

## Report on a Publicly Notified Resource Consent Application

(Section 42A)

<b>Application Reference:</b>	RMA/2021/589
<b>Applicant:</b>	Land Power Group
<b>Site address:</b>	33 and 69 School Road, Yaldhurst
<b>Legal Description:</b>	Lot 1 and Lot 2 DP 24408
<b>Proposal:</b>	Establish an agricultural equipment sales, servicing and training facility, with ancillary activities including office and associated signage
<b>Zoning:</b>	Rural Urban Fringe
<b>Overlays and map notations:</b>	Air Noise Boundary 55 dB Ldn Air Noise Contour
<b>Activity status:</b>	Non-Complying
<b>Submissions:</b>	6 in support 6 in opposition 2 which are neutral (2 of these submitters seek to be heard)
<b>Date of Hearing:</b>	30 <sup>th</sup> May 2022
<b>Recommendation:</b>	Grant subject to conditions

### Preamble

- My name is Rachel Ellen May Cottam. I am employed as a Resource Management Planner and based in the Civic Offices of the Christchurch City Council. I have been employed by the Christchurch City Council since November 2016. I hold a Bachelor's degree of Environmental Policy and Planning with First Class Honours from Lincoln University. I am an intermediate member of the New Zealand Planning Institute and have 5 years of experience working in the planning and resource management field.
- This report has been prepared with advice from the Council staff detailed below.

Officer	Position	Assessment	Appendix
Jeremy Head	Senior Landscape Architect at WSP - engaged by Council.	Landscape Visual Assessments	Appendices 1 and 2

Agnes van der Erf/Paula Kloosterman	Environmental Health Officers	Noise Assessment	Appendices 3 and 4
John Dore	Transport Network Planner	Transport Assessment	Appendices 5 and 6

3. The Applicant's AEE, plans and associated documents have been collated in a supporting document for this report.
4. This report reviews the application for resource consent and addresses the relevant information and issues raised. It should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Commissioner. It should not be assumed that the Commissioner will reach the same conclusion or decision having considered all the evidence to be brought before him by the applicant.
5. An independent Commissioner has been appointed to decide on this application in line with Council delegations. The Commissioner, Paul Rogers, made the s95 notification decision.

### Proposed activity

6. The applicant seeks land use consent to establish an agricultural equipment sales and service facility at 33 and 69 School Road, Yaldhurst. The proposal also includes provision for showroom, ancillary offices, storage of agricultural equipment and a dedicated driver and technician training facility, which will utilise the balance of the site to be kept as open paddock. The retail component is limited to the display and sale of agricultural machinery and associated parts.
7. The proposal is described in detail in Section 3 of the application. The key aspects of the proposal are:
  - *Nature of Activity*
    - Establish and operate a rural machinery sales and service facility on the application site.
    - There are various aspects to the proposed activity, being:
      - Sale and lease of farm machinery (Including tractors, balers, combine harvesters and fertiliser spreaders)
      - Service, assembly and repair of machinery
      - Parts storage and distribution of machinery
      - Training and demonstration for both machinery operators and apprentice service technicians
      - Ancillary administration support/management offices;
    - The hours of operation of the activity can vary given the seasonal nature of agricultural contracting and the resultant times of heavy machinery use. Hours of operation are typically between 7:00am and 6:00pm Monday to Friday, and 8:00am to 2:00pm on a Saturday. However, Landpower operate 24 hours, 7 days a week, with the hours outside of the times stated above being a field call out service primarily undertaken off

site but access to the site for equipment and vehicles will be required and the occasional emergency repair at the workshop;

- Approximately 89 staff are employed across the workshop, sales, and ancillary office parts of the business, with an additional 20 staff operating as field-based service technicians;
  - The proposal will provide backup stock for neighbouring dealers in the South Island. The majority of the parts stored on site will be sold in the Canterbury region; and
  - The site will also be Landpower's support centre including some head office functions. This includes technical support, HR, IT, marketing and finance. Some of these staff roles contain elements related to supporting the Canterbury based business. The head office staff constitutes 35 of the 89 staff proposed onsite. The other administration roles onsite are focused on the operations of the Canterbury area and the proposal's other functions.
- *Built Form*
    - Two buildings are proposed on site as part of the application, the main building and an ancillary open bay storage shed located to the rear of the main building (when viewed from SH73). The main building covers some 6,586m<sup>2</sup> (excluding canopy structures). The storage shed is 611m<sup>2</sup> and of an open bay design. Overall the built site coverage is 7,197m<sup>2</sup> or 13.6% of the site; and
    - Two rural dwellings are currently located on the site and the applicant seeks to retain the dwelling in the north-west corner of the site, with this dwelling and curtilage to continue to be used for residential purposes. Whilst this existing dwelling forms part of the application site, it does not form part of the proposed rural machinery-related activity. No subdivision is proposed in this application. The existing dwelling and associated accessory buildings in the north east corner of the site are to be removed and the land formed as a grassed paddock.
  - *Transport and Access*
    - There are two proposed access points to the site, one each from SH73 and Hasketts Road. No vehicle access will be provided from School Road and any existing vehicle crossings will be made redundant<sup>1</sup>;
    - The 9m wide entrance from Hasketts Road is for heavy vehicles only. It is set back from the SH73 intersection approximately 58m;
    - The 7m wide SH73 access will be dedicated to the use of light passenger vehicles, including by staff and visitors and smaller deliveries such as couriers etc. This access location is approximately halfway along the SH73 road frontage;
    - Minor kerb widening is proposed to the Hasketts/ SH73 intersection as detailed in the Transport Assessment. These minor works will be located within the road berm and therefore will be subject to separate agreements with the road controlling authority (Waka Kotahi NZ Transport Agency);

---

<sup>1</sup> The existing vehicle crossings for the residential unit on 69 School Road are to be retained in this application.

- A total of 81 car parks are provided. The proposed parks comprise of 75 staff parks, 3 visitor spaces, and 3 mobility spaces. Further informal parking is available within the yard area for service technicians; and
- Twelve covered and secure staff cycle parks are provided within the covered canopy in the north east corner of the workshop area. A further 4 visitor cycle parks are located adjacent to the entrance to the showroom.
- *Signage*
  - A single free-standing 6.58m<sup>2</sup> pylon sign is proposed west of the proposed SH73 entrance to the site; and
  - The front façade of the building will also include branding, consisting of a 'Landpower' sign above the showroom area, and the 'CLAAS' logo adjacent to the parts counter.
- *General Matters*
  - A 1m high graded bund with a 1.5m high acoustic fence on top will be placed along the School Road frontage of the site. A 2.5m high acoustic fence is proposed to extend from the workshop area of the building running north to meet the proposed School Road fence;
  - The proposed site layout provides various areas of extensive landscape planting as well as retention of open space;
  - The estimated total volume of earthworks required to construct the proposed development will be approximately 5,500m<sup>3</sup> associated with building foundation construction, and associated formation of hardstand and landscaping. Maximum fill depth will be 1.5m (School Road landscaped bunds). Maximum depth of excavation (excluding works associated with foundation construction) will be no more than 2m associated with the installation of services and soak pits;
  - Preliminary high level three waters (stormwater, wastewater and water supply) infrastructure considerations have been undertaken on behalf of the applicant by GHD Ltd. This analysis reveals the need for onsite water storage for both potable and firefighting purposes, and wastewater and stormwater treatment. Treatment options include septic tank or secondary treatment system followed by discharge to ground via a disposal field; and
  - The following additional resource consents are required from Environment Canterbury for the proposed activity, but have not yet been applied for:
    - Land use to install a bore.
    - Water take and use in an industrial process.
    - Wastewater and stormwater discharge.

