

WAIMAKARIRI DISTRICT COUNCIL

SECTION 42A REPORT

FILE NO: RC215210 RC225279/ 221111196864

VALUATION NO: 21490-137-03

DATE: 15 November 2022

REPORT TO: Independent Commissioner Dean Chrystal

FROM: Consultant Planner – Marcus Langman

SUBJECT: Publicly notified subdivision and land use consent application

ACTIVITY: SUBDIVISION

Operative Waimakariri District Plan – Discretionary Activity

Proposed Waimakariri District Plan – Non-complying Activity

LAND USE

Operative Waimakariri District Plan – Discretionary Activity

Proposed Waimakariri District Plan – Non-complying Activity

RECOMMENDATION: Decline

INTRODUCTION

1. My name is Marcus Hayden Langman and I have been engaged by the Waimakariri District Council to process subdivision and land use consents in the rural area specifically impacted by the Proposed Waimakariri District Plan rural provisions.
2. I have 21 years' experience in planning, of which 19 have been in New Zealand. For the last eight years I have been a sole practitioner, working for a range of private developers, local authorities and non-governmental organisations (NGO) on consenting and policy matters in the Canterbury, Otago, and Auckland regions. I have been the lead author for a number of proposed chapters for the district plan review processes for Waimakariri and Waitaki District Councils, and have recently assisted Otago Regional Council with the drafting of the Energy, Infrastructure and Transport chapter as part of the Proposed Otago Regional Policy Statement 2021 (pRPS21) process.
3. I have appeared in numerous Council hearings and the Environment Court as an expert planning witness. I have provided details of my experience in **Appendix 1**.
4. While this report is for a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that

might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

PREAMBLE

5. This report reviews the application for subdivision and land use consent and addresses the relevant information and issues raised. The recommendation made in this report is not binding on the Council and it should not be assumed that the Commissioner will reach the same conclusion having considered all the evidence brought before them by the applicant and submitters.

APPLICANT

6. Longmead Downs Limited

PROPERTY LOCATION

7. 425 Loburn Kowai Road, Loburn North

LEGAL DESCRIPTION

8. Lot 2 DP 559709 held in Record of Title 988842

ZONING

9. Waimakariri Operative District Plan – Rural zone
10. Waimakariri Proposed District Plan – General Rural Zone (**GRUZ**)

DESCRIPTION OF PROPOSED ACTIVITY

11. This application is to subdivide Lot 2 DP 559709 of 77.76ha into 16 rural lots, to create the following:
 - Proposed Lot 2 of 4.00 ha is a vacant lot.
 - Proposed Lot 3 of 4.00 ha is a vacant lot.
 - Proposed Lot 4 of 4.00 ha is a vacant lot.
 - Proposed Lot 5 of 4.00 ha is a vacant lot.
 - Proposed Lot 6 of 4.00 ha is a vacant lot.
 - Proposed Lot 7 of 4.15 ha is a vacant lot.
 - Proposed Lot 8 of 4.00 ha is a vacant lot.
 - Proposed Lot 9 of 4.00 ha is a vacant lot.
 - Proposed Lot 10 of 4.03 ha is a vacant lot.
 - Proposed Lot 11 of 4.00 ha is a vacant lot.

- Proposed Lot 12 of 4.15 ha is a vacant lot.
 - Proposed Lot 13 of 4.10 ha is a vacant lot.
 - Proposed Lot 14 of 4.00 ha is a vacant lot.
 - Proposed Lot 15 of 4.00 ha is a vacant lot.
 - Proposed Lot 16 of 4.00 ha is a vacant lot.
 - Proposed Lot 17 of 16.00 ha is a lot with a dwelling currently under construction
12. Proposed Lots 2-12 would be served by a new accessway from Loburn Terrace Road, and Lots 13-17 would be served by a new accessway from Loburn-Kowai Road.
13. It is proposed that this subdivision will take place in stages as detailed below:
- Stage 1 Lots 2, 7 & 8
 - Stage 2 Lots 3, 4, 9 & 10
 - Stage 3 Lots 5, 6, 11 & 12
 - Stage 4 Lots 13 to 17.

The scheme plans indicate that the order for stages is not set, so the stages may be created in any order (e.g. Stage 2 before Stage 1 etc).

14. All lots achieve the required minimum area of 4.0ha and the required minimum dimensions of 120m x 120m for a suitable shaped allotment under the Operative District Plan. All proposed lots are less than the required minimum area of 20ha under the Proposed District Plan.
15. A combined subdivision and land use consent was applied for in relation to the proposed subdivision. The access for the site does not comply with Rule 30.6.1.2, which requires that access for 7 or more sites shall only be provided for by way of a road which complies with the design attributes of Table 30.1. The proposal was therefore deemed a discretionary activity
16. Subsequent to the decision to notify that proposal, the applicant sought consent under the Proposed District Plan for the density infringements provided under the Proposed District Plan as they relate to land use related to the establishment of dwellings on the resulting sites, which is a non-complying activity. The applicant proposes to establish a single dwelling on proposed Lots 2-16, and a dwelling and minor residential unit on proposed Lot 17 (reflecting the minor residential units under the proposed plan under rule GRUZ-R4). The definition of “dwellinghouse” under the operative plan provides for the establishment of an additional dwelling on proposed Lot 17 provided that it is less than 75m² and less than 30m from the primary dwelling. The establishment of the minor residential unit does not achieve this standard and is therefore a non-complying activity under the operative district plan.
17. In addition, it is noted that Rule 30.6.1.1 requires that any dwellinghouse shall be located on a site that has access to a road that meets the design attributes in Table 30.1. The engineering assessment completed by the Council has confirmed that Loburn Kowai Road does not meet the rural roading design standard, or operative DP Rule 30.1.1.9. Overall, the proposal to establish the dwellings on the site is considered to be a non-complying activity.

18. Overall, the combined land use and subdivision proposal is considered to be a non-complying activity. No *Augier* conditions have been proposed by the applicant.

SITE DESCRIPTION

19. The proposal is to subdivide 425 Loburn Kowai Road (legally known as Lot 2 DP 559709) into 16 lots that are 4 hectares or larger. The property has an area of 77.76 hectares. The proposed site layout is shown in **Appendix 2**.
20. The site is located between Loburn Terrace Road and Loburn-Kowai Road, extending from the Grey River escarpment in the west over rolling farmland which is dissected by overland flow paths and ephemeral streams.
21. 390 Loburn Terrace Road has recently been subdivided from the site and is contained in its own title (Lot 1 DP 559709), with its own access on to Loburn Terrace Road, which will be retained as a separate access adjacent to the new access. The application site contains a number of shelterbelt trees, including pines located on the escarpment area. Both to the north and south of the site lie large blocks of farmland that are a similar character to the subject site. The site itself has been farmed as a sheep and beef farm. To the east and west of the site, there has been a significant amount of subdivision which has resulted in a proliferation of '4ha plus' site development. On the southwestern side of Loburn Terrace Road, lot sizes range from 4 to approximately 12ha, while on the eastern side of Loburn Kowai Road, the sites are more mixed, with sizes ranging from 4ha to 80ha.



Figure 1 Location of the 425 Loburn Kowai Road

BACKGROUND

22. The subdivision and land use application for a discretionary activity resource consent was received by Council on 27 April 2021 with fees being paid on 11 May 2021. The application was accepted, and statutory working days commenced on 12 May 2021. A request for further information was sent on 25 May 2021 (Day 9 of processing), and the application was placed on

hold.

23. The further information was provided on 27 July 2021 and the application came off hold. On 13 August 2021 the applicant agreed to an extension of time to 27 August 2021. No further extension was agreed to. On 16 September 2021, the engineering report and conditions were received, and the initial planning report and conditions were completed, apart from financial contributions. No final decision was issued for the consent.
24. The Proposed District Plan was notified on 18 September 2021. As part of the notification of the Proposed District Plan, Waimakariri District Council applied to have the rules relating to subdivision in the General Rural Zone, and provisions for residential units on sites smaller than 20ha, to have legal effect under Section 86D. This represents a strategic shift to protect productive land from subdivision in the Proposed District Plan. The Environment Court considered the Council's request to make the subdivision and land use rules relating to density in the General Rural Zone to have immediate legal effect, which was supported by affidavits regarding productive use of land in Waimakariri District. The Court agreed to the Council's application which was founded on:
 - (a) the strategic importance of the proposed Rules in retaining the essential rural qualities of productivity and character;
 - (b) the finite and vulnerable nature of the rural land resource, with the effects of 4 ha subdivision being almost invariably irreversible;
 - (c) historic pressure for 4 ha subdivision and residential development throughout virtually all the proposed Rural Zone, with demand increasing in recent times;
 - (d) the order sought would serve to create a "pause" to allow submissions to be heard and decided in the current environment. If the rules are not approved in their present form, future applications will proceed under whatever minima are decided. In the meantime, the effectiveness and benefits of the increased minimum lot size will not be diluted by development.
25. Given the implications of the Proposed District Plan, I understand that all applications were placed on hold. An initial notification report was issued relating to the subdivision component of the application on 10 August 2022 recommending notification of the subdivision. Following correspondence with the applicant, further consents were sought for the density infringement, and an additional consent for a minor residential unit on Proposed Lot 17. These consents were lodged on 30 August 2022. An addendum notification report recommending notification of the additional consents was issued on 8 September 2022, and the proposal as a whole was subsequently notified.
26. Of relevance to the application, the National Policy Statement for Highly Productive Land (**NPS-HPL**) was approved on 12 September 2022. The NPS-HPL came into force on 17 October 2022.
27. The proposed subdivision is a discretionary activity under the operative district plan, and the subdivision and land use consents are a non-complying activity under the proposed district plan. Due to the nature of the consents required, it is appropriate to bundle the consents. Council's legal advice is that the most restrictive consent status apply. Overall, the application is considered to be a non-complying activity.

SUBMISSIONS

28. Twenty submissions were received in relation to the application. Two of the submissions were received as late submissions and were accepted by Council. A copy of the submissions are provided at **Appendix 3**.
29. Two of the submissions support the proposal, one submission is neutral but seeks sufficient capacity for firefighting capability, and the remaining 17 submissions oppose the proposal.
30. The key issue raised in support of the proposal are that more 4ha blocks are needed in this area, and that they are more maintainable.
31. The key issues raised in opposition to the proposal are:
- Dust generation, traffic and safety in relation to Loburn Terrace Road
 - Non-compliance with the 20ha minimum site size in the proposed Waimakariri District Plan
 - Visual pollution
 - Loss of productive values
 - Rural outlook and character
 - Stormwater runoff and drainage
 - Electrical supply
 - Water supply

PLANNING FRAMEWORK

32. The proposal includes both the land use component, being a proposal for infringement of the rural density provisions in relation to the proposed 16 lots as well as a minor residential unit on Proposed Lot 17, and the subdivision to create the proposed 16 lots.
33. The following rules from the Operative Waimakariri District plan are relevant:
- **Rule 30.6.1.1** requires that all land uses in any Residential Zone or Business Zone, and any dwellinghouse in any Rural Zone, shall be located on a site that has access to a road which complies with the design attributes of Table 30.1. Loburn Kowai Road does not comply with the local road standards in Table 30.1. Under Rule 30.9.1, the activity is therefore a **discretionary activity**.
 - **Rule 30.6.1.2** requires that, except where part of a cluster housing development under Rule 31.34.1, access to seven or more sites shall only be provided by way of a road which complies with the design attributes of Table 30.1, or Table 30.2 for the Residential 7 Zone. The proposed access does not comply with these requirements and the activity is therefore a **discretionary activity**.
 - **Rule 30.6.1.15(a)** requires all accessways within the rural zone to be formed to an all-weather standard. This rule can be addressed by way of engineering conditions. Therefore, I consider the proposal is compliant with Rule 30.6.1.15(a).
 - **Rule 30.6.1.19** refers to Table 30.4 and sets limits for the maximum number, spacing and width of vehicle crossings for all roads (other than state highways where the posted speed

limit is 70km/hr or greater). In the Rural Zone, the space between crossings on the same side of the road must be less than or equal to 10 metres or greater than 180 metres in length, and a minimum width of 3.5m and maximum of 6 metres. The applicant has indicated that the proposed distance of the new vehicle crossing is less than 10 metres from the adjacent access to 390 Loburn Terrace Road. The accessway onto Loburn Kowai Road is more than 180m from the closest accessways on the southern side of Loburn Kowai Road. The specified widths can be addressed by way of conditions. Therefore Rule 30.6.1.19 is complied with.

