) will sit in front/behind the buildings in the majority of inward views, such that the proposed buildings will be softened by this vegetation. Whilst glimpses of the buildings may be possible with no vegetation in front of it, this would be very limited in both potential view points and temporally given the proposed plantings to infill those gaps.

The colour of the barns will either be Sandstone Grey or Mist Green. Both of these are recessive colours which would help mitigate any adverse visual amenity effects, although noting that Sandstone Grey is likely to provide slightly improved integration during the winter period when the Poplars are without leaves. The Mist Green would not look out of context given the irrigated paddocks which sit within the landscape and the pine plantation (although noting this could be harvested) on the hill behind.

Mr Head notes that public views of the activity, mostly from Kaituna Valley Road, have existing vegetation providing some screening and considers the proposed poplars at 1m centres provide more immediate screening of the transient views from the road. He concludes that adverse visual effects will be 'low' to 'very low' from these public viewpoints.

Additionally, the overall form and design of the buildings, which are broken up with gaps between each building, and are open below the roof structure, which reduces their overall bulk, especially when viewed from the road. In terms of these more public effects, views will be transient, with the proposed vegetation screening/filtering views from the road and public view points, with the materiality and colour also being recessive and rural in character. Given this, I consider any adverse landscape visual effects on the wider environment would be less than minor.

In terms of persons at 12 Okana Road, and most notably their dwelling and the immediate surrounds (being the garden area) Mr Head notes that the proposal will be visible at a distance of roughly 700m, filtered through the

existing poplar shelterbelt, noting the gaps in the existing shelterbelt are required to be filled by the original consent, and that it's more visible from the first floor than the ground floor. In winter when the trees are not in leaf, they still provide some filtering and during summer when they are with leaf they provide a more solid screening function. The buildings will be seen 'end on' and they *'are 9.5m high, are triangular in form when seen from this direction, where the visible wall face reduces as the buildings' height increases.'* Mr Head notes that this dwelling also orientates to the north with its main views up the valley, rather than towards the subject site. Mr Head concludes that adverse visual effects for these persons would be 'low' to 'very low' when the poplars are not in leaf and 'nil' when the trees are in leaf.

For persons at 16 Okana Road and most notably their dwelling and the immediate surrounds (being the garden area), the poplar shelterbelt provides similar filtering of views of the barns both when in leaf and when without leaf. Given the separation, recessive colour, the existing planting filtering and screening the building, Mr Head concludes that adverse effects on these persons would be 'nil' to 'low' depending on the extent of leaf cover provided by the poplars.

Mr Head concludes that *'views of the feed barns will be more obvious during the winter months when trees around the site are not in leaf'* with the trees in these instances providing 'filtered' views, whilst in summer months the trees will obscure the views in most instances. Mr Head continues that *'while the Proposal may potentially be visible from beyond these locations [being 12 and 16 Okana Road and the Kaituna Valley Road corridor], any views of the Proposal will be diluted by distance to the point where any effects will not be adverse'*.

Mr Head has prepared visibility studies from both 12 and 16 Okana Road which demonstrate that the existing poplar shelterbelt, with the gaps filled in the manner required by the unaltered conditions of the existing consent, will mean that there is no view 'on to' the top of the barns from either of these dwellings (even first floor) over the top of the poplars. Thus as noted above all views will be through the shelterbelt which will screen and filter through views from these dwellings to the proposed barns.

I agree with and adopt the expert advice provided. As noted in the 'context' section above 'low' effects can be both less than minor or minor depending upon the specific circumstances and context. On balance I am of the view that given the screening/filtering provided by the existing shelterbelt and the additional planting provided, the colour choice and materiality and the separation distance from both of these persons, any adverse landscape visual effects of the activity as a whole would be less than minor; and moreover, that the adverse effects of the variation in the proposed activity are less than minor.

I would reiterate that there are likely to be instances where parts of the barns are visible in conjunction with the trees, however I consider that the screening and softening of the proposed buildings mass provided by the trees (whether in leaf or not) is sufficient to mitigate any adverse visual effects to the extent that the effects are less than minor.

Adverse Rural Amenity Effects

In terms of rural amenity effects, I note that the objectives and policies in the District Plan set the context for assessing the effects of the variation. These generally support the function, character and amenity values of the rural environment and in particular Objective 17.2.1.1 seeks to support the contribution of rural productive activities to the economy and wellbeing of the District. This objective also seeks to maintain a contrast to the urban environment and to remedy or mitigate any reverse sensitivity effects on rural productive activities, as opposite to reverse sensitivity effects from rural productive activities. Policy 17.2.2.1 seeks to provide for development that has a direct relation to, or is dependent on, the rural resource, has a functional, technical or operational necessity for a rural location and are an efficient use of natural resources. Policy 17.2.2.2 seeks to ensure the activities utilising the rural resource avoid, remedy or mitigate adverse effects on rural character and amenity values.

Policy 17.2.2.3 recognises that the character and amenity values of rural areas vary across the District, but include the predominance of openness and vegetation, separation between residential buildings and buildings integrated into a predominantly natural setting. It also recognises that rural productive activities [which are permitted within the zone] produce noise, odour, dust and traffic that are part of the rural working environment.

Policy 17.2.2.4 seeks to ensure that the nature, scale and intensity of use and development recognises the different natural and physical resources, character and amenity values of rural land across the District. In terms of Banks Peninsula, it notes the need to maintain and enhance landscape, coastal and indigenous biodiversity values.

Policy 17.2.2.8 looks to ensure that in the Rural Banks Peninsula Zone, that use and development recognises, maintains and where practicable, enhances the quality of the rural **working** [my emphasis] environment.

In terms of rural amenity, this has to be considered in the context of the range of activities that are anticipated and provided for by the District Plan. I consider that the rural environment that the District Plan anticipates and provides for includes activities which involve a range of noises and smells and that the underlying consented activity is consistent with that anticipated environment. Whilst the proposal is of a large scale in terms of its built form, as noted above it does not result in adverse visual effects given its size, siting and materiality. In terms of its intensity, whilst this is contained within the built form, given the wider size of the site and the valley as a whole, I am of the view that the proposed intensity is not out of character with the surrounding character and amenity anticipated here, noting also that this part of Banks Peninsula and the valley has historically been farmed, as can be seen with the amount of irrigation that has occurred.

Overall, whilst the scale and intensity is somewhat larger than anticipated by the District Plan, it is not out of scale with the overall size of the subject site and with the valley as a whole. Farming and intensive farming such as this are part of the rural working environment and reflect this environment. As discussed above the proposal does not detract from the landscape values and taken as a whole I am of the view that the buffer planting, size, siting and materiality of the buildings mitigate any adverse effects on rural amenity values such that any adverse rural amenity effects of the consented activity would be less than minor on the wider environment and on any persons. Accordingly, I am also of the view that the adverse rural amenity effects of the variation are also less than minor.

Adverse Odour Effects

The underlying consent provided for 80% of waste to be composted and the additional 20% to be washed away and eventually spread across the farm through the existing centre pivot irrigator. It is now proposed to utilise a 100% composting system, removing the effluent treatment system. Whilst noting that granting resource consent for discharge to air and resultant odour is a regional council matter (Environment Canterbury in this instance), odour can have an adverse effect on amenity and is a relevant effect of the proposed activity.

In this instance, the nearest sites that are not part of the applicant's wider land holding are 239 Kaituna Valley Road (~200m), 230 Kaituna Valley Road (~350m), 16 Okana Road (~660m) and 12 Okana Road (~770m).

The variation application included an odour assessment, which was also provided with the applicant's regional council application for discharge consent, and this has subsequently been peer reviewed by PDP on behalf of Environment Canterbury. This peer review included a site visit to a composting barn similar to the proposal varied activity located in Chertsey, including just after the composting area was turned.

Of note, the variation application specifies that compost will be up to 800mm deep across the floor of the barns, with effluent from cattle mixed and absorbed into the sawdust (or similar) material, and turned and aerated daily by a tractor with a hoe attached. Fresh sawdust will be added as required to maintain the 800mm depth. The compost is removed and completely replaced every 1-2 years. There is no liquid effluent from the barns.

From the site visit, PDP observed that there was a mild stockyard odour within 10-20 metres of the barn, a distinct to strong odour (of sawdust) within and immediately adjacent to the barn, and no odour at the site boundary roughly 500m downwind. PDP continue, in section 3.3 of their report, to consider FIDOL factors in relation to odour, notably they consider that the frequency of any odour events is likely to be rare and subject to appropriate management and mitigation measures to ensure the compost remains in an aerobic state, the intensity of odour will be low and unlikely to be detected beyond the property boundaries. Similarly given the continued aerobic state it would not result in any offensive odour, although noting that if the compost becomes anaerobic, this could become offensive. In terms of location, the rural environment anticipates odours and given the separation, any odours are not considered to reach the level of nuisance odour.

The applicant, with whom PDP agree with concludes that *'the potential for offensive or objection odour effects is considered to be negligible for all sensitive location surrounding the site...potential odour effects at the identified sensitive location within 500m south east [230 Kaituna Valley Road] of the site are expected to be less than minor.'*

In terms of the adjacent persons at 230 and 239 Kaituna Valley Road being the closest persons, these are likely to experience at worst a 'mild stockyard odour' given the separation from the barns and this would be reflective of existing activity that occurs across the valley floor which includes pastoral farming. For persons at 12 and 16 Okana Road, noting the conclusions of PDP above and the separation distance of these persons sites, and more notably their dwellings, from the barns, I am of the view that any adverse odour effects would be appropriately mitigated by this distance.

An odour management plan has also been requested by Environment Canterbury, and in the context of the above, I am of the view that they are better placed to manage any subsequent adverse effects that could result from odour.

Given that this activity cannot occur without the consent of the Regional Council, I am of the view that the conditions of any resource consent granted by them, and their monitoring would adequately manage any adverse odour effects as a result of the proposed composting system.

In view of the above, I adopt the expert advice provided by PDP and am of the view that subject to the appropriate management, offered as conditions of consent, any adverse amenity effects associated with odour on the environment and any person would be less than minor.

Adverse Earthworks Effects

Earthworks outside of the building footprint, will at a worst case equate to roughly 4,800m³ of earth that will be cut and filled across the 28,000m² curtilage area in order to provide a level (with a slight fall from north to south) curtilage which will then be finished with compacted gravel, any remaining soil will be spread across the site. The underlying consent conditions would continue to manage and mitigate any adverse effects of undertaking the earthworks, especially in regards to erosion and sediment control.

In relation to any resulting effects on surface/flood waters, noting that the proposal is not within a Flood Management Area. I have obtained flooding information from Environment Canterbury noting the site is not within a FMA within the District Plan. This shows that in the 5 and 10 year events, the site where the barns are to be built is not subject to any notable flooding. In a 200 year event the site is subject to some low (<0.2m deep) inundation and in a 200 year event taking into account climate change (present 200 year flow + 30%), some low lying areas within the site are modelled to be subject to up to 1m flood waters. Of note, the land to the southwest and west of the proposed development is at a much lower level than the proposed level of the curtilage area and buildings (6m RL), being between 4.5m and 5.5m RL and as such the majority of flood waters currently remain on the applicant's site downstream, noting there is some flooding of 239 Kaituna Valley Road, given the topography of the land.

Given the size of the total landholding of the applicant, whilst the proposal would result in displacement in the large flood (1 in 200 year) events, I do not consider that the proposal would displace surface/floodwaters to any other neighbouring sites, noting the applicant owns all the land in the immediate vicinity with the exception of 239 Kaituna Valley Road. I am of the view that any displaced water would likely remain within the applicant's land and any adverse effects on the wider environment, and persons at 239 Kaituna Valley Road, would be less than minor.

Notification assessment [Section 95A and 95B]

Sections 95A and 95B set out the steps that must be followed to determine whether public notification or limited notification of an application for variation of resource consent conditions is required.

Public notification

- Step 1. The application does not meet any of the criteria for mandatory notification in section 95A(2).
- Step 2. The application does not meet any of the criteria in section 95(A)(5)(b) precluding public notification.
- Step 3. There are no rules or NES requiring notification, and any adverse effects on the environment will be no more than minor (section 95A(8)).
- Step 4. There are no special circumstances that warrant public notification (section 95A(9)).