8. Since the release of the s95 decision, the applicant has provided further information and amended landscape plans which have been included in the above description. Changes include a reduction in signage (including the removal of graphics and flags), providing more substantial landscaping and reducing the quantities of materials used on the proposed building. The further information and amended plans have been included as supporting documents to this report.

9. A site visit was undertaken on 30 March 2021 accompanied by Jeremy Head, Senior Landscape Architect at WSP and Mr Brosnahan. I am familiar with the site and surrounding area and have visited the site specifically on 23<sup>rd</sup> February 2022.

## Background

10. This application was lodged on 15 March 2021 with a section 92 request for information sent on 6 April 2021. All required information was received by 30 June 2021.
11. This application was publicly notified on 23 September 2021. The submission period closed on 21 October 2021. A total of 14 submissions were received during this period – 6 in support, 6 in opposition and 2 which were neutral. Refer **Appendix 7** for the location of submitters in the immediate area.
12. During the period of February to early April 2022, the applicant submitted amended plans and further information to Council. The application was placed on hold the 17<sup>th</sup> March to the 11<sup>th</sup> April 2022.

## Description of the site and existing environment

13. The application site is located at 33 and 69 School Road, Yaldhurst (*Figure 1*).



**Figure 1:** Application site bordered in red. Dashed line indicates existing title boundary between 33 and 69 School Road.

(Source: AEE)

14. The application site and surrounding environment are described in Section 2 of the AEE submitted with the application. I adopt the applicant’s description. It is noted that this is also described in detail in the s95 report.

**District Plan and National Environmental Standards – Relevant rules and activity status**

**Christchurch District Plan**

15. The site is zoned Rural Urban Fringe under the District Plan. This zone provides for a range of rural based activities, including farm buildings, rural produce, conservation and recreation activities and residential activities.
16. The proposal requires resource consent under the following rules in the District Plan:

Activity status rule	Standard not met	Reason	Matters of control or discretion (if relevant)
<b>7.4.2.3 RD1</b>	<i>7.4.3.1 a. Minimum number and dimensions of car parking spaces required (outside the Central City)</i>	Staff spaces will not be marked in accordance with Appendix 7.5.1(c). The applicant instead proposes to mark visitor spaces.	<i>7.4.4.1 - Minimum number of car parking spaces required</i>
<b>7.4.2.3 RD1</b>	<i>7.4.3.7 Access design</i>	A queue space to SH73 is required to be 18m, with only 15m proposed. The Hasketts Road access is to have a formed width of 16m at the road boundary compared with 9m permitted.	<i>7.4.4.10 - Vehicle access design 7.4.4.11 – Queuing spaces</i>
<b>7.4.2.3 RD1</b>	<i>7.4.3.10 High trip generators</i>	The proposed activity is classified as a high trip generator as a total of 93 vehicle trips are anticipated during the peak hour where only 50 are permitted.	<i>7.4.4.19 - High trip generators</i>
<b>8.9.2.3 RD1</b>	<i>8.9.2.1 P1 a. Earthworks volume and depth b. Depth of earthworks</i>	The proposed earthworks will exceed the 100m <sup>3</sup> /ha maximum volume in Table 9 – 5,500m <sup>3</sup> is proposed The proposed earthworks will exceed the 0.6m maximum depth by 1.4m	<i>8.9.4 Matters for discretion: 8.9.4.1 - Nuisance 8.9.4.2 - Resources and assets (versatile soils) 8.9.4.3 - Land stability 8.9.4.6 - Amenity</i>

Activity status rule	Standard not met	Reason	Matters of control or discretion (if relevant)
17.5.1.5 NC1	-	The proposed activity is not provided for as a permitted, controlled, restricted discretionary, discretionary or prohibited activity in the Rural Urban Fringe zone.	-

17. Additional matters noted in pages 5-6 of the s95 decision remain relevant.
18. Changes have made to the application since the s95 notification however none have changed the activity status of the proposal nor the non-compliances identified above.
19. Overall the proposal must be considered as a **non-complying activity** under the District Plan.

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

20. These standards seek to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and if necessary the land is remediated or contaminants contained to make the land safe for human use.
21. 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. Advice was received from Council's Paula Kloosterman, Environmental Health Officer in **Appendix 3**, who agrees with the applicant that the site is not considered a 'piece of land' under the NES and not subject to the NES.

**Submissions**

22. 14 submissions were received on this application (6 in support, 5 in opposition and 3 which did not state a position).
23. Since the submission period, consultation has occurred between the applicant and Christchurch International Airport Limited (CIAL). Both parties have agreed to a suite of conditions, now volunteered by the applicant, which addresses concerns raised by CIAL. As a result, CIAL do not wish to be heard and whilst they state the below, I note for completeness that they have not actually rescinded their original submission position of being in opposition to the application:

*On behalf of CIAL I can confirm that, in light of the below, CIAL no longer seeks to be heard in relation to its submission on Landpower's application for resource consent.*

*CIAL supports the conditions which the applicant has offered below and advises that these conditions appropriately address the issues raised by CIAL in its submission.*

24. Copies of all submissions have been provided to the Commissioner.
25. The reasons for the submission/s in opposition are summarised as follows:

#### Rural Character and Amenity

- The change from rural land to a commercial/industrial activity is eroding rural character. The character of the rural environment includes the openness that pastoral views provide which the proposal will no longer achieve. In other areas industrial/commercial areas are visually separated by a main road (which is achieved on the southern side of the state highway in Yaldhurst), which the application does not achieve. Some of the industrial activities to the south of the site may have been established due to the conditions of the area (i.e. soil contamination) which is not applicable to the application site;
- This activity does not make a rural community environment while other non-rural activities (including but not limited to the domain, school, church, garage and hotel) assist with maintaining the established character;
- There is already a commercial tractor operation in a similar location. This activity would set a precedent for new/future applications. There are industrial and commercial zonings nearby which are considered a more suitable location for the proposal;
- Property values could decrease as a result of the proposal<sup>2</sup>;
- The proposed landscaping will not assist in mitigating amenity effects of the proposed building. It has the appearance of a commercial activity in nature; and
- Examples of similar developments in other districts should not be used as a comparison to the proposed activity.

#### Nuisance and Screening

- It is unclear if the proposed vegetation would be established along the entirety of School Road;
- Too much noise will be generated from the proposal which will affect residential neighbouring properties and affect the existing nature of the site; and
- There is no bund around the residential property on the corner of Hasketts Road and School Road<sup>3</sup>

#### Signage

- The proposal is creating a signage precedent, in terms of signage can be exceeded if is in proportion to the scale of the building; and
- Flags will distract road users and are not necessary, as there is other signage to indicate the location of the business.

---

<sup>2</sup> The planning assessment cannot assess property values in this report. This statement has been included as part of an individual submission.

<sup>3</sup> It is noted that this site is owned by the applicant and is included to be retained in this proposal.



### Servicing

- More information is required whether the proposed water supply/discharge will affect residential water usage for surrounding properties.

### Transport

- The proposal should not encourage any vehicle access along School Road, including vehicle or farm machinery.

26. The reasons for the submission/s in support are summarised as follows:

### Rural Amenity and Character

- The operation will enhance the area, as the proposal fits the local rural character and is more suitable than other businesses;
- It will provide a convenient location for the rural community; and
- It will assist in providing a semi-rural look to the Yaldhurst Area as seen in the Norwoods Farm Machinery, whose appearance has improved over time.