- **Rule 31.1.1.1** provides that in the Rural Zone any dwellinghouse shall be on a site which has a minimum area of 4ha. The proposal includes a minor household unit on proposed Lot 17 up to 90m² that can be located anywhere on the site, and is therefore not compliant with this rule. This requires consent as a **non-complying activity**.
- **Rule 32.1.1.1** requires any new lot in the Rural Zone to have a minimum allotment area of 4ha and contain an internal square of 120m x 120m. All proposed lots are 4ha or greater and are able to comfortably contain an internal square of 120m x 120m. Therefore, Rule 32.1.1.1 is complied with.
- **Rule 32.1.1.3** requires any allotment in the Rural Zone which contains one or more building platforms to provide a sewerage area for a dwellinghouse. As there is no reticulated sewer in this location, all future dwellings will discharge waste water via an on-site disposal system. The applicant has shown building platforms on the proposed subdivision plan, and indicated that sewage disposal areas will be provided, and confirmed at 224(c) stage. A significant amount of land is available for on-site disposal of wastewater, and any wastewater matters can be addressed at the time of building consent, so Rule 32.1.1.3 can be complied with.
- **Rule 32.1.1.29** requires any road, accessway, or vehicle crossing to comply with Rules 30.6.1.1 to 30.6.1.33 as though any allotment was a site. The vehicle crossing to serve the proposed lots will meet the separation distance between crossings on the same side of the road, as being less than or equal to 10 metres or greater than 180 metres in length, and conditions can be included to ensure compliance with Council's subdivision design standards. However, Rule 30.6.1.2 (access to seven or more sites) isn't complied with and therefore Rule 32.1.1.29 isn't complied with.
- **Rule 32.1.1.52** requires any new allotment in the Rural Zone to be connected to a reticulated potable water supply. The sites are proposed to be connected to the Ashley Rural Water Supply. Rule 32.1.1.52 is therefore complied with.
- **Rule 32.1.1.58** requires any new allotment in any zone to be serviced by an energy supply and communications system and for these services to be available at the boundary of the allotment. A condition will require confirmation from the suppliers that capacity is available to service both proposed lots. This rule will therefore be complied with.
- **Rule 32.1.1.64** requires any new allotment in any Rural Zone to connect to a public drain if the allotment is in a rural drainage area. The site is not within a rural drainage area according to the WDC maps; therefore, this rule is not applicable. Stormwater from future dwellings will discharge to ground. This will be addressed at building consent stage. As such, Rule 32.1.1.64 is complied with.
- **Rule 32.1** provides that subdivision in the Rural Zone is a controlled activity, unless it is listed as a discretionary (restricted), discretionary or non-complying activity. No application has been made for any listed discretionary (restricted), discretionary or non-complying

activities. Overall, the proposed 16 lot subdivision and minor household unit is a **non-complying activity**.

34. The following rules from the Proposed Waimakariri District Plan, which have legal effect, are relevant:

- **Rule SUB-R10** states that subdivision in the General Rural Zone which creates an allotment with a minimum area of less than 20 hectares, is a **non-complying activity**.
- **Rule GRUZ-R41**, which states that residential units on a site at the proposed density is a **non-complying activity** as follows:

GRUZ-R41 Residential Unit

Activity status: NC Where:

1. *a residential unit is located on a site with a minimum net site area of less than 20ha; or*
 2. *the site of the residential unit is an allotment that existed prior to 18 September 2021 with a minimum net site area of 4ha or more but less than 20ha and has more than one residential unit; or*
 3. *the site is subject to a subdivision consent that was granted prior to 18 September 2021, with a minimum net site area of 4ha or more but less than 20ha and has not been issued with certification under section 224 of the Resource Management Act, and has more than one residential unit; or*
 4. *the site has a minimum net site area less than 4ha and it is a site or an allotment that was created by subdivision and was on a subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates) and has more than one residential unit; or*
 5. *where more than one residential unit is located on a site it is contained within its own delineated area and the delineated area has a minimum net site area less than 20ha.*
- **Rule GRUZ-R41**, which states that minor residential units on a site less than 20 hectares is a **non-complying activity** as follows:

GRUZ-R42 Minor Residential Unit in General Rural Zone

Activity status: NC Where:

1. *a minor residential unit is located on a site with a minimum site area of less than 20ha unless:*
 - a. *the site of the minor residential unit is an allotment that existed prior to 18 September 2021 with a minimum site area of 4ha or more but less than 20ha and does not have a minor residential unit; or*
 - b. *the site is subject to a subdivision consent that was granted prior to 18 September 2021, with a minimum site area of 4ha or more but less than 20ha and has not been issued with certification under section 224 of the Resource Management Act, and does not have a minor residential unit; or*

- c. *the site has a minimum site area less than 4ha and it is a site or an allotment that was created by subdivision consent between 1 October 1991 and 24 February 2001 (inclusive of both dates) and does not have a minor residential unit; or*
- d. *where no minor residential unit is located on a site that is contained within its own delineated area and the delineated area has a minimum site area less than 20ha.*

35. Overall the proposed activity is a **non-complying activity**.

SECTION 104 OF THE ACT

36. Section 104 of the Act sets out matters to which regard must be had in deciding a non-complying activity.

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to [Part 2](#) and [section 77M](#), have regard to—

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of—*
 - (i) a national environmental standard:*
 - (ii) other regulations:*
 - (iii) a national policy statement:*
 - (iv) a New Zealand coastal policy statement:*
 - (v) a regional policy statement or proposed regional policy statement:*
 - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and*
- (b) if it grants the application, may impose conditions under [section 108](#).*

104D Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment (other than any effect to which [section 104\(3\)\(a\)\(ii\)](#) applies) will be minor; or*
- (b) the application is for an activity that will not be contrary to the objectives and policies of—*
- (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
- (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
- (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

37. The application may be granted if it is considered that adverse environmental effects are minor or if the application will not be contrary to the objectives and policies of the relevant District Plans. Only one of the gateway test needs to be met.
38. In this case, Waimakariri District Council has the Operative District Plan and a Proposed District Plan. At the writing of this report, the Proposed District Plan is still in the submission stage, with a summary of submissions having been released for further submissions.

ACTUAL OR POTENTIAL ENVIRONMENTAL EFFECTS

39. Section 104(1)(a) requires consideration of actual or potential environmental effects of allowing the activity. For the purpose of this assessment, these matters are assessed below under the following topics which are relevant to the application:
- Rural character, amenity and reverse sensitivity
 - Productive use of land
 - Subdivision design, access and traffic
 - Hazards
 - Contaminated sites
 - Water, wastewater and stormwater
 - Energy supply and communications
 - Tangata whenua and archaeological sites
 - Positive effects

Permitted baseline

40. The following assessment considers the effects of the proposal, their scale, and whether any person is considered to be adversely affected by the proposal. Under Section 104(2) of the Act, when forming an opinion on the actual and potential effects of allowing the activities, the permitted baseline created by rules may be considered. I do not consider that the permitted baseline is relevant to the proposal, as there are no permitted subdivision activities.

Rural character, amenity and reverse sensitivity

41. The site is a working farm that is located in a larger central block between Loburn Terrace Road and Loburn Kowai Road, as shown in Figure 1. Both to the north and south of the block, there are existing larger farmed blocks, while in the wider area (between Mt Grey Road and Loburn Terrace Road, to the east of Loburn Kowai Road, and to the south of Brady Road) an established

pattern of small rural lots has been established. However, the character immediately adjacent to the site is that of extensive large lot rural farmland. The proposed subdivision will divide the larger blocks with a strip of 4 hectare sites extending from Loburn Terrace Road to Loburn Kowai Road. The sites will not be visible from Loburn Terrace Road and will have limited visibility from Loburn Kowai Road due to the rolling terrain. The proposed allotments and associated dwellings will be visible from immediately adjacent sites to the north and south. The proposal will, however, increase the number of traffic movements onto both roads, which will have off-site amenity effects, including impacts arising from dust on the adjacent roads.

42. Introduction of further 4 hectare blocks, where these are utilised as rural residential living, rather than as rural production, has the potential to impact on established farming uses, including adverse effects from spray drift, noise, and smell, which may potentially result in adverse effects on the proposed lots. Such risks may be managed by no-complaint covenants; however no such covenants are proposed.
43. I note that the applicant has applied for consent for a minor household unit on Proposed Lot 17 (16ha in size) in accordance with the provisions of the proposed plan. Those rules enable a minor household unit up to 90m², excluding any garaging, however the site must be greater than 20ha. The operative district plan anticipates an additional unit as part of the definition of "dwellinghouse", and these are enabled on sites over 4ha, but are restricted in size to a maximum of 75m² and must be located no more than 30m from the primary dwelling. However, I note that under the provisions of the operative district plan, more than one dwellinghouse could be established as a permitted activity if it complied with Rule 31.1.1.3. I consider that if consent is granted to the minor residential unit (on the basis that greater weight is afforded to the operative plan), that it would be appropriate to put conditions on the consent that limit the dwelling to a maximum of 90m² as requested, and also reflecting the permitted conditions expressed in Rule 31.1.1.3 (a)-(d).
44. Taking into account the above matters, in particular the presence of large working farms immediately adjacent to the site, I consider the potential effects of the proposal in relation to rural character, amenity and reverse sensitivity, to be more than minor.

Productive use of land

45. The site is identified entirely as Land Use Capability Class 3 soils in the New Zealand Land Resource Inventory Classifications and is an existing mixed sheep and beef farm. As noted earlier in this report, one of the key reasons for increasing the minimum lot size in the General Rural Zone, and the rules in the proposed District Plan having immediate effect, is to recognise the vulnerable nature of the rural land resource. This was supported in affidavits from farm consultant Mr James Gordon, who noted that in his opinion, small lifestyle properties (less than 8ha) are not usually capable of sustaining many rural production systems in the Proposed Rural Zone and will generally impact negatively on the rural production per hectare.¹ Mr Gordon's assessment also sets out a range of minimum productive land areas for different types of primary production systems.²

¹ Affidavit of J Gordon, ENV-2021-CHC-082 [2021] NZEnvC 142 at para 54

² Ibid at para 50

46. I consider that the conversion of land to 4ha allotments as proposed as part of this application will result in the removal of production land for a subsequent rural lifestyle living option, and lead to fragmentation of the rural land resource. Productive land will be lost to housing, roading and housing curtilage, with reduced opportunities for productive uses. A number of submitters have raised concerns with the loss of productive land value. No supporting evidence has been provided with the application to indicate that productive uses will continue, and matters related to the NPS-HPL, which identifies the land which is LUC3 soils which are defined as 'highly productive land' are addressed later in this assessment. Given this, I consider that the impact of the proposed subdivision on rural production values will be more than minor.

