

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: Wongan 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.

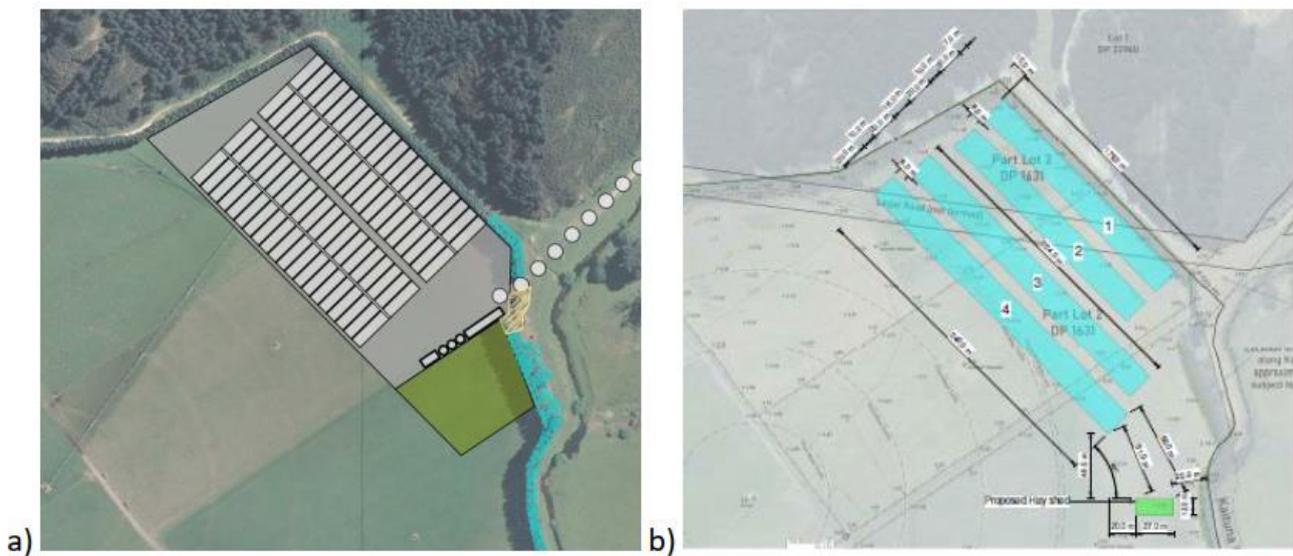


Figure 1. a) Consented buildings as for resource consent RMA/2021/1675 and b) Proposed changes to the built form of the feed barns (feed barns in blue).

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://esc.canterbury.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.

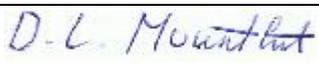
Reported and recommended by: Jonathan Gregg, Team Leader Planning

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]

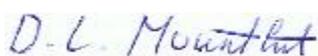
special circumstances relating to the subject application which would render notification desirable or appropriate.

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