### Nuisance

- The proposal will assist to reduce noise from West Coast Road (SH75) onto School Road. The mitigation measures (including acoustic, dust mitigation, proposed vegetation and earth mounds) are acceptable including reducing effects on the Yaldhurst Model School.

### Servicing

- The location of the proposed septic tank and disposal field are acceptable and prevent any effects on neighbouring properties water intake.

### Transport

- The built form will assist to reduce speeds within the locality; and
- The proposal will not increase traffic substantially. It is encouraged that no access or egress shall be enabled on School Road.

27. Two submissions which did not state a position included Waka Kotahi (NZTA) and Yaldhurst Rural Residential Association. Waka Kotahi's submission noted they had already been consulted and are generally agreeable to the proposed access arrangement but would like the opportunity to work with applicant on refined details of the proposal (in particular if the proposal is amended).

28. The other submission was Yaldhurst Rural Residential Association. They were also not opposed to the application if the following aspects were achieved;

- Rural amenity is maintained (assessment is not limited to open space and landscaping);
- The built environment is sympathetic to its surroundings;
- The display machinery should be limited on the boundary of the site; and
- Permitted noise levels should not be exceeded.

29. When considering an application for resource consent and any submissions received, the consent authority must have regard to the matters listed in Sections 104, 104B, and 104D of the Resource Management Act 1991. Subject to Part II of the Act, which contains the Act's purpose and principles, including matters of national importance, the consent authority shall have regard to:
- a) *Any actual and potential effects on the environment of allowing the activity.*
  - b) *Any relevant provisions of a plan or proposed plan,*
  - c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
30. It should be noted that other than giving pre-eminence to Part II, Section 104 gives no priority to other matters. They are all matters to have regard to and the consent authority must exercise its discretion as to the weight that it gives certain matters, depending on the circumstances of the case.
31. Under Sections 104B and 104D, when considering an application for resource consent for a non-complying activity, a consent authority may grant or refuse the resource consent, and (if granted) may impose conditions under section 108.
32. Under Section 104D, and despite any decision made for the purpose of Section 95A in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or that the application is for an activity that will not be contrary to the objectives and policies of the plan.
33. Even where one of the threshold tests in Section 104D is met, the consent authority still retains an overall discretion as to whether to grant the application. That discretion is to be exercised having regard to the criteria set out in Section 104.
34. Pursuant to Section 104(3)(a)(i) a consent authority must not have regard to trade competition when considering an application.
35. Section 104(3)(a)(ii) states that a consent authority must not have regard to any effect on a person who has given written approval to the application (unless that approval is withdrawn in a written notice before the date of the hearing). The applicant has obtained the written approval of the following parties:
- 363 Hasketts Road (adjoining site to the west)

36. As a non-complying activity the Council's assessment of this proposal is unrestricted and all actual and potential effects must be considered. Guidance as to the effects that require consideration is contained in the relevant objectives and policies, and any associated matters of discretion or control.
37. Since the s95 notification decision, the applicant has made changes to the exterior of the building and landscaping. In addition, further clarification on the activity has been provided. As a result, my assessment differs from Mr Brosnahan's, in terms of the level of effects created by the proposal and the overall conclusion.
38. In my view, the effects relate to positive effects, rural character and amenity, reverse sensitivity, servicing, transport and construction effects.

#### **Permitted Baseline**

39. There is no permitted activity, which is similar to the proposal, however, it is noted there is no clear statement in Chapter 17 of what is anticipated in the Rural Urban Fringe Zone specifically. In my view, the objectives and policies direct all rural zones to achieve similar characteristics of the rural environment and to assess the level of effects on a case-by-case basis. A permitted baseline has not been used in this assessment.

#### **Positive Effects**

40. In addition to adverse effects arising from the proposal, positive effects must be considered. The applicant has outlined positive effects in section 7.12 of the AEE. In summary, the proposal is considered to;
- Consolidate Landpower's operations in one location providing a more efficient operation in the Canterbury region;
  - Provides an accessible service to rural customers on the outskirts of urban areas;
  - Has the ability to create jobs which will assist in alleviating the shortage for skilled agricultural drivers/operators in farming; and
  - Increase in amenity along School Road by providing new and denser landscaping.
41. I consider these positive effects to be valid and that they should be taken into account.

#### **Rural Amenity and Character**

##### Visual Effects

42. Specialist input has been obtained from Senior Landscape Architect Jeremy Head; his advice is contained in **Appendices 1 and 2** of this report. In his initial assessment as outlined in the s95 report, Mr Head held concerns that the proposal was not reflecting the rural environment and was diluting the contrast with the urban environment established to the south and further east. This was due to the following factors:

- The proposed building was dominant in an existing natural setting (large open areas) and its appearance was non-rural and similar to a commercial/industrial operation;
- Minimal landscaping was proposed which did not provide adequate mitigation to the proposed building. Some areas of School Road were exposed as a result; and
- Additional features such as flags, mural, other advertisements and vehicle display created a high level of visibility from the State Highway.

43. Overall, Mr Head considered the effects to be moderate which equated to more than minor adverse visual effects. Since this time, the applicant has changed the detailing in terms of landscaping and building exterior, which is outlined above. Mr Head has provided a summary of the changes as well as commentary of the submitters concerns and his final viewpoint in **Appendix 2**. Mr Head considers the proposal will now create low visual effects which will reduce over time to very low (equating to a less than minor effect). I have summarised his reasoning for this altered conclusion as follows:

- The materials of the main building are to be recessive colours, which allows the building to appear as a large farm shed from some viewpoints and will be sufficiently different from other nearby commercial and industrial operations;
- The denser landscaping proposal will offset the building and commercial activities proposal from the State Highway and School Road. This will become more effective overtime when it establishes and matures which will reduce visual effects including cumulative effects; and
- The appearance of the proposal will be more sympathetic than the Norwoods operation thereby visually separating the two activities.

44. Overall, Mr Head considers the proposal will be an acceptable fit in the rural urban fringe setting and most of the submitters concerns (in terms of rural amenity) are addressed by the changes proposed. Mr Head has proposed conditions in terms of landscaping, signage and building materials which the applicant has accepted. I adopt Mr Head's assessment and conclusion.

45. I agree with the applicant that Yaldhurst is a unique area where non-rural activities have been established in this area. Notwithstanding the proposal will still retain rural character due to the extent of open space, building materials and landscaping proposed.

46. In terms of the submitters specific concerns on visual impacts I consider;

- The visual effects on School Road have been further reduced by the entirety of the road frontage being landscaped;
- While the activity will operate as a commercial activity, its visual appearance is similar to rural which will be further protected by the landscaping once established and mature; and
- Signage has been reduced thereby minimising the amount of visibility the proposal will receive.

47. The relationship of the proposed activity with rural productive activity is further discussed below. Overall, I consider rural amenity and character in terms of visual effects to be no more than minor and acceptable.