Subdivision design, access and traffic

47. The initial application was redesigned to enable an appropriate grade of access from Loburn Terrace Road, which traverses the escarpment. The access is located immediately adjacent to the previous allotment that was subdivided off the site and meets the requirements for separation distances under the operative plan. The subdivision design follows an evenly dispersed approximately 4 hectare block pattern, with potential building platforms for each proposed allotment. I consider that for rural lifestyle use, that the subdivision design shows a logical pattern, with potential house sites and evenly distributed boundaries on the rolling land.
48. The subdivision has been considered by Council's Land Development Engineer, Ms Nicole Morgan, who has provided an updated engineering report attached as **Appendix 4**.
49. The proposed subdivision would have frontage to Loburn Kowai Road and Loburn Terrace Road.
50. Loburn Kowai Road which will serve Lots 13 to 17 (five new lots) is an unsealed road with a 5m width. Ms Morgan has advised the following:

Loburn Kowai Road is proposed to serve Lots 13 to 17 (five new lots). This road is categorised as a local rural road with a 5m formation width finished to an all-weather standard. The nearest sealed part of the road is at 257 Loburn Kowai road located 1.4km south-east of the site.

Under this application the additional Lots will create a total of 40 addition vehicle movements per day (5 lots x 8 vmpd). The ADT for the site as of Dec 2020 is 113 vehicle movements per day, which combined with the 5 new lots will result in 153 vmpd total.

Under NZS4404:2010 the required road width of 5m to 5.5m is deemed adequate for the total traffic proposed, but the road does not meet current Council design standards or DP rule 30.1.1.9. Comment from the Roading team has been requested to confirm if financial contributions (FCs) are needed for sealing of the gravel road.

Comment from the Roading team was received on the 15 September (TRIM 210916149877). FCs for upgrading Loburn Kowai Road were deemed suitable for an application of this size as the road is currently not formed in accordance with Council's rural roading design standard drawing 600-270 issue D, or DP rule 30.1.1.9. Under this standard a lane width of 3m is required along with a 0.5m sealed shoulder either side, with a 2.25m gravel berm.

Under Council's Rural Seal Extension Policy³ if traffic counts reach 300-400 vmpd then sealing of the road can be considered; when traffic counts are lower, it is difficult to justify sealing on economic grounds alone.

To calculate FCs and determine what upgrades to the current road are needed, the potential future daily traffic count for the road needs to be calculated. To do this we add the daily traffic created under this proposed subdivision consent (5 Lots x 8 vmpd), plus the most recent daily traffic count for that road (113 vmpd) as well as the theoretical additional daily traffic count generated if all large neighbouring Lots subdivided to the smallest allowable Lot size.

51. Ms Morgan goes on to note that the assessment of Loburn Kowai Road, and its likelihood for sealing subsequent to the 20ha minimum site size being introduced, has changed from her initial assessment carried out in 2021, as a result of reduced potential for 4ha development. She notes:

The 20ha rule has since come into effect and hence the potential for the neighbouring properties to further subdivide has been reduced. This reduction results in only an additional 12 potential lots able to be created from future subdivision in the area. By taking this into account the total potential final traffic count for Loburn Kowai Road is 249 vmpd ($40 + (12 \times 8) + 113$). This increases the proportion of the financial contribution for this development to 16.06%.

However, note due to the lower traffic numbers no asphalt sealing of this road is triggered as traffic counts are below 300-400 vmpd. With a traffic count under 300, as noted above it is difficult to justify sealing on economic grounds. Installation of shoulder formations and gravel berms would still be assessed.

52. Ms Morgan has advised that Loburn Terrace Road which is proposed to serve Lots 2 to Lot 12 (11 new Lots) is a 6m wide unsealed road with the nearest sealed section of the road being "1.4km south-east of the site at 239 Loburn Terrace Road. Under this application the additional Lots will create a total of 88 additional vehicle movements per day. The ADT for Loburn Terrace Road along the site frontage as of the Dec 2020 is 148 vehicle movements per day.

53. Ms Morgan notes that in relation to Loburn Terrace Road, her assessment has also changed in relation to the new minimum 20ha rule. She notes the following:

Under the current DP rules, only an additional 6 20Ha lots could be subdivided in the area. This would reduce the traffic to 284 vehicle movements per day ($88 + (6 \times 8) + 148 = 284$).

As the forecast vehicle movements are below 300-400, sealing of the road would not be triggered as it cannot be justified on economic grounds. It is noted that with the reduced number of future lots in the area, the consent holder would be contributing 30.99% towards the estimated cost of sealing the road if it were required. However, as the threshold for sealing is not met only the shoulders and gravel berm would be required to upgrade the road.

Similarly, to Loburn Kowai Road, under NZS4404:2010 the required road width of 5m to 5.5m is deemed adequate for the traffic proposed to utilise the road, however, the road does not meet

³ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0029/28469/S-CP-4520-Rural-Seal-Extension.pdf

current council design standards or DP rule 30.1.1.9. and as such financial contributions can be assessed to upgrade the road.

Currently the road has a gravelled formation width of 6m; to upgrade the road to meet Councils rural roading design standard drawing 600-270 issue D a 0.5m formation shoulder either side is required along with a 2.25m gravel berm either side.

54. The current vehicle crossing serving 390 Loburn Terrace Road will remain and a new vehicle crossing will be located 10m south serving Lots 2 to 12 (western Right of Way). Sightlines from this crossing meet Austroads AGRD Part 4A and NZTA RTS 06. Spacing between crossings on the same side of the road also meets operative District Plan Rule 30.6.1.19. This crossing will need to have a specifically designed culvert over the current deep swale / water course which runs along the eastern/northern edge of Loburn Terrace Road.
55. The western most ROW will serve a total of 11 Lots and be accessed off Loburn Terrace Road. Eleven lots is beyond the design capacity of a standard Waimakariri District Council Engineering Code of Practice ROW. As such, this ROW will need to meet the width required by NZS4404:2010 standards for a rural road. It will need to have a width of 5.5m and be constructed and designed as per Waimakariri District Council Engineering Code of Practice Rural Road design 600-270 Issue D. Culverts will also be conditioned at all overland flow path locations, if subdivision consent is granted.
56. The location of the vehicle crossing to the eastern ROW onto Loburn Kowai Road is situated near the southern most property boundary. This access will serve Lots 13 to 17. The proposed access also meets the Waimakariri District Plan 2005 operative plan rule 30.6.1.19. As five lots will be utilising this access the vehicle crossing will have to have a width of between 3.5 metres and 6 metres in accordance with operative district plan rule 30.6.1.19.
57. The eastern ROW will serve 5 Lots and be accessed off Loburn Kowai Road. This ROW can be designed as per the Waimakariri District Council Engineering Code of Practice rural right of ways standard design 600-273 Issue D with a formed width of 4m and passing bays every 90m. Culverts will also be conditioned at all overland flow path locations, if subdivision consent is granted.
58. I note that if the consent is approved, the engineering assessment indicates that neither Loburn Terrace Road or Loburn Kowai Road will be sealed. As such, concerns from submitters raised in relation to dust nuisance and maintenance will not be addressed. However, I consider that this issue is of minor effect, and is a consequence of living in a relatively low traffic rural environment, where high levels of service (such as paved roading) cannot always be expected. I consider the impacts as a result of retention of the metalled road to be minor, and in keeping with Council's policy around sealing of rural roads.
59. Overall, if approved and subject to appropriate conditions, the roading and access from the proposal will have minor effects on the surrounding environment. If subdivision consent is granted, conditions will be included for formation of the new access. In addition, if used for rural lifestyle purposes, the design of the subdivision represents a logical layout for the type of

development proposed and does not create any adverse effects as a result of its layout (notwithstanding impacts on rural character).

Hazards

60. The proposal has been considered by Ms Morgan in relation to natural hazards. The engineering report notes that the site is in a very low liquefaction potential area. This is likely attributed to the rolling nature of the site and a lower standing water table. Though the site is not subject to liquefaction the proposed building locations are all located on slopes and as such the ability of these slopes to safely accommodate dwellings without resulting in slope failure needs to be addressed along with an assessment of the feasibility and design of the ROW locations.
61. As such a geotechnical investigation report was requested under Section 92 and has been provided. The geotechnical report (TRIM 210810130960) completed by Eliot Sinclair adequately assessed the site and noted that the topography was only gently undulating and that there are no significant issues with the proposed building locations or road layout which would require detailed engineered design.
62. Ms Morgan has considered flood hazard in relation to the site. The site is subject to a low to medium flood hazard from overland flows during a 1 in 200yr AEP flood event. This is largely due to the site being rolling with all overland flows following valleys within the site. Ms Morgan does not consider that flooding for the site is expected to be an issue. All building platforms are located outside of the overland flows generated via local flooding. This requirement would need to be conditioned and secured by a consent notice placed on each record of title, if subdivision consent is granted.
63. Ms Morgan has noted that the ROWs which cross the overland flow paths will need to be designed to not affect or alter overland flows. Current NZ standards is that a site should be able to gain access in a 1 in 50yr AEP event. From looking at the 1 in 100yr AEP event the maximum flood depth across the ROWS is 1m within valleys. As the source of flooding is from local valleys, the flow rate is expected to be low and as such flooding for the site is not expected to be an issue. Suitable conditions are recommended, if subdivision consent is granted.

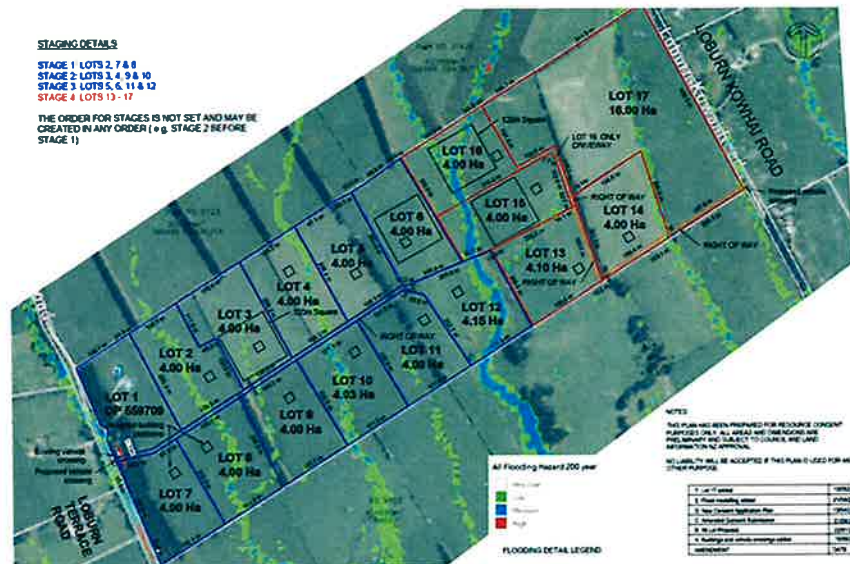


Figure 2: Flood risk map (Low- green, Medium- blue).

64. Taking into account Ms Morgan's expert assessment, and subject to appropriate conditions, I consider the effects of flooding from the overland flow paths on the sites and Right of Ways will be less than minor.