In relation to step 4 and special circumstances, since the original consent was granted, it has garnered a range of public interest. I note that this can be a special circumstance, however in this case much of this relates to discharges and animal welfare. I would add that Environment Canterbury is processing resource consents for discharges under their relevant plans, and that the animal welfare is a matter for the Ministry of Primary Industries. The variation proposal is for an intensive farming activity within four large barns and their associated earthworks and supporting infrastructure, within a rurally zoned site and is of a typical (barn/farm building) design such that I do not consider it to be exceptional or unusual. Given this I do not consider the public interest in this consent amounts to special circumstances.

Additionally I do not consider there are any other factors as part of this application that are unusual or exceptional that would apply that would warrant public notification

In accordance with the provisions of section 95A, the application must not be publicly notified.

Limited notification assessment

- Step 1. There are no affected groups or persons in relation to customary rights, customary marine titles or statutory acknowledgements as outlined in section 95B(2) and (3).
- Step 2. There are no rules or NES preventing limited notification, and the application is not for a controlled activity land use consent under the District Plan (section 95B(6)).
- Step 3. As discussed above, I consider that no persons are affected by the variation under section 95E (sections 95B(7) and (8)).
- Step 4. There are no special circumstances that warrant notification to any other persons (section 95B(10)).

In accordance with the provisions of section 95B, the application must not be limited notified.

Recommendation (A) - Notification

That the variation application be processed on a **non-notified** basis in accordance with Sections 95A – 95F of the Resource Management Act 1991.

Relevant objectives, policies, rules and other provisions of the Plan and proposed Plan [Section 104(1)(b)(vi)]

Chapter 8 – Earthworks

Objective 8.2.4 recognises that earthworks facilitate subdivision, use and development, the provision of utilities, hazard mitigation and the recovery of the district. Similarly, Policy 8.2.4.3 recognises that earthworks are necessary for development. Policy 8.2.4.1 looks to ensure earthworks do not have an adverse effect on water/groundwater quality. Policy 8.2.4.4 seeks to ensure that once completed earthworks do not detract from the amenity values enjoyed by those living or working in the locality. Objective 8.2.5 seeks to ensure people and property are protected during, and subsequent to, earthworks. Similarly, Policy 8.2.5.2 seeks to avoid earthworks that will create a significant risk to people and property.

The proposed earthworks are limited to creating the curtilage area around the building. They will be managed through the implementation of an erosion and sediment control plan which will ensure there is no adverse effects on water/groundwater quality. Given the limited duration and as they would align with the building platforms they would not detract from the amenity values nor would they result in any adverse effect on the safety of people or property.

I conclude that the underlying consent and this proposal are consistent with these provisions.

Chapter 17 – Rural

I set out these objectives and policies above under ‘Adverse Rural Amenity Effects’ and note that I agree with the Council’s original decision in regard to these provisions:

It is clear from the policy framework that rural productive activities (which include intensive farming) are contemplated within rural zones, particularly given the potential contribution they will make to the local economy. However, they should have a demonstrated justification for a rural location, and at the same time maintain rural amenity values.

As such I am of the view that the underlying consent and this proposal are consistent with these provisions.

Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]

I am satisfied that the District Plan gives effect to the relevant provisions of the higher order documents referred to in s104(1)(b). As such, I have not addressed them specifically in my report.

Part 2 of the Resource Management Act and any other relevant matters [Section 104(1) and 104(1)(c)]

Taking guidance from recent case law¹, the District Plan is considered to be the mechanism by which Part 2 is given effect to in the Christchurch District. The Plan has recently been reviewed, and was competently prepared through an independent hearing and decision-making process in a manner that appropriately reflects the provisions of Part 2. Accordingly, no further assessment against Part 2 is considered necessary.

Section 104(3)(d) notification consideration

Section 104(3)(d) states that consent must not be granted if an application should have been notified and was not. No matters have arisen in the assessment of this application which would indicate that it ought to have been notified.

Recommendation (B) – Substantive decision

That, for the reasons outlined above, the application **be granted** pursuant to Section 127 of the Resource Management Act 1991.

The conditions of consent shall now read as follows:

1. The development shall proceed in accordance with the information and plans submitted with the application (including the amended landscape plan dated 24/6/2021), recorded in Council records as RMA/2021/1675 – Approved Plans (12 pages) **and as varied by RMA/2022/1398**.

Landscaping

2. The proposed landscaping shall be established in accordance with the Landscape Plan labelled RMA/2021/1675 Page 12 of the Approved Plans.
3. The existing landscaping comprising a single row of Lombardy Poplar trees and coloured blue on the Landscape Plan, shall be maintained in perpetuity.
4. The proposed landscaping shown as orange and yellow on the Landscape Plan shall be established on site within the first planting season (extending from 1 April to 30 September) following the issuing of this consent and be irrigated for the first three years thereafter.
5. All landscaping required for this consent shall be maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.
6. Within 12 months of issue date of this consent the consent holder must submit photographic evidence, of sufficient quality and detail, to demonstrate compliance with Condition 4. This should be sent via email to rcmon@ccc.govt.nz, Attention: Compliance Officer.
7. That a stack of hay bales no less than four high and attaining a minimum height of 4 metres be placed in the gap in the Poplar shelter belt beside the proposed access way **(as shown on Landscape Plan, dated 17/03/2022 Rev B)** to the proposed fattening sheds and maintained in that location until such time as the proposed additional landscape plantings for this location have reached a minimum height of 5 metres.

Review Condition

8. Pursuant to Section 128 of the Resource Management Act 1991, the Council may review consent conditions by serving notice on the consent holder within a period of 12 months from the date of consent commencement, to deal with any unforeseen adverse visual effects of the feed barns on the environment which may arise from the exercise of this consent. Any such review is to be limited to the provision of additional screen planting to be undertaken by the Consent Holder to further reduce the visibility of the feed barns from beyond the application site.

Condition Note: The date of commencement for the purpose of this condition is the date on which the Council issues the Code Compliance Certificate for any feed barn authorised under this consent.

¹ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

Building Colour

9. That the feed barns be finished in either Mist Green or Sandstone Grey, but preferably the latter, as it will allow the barns to visually blend in better during the winter when they are most visible.
- ~~10. Should an effluent tank be used instead of an effluent pond any such tank must be finished in a recessive colour with a light reflectance value of 40 per cent or less.~~

Noise/ Hours of Operation/ Vibration

11. No construction work, other than maintenance of dust and erosion and sediment control measures, shall be undertaken on Sundays, Public Holidays or outside the hours of 7.30am to 6.00pm Monday to Saturday, without the Council's prior consent.
12. All construction work (including any demolition and/or site preparation works) shall be designed, managed and conducted to ensure that construction noise complies with the requirements of NZS 6803:1999 Acoustics – Construction Noise for residential / rural / industrial / commercial areas (see applicable Table on Page 11 of this standard).
13. Vibration from construction work shall not exceed the limits of, and shall be measured and assessed in accordance with, German Standard DIN 4150 1999-02 Structural Vibration – Effects of Vibration on Structures.

Access

14. That the existing gravel entranceway be formed to a two coat chip seal standard in a fish tail shape extending for a distance of ten metres down the existing access (i.e. into the subject site) from the edge of the seal in Kaituna Valley Road, in accordance with Figure 12 of Appendix 7.5.10 of the District Plan.

Earthworks

15. All earthworks shall be carried out in accordance with a site specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional, which follows the best practice principles, techniques, inspections and monitoring for erosion and sediment control contained in Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury <http://esccantebury.co.nz/>. The ESCP must be held on site at all times and made available to the Council on request.
16. The consent holder must notify Christchurch City Council no less than three working days prior to works commencing, (via email to rcmon@ccc.govt.nz) of the earthworks start date and the name and contact details of the site supervisor. The consent holder shall at this time also provide confirmation of the installation of ESCP measures as per the plan referred to in Condition 15 above.
17. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road, or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site.
18. No earthworks shall commence until the ESCP has been implemented on site. The ESCP measures shall be maintained over the period of the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP shall be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces shall be adequately topsoiled and vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
19. Dust emissions shall be appropriately managed within the boundary of the property in compliance with the Regional Air Plan. Dust mitigation measures such as water carts, sprinklers or polymers shall be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
20. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
21. Any surplus material from the project works shall be formed into bunds and stabilised with grass, or if stockpiled, be located out of public view, with stockpiles to be no greater than six metres in height. Any such stockpiles shall also be stabilised with grass to minimise potential dust emissions. Grass seeding of

bunds and stockpiles shall occur no later than two weeks following the completion of the bund or the stockpile.

Accidental Discovery Protocol

22. In the event of the discovery/disturbance of any archaeological material or sites, including taonga (treasured artefacts) and koiwi tangata (human remains), the consent holder shall immediately:

- Cease earthmoving operations in the affected area of the site; and
- Advise the Council of the disturbance via email to rcmon@ccc.govt.nz

Advise appropriate agencies, including Heritage New Zealand Pouhere Taonga and the local Mana Whenua (Ngāi Tūāhuriri Rūnanga or swap in relevant rūnanga) of the disturbance.

Sheds / Silos

23. A maximum of 2 sheds shall be constructed in the area shown on the Site Plan (dated 14.04.2022), these shall be a combination of two of the following and shall have a maximum height of 8m.

- a. Hay shed (12m x 27m)
- b. Storage shed 1 (12m x 30m)
- c. Storage shed 2 (7m x 20m)

These shall be finished in the same colour as the main barns as required by condition 9.

24. A maximum of 3 silos, each measuring a maximum 6m in diameter and 11m in height, shall be located within the area shown on the Site Plan (dated 14.04.2022).

Advice Note:

The lapse date of the consent remains unchanged, i.e. 13 August 2026. The consent will lapse on this date unless it is given effect to before then.


Reported and recommended by: Jonathan Gregg, Team Leader Planning


Date: 3 August 2022

Decision

That the above recommendations be adopted for the reasons outlined in the report and in the **attached** Addendum.

Commissioners

Name: David Mountfort
Signature: 
Date: 16 August 2022

Name: David Caldwell
Signature: 
Date: 16 August 2022

COMMISSIONERS' ADDENDUM

Introduction

1. We have been appointed by Christchurch City Council as consent authority to act as a Hearing Panel in accordance with s34A of the Resource Management Act 1991 (**the Act**) to consider and decide on the notification of this application for change of conditions pursuant to s127 of the Act and, if we conclude that the application can be processed on a non-notified basis, the substantive determination as to whether the change should be granted.
2. The application is to vary conditions 1 and 2 of the extant resource consent RMA/2021/1675 which was granted on a non-notified basis by Commissioner Mountfort on 13 August 2021. That consent enabled, amongst other things, the construction of two 12,000 m² barns.
3. Condition 1 provides for the development to proceed in accordance with the plans submitted with the application. This provides for the establishment of two composting feed barns designed to compost 80% of animal effluent, with the remaining 20% being collected in concrete wash lanes and run through an effluent processing plant. Condition 2 provides for landscaping to proceed in accordance with the landscape plans contained at page 12 of the approved plans.
4. We have received and considered a significant amount of relevant material. That material includes the following:
 - (a) Original resource consent application and supporting documents;
 - (b) Original combined s95 – 104 Report;
 - (c) Various emails between CCC and members of the community in relation to the original consent and media release from Concerned Kaituna Valley Residents dated 28 March 2022;
 - (d) Numerous photographs;
 - (e) Correspondence and documents from Canterbury Regional Council;
 - (f) Application for Change of Conditions, landscape comment from Rough Milne Mitchell Architects;
 - (g) Landscape and visual assessment from Jeremy Head;
 - (h) Report on notification and change or cancellation of conditions by Jonathan Gregg, Team Leader Planning.
5. Overall our conclusions are:
 - (a) The changes can be made as a variation;
 - (b) The effects of the changes are less than minor on the wider environment and on any potentially affected persons;
 - (c) That the change should be granted.

6. In reaching our conclusions, we have carefully considered all of the documents provided. We have been assisted by the comprehensive report prepared by Mr Gregg. We adopt that report and his recommendations but have added some additional reasoning in this Addendum.