### Noise

48. In the s95 assessment, the effects were considered less than minor. Submissions received have raised concerns that the proposal will exceed noise levels anticipated in the rural zone and affect surrounding properties.
49. Council's Environmental Health Officer Agnes van der Erf has reviewed the AES report and submissions received. Ms van der Erf's assessment is located in **Appendix 4** of this report. I have summarised her comments:
- Dust mitigation will be managed by conditions during construction, with further conditions ensuring bunds are grassed on completion and well maintained (I note dust mitigation is to be addressed in construction effects assessment below).
  - The property on the corner of School and Hasketts Road is owned by the applicant.
  - A submission raised noise as an issue for their property. The boundary of this property is more than 100m from the site, with the notional boundary 200m from the site. At this distance with the addition of the noise bund and fencing, noise from the activity is unlikely to cause adverse effects.
  - The report from AES demonstrates that noise will be consistent with that expected within the zone.
50. In addition to Ms Kloosterman (assessment listed in **Appendix 3** of the Report), Ms van der Erf agrees with the conclusion of the AES report that the adverse effects will be minimal. Ms van der Erf has recommended conditions in terms of acoustic insulation. I accept Ms van der Erf's comments and recommendations.
51. Christchurch International Airport Limited (CIAL) initially submitted in opposition to the proposal in terms of reverse sensitivity, birdstrike and noise effects. Since this time CIAL consider their concerns to be addressed if conditions in terms of birdstrike, landscaping and acoustics are imposed. The applicant has volunteered these conditions and they are included in my recommended draft conditions. I consider the effects in terms of noise to be less than minor and acceptable.

### Rural production – onsite and off site

52. In terms of rural production, the main resource on the site is soil. The site is 5ha in size and part of the area contains residential activities. In my view only a few activities could be established on the site due to its size which include market gardens, intensive farming, small scale farming and renewable energy facilities. While the training and demonstration area will be using the natural resource, it is not the primary activity. I consider that there will be some loss of rural production land onsite as a result of the proposal however, in and of itself, the size of the site and its proximity to other zones does already limit the range and scale of rural primary productive activities. In terms of the wider rural productive resource, I consider the loss of this site to productive uses to be less than minor.

53. In terms of offsite effects, the proposal will have a positive effect as it is providing a service to rural production largely in the Canterbury area, to assist in efficiency and creating higher outputs in terms of farming and agriculture. In my view this creates a positive net effect to rural production. Overall there are less than minor effects which I consider to be acceptable.

### **Reverse sensitivity**

#### Rural productive activities

54. Given the existing mixed activities and zonings surrounding the site, I do not consider that the proposal will result in reverse sensitivity effects on any rural productive activities. If any adverse reverse sensitivity effects are created, I consider them to be less than minor and acceptable.

#### Other Matters

55. As outlined above, CIAL has initially raised concerns regarding reverse sensitivity, birdstrike, services and acoustics. The applicant and CIAL have agreed to conditions which resolve the issues raised by CIAL in their submission. The applicant now volunteers these conditions as part of the application. I therefore consider any effects in relation to reverse sensitivity on CIAL to be acceptable.

### **Servicing Effects**

56. The proposed servicing for the site is to be contained within the site, as there is no reticulated services in the locality. This includes a potable water supply, tanks for firefighting supply, onsite sewer and stormwater systems. It is anticipated that discharge to ground for stormwater and effluent fields and septic tanks can be established on the site due to the size of the property; however, these will require regional consent to construct. The Council's Three Waters Team have not provided comments on the proposal as it does not relate to Council infrastructure and Council do not have the authority to determine its suitability. I have recommended conditions which reflects the requirement of regional consent approval, which the applicant has accepted. Overall I consider servicing effects to be less than minor and acceptable.

### **Transport Effects**

57. Specialist input has been obtained from Council's Transport Planner, Mr John Dore, and is contained in **Appendices 5** and **6** of this report. It noted Mr Dore has not provided any further commentary on the submissions provided.

#### Onsite parking and layout

58. I concur with Mr Brosnahan's s95 assessment in terms of car parking. In addition, the applicant has amended their landscaping plan to ensure heavy machinery can travel between proposed buildings and training/demonstration fields. The heavy machinery may create holes in the carpark however Mr Dore considers that this is an internal maintenance issue, which will not affect the transport network. Overall, I consider the parking and layout creates less than minor effects and are acceptable.

#### Safety and efficiency of road network

59. As outlined in the s95 assessment, I concur that subject to the following points, the proposal has less than minor effects and are appropriate in terms of queuing spaces and vehicle crossings.
60. The issues raised in the s95 report included;
- Mr Dore has raised concerns in relation to the Hasketts Road proposed vehicle crossing and intersection;
  - Mr Dore has raised concerns that there is not an adequate width on SH73 to provide for right hand turns. He considers it is highly likely that alternative roads such as School Road will be utilised instead which is to cause damage on the grass berm and edge of road seal. His overall preference is to have full access/egress from Old West Coast Road (SH73);
61. Mr Dore has recommended the following conditions;
- Shoulder widening to occur at the Haskett Road vehicle crossing which is to align with the proposed changes to the Hasketts Road/SH73 intersection;
  - A safety audit should be applied;
  - School Road shall be regularly swept to remove any debris created;
  - No access shall occur on School Road
62. Most of these recommendations have been accepted as conditions by the applicant. Waka Kotahi has confirmed in their submission that the design of the access to SH73 is acceptable and they would like further involvement when the detailed design access arrangement is confirmed. A submitter has raised concerns about flags distracting drivers on SH73. These flags have been removed since the release of the s95 decision and I consider this matter to be resolved.
63. No access is proposed along School Road. To this effect, the applicant has agreed to remove the existing crossings (where the residential dwelling is to be removed) and prevent any further vehicle crossings from being created. This will minimise and/or mostly avoid heavy vehicles utilising School Road. The applicant has accepted a condition to this effect. While Mr Dore has recommended that School Road is regularly swept, I do not consider this to be appropriate as the condition alone assumes that regular heavy vehicle use on School Road which the application is attempting to avoid. The application has somewhat avoided the issue of utilising School Road by the design of its entry points and location. Overall I consider the localised transport safety and amenity effects on School Road to be less than minor and acceptable.
64. Overall I consider the effects to be less than minor and acceptable in terms of safety and efficiency of the roading network.

#### Trip Generation

65. I consider that Mr Brosnahan's s95 assessment is still relevant and I concur that the effects from trip generation will be less than minor and acceptable.

### **Construction effects**

66. The assessment of effects in the s95 report as described by Mr Brosnahan is still relevant. In terms of land stability effects, I consider these acceptable and no specific conditions are required for the construction of the bund beyond standard practice erosion and sediment control measures.
67. Any visual dominance effects created by the landscape bund and fencing have been assessed above and are considered acceptable.
68. Overall I agree with Mr Brosnahan's assessment and consider landscaping conditions will mitigate any effect of the proposed bunds and earthworks on neighbouring properties and the wider environment. Landscaping conditions (should the application be accepted) would include requiring large shrubs and any trees to be at least 1.5 metres at the time of planting. This would mitigate any visual bulk of the fencing as seen from the road. Should the application be accepted, nuisance effects can be avoided or remedied via erosion and sediment control conditions. I overall consider the earthworks effects to be less than minor and acceptable.

### Precedent and Cumulative Effects

69. Submitters have raised concerns that the proposal will create adverse cumulative effects and set a precedent for the establishment of non-rural activities in the rural zone, whilst such activities are already provided for in other zones in the vicinity.
70. In my view, the suitability of the activity itself rests with the compatibility of the activity with the District Plan's rural objectives and policies, which are discussed in detail below.
71. In terms of cumulative effects, I consider it unlikely that there will be significant effects due to the following reasoning;
- The site is located on the edge of the township and the directly surrounding areas are already developed. It is unlikely established areas are to be redeveloped from rural-residential to commercial in this area due to the pattern of development;
  - In terms of effects on nearby commercial and industrial zonings, the activity is related to primary production activities, which only occur within rural zones. While some of the operations have some industrial /commercial characteristics, these actions are required to provide a service to the rural environment.
72. As outlined in the visual effects assessment, it is considered unlikely to create cumulative visual effects due to the proposed appearance of the development.