Contaminated sites

65. There are no known contaminated sites on the property. Given that the proposed development does not result in a change from rural to any other type of activity, and does not result in any earthworks applications, the risk of any adverse effects resulting from contaminated land is considered to be very low.

Water, wastewater and stormwater

66. The proposed lots will be served with potable water from the Ashley Rural Scheme, and capacity has been confirmed by Hurunui District Council which administers the scheme. While concerns are raised in submissions regarding the reliability of the Ashley Rural Scheme, I rely on the advice of the Hurunui District Council that sufficient capacity is available.
67. Fire and Emergency NZ made a submission on the proposed development, seeking that sufficient water supply is made available for firefighting should the proposal be approved. It has recommended two consent notices should the application be approved to address sufficient water supply and access in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. I concur with the submission and agree that if approved, such conditions are applied, and consent notices registered on the certificates of title.
68. In relation to wastewater, Lots 2-17 will be serviced by on-site wastewater disposal. Ms Morgan notes in her revised assessment that since her initial assessment in September 2021, a new residential dwelling has been established on Proposed Lot 17. Under that building consent application soil permeability of the onsite silty soils was found to be poorly draining. This is not what was initially expected as the soil permeability is deemed 'Medium' across the site as illustrated on council Waimap files and sourced from Landcare, New Zealand Fundamental Soil Drainage Map.

69. This classification has since been rechecked on Landcare S-maps which reconfirmed a soil permeability of "Moderate (M; 18-72 mm/h)" underlain by Moderately slow (MS; 4-18 mm/h) permeable soils. As soils are naturally heterogeneous, soils on this site will be assessed as a mix of low and medium permeability.
70. For the dwelling on Proposed Lot 17 the underlying silty soil on the site was deemed poorly draining and as such the waste disposal field had to have a Design Irrigation Rate: 3 mm/day with a 76m by 7m drip irrigation disposal field.
71. If low permeability soils are found on the other lots similar to Lot 17, they will all have adequate space to also install a 76m by 7m drip irrigation disposal field as all Lots are 4ha in size or larger. Further requirements for the performance of on-site wastewater disposal can be addressed through standards in the Canterbury Land and Water Regional Plan (CLWRP). An advice note will be included noting the need to comply with the requirements of the CLWRP.
72. With this new information it is advised stormwater design conditions are added to the resource consent, which were not previously proposed in September 2021. Ms Morgan advises the following:

The existing dwelling at 390 Loburn Terrace (Lot 1 created under RC205095) has existing on-site stormwater disposal system via soak pits. Whilst the building on Lot 17 has a 25,000L roof water retention tank with a 15mm outlet valve discharging into the natural overland flow path.

Initially Councils standard stormwater design criteria 'onsite soakpits as per Standard drawing 330B issue B' was recommended due to the soil permeability on the site recorded as 'Medium'.

As this is no longer deemed the case specific wording requiring each lot owner to confirm onsite soakage rates as part of the building consent process which will help them design a suitable stormwater disposal system for the proposed new dwelling should be added.

If soil permeability is found to be medium, then standard soakage pit design applies, however, if soakage is deemed low then either retention ponds or retention tanks will be required.

Due to all lot sizes being 4ha in size or greater there should be ample space to construct an adequately design retention pond.

From looking at nearby building consent applications the majority of applications had stormwater being discharged via soak pits with only two properties found to be utilising onsite retention ponds of retention tanks.

73. Subject to appropriate engineering conditions and advice notes, any adverse effects as a result of water, wastewater and stormwater will be less than minor.

Energy supply and communications

74. No evidence of ability to provide power and telecommunications has been provided with the application. Ms Morgan notes that this will be required prior to issue of s224(c), if subdivision consent is granted. A condition requiring connection of these services to be made available to

the boundary of the proposed lots will ensure that any adverse effects arising in relation to energy and communications will be nil.

Tangata whenua and archaeological sites

75. There are no known tāngata whenua or archaeological sites associated with the subject site. An advice note noting accidental discovery protocols as part any works required for the subdivision (for example trenching for services), will ensure that any adverse effects are appropriately mitigated. No adverse effects are anticipated to arise, and no persons are considered to be adversely affected in this regard.

Positive Effects

76. Positive effects associated with the proposal include provision of additional housing in the rural area, in combination with potential for increased levels of amenity planting (and potentially native planting which is common in rural lifestyle block development). The proposal will also provide an economic benefit to the extent that additional construction will take place, however no such benefits are quantified.

Summary of Actual or Potential Environmental Effects

77. I consider that the actual or potential environmental effects associated with the proposed activity largely relate to the loss of productive land through subdivision of the sites, due to housing curtilage, roading and lower productive use due to the reduced scale of the sites, as well as adverse effects in terms of rural character and amenity.
78. Balancing the positive effects of development associated with the economic benefits from housing development, I consider that overall, the effects of the proposal on the environment will be more than minor.

RELEVANT PROVISIONS OF THE DISTRICT PLANS

79. Section 104(1)(b) requires regard to the relevant provisions of the District Plans. In this instance the Operative and Proposed District Plans have objectives and policies that must be considered.

Operative District Plan Objectives and Policies (see Appendix 5)

80. Objective 11.1.1 and Policies 11.1.1.1-4 ensure that utilities maintain or enhance the community's social, cultural and economic wellbeing and its health and safety, including connections to utilities, avoidance of development where a subdivision or development does not have appropriate access to utilities, and that the road hierarchy is maintained with minimal conflict between activities, traffic and people.
81. The explanation to the objective and policies describes that utilities are activities that include the construction and operation of roads and the transmission of water. The policy states that development can proceed if the existing utilities are upgraded to provide the appropriate capacity for the health and safety of the present and future populations. In this instance, recommendations have been made to ensure that the width of the access roads are upgraded to enable appropriate safety for access to the sites.

82. Overall conditions of consent requiring management of wastewater, stormwater and access to drinking water will ensure that wellbeing of people and the community is provided for if consent is approved.
83. Chapter 12 Health Safety and Wellbeing Objective 12.1.1 seeks to maintain the amenity values and a quality of environment which protects the health, safety and wellbeing of present and future generations, and ensure that any potential adverse environmental effects from buildings and structures and noise are avoided or mitigated.
84. Associated Policy 12.1.1.5 seeks to ensure that the Rural Zones maintain amenity values and quality of the environment by ensuring that the land is not dominated by dwellinghouses. The explanation notes that the Council would not anticipate the establishment of dwellinghouses on lots smaller than four hectares. The proposal is consistent with this policy.
85. Chapter 14 Rural Zones Objective 14.1 seeks to maintain and enhance both rural production and the rural character of the Rural Zones. Rural character is set out through the objective including the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities; and separation between dwellinghouses to maintain privacy and a sense of openness; and a dwellinghouse clustered with ancillary buildings and structures on the same site.
86. Policies 14.1.1.1 – 14.1.1.3 set out the pathway for achieving the objective and include direction in Policy 14.1.1.1 to avoid dwellinghouse development that results in a loss of rural character, Policy 14.1.1.2 to maintain the continued domination of the Rural Zone by rural uses, and Policy 14.1.1.3 to maintain and enhance the distinctive character of the Rural Zone.
87. The explanation to the objective and policies above explains that the threshold of 4ha is important in order to protect the Rural Zone characteristics. It notes that dwellings on less than four hectares are undesirable because they fail to meet those characteristics listed in the objective that contribute to the maintenance or enhancement of the rural character of the Rural Zone. It also notes that screening of dwellinghouses alone is not considered a mitigation measure for the protection of rural character.
88. The explanation notes that Policy 14.1.1.2 recognises it is important for agriculture, pastoral farming and horticulture to continue to be the predominant land use in the Rural Zones because this will contribute most to the maintenance and enhancement of rural character. It states that Policy 14.1.1.3 recognises that natural features and quietness are important environmental qualities in the District's Rural Zones as these are attributes that can be prejudiced by the increased density of dwellinghouses and related residential activity below development standards set for the zone.
89. Objective 14.2.1 and associated Policy 14.2.1.1 seek to protect the life supporting capacity of the water resource from the adverse effects of on-site land-based sewage treatment and wastewater disposal systems by avoiding the deterioration of the quality of the water resource as a result of the operation of on-site land-based sewage treatment and wastewater disposal systems in the Rural Zones. The explanation to the objective and policy recognises the cumulative impact of onsite land-based sewage treatment and wastewater disposal systems and development below 4ha is undesirable as it can lead to cumulative adverse impacts on water quality. It goes further to state where on-site land-based sewage treatment and wastewater disposal systems are proposed, it is considered appropriate to restrict the dwellinghouse density to one per four hectares.

90. Objective 18.1.1 and associated policies 18.1.1.1 are relevant to the proposal and seek sustainable management of natural and physical resources as a result of land use development and subdivision and indicate that development proposals should provide an assessment of how the use, development and protection of natural and physical resources affected by the proposal will be managed in a sustainable and integrated way, and how adverse effects will be avoided, remedied or mitigated. Of relevance in Policy 18.1.1.1 is that proposals should show how and the extent to which they will avoid or mitigate natural hazards, protect the life-supporting capacity of soils, maintain and enhance the environment of the zone within which the proposal is located, provide infrastructure for services and roading, protect groundwater and surface water, and enable communities to be more self-sustaining.
91. Both Objective 12.1.1 and Policy 12.1.1.5 and Objective 14.1.1. and Policy 14.1.1.1 seek to achieve similar outcomes with opposite approaches, one seeking to avoid the domination of dwellings in the rural zone and the other seeking to maintain the domination of rural activities, while both approaches seek to protect rural character and amenity.
92. I consider that the proposal is consistent with the rural character anticipated by the operative district plan, however this is a different outcome to that sought by the proposed district plan which I assess below. In relation to Policy 14.1.1.2, no information has been supplied by the applicant to demonstrate how the predominant land use in the rural zone will continue to be intensive and extensive agricultural, pastoral and horticultural land use activities.
93. Objective 14.2.1 and Policy 14.2.1.1 address land based effluent disposal systems and the potential adverse effects on water quality. Subject to suitable conditions, if approved the proposal will be consistent with the outcomes sought by these policies. In turn, this is consistent with the outcomes sought under Policy 18.1.1.1 in relation to servicing the site and protecting water quality.
94. Overall, I consider that the proposal is generally consistent with the relevant objectives and policies in Chapters 12, 14 and 18 of the Operative District Plan, which seek to maintain and enhance rural amenity by ensuring the zone is not dominated by dwellings, and that ground water is protected from on-site septic tank and effluent disposal systems. However, I do not consider that the proposal provides sufficient information that the predominant land use of subject sites will continue to be intensive or extensive agricultural, pastoral and horticultural land use activities, as no evidence has been provided that the productive capability of the land will be maintained. This is addressed further in relation to the required assessment under the NPS-HPL.

Proposed District Plan Objectives and Policies (see Appendix 6)

95. The Proposed District Plan was notified in September 2021 with submissions closing in November 2021. A summary of submissions has been produced and notified for further submissions on 5 November 2022, and the further submission period closes on 21 November 2022. The relevant rules having legal effect that are relevant to this proposal are addressed earlier in this report.
96. The Proposed District Plan Strategic Directions chapter provides the overarching objectives to provide high level direction for the District Plan. The introduction explains that the objectives within this chapter are informed by the Waimakariri District Development Strategy, which is a document that addresses a range of matters related to growth and development and give effect

to higher order documents as required by the RMA. For the purpose of determining resource consent applications, the strategic objectives may provide guidance for related objectives and policies in other chapters; and the relevant objectives and policies of the District Plan, including strategic objectives in this chapter, are to be considered together and no hierarchy exists between them.