Reasons for the Request

7. The AEE states that in the period between consent being granted and the time of lodging the application, the applicant had undertaken extensive research on the composting design initially proposed – 80% composting, and 100% composting systems which do not require concrete wash lanes for effluent nor an effluent processing system. The application also notes that the applicant has researched ways to reduce building height and width, adapting the design of the feed barns so as to reduce building costs. It advises that this research has resulted in the proposal of a new design, which provides for four 100% composting feed barns rather than the two previously consented, but still within the 24,000 m² footprint enabled by the consent. It notes that the new barns will have a maximum height of 9 m rather than 15 m as consented and are positioned in the same location as consented. It also notes that while no changes are proposed in terms of landscaping, the landscape plans have been amended to include the new proposed feed barn design.
8. The advantages of the proposed new system and design were advised to relate to there being no need for internal feed lanes and wash lines, resulting in a smaller building height and width, while allowing for a similar building footprint; that there is no need for effluent disposal and that there is a reduction in building costs.
9. The AEE provided a comprehensive assessment, while noting that in accordance with s127(3)(b) only the effects of the changes being sought need to be assessed, not the activity as a whole. It considered that the effects associated with the proposed change to conditions solely related to the potential landscape and visual effects of the amended built form.² The application assessed the effects of the proposed variation in [4.1].
10. It noted the attached landscape assessment provided that:
- The proposed reduction in building height results in reduced overall bulk and scale of the built form;
 - The amended plans result in the footprint of the buildings being some 7,360 m² less than the 24,000 m² enabled by the underlying consent and the hillsides providing a backdrop to the north and south continue to assist in absorbing the scale of the buildings into the landscape;
 - The proposed buildings' new footprint will not change any of the vegetation that is used for visual screening purposes and the visual screening provided will come into effect much sooner due to the reduction in the buildings' heights, thus positively reducing temporary visual effects;
 - The proposed reduced building height will also assist in reducing the visual prominence of the buildings when seen from the southern and northern part of Kaituna Valley Road, although the building length will be increased. Overall the degree of adverse visual amenity effects will continue

² AEE at para [4].

to be, at most, very low from southern viewpoints, while the potential degree of adverse visual amenity effects are considered to be reduced when seen from the northern stretch of Kaituna Valley Road.

11. The AEE summarised the landscape assessment as noting that a reduction in the building height and the reduction in overall footprint as compared to what was consented, will not result in additional adverse landscape visual effects and in some instances the adverse effects are reduced. It summarised that effectively the proposed changes were the increase in two to four barns, but with reduced height and footprint and that any adverse effects associated with the proposed change of condition would be less than minor.
12. For completeness, we have taken the approach of having regard to the relevant objectives and policies as in our view that provides for an understanding of the context within which effects on the environment and effects on persons are to be assessed. We record that consideration is in the context of this being a s127 application and the limits that imposes.
13. We record that we are satisfied that the application is one that can appropriately be considered as one for a change of conditions. We accept and adopt Mr Gregg's opinion that this can be considered as a variation to the original resource consent as the nature of the activity will not fundamentally change and the adverse effects will not be materially different in nature and type from those associated with the original consent.

Assessment – Notification

14. We have determined that the application should proceed on a non-notified basis. In relation to s95A, Mr Gregg's report carefully goes through the steps required and we accept and adopt his analysis. We consider the application should not be publicly notified because: the applicant has not requested it; there is no requirement to do so under s95A(3)(c) or s95C; there is no rule or National Environmental Standard requiring public notification, and the changed activity will not, nor is it likely to, have adverse effects on the environment that are more than minor. Indeed we consider the effects to be less than minor.
15. In addition to the above matters, s95A(9) and s95B(10) of the Act require us to determine whether special circumstances exist warranting public or limited notification respectively. As we address subsequently, we conclude there are no special circumstances warranting public or limited notification.
16. In terms of our consideration of the adverse effects of the activity, we note that for the purposes of public notification, in our consideration of those actual and potential adverse effects we are to disregard effects on the owners and occupiers of the application site and adjacent land. Within the bounds of the restriction on the scope of our inquiry, we conclude that all such effects are less than minor.
17. Under s127(3)(a), ss88-121 apply with all necessary modifications as if the application were for a resource consent for a discretionary activity; and the references to resource consent or to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively. Therefore, in our view, we are able to assess a greater range of effects than were considered under the approved consent, which had the status of restricted discretionary. However, we are limited under s127(3)(b) to the effects of the changed proposal and any additional effects.

18. This is relevant to the issue of flooding, which was not considered under the approved consent. The status of that application was restricted discretionary and flooding was not one of the matters that the Council has restricted its discretion to under the district plan. It could therefore not be considered at that time.
19. We note that residents of the valley have asserted that the site is subject to flooding. Recent photographs have been provided showing flooding in the vicinity of the site. Because of the distance of the photo point from the application site, it is difficult to be exact about the extent if any of flooding at the site and we do not regard these photographs as definitive. However, as reported by Mr Gregg in his report above, recent modelling by Environment Canterbury indicates that parts the site may be affected by up to 0.2 metres of flooding in a 200 year flood, and this could increase to one metre depth if climate change is factored into the model.
20. Assessing it as a discretionary activity, flooding can now be considered, but we are still limited under s127(3)(b) to the extent to which the changed layout might increase the effects of such flooding. The advice of the City Council to us on this is that this is an extensive site, the changes in the siting and footprint of the buildings are minimal in that context and any consequential changes in the depth or displacement of flood waters over the whole site or onto adjoining properties would be less than minor. We have compared the plans of the original and the current application and note that the new positioning of the buildings and their floor area, compared to the original proposal are very similar, so we accept that advice.
21. Another potential effect of such flooding is that it might cause contaminants from the compost beds to be washed into the Kaituna River and carried downstream into Lake Waihora (Ellesmere). In our opinion, that is a matter more properly addressed by the Canterbury Regional Council when it considers the concurrent discharge to land application which is before it. In terms of s127, there is nothing in the change which indicates that the changes may create an increased risk.
22. We have not identified or been made aware of any other new matters which we should consider.
23. Other effects that were considered under the original application were transport, odour and earthworks. These effects were considered to be less than minor. Because the scale of the changed proposal remains very similar to the original, we consider that the changes will not increase the extent or degree of any of these effects.
24. That brings us to the issue of landscape effects. That was considered extensively in the original application and in the application for the change. Because of the existing and proposed screening of the site behind the poplar shelter belts, the proposed new planting and temporary screening, the setting in an extensive rural property nestled against the base of the hills behind, the recessive colour scheme and its distance from views from residential sites, the landscape experts for the applicant and the Council concluded that landscape effects would be very low, corresponding to less than minor under the RMA framework. Although the landscape expert for the applicant has now upgraded the assessment from very low to low, we understand that is for technical reasons and not because of the proposed changes, and both experts still consider this amounts to an effect on the environment which, in RMA terms, is less than minor.
25. We have studied the original and updated reports by the landscape architects, the plans and the numerous photographs we have been supplied with. We note that the large feed barns are now considerably reduced

in height from the original application because dividing the floor area over four narrower buildings rather than the original two, along with the deletion of the wash aisles, has reduced the height at the peak of the gable ends from 15 metres to 9.5, and this must reduce the visual impact, at least from roadside views if not from the residential sites which look down on the site from a greater height. The changes certainly would not in our opinion increase any adverse visual or other landscape effects for the purposes of our consideration under s127(3) of the Act.

Section 95B

26. We have considered whether to give limited notification under s95B of the Act whereby notice of the application is served on any persons who are adversely affected to a minor or greater degree (s95E(1)). “Less than minor” is part of a continuum of effects. In determining whether the adverse effects on potentially affected persons are less than minor, we have proceeded on the basis of the explanation given by the High Court in *Gabler v Queenstown Lakes District Council*³ in which it was stated:

‘Less than minor’ in my judgment means that which is insignificant in its effect, in the overall context, that which is so limited that it is objectively acceptable and reasonable in the receiving environment and to potentially affected persons.

27. We note that limited notification is not precluded under s95B(6)(b). Nevertheless, in our view, limited notification is not required because:

- There are no affected groups that must be notified (s95B(2)) or certain affected persons pursuant to s95B(3). Section 95B(7) does not direct notification to affected persons in the circumstances of this application;
- Within the bounds of s127, the adverse effects of the variation on any person would be less than minor (s95B(8) and s95E); and
- There are no special circumstances warranting limited notification to any other persons.

28. Mr Gregg’s report correctly identifies potentially affected persons in terms of the effects identified. In relation to landscape and visual effects in particular, there has been careful consideration and indeed engagement relating to those to whom the proposal may be visible. In the context of this application in this location, we are satisfied that the effects on potentially affected persons will be less than minor.

Special Circumstances

29. Mr Gregg considers there are no special circumstances which would warrant public notification (s95A(9)) or which warrant notification to any other persons (s95B(10)). Mr Gregg noted that since the original consent was granted, it has garnered a range of public interest. He properly identifies that this can be a special circumstance but in this case much of it relates to discharges and animal welfare. He notes that Environment Canterbury is processing the resource consents for the discharges under the relevant plans, and that animal welfare is a matter for the Ministry of Primary Industries. He notes that the variation proposal is for an intensive farming activity within four large barns and their associated earthworks and

³ *Gabler v Queenstown Lakes District Council* [2017] NZHC 2086 at [94]

supporting infrastructure, within a rurally zoned site, and is of a typical (barn/farm building) design such that he did not consider it to be exceptional or unusual. We agree with his conclusion for the following reasons.

30. The Court of Appeal summarised the law regarding special circumstances as:

... A 'special circumstance' is something, as White J accepted, outside the common run of things which is exceptional, abnormal or unusual but less than extraordinary or unique. A special circumstance would be one which makes notification desirable despite the general provisions excluding the need for notification.

As Elias J noted in Murray v Whakatane District Council:

... The policy evident in those subsections seems to be based upon an assumption that the consent authority does not require the additional information which notification may provide because the principles to be applied in the decision are clear and non-contentious (as they will generally be if settled by district plans) or the adverse effects are minor. Where a consent does not fit within that general policy, it may be seen to be unusual.

[37] ... the special circumstance must relate to the subject application. The Local Authority has to be satisfied that the public notification as opposed to limited notification to a party or parties, may elicit additional information bearing upon the non-complying aspects of the application. We repeat that Carrington's application to construct and use dwellinghouses was, as White J accepted, a permitted activity in the Rural Production Zone. FNDC's discretion when determining the application was accordingly restricted by s94B to those aspects of the activity which specifically remained for its consideration – compliance with traffic intensity and vehicle access standards.

31. Bearing in mind the nature of our role, in assessing a variation pursuant to s127, we have considered and addressed the following matters:
- The size and scale;
 - There has been public interest expressed in this proposal. We understand it has been subject to a petition, and various comments through the media. We have also been provided with correspondence directly with Christchurch City Council.
32. We recognise that this is an activity of some size. However, in this particular location, and again conscious of the role which we have under s127, we do not consider there are any special circumstances arising from that.
33. Public interest, in itself, is not a special circumstance. We recognise that the mere fact that concern is expressed by people claiming to be affected does not make for special circumstances, although it may be a contributing factor.⁴
34. Having given careful thought to the issue, in light of the thoroughness of the information which we have been provided, and the careful analysis which has been undertaken, we do not consider that there are

⁴ *Murray v Whakatane District Council* (1997) NZRMA 433 (HC) cited in *Urban Auckland, the Society for the Protection of Auckland City & Waterfront Inc v Auckland Council and Ors* [2015] NZHC 1382 at [137]

special circumstances relating to the subject application which would render notification desirable or appropriate.

Conclusion on s95B

35. We have carefully considered the information provided, and the detailed assessment undertaken in relation to potential adverse environmental effects. Nothing indicates that there are any adverse visual, landscape, or other amenity effects for people or property within the immediate context. In our view this includes nearby residents, and those visitors to the area. Those effects, of this application, would be less than minor.
36. Overall, we consider that there are no persons affected to a minor or greater degree, and again we have considered whether there are any special circumstances. We consider there are none.