### **Conclusion with respect to effects on the environment**

73. In summary, it is my opinion that the changes to the application made by the applicant since the notification decision and submission period has reduced the effects of the application to no more than minor for the short term and will reduce further to less than minor once the proposed vegetation is



established and mature. Most of the adverse effects previously identified have been resolved or are able to be mitigated and I consider that these effects are appropriate and acceptable.

### Relevant Objectives, Policies, and other Provisions of a Plan or a Proposed Plan (S.104 (1)(b))

74. The objectives in Chapter 3 outline the strategic objectives of the District Plan. These objectives are further detailed in the below chapters objectives and policies. I consider the application to be consistent with Chapter 3's objectives and policies. I accept the applicant's overall assessment of Chapter 3.

#### Chapter 17 – Rural Objectives and Policies

75. The objectives and policies within Chapter 17 seek to manage activities through six different rural zones. The rural chapter contains one objective, being Objective 17.2.1.1. The relevant aspects of this objective to the Rural Urban Fringe Zone is assessed below.

##### **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;
  - ii. avoids significant, and remedies or mitigates other reverse sensitivity effects on rural productive activities and natural hazard mitigation works;
  - iii. maintains a contrast to the urban environment; and
  - iv. maintains and enhances the distinctive character and amenity values of Banks Peninsula and the Port Hills, including indigenous biodiversity, Ngāi Tahu cultural values, open space, natural features and landscapes, and coastal environment values.

76. The supporting policies that give effect to objective 17.2.1.1 that I consider are most relevant to this proposal are policies 17.2.2.1, 17.2.2.2 and 17.2.2.5.

77. **Policy 17.2.2.1** seeks that a range of activities on rural land:

##### **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; or
  - iii. recognise the historic and contemporary relationship of Ngai Tahu with land and water resources;
  - iv. provide for commercial film or video production activities and facilities on the rural flat land close to the main Christchurch urban area; and
  - v. represent an efficient use of natural resources.

78. **Policy 17.2.2.5** is a directive and strongly worded policy to avoid any activity that is not dependant on or directly related to the rural resource unless it meets certain tests. It seeks to:

### 17.2.2.5 Policy - Establishment of industrial and commercial activities

- a. Avoid the establishment of industrial and commercial activities that are not dependent on or directly related to the rural resource unless they:
  - i. have a strategic or operational need to locate on rural land; or
  - ii. provide significant benefits through utilisation of existing physical infrastructure; and
  - iii. avoid significant, and remedy or mitigate other, reverse sensitivity effects on rural productive activities;
  - iv. will not result in a proliferation of associated activities that are not reliant on the rural resource; and
  - v. will not have significant adverse effects on rural character and amenity values of the local environment or will not cause adverse effects that cannot be avoided, remedied or mitigated.

79. The applicant has provided further clarification on the application as well as amendments which have been identified above. My interpretation of the objectives and policies has also taken a closer look into the definitions in 17.2.2.1 and 17.2.2.5, which may differ from those in the s95 assessment.

80. I consider that the retailing, training, warehouse and servicing elements are enabled by Policy 17.2.2.1 because it has a direct<sup>4</sup> relationship<sup>5</sup> with and is dependent<sup>6</sup> on rural productive activities<sup>7</sup>. This is the same conclusion the applicant has reached. The proposal provides an essential service to farming/agriculture in the Canterbury region. However, I do not consider that there is a relationship or dependency on the rural resource<sup>8</sup> because the activity is primarily related with agriculture and horticulture off-site and not this particular piece of land or other resources on it.

81. While the applicant has considered the office administration as an ancillary component, I do not consider that the regional office/national headquarters is enabled by this policy because:

1. This function is about administering or co-ordinating other offices, sales and distribution in the business (thereby not meeting 17.2.2.1.a.i). While it does assist the main operations of the proposal it is not directly related to rural productive activities;
2. The proposal does not provide a functional<sup>9</sup>, technical<sup>10</sup> or operational<sup>11</sup> necessity<sup>12</sup> for a rural location (in terms of 17.2.2.1.a.ii) because:

<sup>4</sup> Meaning: *Straight; undeviating in course; not circuitous or crooked (space)*. Referenced from the Oxford Dictionary <https://www.oed.com/view/Entry/53293?rskey=UYJIsK&result=2&isAdvanced=false#eid>

<sup>5</sup> Meaning: *The state or fact of being related; the way in which two things are connected; a connection, an association. Also: kinship*. Referenced from the Oxford Dictionary.

<https://www.oed.com/view/Entry/161816?redirectedFrom=relationship#eid>. In terms of direct relationship, I consider this equates to a straightforward, uninterrupted or immediate connection or association.

<sup>6</sup> Meaning: *Something subordinately attached or belonging to something else; a subordinate part, appurtenance, dependency*. Referenced from the Oxford Dictionary.

<https://www.oed.com/view/Entry/50242?redirectedFrom=dependant#eid>

<sup>7</sup> Meaning as per District Plan Chapter 2: *farming, plantation forestry, intensive farming and quarrying activities*.

<sup>8</sup> The definition of Rural: *Of a person: living in the country as opposed to a town or city; engaged in country*. The definition of Resource: *Stocks or reserves of money, materials, people, or some other asset, which can be drawn on when necessary*. Both of these definitions have been referenced from the Oxford Dictionary

<https://www.oed.com/view/Entry/163768?rskey=CE3F8J&result=1#eid>. Arising from these definitions, my interpretation of rural resource equates to an asset, material, skill or need that is only found in the countryside. In my perspective, the rural resource would include fields, crops, forests (protected or harvested), livestock, landforms, which can provide for our primary industries and recreational needs. The rural resource is therefore the raw materials of the natural and physical environment.

<sup>9</sup> I have used *Environment Court decision [2019] NZEnvC 119, Rogers v CCC* for guidance for the terms of necessity and functional definitions. The court decision described functional necessity as the performance of the activity by how it is operated. I used this as guidance that in relation to this policy it entails how the location of the proposed activity (in the rural environment) is essential to the performance of the proposal/company.

<sup>10</sup> There is no definition of technical necessity in the District Plan. Technical is defined in the oxford dictionary as *having knowledge of an expertise in a particular art, science or other subject*.

<https://www.oed.com/view/Entry/198447?redirectedFrom=technical#eid> I have used this as guidance, to understand the policy. I consider this equates to whether the activity is providing an essential service/skill for a rural location hence outlining its requirement to be located in this area.

- i. Only a small portion of the activity (training and demonstration facilities) requires a functional and operational need to be located in the rural location. The remainder of activities could occur in other zones therefore I hold a different opinion to the applicant on this matter; and
- ii. While I consider that there is a technical need for the proposal to be located in rural location<sup>13</sup> the head office does not need to be located in a rural location to operate and function. Therefore there is not a technical necessity for the proposal as a whole.

82. I consider that the proposal represents an efficient use of natural resources under 17.2.2.1.a.v. While the proposal results in a loss of rural productive land on the site, it promotes productive use of rural land elsewhere. I consider that the inclusion of the head/regional office does not materially impact how the site would be laid out given that it occupies a relatively small area of the land (i.e. 5% of the building plus some additional car parks).