97. Strategic Direction SD-O4 addresses rural land management, to ensure that it remains available for productive activities by providing for rural production activities and activities that directly support or are reliant on rural zones and to limit activities that are not associated with rural production or support activities.
98. TRAN-P4 provides that new activities are located on or establish primary access to the road best able to accommodate the level and type of traffic generated, provides safe entry and exist points for vehicles without compromising safety (including for service and emergency vehicles).
99. NH-O1 and NH-O3 seek to manage natural hazard risk and provide for natural hazard mitigation. Associated Policy NH-P4 provides for the management of activities outside of high hazard areas to ensure that risk to life and building damage is low or that minimum floor levels are provided for to ensure that risk to life and building damage is avoided, that the risk from flooding to surrounding properties is not significantly increased, and the conveyance of floodwaters is not impeded.
100. The Subdivision chapter sets out a number of objectives and policies relevant to the proposal, in particular SUB-O1 and SUB-O2. These objectives seek that subdivision design achieves an integrated pattern of land use that provides for anticipated land use and density that achieve the identified future character, form or function of the zones, provides for efficient and sustainable land use, maintenance of infrastructure and legible, accessible, well connected transport system for all transport modes. These policies are implemented by Policies SUB-P1-P3 and SUB-P8 which are relevant to the proposal. SUB-P1 seeks to enable subdivision that supports the character, amenity values, form and function of the relevant zone. SUB-P2 seeks to ensure that the allotment layout, size and dimensions in rural zones retains the ability for rural land to be used for primary production. SUB-P3 seeks to ensure that subdivision design maximises solar gain through road and block layout, allotment sizes, dimension, layout and orientation, promotes water conservation, on-site collection of rainwater for non-potable use, and treatment and/or attenuation of stormwater prior to discharge, as well as recognising the need to avoid causing flooding of downstream properties. SUB-P8 directs provision for upgrade of existing infrastructure or otherwise cost sharing arrangements that are proportional to the benefit received, and that infrastructure provision and capacity to service the development is adequate, in particular in relation to wastewater disposal, water supply, stormwater management, communications and electricity supply.
101. RURZ-O1 and RURZ-O2 set the objectives for all rural zones, and the strategic framework for the management of these in the district. RURZ-O1 recognises the predominant land use comprises primary production activities and natural environment values and provides that the east of the district has a predominant character of small rural sites with a built form pattern of residential units and structures at more regular intervals, while the balance of the district has a range of site sizes, and a predominant character of larger rural sites. RURZ-O2 provides that rural zones support primary production activities, activities which support primary production, and activities with a functional need to locate in rural zones. These objectives are supported by RURZ-P1 and RURZ-P2, which seek to restrict the density of residential units and minor residential units that can be established on a site consistent with the character of each rural

zone, and that the availability of the life-supporting capacity of land in recognition of its importance for undertaking primary production is maintained. RURZ-P2 seeks to achieve this by ensuring subdivision and development is managed so it does not foreclose the ability for rural land to be utilised for primary production activities including not diminishing the potential for rural land to meet the reasonably foreseeable needs of future generations.

102. GRUZ-O1 sets out the purpose of the GRUZ as being for primary production activities while fragmentation of land into small rural parcels is restricted. GRUZ-P1 seeks to maintain the character of the zone comprising of primary production being the predominant land use activity, a dominance of open space and vegetation including paddocks, trees, agricultural and natural elements over buildings, and a landscape strongly influenced by patterns and processes of human activity associated with primary production with a focus on open farmland and larger-scale primary production activities. The policy recognises a separation of residential units and farm buildings on adjoining sites, with an overall low density of residential units.
103. GRUZ-P2 seeks to maintain opportunities for land to be used for primary production activities within the zone by limiting fragmentation of land that avoids sites being created that are less than 20ha, unless certain parameters are met. None of the parameters are met in this instance.
104. The objective and policy relating to rural character seek an outcome that avoids the development of land below a 20ha threshold, and the fragmentation of an existing primary production land holding. In my opinion, the change in approach for the GRUZ provides a clear strategic shift in approach to the management of the wider rural zone. This is also reinforced by the provision for 4ha subdivision within the Rural Lifestyle Zone, which is located in the lower plains area of the Waimakariri District.
105. In relation to the strategic objective SD-O4 for rural land, the proposed subdivision will reduce the capacity for the land to be used for productive purposes.
106. As it relates to transport, the proposal is consistent with TRAN-P4, and taking into account the mitigation recommended should consent be approved for road widening and safe ingress and egress to the proposed sites.
107. The relevant objectives and policies for natural hazards can be achieved through the implementation of conditions as they relate to flooding, given the overland flow paths on the proposed site, should consent be granted. These conditions provide for the overland flow paths to be retained, and finished floor levels for buildings and location of building platforms outside of 0.5 AEP Flood Hazard Areas. Such conditions would need to be secured by way of a consent notice.
108. In relation to the Proposed Plan subdivision objectives and relevant policies, I do not consider that the proposal will achieve the outcomes sought for the GRUZ zone, given the higher density proposed than anticipated by the GRUZ provisions. I do not consider that it has been demonstrated that the proposal represents a sustainable use of the land resource, given the fragmentation of the existing large farm block, and no evidence has been provided that the use of the land for primary production will be maintained. I accept that the sites will achieve Policy SUB-P3 given their size, and subject to appropriate controls to ensure that effects arising from stormwater can be managed on site, including through conditions relating to the design of such systems.

109. In relation to the Rural Objectives and related policies, the proposal is not consistent with RURZ-O1 as, while rural openness will still dominate over built form, the proposal will not be consistent with that part of the objective which seeks that the remainder of the district (i.e. the General Rural Zone) retains a predominant character of larger rural sites. The proposal is not consistent with RURZ-O2 which seeks that rural zones support primary production activities, activities which directly support primary production, and activities with a functional need to be located in rural zones. The proposal is not consistent with GRUZ-O1 which seeks to restrict fragmentation of land into small rural parcels. In particular, I consider the proposal would foreclose the ability for the land to be utilised for primary production purposes, at least in part, due to the fragmentation of the land and introduction of rural lifestyle activities including curtilage and roading into an area that contains an existing large scale primary production unit.
110. Overall, I consider that the proposed activity is contrary to the relevant objectives and policies in the Proposed District Plan.

WEIGHTING ASSESSMENT

111. Section 104(1)(b) requires the Council to take account of any relevant plan or proposed plan. Where there is conflict between an operative and proposed plan, a weighting assessment is required to consider which objectives and policies in which plan should be given dominant weight.
112. Overall, it is considered that while the proposal is generally consistent with the objectives and policies of the operative plan, it is contrary to the objectives and policies of the proposed plan. When considering the weight to be given to the objectives and policies in a proposed plan, relevant factors include:
- the extent to which the proposed measure has been exposed to independent decision-making;
 - possible injustice;
 - the extent to which a new measure may implement a coherent pattern of objectives and policies in a plan; and
 - the extent to which there has been a significant shift in Council policy and the new provisions are in accordance with Part 2 of the RMA.
113. To date, the provisions of the proposed district plan have not been subject to independent decision-making through the Schedule 1 process. However, to an extent, the Court as an independent decision-maker was satisfied that there was sufficient reason for making the rules relating to the minimum site size in the rural area have legal effect, acknowledging the resulting fragmentation of the rural land resource as a result of 4ha rural lifestyle-type development.
114. In relation to matters of injustice, it is important to acknowledge that on the date of notification of the proposed plan, the subdivision consent was on day 35 of processing. While this exceeds the 20 working daytime limit for decisions on consents, it is less than double the processing time which might have been enabled under s37A. I note that no such extension was made. This matter needs to be carefully weighed in light of the other matters addressed here.
115. The shift to introduce a new minimum lot size in the General Rural Zone represents a significant shift in Council policy to retain productive rural land in the western part of the District. Significant consultation has been undertaken as part of this in the lead up to the release of the proposed district plan, including seeking legal effect for the rules that limit the establishment

of dwellings and restriction of subdivision in the General Rural Zone below 20ha. In addition to this, the provisions in the proposed District Plan are more consistent with the provisions of the National Policy Statement on Highly Productive Land, which seeks to restrict subdivision and development of highly productive land, and which is addressed later in this assessment.

115. On balance, I consider that equal weight should be given to the objectives and policies of the operative and proposed district plans. I do not consider that there are unique factors in relation to the site given that it is an operational farming block, which would warrant the granting of consent in a manner which is inconsistent with the strategic direction of the proposed district plan. In particular, as I have noted above in my assessment of the operative district plan, sufficient information has not been provided that the sites will continue with productive use of the land. I consider that, as such, the proposal is inconsistent with both the operative and proposed district plans.

REGIONAL POLICY STATEMENT

116. The Canterbury Regional Policy Statement (CRPS) became operative on 15 January 2013. The CRPS provides an overview of the resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources. The methods include directions for provisions in district and regional plans.
117. The key chapters of the CRPS relevant to this application are Chapter 5 - Land Use and Infrastructure, Chapter 11 - Natural Hazards, and Chapter 15 – Soils.
118. Chapter 5 of the RPS concerns Land Use and Infrastructure. Of relevance to this proposal is Objective 5.2.1 (Location, design and function of development (Entire Region)) which states that development is to be located and designed so that it functions in a way that achieves consolidated growth in and around existing urban areas as the primary focus for accommodating the region's growth and enables rural activities that support the rural environment, including primary production, along with associated Policy 5.3.1.
119. Policy 5.3.1 (Regional growth (Wider Region)) seeks to provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that ensure that any urban growth; and limited rural residential development, occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development. The definitions within the RPS include specifically that urban activities include "Residential units (except rural residential activities) at a density of more than one household unit per 4 ha of site area", and rural activities include "Residential activity on lots of 4 ha or more". As such, this proposal is consistent with the definition of rural activities. Policy 5.3.12 seeks to maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas that are valued for existing or foreseeable future primary production, including avoiding development and/or fragmentation of land that forecloses the ability to

make use of that land for primary production. It is noted that the land LUC Class III soil is not versatile soil as defined by the CRPS (LUC Class I and II).

120. The application is considered to be consistent with the above Objectives and Policies as the RPS defines the activity as rural.
121. Chapter 11 seeks to avoid new subdivision, use and development that increases risks from natural hazards (Objective 11.2.1, and Policies 11.3.2 and 11.3.3). It is considered that, if approved, conditions related to flooding will adequately mitigate any adverse effects arising, and the proposal is consistent with these provisions.
122. Chapter 15 seeks the maintenance and improvement of the quality of Canterbury's soil to safeguard its mauri, life supporting capacity, health and productive capacity, as noted above in relation to Policy 5.3.12. While I note that the soil is not considered versatile soil for the purpose of the CRPS, it is considered to be highly productive land in relation the NPS-HPL, which is the later in time document, and a separate assessment is set out below in relation to the NPS.
123. Overall, I consider that the application is consistent with the relevant objectives and policies of the Canterbury Regional Policy Statement 2013.