Substantive Decision

37. Having considered all of the relevant statutory matters, and all of the information with which we have been provided, we accept the recommendation that the application be granted. In this part of our consideration we consider that there are positive effects from the changes. Our effects considerations in relation to this aspect occur within a different statutory context (s104 as opposed to s95). We consider it is consistent with the relevant objectives and policies of the Christchurch District Plan and promotes the purpose of the Act.
38. For the reasons set out in the officer's report and for the further reasons addressed in this Addendum, we accept and adopt the reporting officer's recommendations.

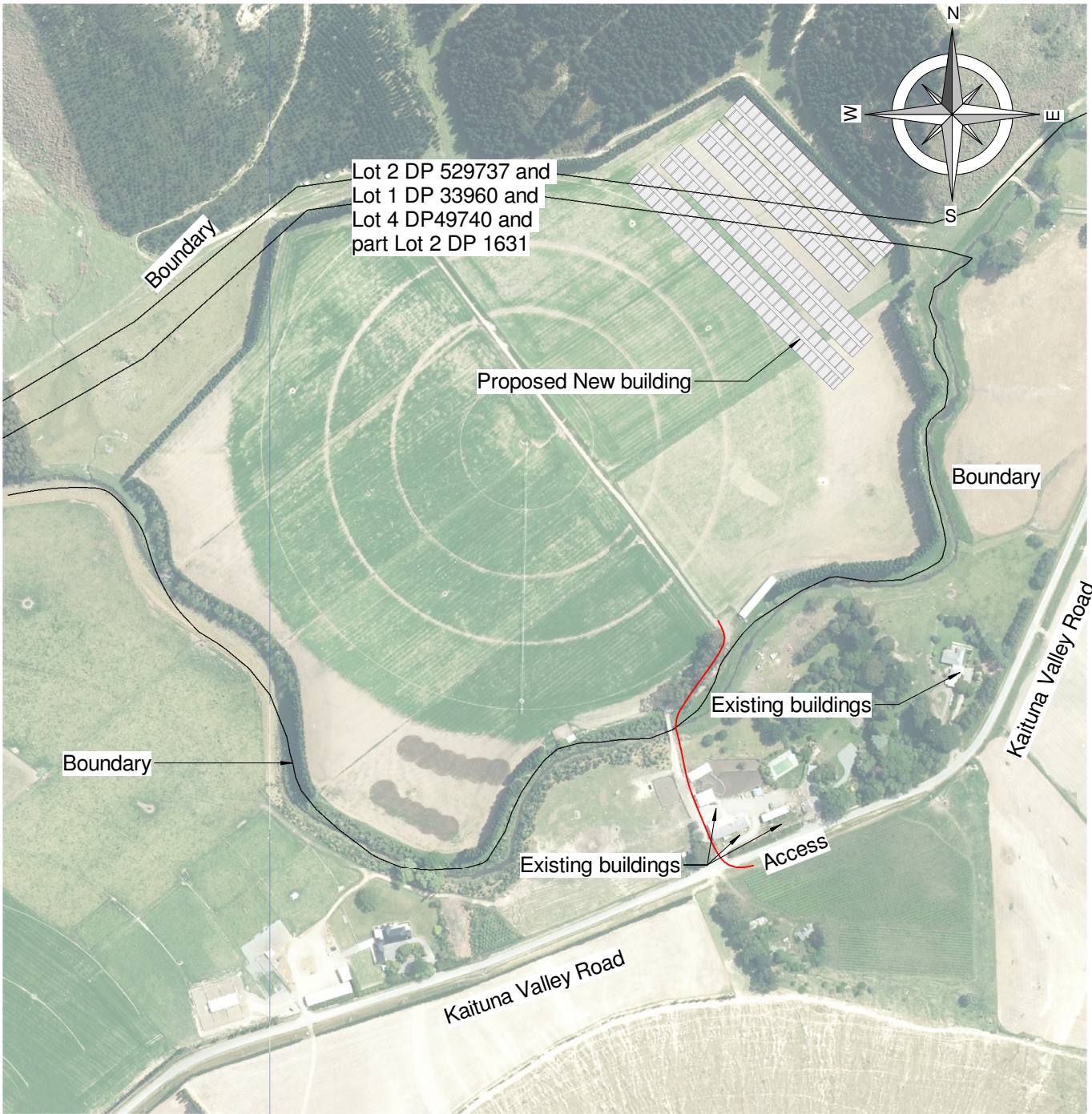
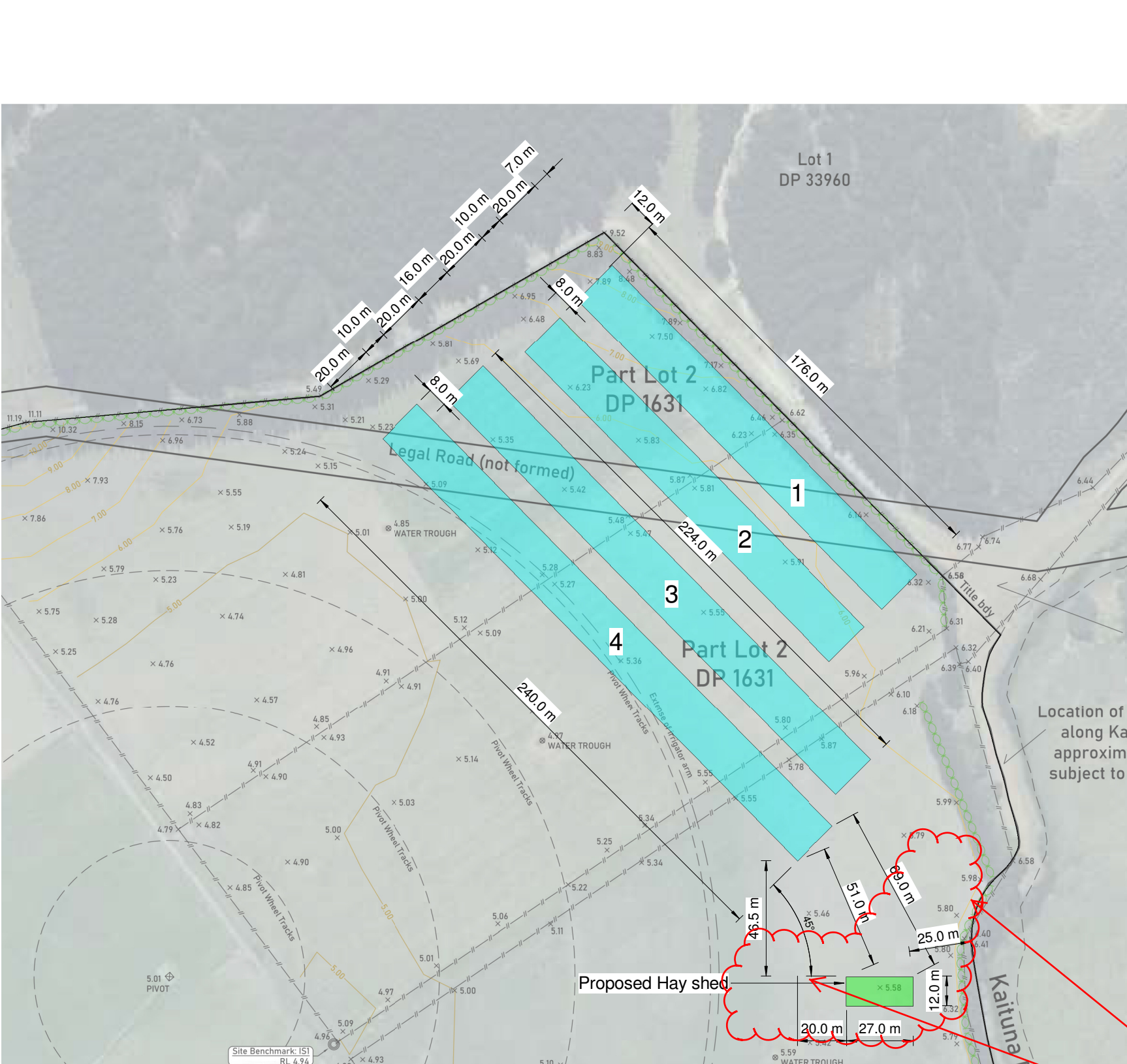


Commissioner David Mountfort



Commissioner David Caldwell

Dated: 16 August 2022



LOCATION PLAN
1 : 5000

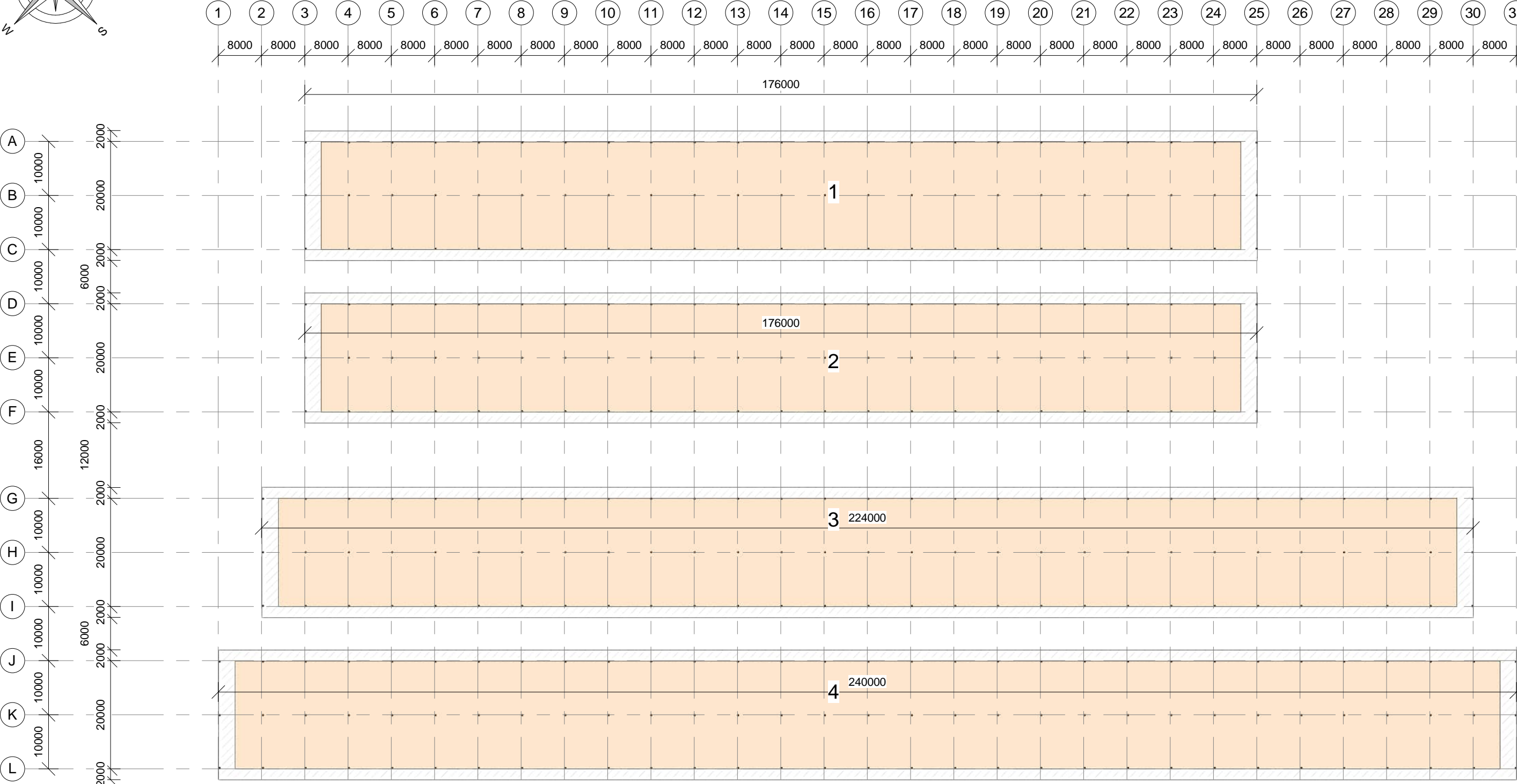
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Lot2 DP 529737 and Lot 1 DP 33960 and Lot 4 DP 49740 and Part Lot 2 DP1631