83. I do not consider clauses 17.2.2.1.a.iii and iv are relevant to the application site.

84. Failure to comply fully with Policy 17.2.2.1 in full does not mean that the proposal is inconsistent with the Policy framework, however Policy 17.2.2.5 needs to be considered further. The applicant considers that the proposal is dependent on the rural resource however I hold a different view as discussed above. I consider that the proposal is consistent with Policy 17.2.2.5 because:

1. I consider that a strategic need<sup>14</sup> is present for the activity as a whole. The site provides a convenient and accessible location for rural productive activities to utilise the majority of the proposed activities. It is logical for a head office (which assists in the running the company onsite and other South Island locations) to be situated within the site alongside the servicing and sales functions of the activity. While it could be performed in other zones, this location is more of a strategic, co-ordinated and efficient option for this business as a whole as demonstrated by the applicant<sup>15</sup>.
2. Operational need and 17.2.2.5.a.ii<sup>16</sup> do not need to be met as strategic need is met;
3. In terms of Policy 17.2.2.5.a.iii the proposal is providing a service to rural productive activities therefore rather than a reverse sensitivity effect, the proposal is providing benefits to these

---

<sup>11</sup> I have used NZEnvC 119 for guidance when assessing operational necessity. Operational necessity relates to the activities employed in producing the final product. I consider from this information that in relation to this policy, it equates to the activity needing to be performed in rural location due to the qualities located in the local area

<sup>12</sup> NZEnvC 119 has described necessity as prerequisite and essential, which goes beyond what, is desirable and convenient. The court decision seems to be placed emphasis that necessity is of a higher order than need as it requires urgent and stronger reasoning to be determined as necessity. I have used this as guidance when assessing these matters.

<sup>13</sup> The proposal provides a technical need to be in a rural location as it is providing an essential service to rural productivity activities and the rural community. It is important that these services are located in outskirts of urban areas as outlined by the applicant to easily accessible and in close proximity to this community.

<sup>14</sup> NZEnvC 119 has described strategic need as relating to the long term or overall aims and interests of a company which will be achieved on a rural location. I have used this as guidance when forming my opinion.

<sup>15</sup> Refer to supporting documentation provided by the applicant

<sup>16</sup> This policy requires applications "Provide significant benefits through utilisation of existing physical infrastructure". The Resource Management Act 1991 defines infrastructure as pipelines for energy distribution, telecommunications, radio communications, electricity distribution, three waters systems, and structure for transport and navigation facilities. These would equate to roads and services, which are constructed and maintained by government bodies and major energy companies. While roading improvements are proposed to create safer intersections and entry points for the proposal and will assist in avoiding adverse transport effects, they do not create a significant benefit. I consider that this matter has not been met.

activities. Reverse sensitivity effects have already been assessed above and are considered to be less than minor and appropriate;

4. Although the proposal is not directly related to the rural resource (i.e. the piece of rural land itself), it is directly related to rural productive activities across the region. As outlined above in the effects assessment above, I do not consider the activity will increase the amount of non-rural activities in the surrounding environment. Unlike residential development for example, it is unlikely to create a rapid increase of agricultural machinery businesses in the surrounding environment. I consider the proposal does not create an inconsistency with 17.2.2.5.a.iv; and
5. In terms of Policy 17.2.2.5.a.v, any rural character and amenity values effects are considered to be no more than minor at most and acceptable as discussed above.

85. The remaining objectives and policies are outlined below:

#### 17.2.2.3 Policy - Contributing elements to rural character and amenity values

- a. Recognise that rural character and amenity values vary across the Christchurch District resulting from the combination of natural and physical resources present, including the location and extent of established and permitted activities.
- b. Recognise that the elements that characterise an area as rural, from which desired amenity is derived, include the predominance of:
  - i. a landscape dominated by openness and vegetation;
  - ii. significant visual separation between residential buildings on neighbouring properties;
  - iii. where appropriate, buildings integrated into a predominantly natural setting; and
  - iv. natural character elements of waterways, water bodies, indigenous vegetation and natural landforms, including the coastal environment where relevant.
- c. Recognise that rural productive activities in rural areas can produce noise, odour, dust and traffic consistent with a rural working environment, including farming, plantation forestry and quarrying activities, that may be noticeable to residents and visitors in rural areas.

#### 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 Ngāi Tahu values of rural land in the Christchurch District, including:
  - i. the rural productive activities, recreation activities, rural tourism activities and conservation activities on Banks Peninsula and their integrated management with maintaining and enhancing landscape, coastal and indigenous biodiversity values;
  - ii. the rural productive activities and recreation activities in the rural flat land area surrounding the main Christchurch urban area;
  - iii. the flood management and groundwater recharge functions adjoining the Waimakariri River;
  - iv. the open character and natural appearance of the rural Port Hills which maintain distinct urban/rural boundaries
  - v. the re-use of the site of the former Templeton Hospital;
  - vi. the historic and contemporary cultural landscapes, sites of Ngāi Tahu cultural significance and the use of land and water resources for mahinga kai; and
  - vii. the conservation activities undertaken within the Peacock Springs Conservation Area.

86. I consider the proposal is consistent with the remaining objectives and policies for the following reasons:

- a. As outlined in the effects assessment above, the rural character and amenity values are considered to be upheld for the rural environment of Yaldhurst. I consider the proposal has achieved 17.2.2.3.bi-iv where relevant.
- b. In terms of 17.2.2.3.c, while not a rural productive activity, any effects in terms of noise, odour, dust and traffic has been minimised by the proposed conditions which the applicant has accepted. Overall, I consider the proposal consistent with the Policies 17.2.2.3 and 17.2.2.4;
- c. The remainder of the objectives and policies are not relevant to the application.

87. I consider that Policy 17.2.2.1 enables a large component of the activity and that the establishment of the regional/national office activity itself is not precluded by Policy 17.2.2.5 or any other policy in the Plan as there is a strategic need to establish the core business activity in the rural environment. It may be considered that there is some tensions with these policies, however I overall consider the proposal to be generally consistent with the objectives and policies of Chapter 17.

#### Chapter 7 – Transport Objectives and Policies

88. In terms of the applicant's transport objectives and policies assessment, I have come to a similar conclusion that the application is consistent with the objectives and policies. The relevant objectives and policies are 7.2.1, 7.2.1.2, 7.2.1.3, 7.2.1.4, 7.2.1.5, 7.2.2.1 and 7.2.2.2. My reasoning for this varies from the applicant as follows;

- The proposal maintains the routes for all transport modes;
- Cycle or public transport routes are not located in this area and therefore elements are not affected by this proposal;
- It is supporting safe and efficient operation of the transport network by adopted conditions;
- There is sufficient space in the roading network for utility services;
- The development avoids significant adverse transport effects; and
- The parking and loading spaces will provide for the expected needs to the activity and is accessible for those where mobility is restricted.

#### Chapter 8 – Earthworks

89. In terms of the earthworks, I adopt the applicant assessment and consider the proposed is consistent with the relevant objectives and policies in Chapter 8.

#### Other chapters of the District Plan

90. The applicant complies with the remainder of the District Plan. In addition, conditions have been added to ensure compliance is achieved with Chapter 6.

#### Conclusion

91. In conclusion, the application has some tensions with Policy 17.2.2.1 however is consistent with Policy 17.2.2.5. Overall I consider the proposal is consistent with the objectives and policies of the District Plan.

### **Non-complying Activity Threshold Test (S.104D)**

92. As a non-complying activity, the gateway test in section 104D must be met in order for the application to be granted consent. Either the adverse effects on the environment must be minor, or the application is not contrary to the objectives and policies of the Plan.