NATIONAL POLICY STATEMENT ON HIGHLY PRODUCTIVE LAND

124. The NPS-HPL was approved on 12 September 2022 and came into force on 17 October 2022. The NPS-HPL sets out a process for regional councils to identify and map highly productive land in regional policy statements, however it also notes that until such time as those maps are included, it identifies in Clause 3.5(7) that land that is identified as LUC 1, 2 or 3 land and is zoned General Rural is considered highly productive land.
125. The single objective of the NPS-HPL seeks that highly productive land is protected for land based primary production, both now and for future generations. The relevant policies require that:
 - a. highly productive land is recognised as a resource with finite characteristics and long term values;
 - b. the identification and management of highly productive land is undertaken in a way that considers the interaction with freshwater management and urban development;
 - c. highly productive land is mapped and included in regional policy statements and district plans;
 - d. the use of highly productive land for land-based primary production is prioritised and supported;
 - e. the subdivision of highly productive land is avoided, except as provided for in the policy statement;
 - f. highly productive land is protected from inappropriate subdivision, use and development; and
 - g. reverse sensitivity effects are managed so as to not constrain land-based primary production activities on highly productive land.
126. Clause 3.8 provides that territorial authorities must avoid subdivision of highly productive land unless it is demonstrated that the proposed lots will maintain the overall productive capacity of the land in the long term, and that they must take measures to ensure that subdivision of

highly productive land avoids if possible, or otherwise mitigates, any cumulative loss of availability and productive capacity land, and avoids, or if possible otherwise mitigates any actual or potential effects on surrounding land-based primary production.

127. Clause 3.10 sets out the exemptions for subdivision, use or development of land, and the means by which the exemptions are to be addressed.
128. In relation to this proposal, the land that is the subject of the application falls within the definition of highly productive land. No information has been provided that sets out how the primary production values will be maintained, or whether the proposal might fall within the exemptions set out in clause 3.10.
129. As such, I do not consider that it has been demonstrated that the proposal will achieve the objectives and policies of the NPS-HPL and the requirements of Clause 3.8 and 3.10, and given this, I consider the proposal is inconsistent with it.

PART 2 OF THE ACT

130. The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. To achieve Part 2 of the Act, the most relevant parts for this application must demonstrate that the proposal will not detrimentally affect the existing and future community or impose on the finite nature of resources.
131. Part 2 of the RMA sets out the purpose (Section 5) and principles (Sections 6-8) of the RMA.
132. Section 6 relates to “Matters of National Importance”, which includes the management of significant risks from natural hazards (Section 6(h)). As noted in this assessment, if approved, the management of risk from flooding can be addressed through appropriate conditions.
133. Section 7 “Other Matters” of the RMA states: “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—”

....

(b) The efficient use and development of natural and physical resources.

(c) The maintenance and enhancement of amenity values.

...

(f) Maintenance and enhancement of the quality of the environment.

(g) Any finite characteristics of natural and physical resources.

134. I do not consider that the proposal, which will result in the fragmentation of a large existing primary production block, to be an efficient use or development of the rural land resource and will not retain the rural character sought for the General Rural Zone. Introduction of the development in my view will therefore not maintain or enhance the quality of the environment and does not adequately recognise the finite characteristics of highly productive land.

135. Section 8 of the RMA states: "In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)." The site does not have any identified values that are relevant to the proposal.
136. In conclusion, having considered the actual and potential adverse effects of the proposal I consider the impact of the activity will be more than minor, and that the proposal is inconsistent with Part 2 of the Resource Management Act 1991.

SECTION 104(1)(C)

- 9.8.1 Section 104(1)(c) allows the Consent Authority to consider other matters it considers relevant and reasonably necessary. This includes considering the:

- Integrity of the District Plan;
- Any precedent effect of approving the application; and
- Consistent administration of the District Plan.

- 9.8.2 I consider that granting of approval of the proposal has the potential to undermine the integrity of the proposed district plan. Subdivision is generally irreversible, and the proposal would result in the fragmentation of a relatively large existing rural block. I consider that this type of development is clearly the type of development that was sought to be avoided through the notification of the Proposed District Plan. Notwithstanding this, I do not consider that there would likely be any issues associated with precedent if this proposal was granted on the basis of circumstance of injustice. That is because any later applications (lodged after notification of the proposed plan) would not be treated in the same manner, and there might be considered to be extenuating circumstances given that the application was past its statutory notification of decision timeframe upon notification of the plan. In terms of consistent administration of the plan, I consider that apart from the circumstance of injustice outlined above, there are not any characteristics associated with the proposal that would mean that the proposal has a unique set of circumstances that would warrant the granting of the proposal.

SECTION 104D GATEWAY TESTS FOR NON-COMPLYING ACTIVITIES

137. Under Section 104D of the Act a non-complying activity may be granted if the environmental effects are minor or if the activity is not contrary to the objectives and policies of the relevant plans. In this case I consider that there will be more than minor adverse effects on rural character and fragmentation of the rural land resource, and that the application is contrary to the relevant plans, where I consider equal weight should be placed on the Operative and Proposed Waimakariri District plans.
138. In my opinion, neither gateway test is passed.

SECTION 106

139. Section 106 provides that a consent authority may refuse subdivision consent if it considers that there is a significant risk from natural hazards, or that sufficient provision has not been made for legal and physical access to the sites. I consider that both of these matters would be satisfied and that neither matter would warrant refusal of the subdivision under this section of the Act.

CONCLUSIONS

140. I have assessed the environmental effects associated with the proposed 16 Lot subdivision, associated dwelling density infringement, and additional minor household unit for Proposed Lot 17. I consider that the proposal is contrary to the provisions of the Operative and Proposed Waimakariri District Plan, which I recommend are afforded equal weight. The proposal is also inconsistent with the provisions of the National Policy Statement on Highly Productive Land. I also consider that approving the application will lead to effects in relation to the integrity of administering the Proposed District Plan.
141. I consider that the application cannot be approved for the reasons set out above. Notwithstanding this, if consent is granted to the application, a set of draft conditions is contained at **Appendix 7**.

RECOMMENDATIONS

THAT pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991, the subdivision and land use consent to create 16 new lots, with associated density infringements and a new minor household unit at 425 Loburn Kowai Road, Loburn North, legally described as Lot 2 DP 559709 held in Record of Title 988842, be declined.

Recommended by:



Marcus Langman

15 November 2022
Date

Details of experience

- Subdivision and land use consent processing for Waimakariri District Council
- Chapter lead Energy, Infrastructure and Transport – Otago Regional Policy Statement Review 2021
- QLDC Planning witness in the Environment Court for Bridesdale, Waterfall Park, Borrie and Feeley, Banco Trustees, Boxer Hills Trust, Hanan, Boundary Trust, Spruce Grove Trust, Cardrona Cattle Company Ltd appeals
- Planning witness Selwyn District Private Plan Changes for Christchurch City Council and Environment Canterbury – PC68, PC 69, PC71, PC72, PC79, PC81, PC82
- Chapter lead (Residential, Rural, Landscape, Natural Character, Coastal, Ecosystems and Indigenous Biodiversity) – Waitaki District Council
- Chapter drafting (Residential, Subdivision) – Waimakariri District Plan Review
- Banks Peninsula Landscape Case Study for the Environmental Defence Society
- Hearing commissioner (subdivision, land use, delegated authority) – Kaikoura District Council
- Secretariat support and decision writing for Canterbury Regional Pest Management Plan
- Decision writing for Our Space – Future Development Strategy for Greater Christchurch
- Planning advisor for rebuilding and recovery of Pioneer and Jellie Park Sport and Recreation Stadiums
- Residential and commercial consenting for private clients in Christchurch City and Auckland
- Environment Canterbury planning witness in the Environment Court for PC18 Mackenzie District Council
- Independent consultant for Queenstown Lakes DC – Wakatipu Basin rezoning
- Environment court mediation lead for QLDC vegetation clearance rules
- Environmental Defence Society planning witness in the Environment Court – Otago Regional Policy Statement NZCPS and Port Otago matters
- Principal planning advisor, including secretariat support and decision-writing, for the Independent Hearings Panel – Christchurch District Plan
- Planning supplier panel – Department of Prime Minister and Cabinet, Ōtākaro Limited, Regenerate Christchurch
- Independent consultant report for private plan change for Timaru District Council for a 35 lot countryside living proposal
- Independent consultant report for a plan change for Timaru District Council for a new outline development plan for Brouchs Gully
- Advice, ministerial advice and briefings, preparation of Cabinet papers for Canterbury Earthquake Recovery authority
- Preparation of Environmental Management Plan for the residential red zone clearance project in Christchurch
- Core team member for the Land Use Recovery Plan for Greater Christchurch, principal author of regional policy statement Chapter 6 – Recovery and Rebuilding of Greater Christchurch, following Christchurch earthquakes
- Responsible for implementation of the Canterbury Regional Policy Statement (strategic planning framework for the Canterbury Region, including growth & development, ecosystems and indigenous biodiversity, historic heritage, coastal management, and natural hazards) for Environment Canterbury
- Principal lead in development of the Canterbury Regional Policy Statement
- Planning lead for the Canterbury Regional Landscape Study Review
- Responsible for advice, submission work and expert evidence preparation on large scale urban developments, appeal management and mediation on district plans and consents, including addressing

growth management and greenfield development, structure-planning, environment and heritage issues for Auckland Regional Council

- Preparation of plan change to Residential 1 & 2 zones, introducing new controls for character housing in Auckland City
- Hauraki Gulf Islands District Plan Review, including consultation and leading workshops, lead author developing the planning framework for settlements on Great Barrier Island, Department of Conservation land, Pakatoa Island and Sustainable Design Guidelines
- Reporting planner on a range of notified and non-notified resource consents and subdivisions in both Auckland City and the Hauraki Gulf Islands