SITE AREA:
204.5000ha

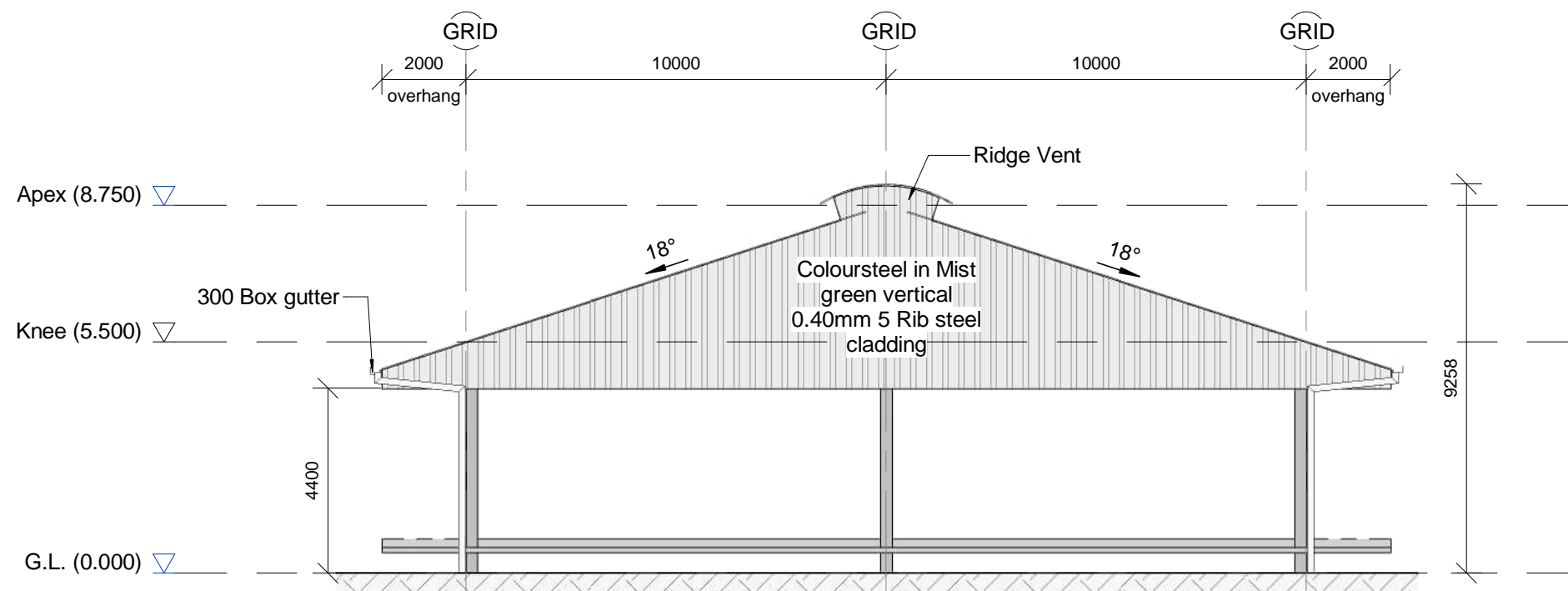
SITE COVERAGE CALCULATION:
Existing buildings: 2500 m²
Proposed building: 21760 m²
Total GFA: 24260 m² = 1.19%

STORMWATER
Stormwater to be disposed with Ø150 down pipes to water tanks with overflow to existing pond, as per stormwater design. All storm water pipe work by others

Proposed location of 1-3 silos and 2 sheds

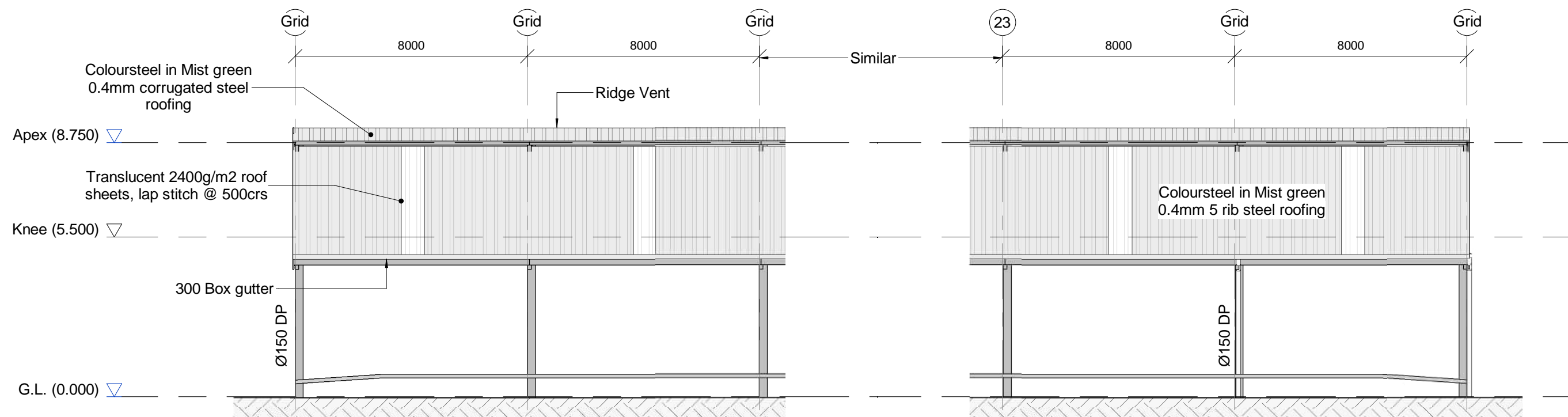


OVERALL LAYOUT
1 : 750



TYPICAL END ELEVATION

1 : 150



TYPICAL SIDE ELEVATION

1 : 150




ROUGH MILNE MITCHELL LANDSCAPE ARCHITECTS LIMITED

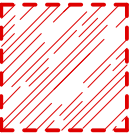
DO NOT SCALE. ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCING ANY WORK.


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REV	DATE	NOTES
A	24/06/2022	
B	17/03/2022	


LEGEND

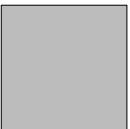
 An existing single row of Lombardy Poplar trees are to be maintained in perpetuity. If a tree dies or becomes diseased it shall be replaced with a Lombardy Poplar in the first available planting season.


 Existing trees are to be maintained until the proposed Lombardy Poplar trees along Kaituna Valley Road reach 5m tall.

 Proposed single row of Lombardy Poplar trees. These trees are to be planted in the first available planting season following the granting of this Resource Consent. These trees are to be planted at 1m spacings. If a tree dies, it shall be replaced with a Lombardy Poplar in the first available planting season. The proposed Poplar trees shall be irrigated for the first 3 years using an automatic irrigation system.

 Proposed infilling of the single row of Lombardy Poplar trees. These trees are to be planted in the first available planting season following the granting of this Resource Consent. These trees are to be planted at 1m spacings. If a tree dies, it shall be replaced with a Lombardy Poplar in the first available planting season. The proposed Poplar trees shall be irrigated for the first 3 years using an automatic irrigation system.

 Approximate alignment of the accessway.

 Approximate extent of the compacted gravel area.