93. The application satisfies both tests as, for the reasons discussed above, the adverse effects on the environment will be no more than minor and the application is not contrary to the objectives and policies of the Plan. On this basis Council has discretion to grant consent.

### Other relevant Statutory Documents (S.104 (1)(b))

94. Statutory documents of relevance to this application include the Canterbury Regional Policy Statement (CRPS) and National Policy Statement for Urban Development.
95. Objective 6.2.1(3) of the CRPS seeks that recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that avoids urban development outside of existing urban areas or Greenfield Priority Areas for development, unless expressly provided for in the CRPS. The site is located outside the existing urban area and the areas identified for development in the CRPS. The applicant considers that CRPS permits the activity as a rural activity. I agree that the application would fall under the definition of rural activity described in section 5 of the CRPS as a business that supports rural land use activities; however, I consider no further assessment is required as I am satisfied that the District Plan has given effect to the CRPS. As outlined above I consider the proposal is consistent with the District Plan and is therefore consistent with the CRPS.
96. Regard must be had to the NPS Urban Development which came into effect on 20 August 2020. The Council has recently amended the District Plan to give effect to the NPS. The District Plan has been amended to no longer require car parking however this element is not relevant as car parking is proposed in this application. I consider the proposal to be consistent with the National Policy Statement on Urban Development to the extent relevant.
97. The District Plan has been recently reviewed and gives effect to the higher order planning documents. As such, there is no need to address them specifically in this report.

### Relevant Other Matters (S.104 (1)(c))

#### Precedent effect/Plan integrity

98. Given the non-complying status of this application it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the District Plan and public confidence in its consistent administration. Case Law has established however, through the High Court in *Rodney District Council v Gould*, that concerns relating to plan integrity and precedent effect are not mandatory considerations. The Court held that they are matters that decision makers *may have regard to*, depending on the facts of a particular case including:
1. Whether a proposal is contrary to the objectives and policies of the plan; and if so
  2. Whether in the circumstances of a particular case a proposal can be seen as having some unusual quality.

In this case, the proposal is not contrary to the objectives and policies, therefore I am satisfied that issues of precedent or plan integrity do not arise. Notwithstanding, I have previously discussed precedent effects above.

99. Given these factors, I consider that granting consent to this application is unlikely to give rise to any significant precedent effect which would challenge the integrity of the District Plan.

## **Part 2 of the Act**

100. The matters outlined previously are subject to Part 2 of the Act which outlines its purpose and principles.
101. The use, development and protection of resources is to be sustainably managed in a way that enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety, while avoiding, remedying or mitigating any adverse effects of activities on the environment.
102. The Christchurch District Plan has recently been reviewed. Its provisions were prepared under the higher order planning documents and, through its preparation and the process of becoming operative, have been assessed against the matters contained within Part 2.
103. Taking guidance from recent case law<sup>17</sup>, 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 via 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.

## **Conclusion**

104. After considering the actual and potential effects on the environment of allowing the application, it is my conclusion that the effects are at most no more than minor which will reduce to less than minor overtime. I consider the proposal acceptable.
105. In my opinion, this proposal is generally consistent with the objectives and policies of the District Plan.
106. I therefore consider that the proposal satisfies the threshold test of Section 104D. In this respect I consider Council has a discretion to exercise as to whether or not to grant consent.
107. I consider that the proposal supports Part 2 of the Resource Management Act 1991.
108. Having considered all of the relevant matters under Sections 104, 104A, 104B and 104D, it is my opinion that consent should be granted subject to conditions.

---

<sup>17</sup> *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

## Recommendation

109. I have assessed this application to establish an agricultural equipment sales and service facility at 33 and 69 School Road, Yaldhurst. Having considered all the matters relevant to this application, I recommend that this application be **granted** pursuant to Sections 104, 104B, 104D and 108 of the Resource Management Act 1991 subject to the following conditions:

1. Except where varied by the conditions of this consent, the development shall proceed in accordance with the information and plans submitted with the application, including the further information/amended plans submitted. The Approved Consent Document shall be entered into Council Records as RMA/2021/589 (65 Pages).

### Construction Methodology

2. 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.
3. 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](mailto: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 2 above.
4. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.
5. Note: For the purpose of this condition muddy water is defined as water with a total suspended solid (TSS) content greater than 50mg/L.
6. 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.



7. 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.
8. All loading and unloading of trucks with excavation or fill material shall be carried out within the subject site.
9. Any surplus or unsuitable material from the project works shall be removed from site and disposed at a facility authorised to receive such material.
10. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, shall be reinstated as specified in the Construction Standard Specifications (CSS) at the expense of the consent holder and to the satisfaction of the Council.
11. All works on site shall be subject to a Traffic Management Plan (TMP) which must be prepared by a suitably qualified person and submitted for acceptance prior to the commencement of earthworks. No works are to commence until the TMP has been accepted and installed.
12. The TMP shall identify the nature and extent of temporary traffic management and how all road users will be managed by the use of temporary traffic management measures. It shall also identify the provision of on-site parking for construction staff. Activities on any public road should be planned so as to cause as little disruption, peak traffic safety delay or inconvenience to road users as possible without compromising safety. The TMP must comply with the Waka Kotahi NZTA Code of Practice for Temporary Traffic Management (CoPTTM) and the relevant Road Controlling Authority's Local Operating Procedures.
13. The TMP shall be submitted to the relevant Road Controlling Authority through the web portal [www.myworksites.co.nz](http://www.myworksites.co.nz)). To submit a TMP a Corridor Access Request (CAR) must also be submitted. A copy of the accepted TMP and CAR shall be supplied to the Council's resource consent monitoring team (via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)) at least 3 working days prior to the commencement of works under this consent.

Note: Please refer to <https://ccc.govt.nz/transport/legal-road/traffic-management-news-and-information> for more information.

14. Any change in ground levels shall not cause a ponding or drainage nuisance to neighbouring properties. All filled land shall be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties shall be maintained.

15. Any change in ground levels shall not affect the stability of the ground or fences on neighbouring properties
16. All filling exceeding 300mm above excavation level shall be in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development. At the completion of the work an Earth Fill report including a duly completed certificate in the form of Appendix A of NZS 4431 shall be submitted to the Council at rcmon@ccc.govt.nz so that the information can be placed on the property record. This report shall detail depths, materials, compaction test results and include as-built plans showing the location and finished surface level of the fill.
17. Stockpiles of earth and exposed fields shall be planted with grass or vegetation

Advice Note:

*It is the consent holder's responsibility to ensure that the activity, including where carried out by contractors on their behalf, complies with the below Christchurch District Plan standard - failure to do so may result in enforcement action and the need for additional land-use consent:*

*Rule 6.1.6.1.1 P2 - All earthworks related construction activities shall meet relevant noise limits in Tables 2 and 3 of NZS 6803:1999 Acoustics - Construction Noise, when measured and assessed in accordance with that standard.*

*Rule 8.9.2.1 P1 Activity Standard f. - Earthworks involving mechanical equipment, other than in residential zones, shall not occur outside the hours of 07:00 and 22:00 except where compliant with NZS 6803:1999. Between the hours of 07:00 and 22:00 the noise standards in Chapter 6 Rule 6.1.5.2 apply except where NZS 6803.1999 is complied with, and the light spill standards in Chapter 6 Rule 6.3.6 apply.*

**Acoustic Design**

18. The office and indoor training areas shall be insulated from aircraft noise and designed to comply with the following indoor sound levels - 65 dB LAE /40 dB Ldn.
19. The consent holder shall submit (via Rcmon@ccc.govt.nz) a design report (prior to construction) and design certificate (prior to occupation) in accordance the requirements of Rule 6.1.7.2.2.ii.A of the District Plan.