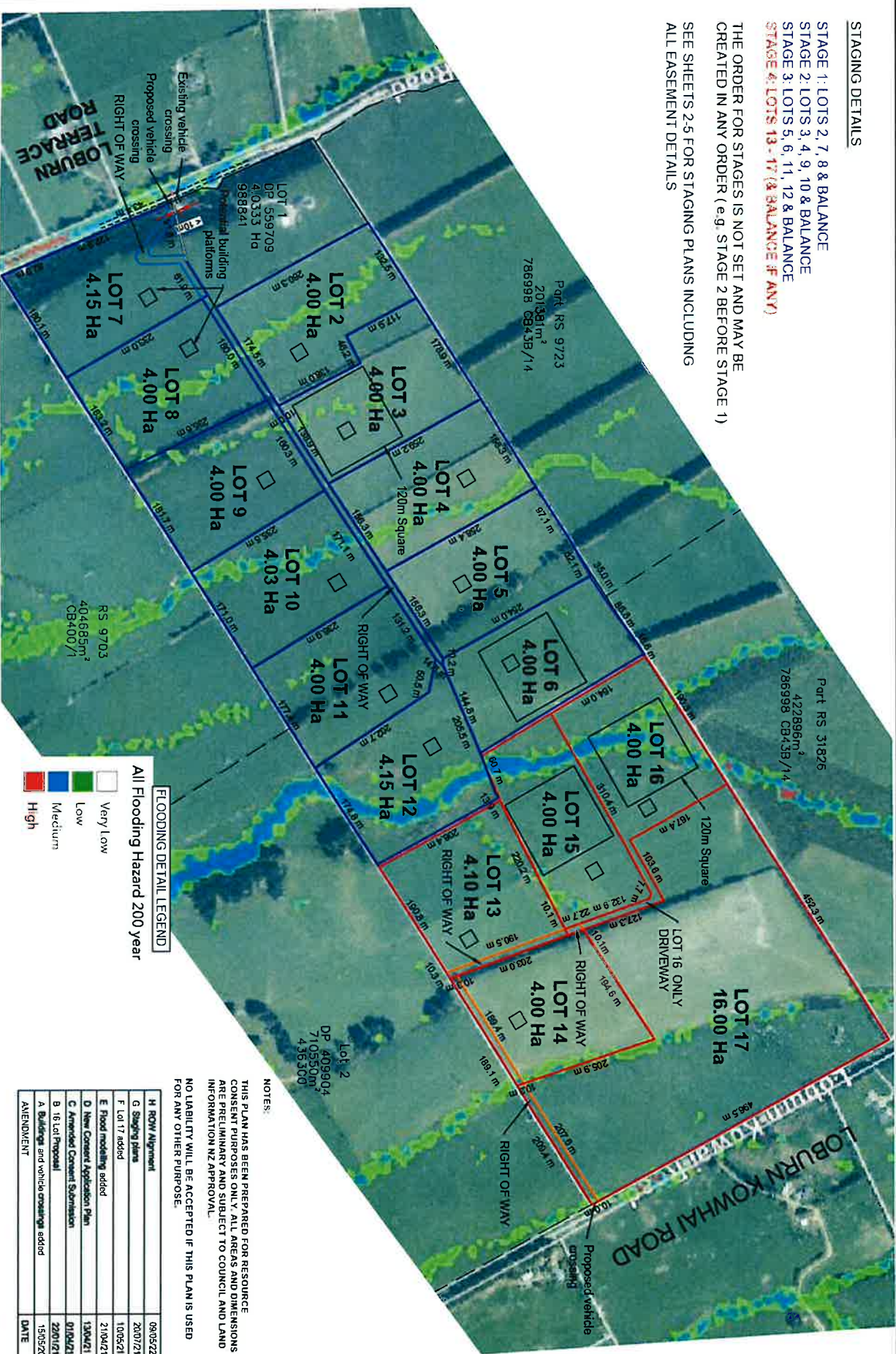
Appendix 2

Proposed subdivision plan

STAGING DETAILS

STAGE 1: LOTS 2, 7, 8 & BALANCE
STAGE 2: LOTS 3, 4, 9, 10 & BALANCE
STAGE 3: LOTS 5, 6, 11, 12 & BALANCE
STAGE 4: LOTS 13 - 17 (& BALANCE IF ANY)

THE ORDER FOR STAGES IS NOT SET AND MAY BE CREATED IN ANY ORDER (e.g. STAGE 2 BEFORE STAGE 1)
SEE SHEETS 2-5 FOR STAGING PLANS INCLUDING ALL EASEMENT DETAILS



FLOODING DETAIL LEGEND
All Flooding Hazard 200 year

- Very Low
- Low
- Medium
- High

NOTES:
THIS PLAN HAS BEEN PREPARED FOR RESOURCE
CONSENT PURPOSES ONLY. ALL AREAS AND DIMENSIONS
ARE PRELIMINARY AND SUBJECT TO COUNCIL AND LAND
INFORMATION NZ APPROVAL.
NO LIABILITY WILL BE ACCEPTED IF THIS PLAN IS USED
FOR ANY OTHER PURPOSE.

H ROW Alignment	09/05/22
G Staging plans	20/07/21
F Lot 17 addid	10/06/21
E Flood modelling added	13/04/21
D New Consent Application Plan	21/04/21
C Amended Consent Submission	07/04/21
B 16 Lot Proposal	22/01/21
A Buildings and vehicle crossings added	15/05/20
AMENDMENT	DATE

JOSHUA THOMAS SURVEYING
joshua@surveying.co.nz
0274 861 547
www.surveying.co.nz

LOTS 2-16 BEING SUBDIVISION OF LOT 2 DP 559709
390 LOBURN TERRACE RD

TITLE: 988842
77.7597 Ha

Open JVT
Date: 10/02/20
Scale: 1:500 @ A3
1/5 H

Appendix 3

Copy of submissions



WAIMAKARIRI DISTRICT COUNCIL

NOTICE OF SUBMISSION TO
RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name: (**full name**) Maxwell Jason Banks

Postal Address: 377 Loburn Terrace Rd, Nth Loburn, Rangiora 7472

I ☐ support OR ☒ oppose the application of: Greg Newell for resource consent
to (**proposal of applicant**) subdivide 425 Loburn Kowhai Rd [Lot 2 DP 559709] into 16 lots that are 4ha
or larger; Ref RC215210 RC225279 / 220919161584.

The particulars of the application my submission deals with are: Non-compliance with the District Plan,
no confirmation for capacity of electrical supply, no consideration of Environmental Effect regarding Traffic on Loburn Terrace Rd.

The reasons for my submission are: 20ha is the minimum area under the district plan, this consent does not comply.
16 x 4ha blocks affects the rural character of the area with proposed housing/buildings on otherwise productive farmland; the impact
to infrastructure needs to be assured prior to any further subdivision of this scale in the area as follows.

The capacity of the electrical supply has not been assessed/confirmed; this requires assessment for impact on the network.

Only Loburn Kowhai Road was mentioned in the Resource Consent application (para 8.1), there is no mention of Loburn Terrace Rd
which is an unsealed shingle road that requires constant maintenance due to the existing traffic causing rapid appearance of pot-
holes, corrugations and drainage issues. These issues have been exasperated by the subdivisions already granted on Smarts Rd
causing increased traffic in recent years. The proposed subdivision uses Loburn Terrace Rd for **12 of the 16 lots**...only 4 lots are
accessed from Loburn Kowhai Rd, this is a major oversight: upgraded roading is already required, let alone this potential increased
demand.

.....(*attach further sheets if necessary*)

What decision do you wish Council to make? Should 'discretion' be applied to the District Plan, prior to granting a
resource consent of this scale, Loburn Terrace Road requires sealing to accommodate the resulting increased traffic demand
[as a minimum from Bradys Rd up to the proposed entry to the subdivision, but preferably up to Feathers Rd and
beyond along Smarts Rd]; also any questions regarding electrical supply capacity needs to be assured.

Do you wish to be heard in support of your submission: YES ☐ NO ☒

Signature:

Date: 30 September 2022

(*to be signed for or on behalf of person making the submission*)

Postal Address for Correspondence: 377 Loburn Terrace Rd, Nth Loburn, Rangiora 7472

Telephone: n/a Cell Phone: 021 2056909

Email: max.banks@scorch.co.nz

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

☐ I do not wish my contact details to be made public

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF THIS SUBMISSION ON THE APPLICANT



WAIMAKARIRI DISTRICT COUNCIL

NOTICE OF SUBMISSION TO
RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name: (full name) MATTHEW DOWDALL

Postal Address: 255A LOBURN KOWAI ROAD, RD2, RANGIORA

I ☐ support OR ☒ oppose the application of: LONGMEAD DOWNS LTD
to (proposal of applicant) SUBDIVIDING 425 LOBURN KOWAI ROAD
INTO 16 LOTS THAT ARE 4.0 HA or larger.

The particulars of the application my submission deals with are: 1. NOT COMPLYING WITH
20HA RULE 2. EXTRA TRAFFIC 3. SUBDIVIDING PRODUCTIVE
FARM LAND 4. DESTROYING THE RURAL VISUAL OUTLOOK
5. EXTRA STORMWATER RUNOFF

The reasons for my submission are:

SEE ATTACHED SHEET

(attach further sheets if necessary)

What decision do you wish Council to make? OPPOSE THE CURRENT APPLICATION
and MAKE THE APPLICATE DIVIDE THE LAND
INTO 20HA BLOCKS OR NOT AT ALL.

Do you wish to be heard in support of your submission: YES ☒ NO ☐

Signature: [Signature] Date: 6/10/22
(to be signed for or on behalf of person making the submission)

Postal Address for Correspondence: 255A LOBURN KOWAI ROAD,
RD2, RANGIORA 7472

Telephone: Cell Phone: 027 209 4275

Email: MATT.DOWDALL@HURWU.GOV.NZ

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

☐ I do not wish my contact details to be made public

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The reasons for my submission are:

1. Not complying with the 20 ha rule.

Waimakariri District Council (WDC) wanted a plan change from 4ha to 20ha to protect rural productive potential, rural character and amenity. Therefore, they went to the Environment Court to get this rule effective immediately so there wasn't a rush to slip subdivisions in on the old rule. This proposed subdivision is doing exactly that, rushing in to get in on the old rule and destroy the character of the area.



View looking from Loburn Kowai Road to Loburn Terrace Road.

Above is an aerial photo showing the nature of the existing land and below is a 4ha subdivision which happened on Loburn Kowai Road approx. 3-4 years ago.



2. Extra Traffic.

Loburn Kowai Road and Loburn Terrace were never designed to cope with large volumes of traffic, basically they were a shingle road which has just been sealed. The amount of traffic now on both roads has grown substantially with no further design or maintenance to cope with it. The biggest concern would be the one lane bridge on Loburn Kowai Road, it has minimum sight distance and insufficient width at the thresholds to safely accommodate traffic passing each other. The adjacent landowner recently removed vegetation so that the approaches to the bridge were safer for the growing traffic but much more needs to be done.

3. Subdividing Productive Land.

The current land use is predominantly Sheep and Beef which fits into the nature that WDC wanted for the rural land use. If this subdivision goes ahead then there will be a dramatic change to the overall use and outlook to mowed lawns, Alpaca's and general house rubbish (See photo in point 1).

4. Destroying the rural visual outlook.

We moved down to our block (approx. 8ha) from the Waikato approx. 11 years ago for the space and freedom in North Loburn. We were looking for a block with neighbours hundreds of metres away and with a beautiful rural and mountain outlook. The Waikato was getting chopped up and started with 4ha blocks and eventually got down to 1ha blocks. WDC has had the foresight of this potentially happening in North Canterbury and therefore the 20ha plan change. This proposed subdivision against the 20ha rule down to 4ha would destroy our complete rural vista that we enjoy now.

5. Extra stormwater runoff.

There are currently two water courses that run through our property and in the 11 years that we have lived there, the amount of water rushing through them has increased significantly. With the proposed subdivision the extra 17 lots with all roof areas and hard surfaces will dramatically increase the time of concentration of the stormwater runoff therefore scour these water ways even further. Has the developer allowed for stormwater detention for green fields runoff or are we expected to deal with this water ourselves?

WAIMAKARIRI
DISTRICT COUNCIL

12 OCT 2022

To

Sally

WAIMAKARIRI DISTRICT COUNCIL

NOTICE OF SUBMISSION TO
RESOURCE CONSENT

RECEIVED

12 OCT 2022

RESOURCE MANAGEMENT ACT 1991 BY:

Your Name: (full name) RONALD ALEXANDER GREATOREX
 Postal Address: 253 LOBURN KOWAI ROAD, RD2 RANGIORA

I ☐ support OR ☒ oppose the application of: 390 LOBURN TERRACE ROAD
 to (proposal of applicant) LOTS 2-16 BEING SUBDIVISION OF
LOT 2 DP 559709 & 425 LOBURN KOWAI ROAD.