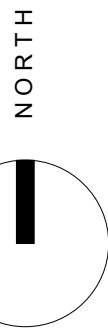
Christchurch City Council

Page 4 of 10

RMA/2022/1398

16/08/2022

Gregg, Jonathan



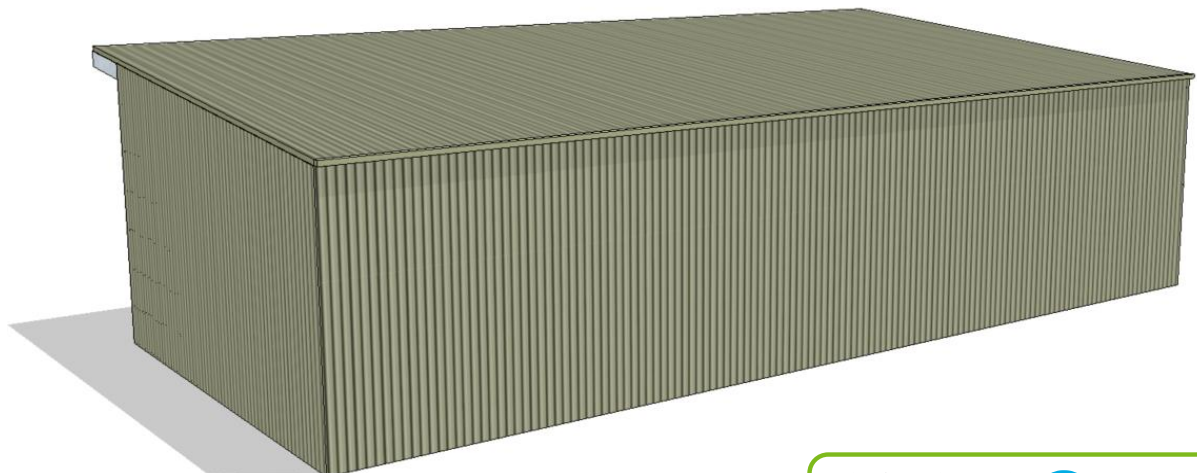
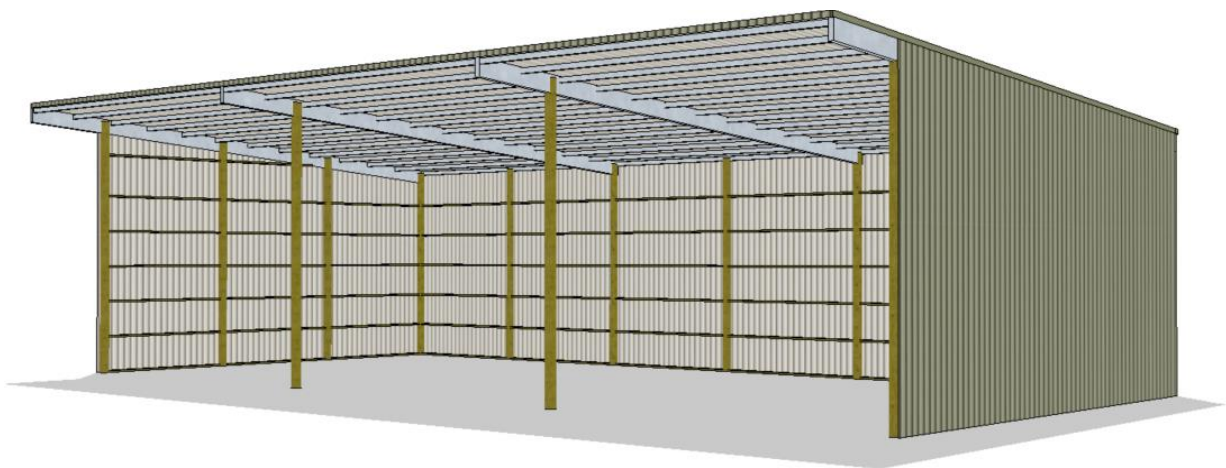
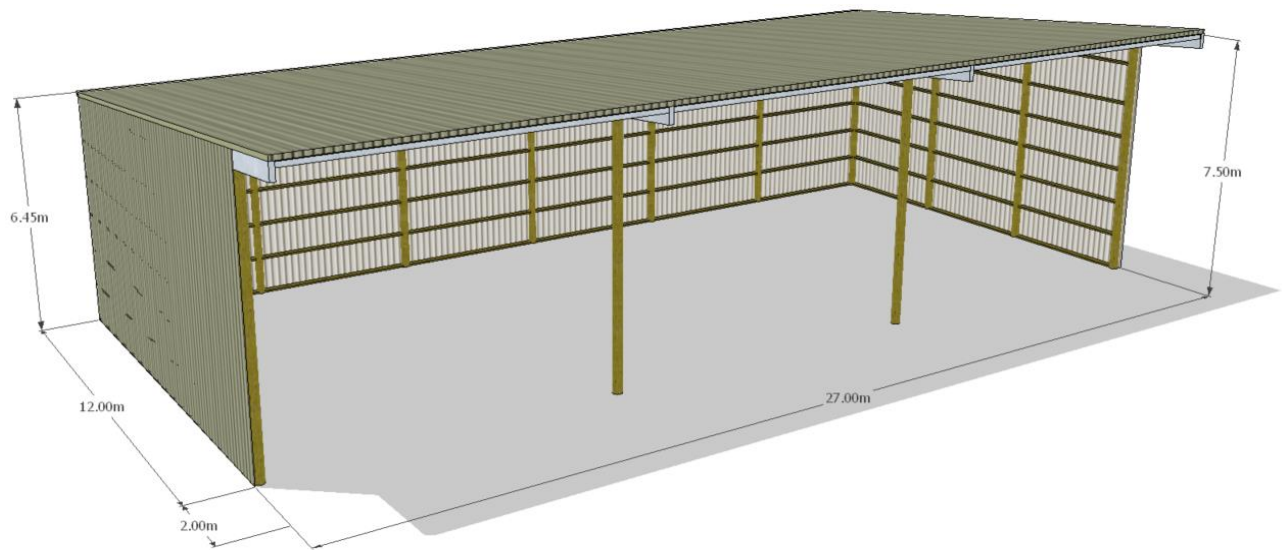
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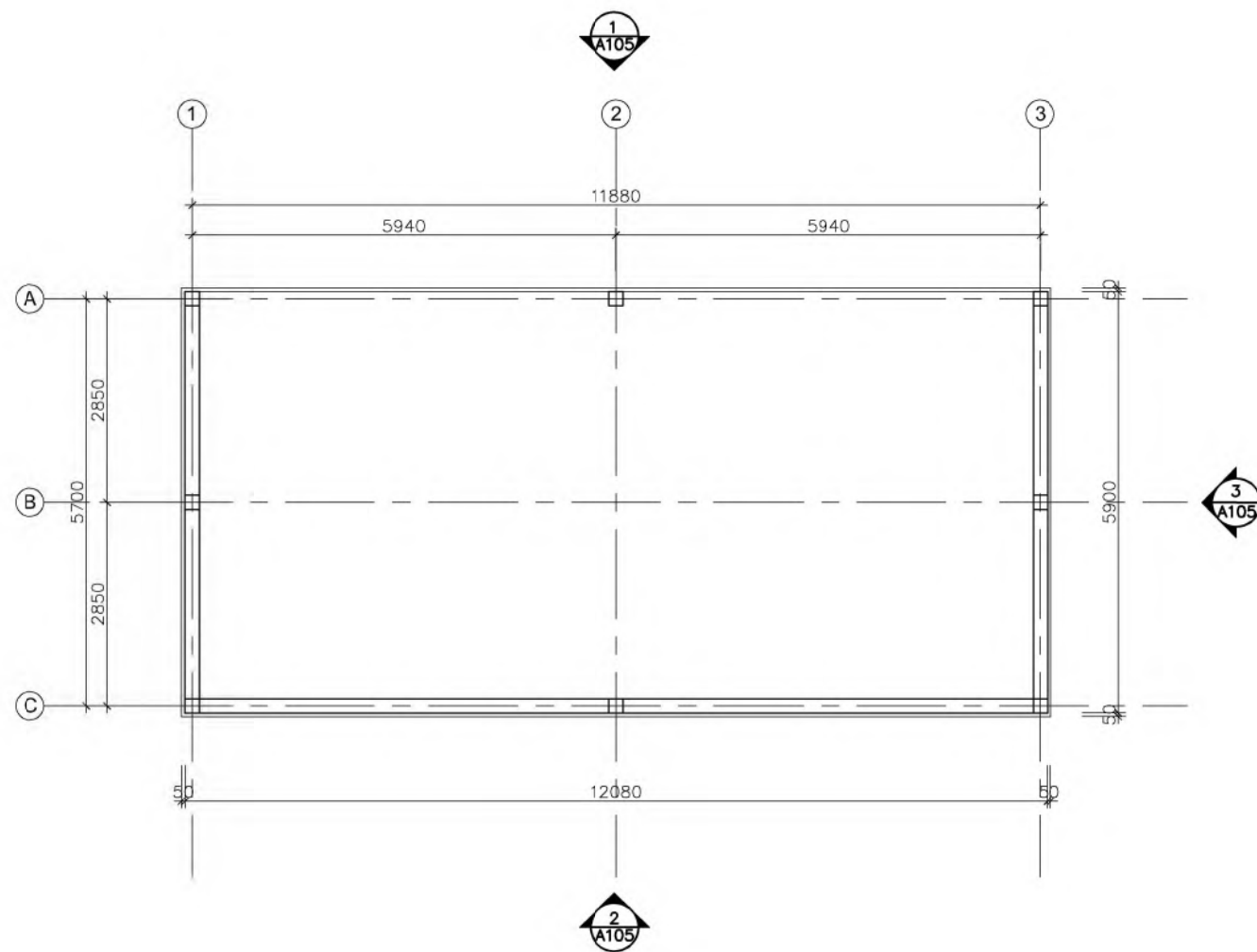
LANDSCAPE PLAN
Willesden Farms
229 Kaituna Valley Rd

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CHECKED	PS
STATUS	DRAFT
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SERIES	
2 of 2	

Visual Guide

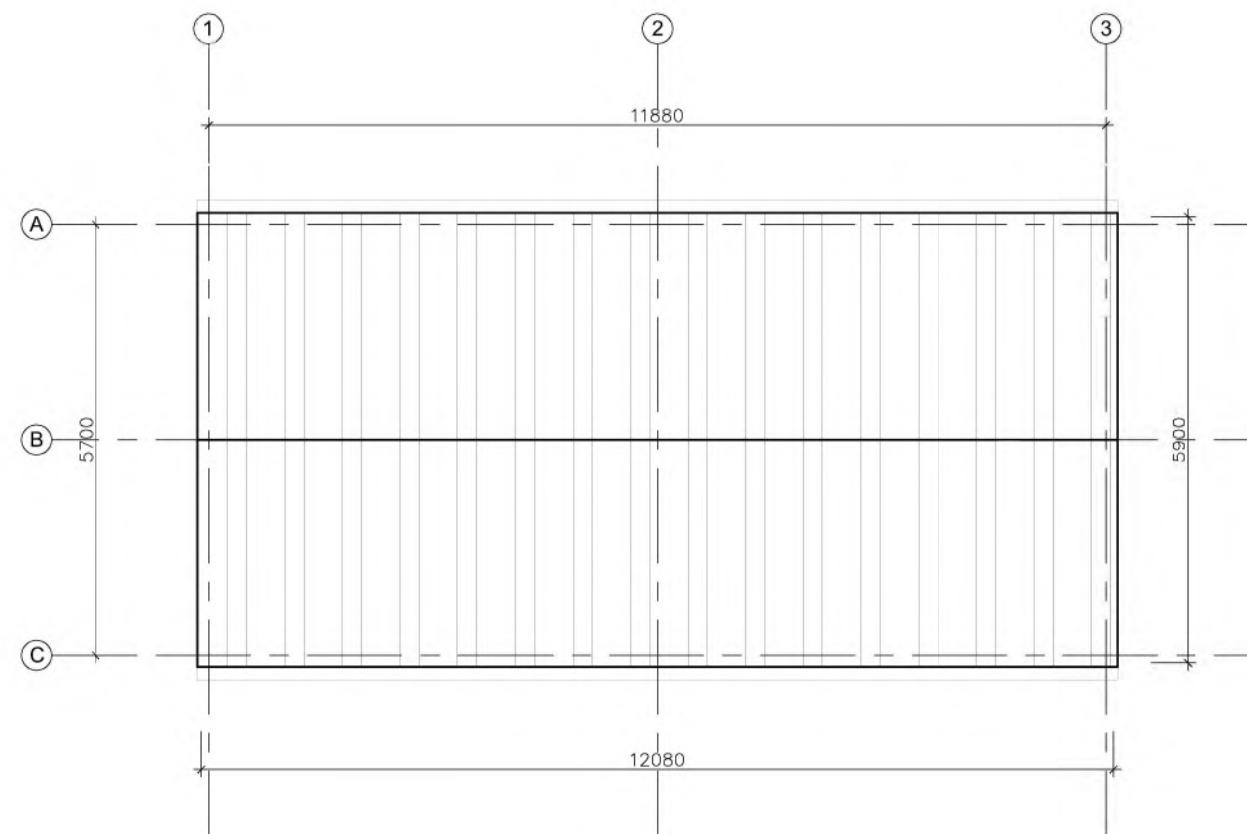
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Floor Plan

S:1/100



Roof Plan

S:1/100

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PROJECT/ADDRESS
Kaituna Feed Barn