**Landscaping**

20. The proposed landscaping shall be established in accordance with the Landscape Plan (Boffa Miskell drawings 3 March 2022 'Revision 2' (Figure 01 – 04)) labelled RMA/2021/589 Pages 62-65 of the Approved Consent Document.
21. The proposed landscaping shall be established on site within the first planting season (extending from 1 April to 30 September) following the final, passed building inspection.

22. The minimum height of the Low Bushy Shrub and Tall Bushy Shrub species specified in the Landscape Plan (Boffa Miskell drawings 3 March 2022 'Revision 2' (Figure 01 – 04)) shall be allowed to grow to at least 1.2m high, including when undertaking maintenance and clipping;
23. All other plant species from the Specimen Trees and Native Shelter belt lists shall be allowed to grow to their natural form and height.
24. 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.

### **Architecture, display and signage**

25. The design of the warehouse building shall be in accordance with the Shepherd and Rout drawings dated 17 March 2022 (Approved Consent Document Pages 57-61).
26. The pylon sign shall have a maximum height of 5 m and the display area shall be no larger than 4.7m by 1.4 m.
27. The outdoor display of any products shall not extend beyond the area denoted as 'Display Area' on the Boffa Miskell Updated Landscape Plan – Figure 01 (Approved Consent Document Page 62).
28. Other than the advertising shown on the building and the pylon sign in the Shepherd and Rout elevations – Sheet RC03 (Approved Consent Document Page 59), there will be no other advertising.

### **Transport**

29. The applicant shall provide traffic safety audits undertaken by a suitable qualified independent traffic engineer at the engineering acceptance stage (design). The safety audit shall be submitted for formal acceptance by Christchurch City Council's Subdivision Engineer (via email to rcmon@ccc.govt.nz) prior to any work starting on site.

*Advice Note: This is in terms of minor kerb widening Hasketts Road, minor intersections works on the Hasketts Road/SH73 intersection and construction of a vehicle access on SH73.*

*The Applicant will be required to submit a corridor access request to council before work commences in the road*

30. The shoulder widening works at the Hasketts Road is to be undertaken prior to the sales, servicing, and office buildings becoming operational. Shoulder widening must tie in with proposed changes to the intersection of Hasketts Rd and SH73.

*Note: The shoulder widening and intersection changes are detailed in section 5.4 of the Abley Transport Report.*

31. The Consent Holder shall submit an engineering design plan for the required works in legal road, prior to any commencement of physical work. All works on Hasketts Rd must be designed and constructed in accordance with Christchurch City Council Construction Standard Specifications and Infrastructure Design Standards. The safety audit shall be submitted for formal acceptance by Christchurch City Council's Subdivision Engineer (via email to [rcmon@ccc.govt.nz](mailto:rcmon@ccc.govt.nz)) prior to any work starting on site.

*Note: New or extensions to vehicle crossings require application to Council prior to construction <https://ccc.govt.nz/transport/legal-road/vehiclecrossing>. The vehicle crossing onto the highway may require a piped crossing.*

32. The consent holder shall regularly sweep any debris created by heavy machinery/vehicles along the frontage roads at the entry points.
33. All heavy vehicles traffic shall leave or enter the site via Hasketts Road/SH73 Intersection. For the avoidance of doubt, the purpose of this condition is to prevent trucks from travelling along School Road.

### **Servicing**

34. Prior to any works taking place on the site, the consent holder shall provide to Council written evidence demonstrating that the extract of water, discharge of water to ground (constructional and operational) and discharge of wastewater is lawful.

*Advice Note: Consents are to be obtained from Environment Canterbury*

35. All concentrated stormwater or collected groundwater (including from roofs, sealed areas and structures) shall be discharged in a controlled manner. No stormwater from the site will be directed to either neighbouring properties or adjoining roads.

*Advice note:*

*The development has demonstrated it will comply with SNZ PAS 4509:2008, New Zealand Fire Service Firefighting Water Supplies Code of Practice.*

### **Birdstrike**

36. Bird hazard risks to aircraft shall be minimised as much as is reasonably practicable through the design of any stormwater system. Stormwater shall not be disposed of via any above ground basins or similar system, which would have potential to attract birdlife and shall be designed to comply with rule 6.7.4.3.1 (P3) of the Christchurch District Plan.

### **Advice notes:**

*Monitoring*

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:

- (a) A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and
- (b) A monitoring fee of \$175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
- (c) Time charged at an hourly rate if more than one inspection, certification of conditions, or additional monitoring activities (including those relating to non-compliance with conditions), are required.

The monitoring programme administration fee and 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.

#### *Other Matters*

This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the requirements of the Building Act 2004. Please contact a Building Consent Officer (ph: 941 8999) for advice on the building consent process.

#### *Development Contributions*

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			PIM or Consent Ref:		RMA/2021/589				
Customer Name	Landpower Group		ASSESSMENT						
Project Address	33, 69 School Road								
Assessment Date	24/03/2021								
<b>Assessment Summary</b>									
		HUE Credits							
		Current	Assessed	Discounts	Assessed HUE After Discount	Change	DC Rate (incl GST)	DC Charge (incl GST)	
<b>Activity</b>	<b>Catchment</b>	HUE A	HUE B	C	HUE D	HUE E	G	F= E x G	
<b>Network Infrastructure</b>									
Water supply	District-wide	0.00	0.00	0.0%	0.00	0.00	\$2,395.45	\$0.00	
Wastewater collection	District-wide	0.00	0.00	0.0%	0.00	0.00	\$6,349.15	\$0.00	
Wastewater treatment and disposal	District-wide	0.00	0.00	0.0%	0.00	0.00	\$2,904.90	\$0.00	
Stormwater & flood protection	Avon Greenfield	0.00	0.00	0.0%	0.00	0.00	\$1,236.25	\$0.00	
Road network	Rural	2.00	11.90	0.0%	11.90	9.90	\$907.35	\$8,983.52	
Active travel	District-wide	2.00	11.90	0.0%	11.90	9.90	\$425.50	\$4,212.80	
Public transport	District-wide	2.00	11.90	0.0%	11.90	9.90	\$717.60	\$7,104.84	
<b>Inputs</b>									
Existing GFA	0.00 m <sup>2</sup>						<b>GST 15%</b>		\$2,647.98
Proposed GFA	4,711.00 m <sup>2</sup>						<b>Total Development Contribution</b>		<b>\$20,301.16</b>
Existing ISA	0.00 m <sup>2</sup>								
Proposed ISA	0.00 m <sup>2</sup>								

Where both a resource consent and building consent are required as part of the same development, a development contribution (DC) assessment will be undertaken for both consents. However the applicant need only pay for one assessment. As a result, the Council will only invoice in accordance with either the assessment on the resource consent or the assessment on the building consent, whichever is the lower of the two (after any corrections or reassessments undertaken in accordance with the DCP).

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.

#### Reconsiderations 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](mailto: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](http://www.ccc.govt.nz) or by contacting a Development Contributions Assessor on (03) 941-8999.



Rachel Cottam  
**PLANNER LEVEL 3**

**Reviewed by:**

Kathryn Ross  
**TEAM LEADER - PLANNING**

4<sup>th</sup> May 2022