DRAWING NAME
Storge Shed 02
Floor Plan &
Roof Plan

STATUS Project Status

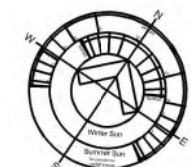
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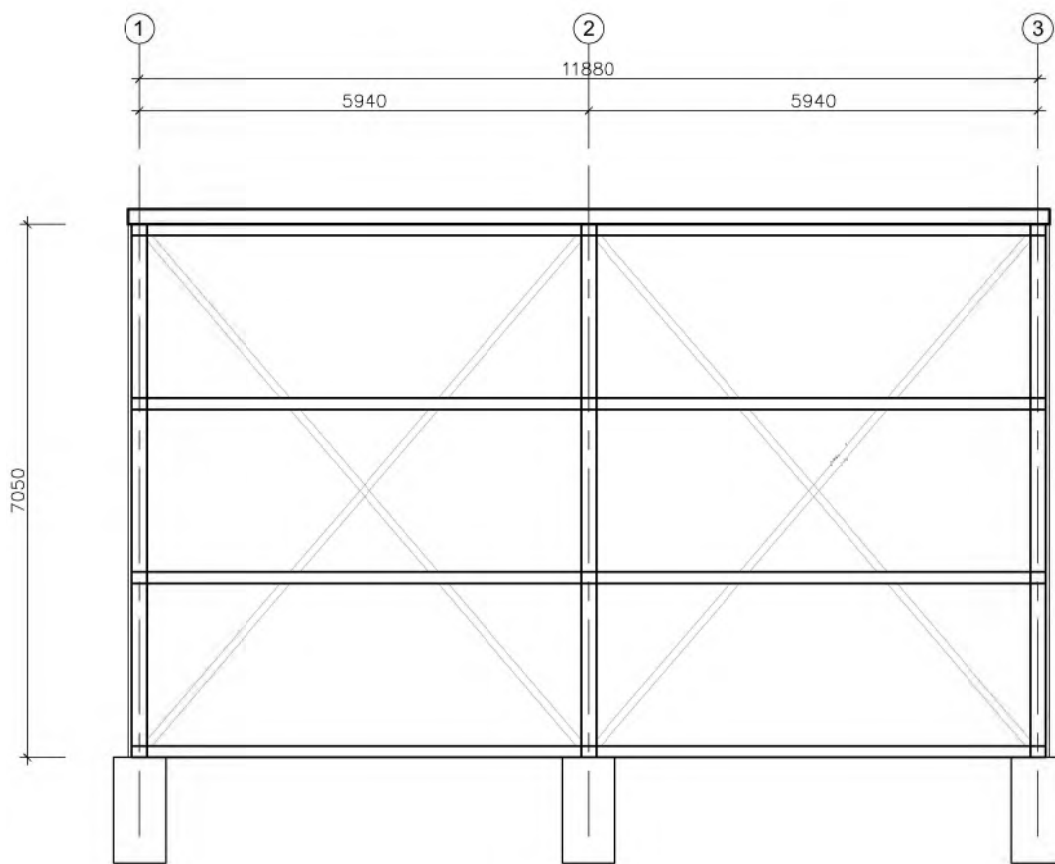
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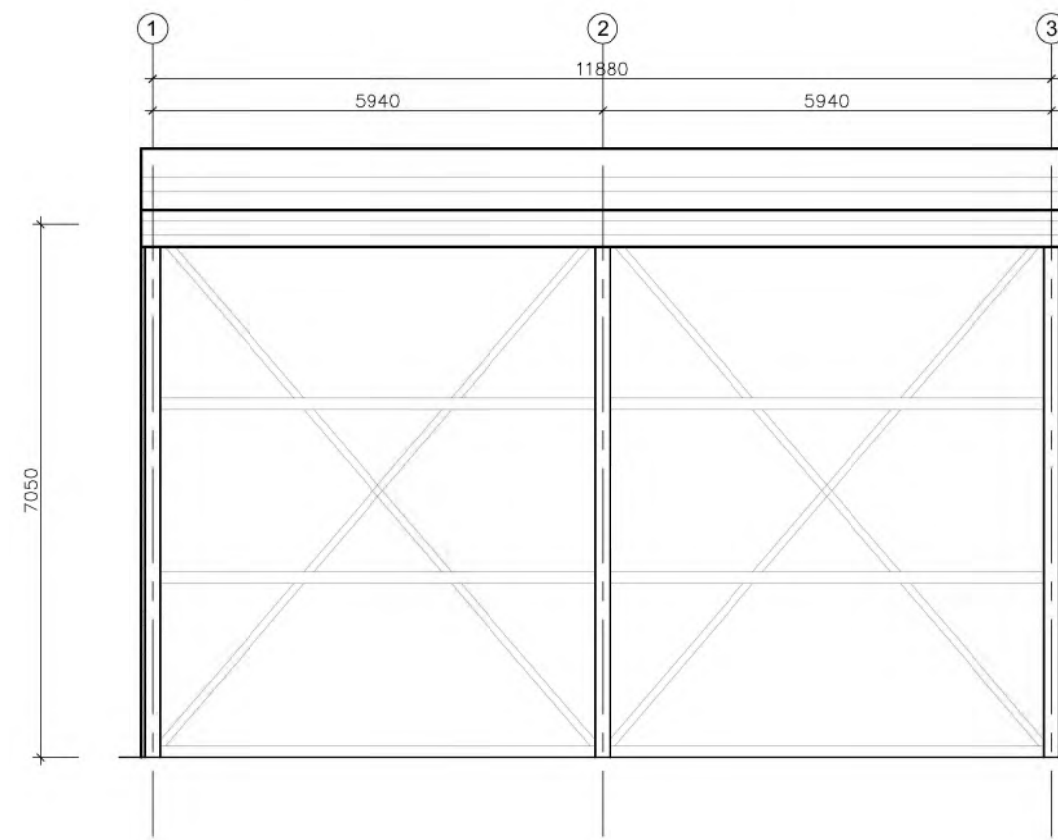
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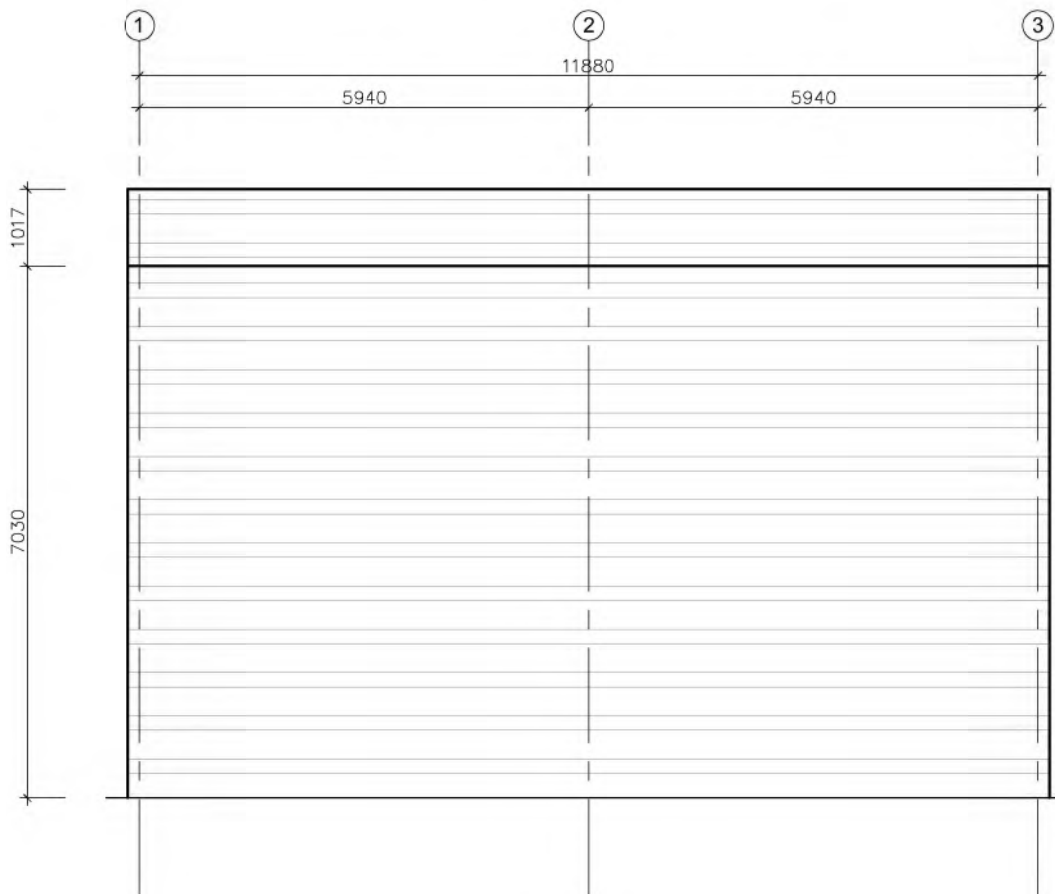
16/08/2022 Gregg, Jonathan



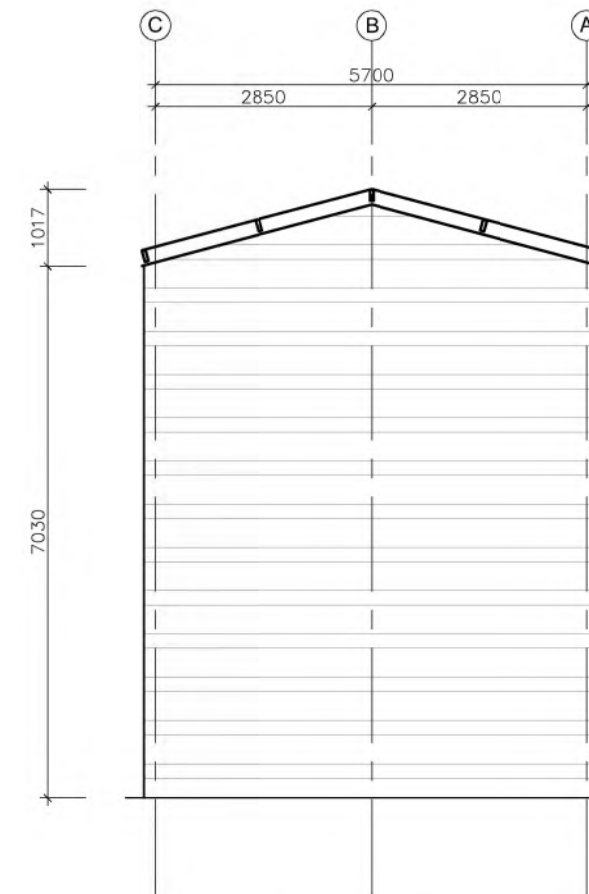
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Elevation 01
S:1/100



Elevation 02
S:1/100



Elevation 03
S:1/100

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PROJECT/ADDRESS
Kaituna Feed Barn

DRAWING NAME
Stoarge Shed 02
Section &
Elevations

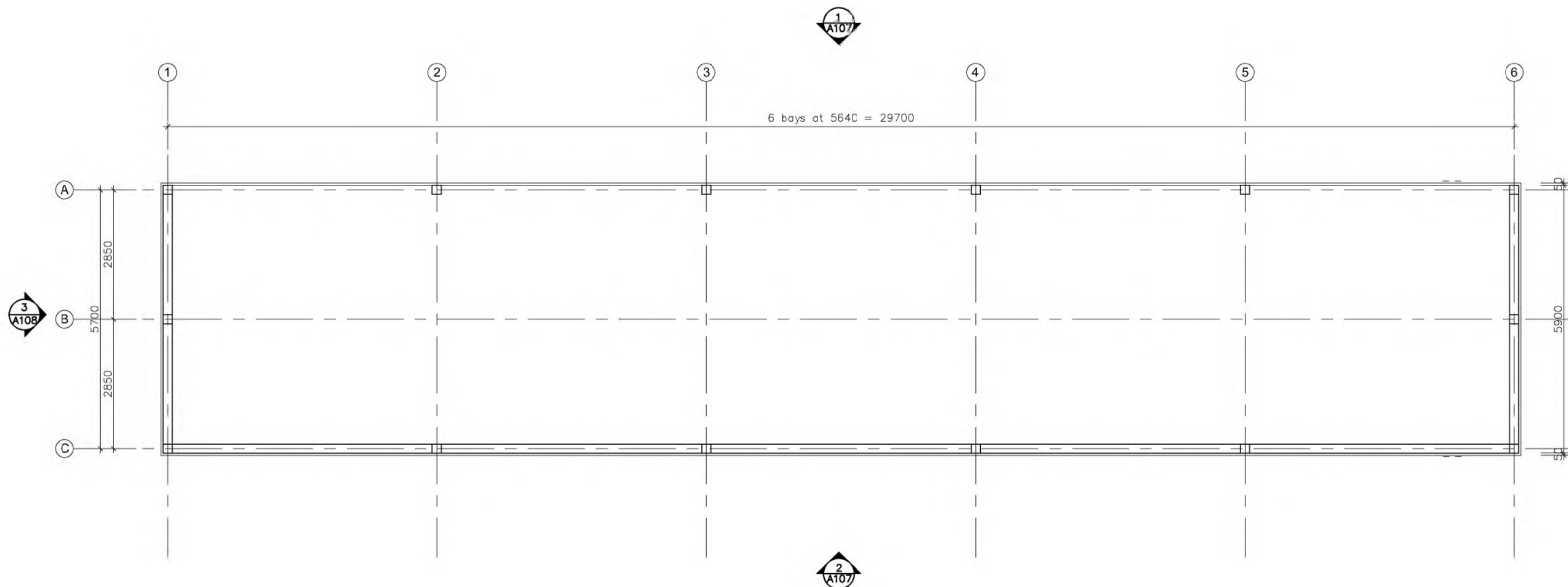
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A108



Floor Plan

S:1/100

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PROJECT/ADDRESS

Kaituna Feed Barn

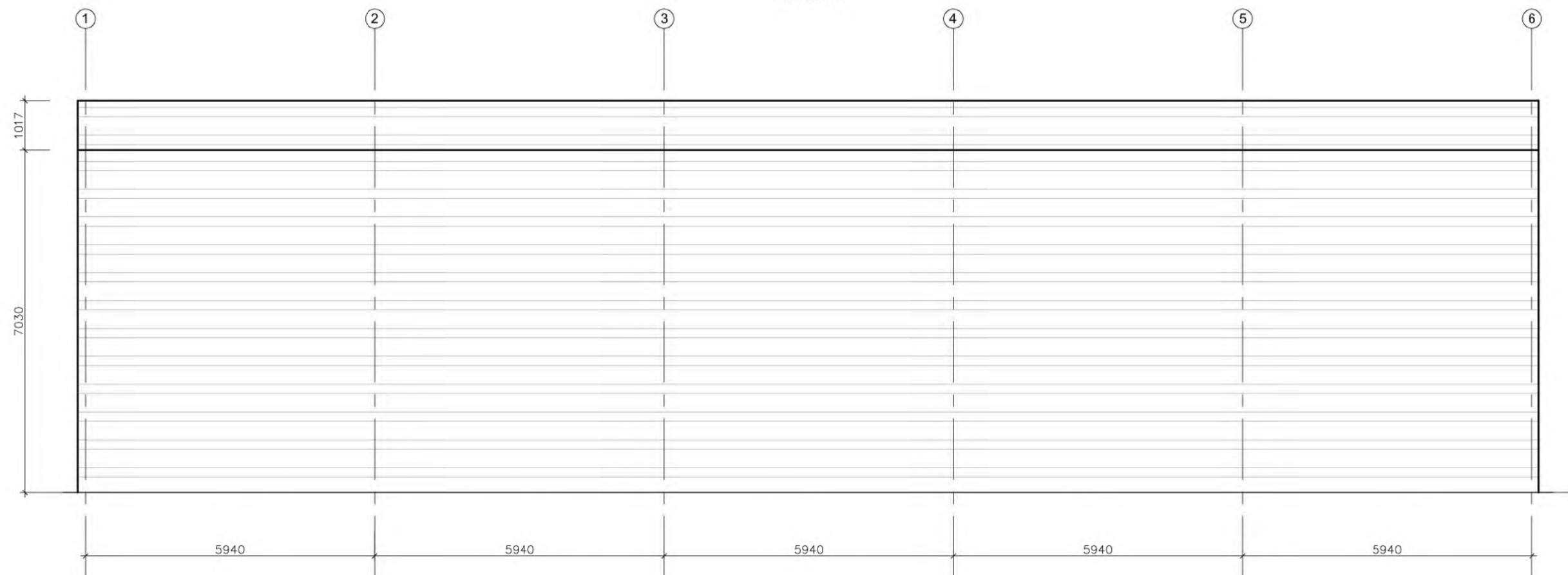
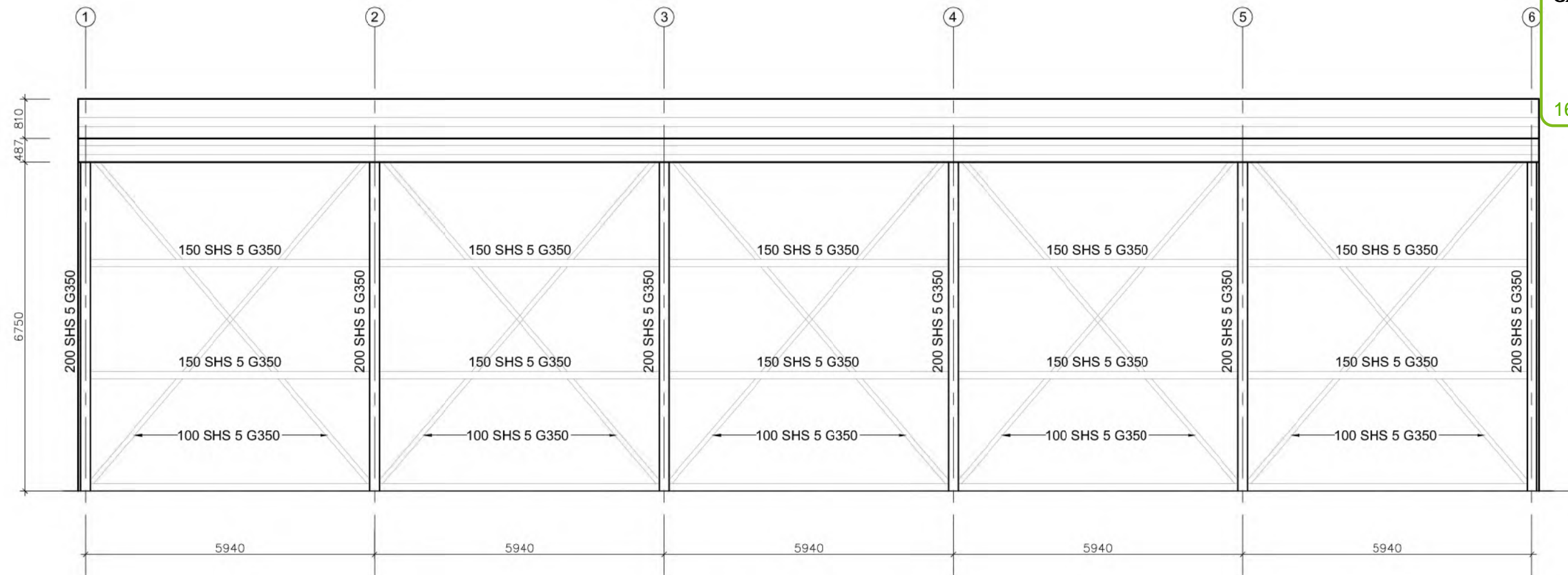
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Stoarge Shed 01 Floor Plan

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JOB N°			10009		
SHEET N°					

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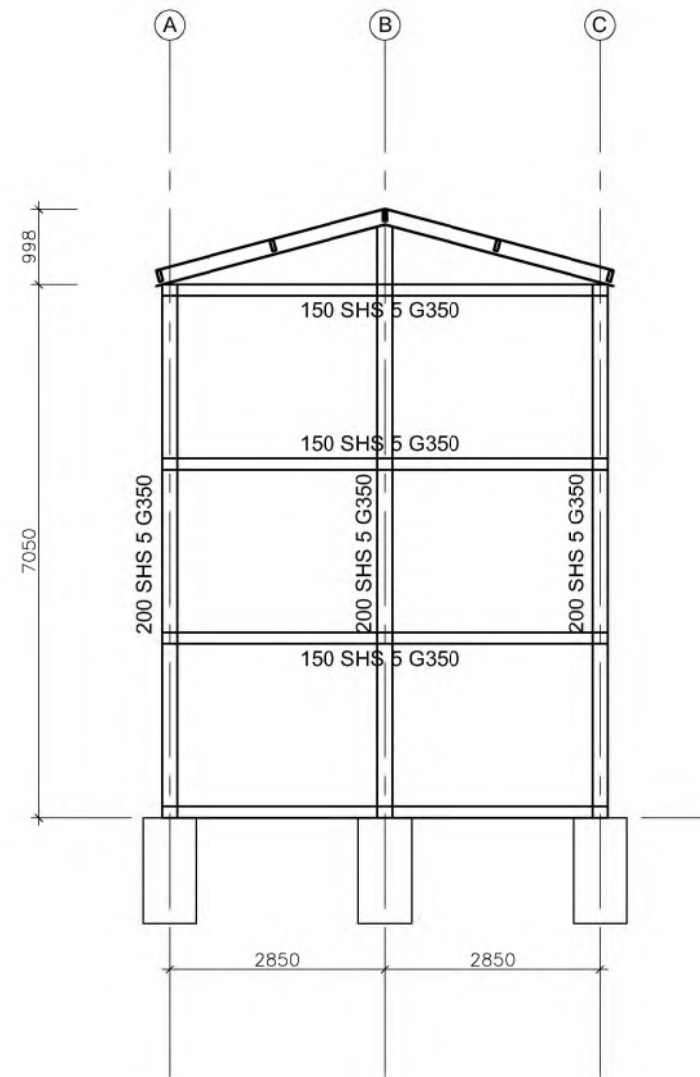
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DRAWING NAME
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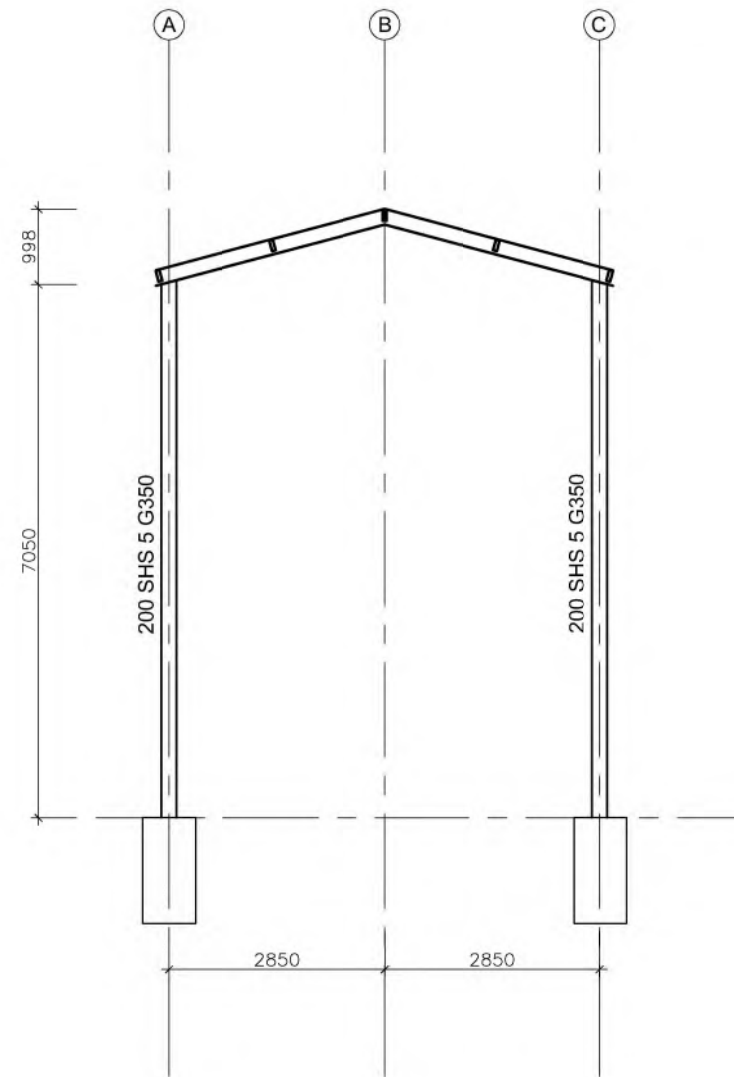
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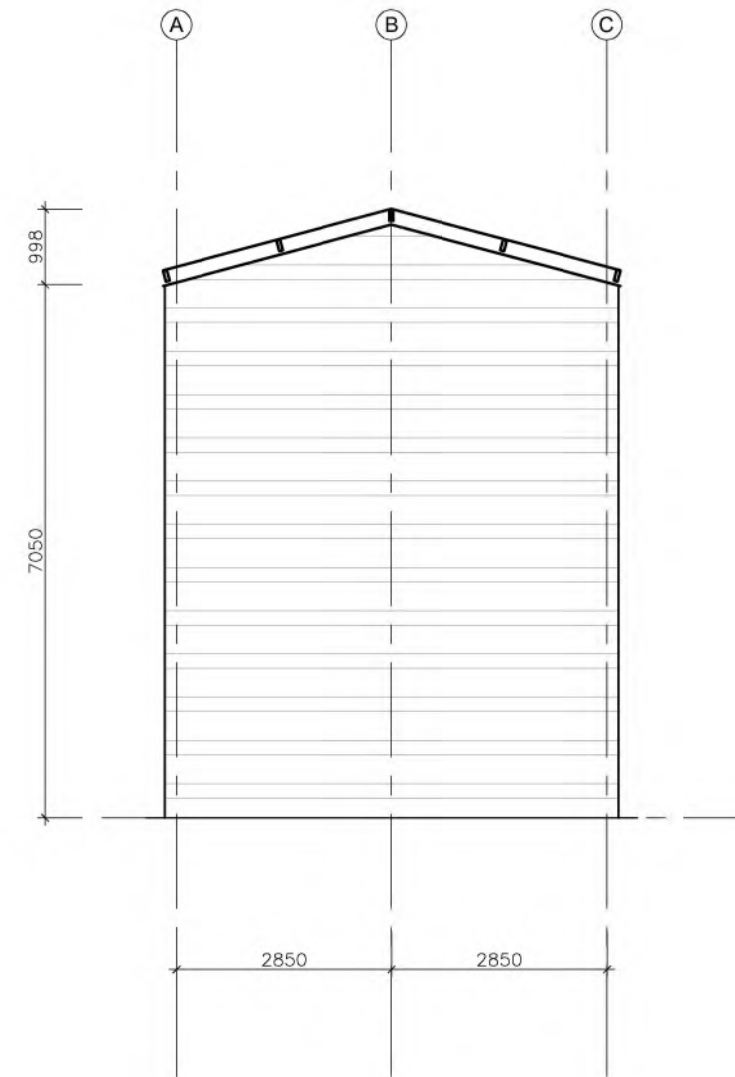
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S:1/100



Frame Elevation Line 02-05

S:1/100



End Elevation

S:1/100

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PROJECT/ADDRESS
Kaituna Feed Barn

DRAWING NAME
Storage Shed 01 Elevations

STATUS		Project Status
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