The particulars of the application my submission deals with are: DISTRICT PLAN:
ASSESSMENT OF ENVIRONMENTAL EFFECTS: STORM
WATER DISCHARGE: RURAL CHARACTER: ROADING ISSUE

The reasons for my submission are: ① SUBDIVISION FALLS OUTSIDE OF
DISTRICT PLAN. IE LOTS OF 20.00 HA NOT 4.00 HA
② FLOODING, INCREASE DISCHARGE OF STORM WATER
INTO CREEK, CURRENT FLOODING ISSUE CAUSING
BUILD UP OF DEBRIS, EROSION, DAMAGE TO FENCE
& FLOODING TO LOBURN KOWAI ROAD. ③ RURAL
CHARACTER & LOSS OF PRODUCTIVE FARMING LAND.
④ EXISTING INFRASTRUCTURE (attach further sheets if necessary)

What decision do you wish Council to make? DECLINE 4.00 HA LOTS
& APPROVE 20.00 HA LOTS AS PER DISTRICT
PLAN FOR LONGMEAD DOWNS LIMITED.

Do you wish to be heard in support of your submission: YES ☒ NO ☐

Signature: R. A. Greatorex Date: _____
 (to be signed for or on behalf of person making the submission)

Postal Address for Correspondence: 253 LOBURN KOWAI ROAD,
RD2 RANGIORA 7472

Telephone: _____ Cell Phone: 021 422 447

Email: RON - GREATOREX @ HOTMAIL - COM

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

☐ I do not wish my contact details to be made public

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF THIS SUBMISSION ON THE APPLICANT

Form 13

Submission on application concerning resource consent that is subject to public notification by consent authority

Section 95A Resource Management Act 1991

To: Waimakariri District Council

Submission on: Longmead Downs Limited – 425 Loburn Kowhai Road, North Loburn

Name of Submitter: Fire and Emergency New Zealand

This is a submission on a resource application from Longmead Downs Limited to subdivide approximately 77.76ha at 425 Loburn Kowhai Road, Loburn. The purpose of this subdivision is to provide for 16 rural lifestyle blocks and two right of ways over four stages.

Fire and Emergency is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (RMA).

Fire and Emergency's submission is:

In achieving the sustainable management of natural and physical resources under the RMA, decision makers must have regard to the health and safety of people and communities. Furthermore, there is a duty to avoid, remedy or mitigate actual and potential adverse effects on the environment. The risk of fire represents a potential adverse effect of low probability but high potential impact. Fire and Emergency has a responsibility under the Fire and Emergency New Zealand Act 2017 to provide for firefighting activities to prevent or limit damage to people, property and the environment. As such, Fire and Emergency monitors development occurring under the RMA to ensure that, where necessary, appropriate consideration is given to fire safety and to the general safety of the public.

The proposed activity should take into account the operational requirements of Fire and Emergency to adequately provide for firefighting activities in a safe, effective and efficient manner as required by the Fire and Emergency New Zealand Act 2017. This is particularly important for this resource consent application, due to the scale and number of dwellings proposed which increases the risk and potential effects should a fire occur. Fire and Emergency therefore requires certainty over the details of water supply for firefighting purposes and suitable access for emergency vehicles.

Water Supply

Fire and Emergency understand that the main water supply to the proposed rural lots will be via reticulated supply from Loburn Terrace Road and Loburn Kowhai Road. Loburn Terrace Road has a 50mm reticulated supply that is insufficient for the required outputs for residential housing based on the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008. If water was piped to each of the sites, then on-site storage for both domestic supply and firefighting water supply is sufficient provided the flow rates from the tank were adequate. Loburn Kowhai Road has a 63mm reticulated supply.

It is noted that, as the above water supply is intended for domestic purposes and firefighting water supply was not addressed in the application, that each lot will be required to provide firefighting water supply in

accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

As such Fire and Emergency request that a consent notice is placed on each of the titles, with the following consent notice recommended:

Consent Notices

The following shall be registered as a consent notice on the relevant Records of Title:

1. *All owners and subsequent owners of Lots 2 – 16 DP XXXXX are advised of the following:*

All habitable dwellings shall be provided with a firefighting water supply and access to that supply complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Site Access

The site will be accessed via a right of way from Loburn Terrace Road and a right of way from Loburn Kowhai Road. Internal roading should be designed in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

As such, Fire and Emergency request that a consent notice be placed on each of the titles with the following consent notice recommended:

Consent Notices:

The following shall be registered as a consent notice on the relevant Record of Title:

1. *All owners and subsequent owners of Lots 2 – 16 DP XXXXX are advised of the following:*

That prior to the construction of any habitable dwelling, adequate access to the lot shall be provided in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Fire and Emergency seek the following decision from the consent authority:

These resource consent applications, being a rural-residential subdivision and land use development in an area without sufficient reticulated supply have potential implications for Fire and Emergency in terms of provision of water supply for firefighting purposes and emergency vehicle access.

Fire and Emergency therefore strongly recommend the inclusion of consent notices that firefighting water supply and access for fire appliances be sufficient on site to meet the requirements outlined in SNZ PAS 4509:2008 as set out above.

Fire and Emergency wish to be heard in support of its submission. If others make a similar submission, Fire and Emergency will consider presenting a joint case with them at the hearing.

Fire and Emergency do not request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.



Signature of person authorised to sign on behalf of
Fire and Emergency

Date:	13 October 2022
Electronic address for service of person making submission:	Jessica.Mangos@beca.com
Telephone:	03 374 3150

Sally Fear

From: Roger Lancaster <kiwirjl@gmail.com>
Sent: Monday, 17 October 2022 2:48 PM
To: RC Submissions
Cc: joshua@jtsurveying.co.nz
Subject: Resource Consent 425 Loburn Kowai Road

[THIS EMAIL IS FROM AN EXTERNAL SOURCE] DO NOT CLICK links or attachments unless you recognise the sender email address

We have concerns that should be addressed as a condition of the above resource consent as follows;

1. Dust problem due to construction traffic and subsequent traffic increases on Loburn Terrace Road and Bradys Road. There is already a pronounced dust problem and nuisance from existing traffic. This existing problem and subsequent traffic increase could be eliminated by sealing the 900 meters of unsealed section of Bradys road and the 2km. of unsealed road of Loburn Terrace road. Surely this can be accommodated from all the Roding Fee contributions already paid on the existing subdivisions and as a condition of this resource consent.

2. Increase in cars, pedestrians and cyclists traffic to North Loburn School and on Loburn Terrace Road, could present a safety hazard.

Roger and Christine Lancaster
ph: 03 3128380

Your Name: (full name) DAVID EDMUND & CAROLYN MARY GAMBOLD

Postal Address: 305 LOBURN TERRACE ROAD, NORTH LOBURN, RANGIORA 7472

I ☐ support OR ☒ oppose the application of: ~~Greg~~ Longmead Downs Ltd
to (proposal of applicant) subdivision of 425 Loburn Kowai Road.
Ref: RC215210 RC225279/220919161584

The particulars of the application my submission deals with are: lack of provision for Loburn Terrace Road to be sealed / the detrimental effect on the present gravel road / the escalating nuisance from dust from the increased use of the road.

The reasons for my submission are: PLEASE SEE ATTACHED SHEET

(attach further sheets if necessary)

What decision do you wish Council to make? If the development goes ahead it is essential that Loburn Terrace Road is tar sealed from Bradys Road to at least the entrance to the development before any work begins - a distance of only 1.5km

Do you wish to be heard in support of your submission: YES ☒ NO ☐

Signature: C M Gambold
Date: 17th OCT 2022
(to be signed for or on behalf of person making the submission)

Postal Address for Correspondence: 305 LOBURN TERRACE ROAD
NORTH LOBURN RD2 RANGIORA 7472

Telephone: 03 312 8986 Cell Phone:

Email: cgambold@hotmail.co.uk

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

☐ I do not wish my contact details to be made public

THIS SUBMISSION ON THE APPLICANT

Re Application for Resource Consent.

Ref:RC215210 RC225279/220919161584

Longmead Downs Ltd, 425 Loburn Kowai Road

Notice of Submission by D.E. and C.M. Gambold

Since moving into our property in May 2009 there has been a substantial increase in the number of new properties along Loburn Terrace Road from our house in the direction of Journeys End. We believe there are at least 13 new houses, almost doubling the number of properties that originally used it. Now another 11 new properties are proposed.

The gravel road's condition deteriorates quickly after grading regardless of weather conditions. Even in dry weather pot holes and corrugations appear within a few days and then rapidly get worse. If it rains the state of the road can become appalling and even dangerous along the edges where there is no proper foundation.

Dust from the road is a major problem for us and others whose houses are near to the road. Most vehicles using the road are now large 4x4's and utes. The development proposed will increase the traffic considerably, escalating the dust problem.

It is particularly bad when properties are being built because large trucks and workmen's vehicles cause massive damage and dust.

We have no objection to more houses being built and our only objection is if they are built without the road first being tar sealed.

C.M. Gambold

D.E. Gambold

17th Oct 2022.



WAIMAKARIRI DISTRICT COUNCIL
NOTICE OF SUBMISSION TO
RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name: (full name) Haley Burley
Postal Address: 390 Loburn Terrace Road Rd2 Rangiora 7642

I ☒ support OR ☐ oppose the application of: Longmead Denims Ltd
to (proposal of applicant)

The particulars of the application my submission deals with are

The reasons for my submission are

I think 10 acre blocks is a more maintainable
size land to have
I know plenty of people that would love to
own some land in this area

(attach further sheets if necessary)

What decision do you wish Council to make?

To allow the subdivision to go ahead

Do you wish to be heard in support of your submission: YES ☒ NO ☐

Signature: Burley
(to be signed for or on behalf of person making the submission) Date: 17/10/2022

Postal Address for Correspondence:

Telephone: 0174276370 Cell Phone:

Email: pps.2788@gmail.com

If you wish to email your submission, please do so by emailing it to: RCsubmissions@unit.co.nz

Please note: All information provided becomes public information.

☐ I do not wish my contact details to be made public

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF THIS SUBMISSION ON THE APPLICANT

350 Loburn Kowai Road
RD 2
Rangiora
Ph 0274655995

13 October 2022

To Whom It May Concern

Please accept this submission letter for QS-P255-AU Longmead Downs Ltd 425 Loburn Kowai Road on behalf of my family of four.

Loburn Kowai Road as you will be aware is tarseal upto number 263 and then shingle upto the end of Loburn Kowai Road.

It is an extremely busy road, with a lot of farms, lifestyle blocks, cyclists, motorbikes, horses, walkers and runners. Along with this traffic there are stock trucks, primary and high school buses, tradie vans, freight trucks, tractors, farm trucks and cars. Most families along the road would have two vehicles and a work vehicle too, so it is a popular road. Further along from the tarseal it is very narrow and quite often you have to pull over to the side to let a vehicle go past and it is very dangerous when riders are on horses, motorbikes or walking their dogs. There are a number of blind contours in the road where you can get to the top of the hump and there could be walkers or horses on the road in the hollows. In the Winter it is often flooded and when you pull over on the side of the road you get bogged down in a little car.

We believe the subdivisions further along the road and off the end of the road have put money in for the road to be tarsealled, but no tarseal has been done. The grader does come along our road, but sadly because there hasn't been any shingle put on for many years it is mainly dirt and often down to the clay. The grader goes along the road and spreads most of the shingle to the sides. The lack of shingle also results in a huge amount of dust from passing traffic.

With 17 lots proposed for 425 Loburn Kowai Road, that could effectively bring 34 family vehicles, work vehicles, motorbikes, horses etc and definitely will be big trucks, tradie vehicles, etc etc that could be going by for years (as we know of families building that have gone into their 3rd year due to lack of supplies). All we can see is more and more dust, congestion and danger.

We oppose the application unless the Waimakariri District Council are going to widen and tarseal the shingle road to make it safe, then we would definitely support the application.

We look forward to hearing from you with your outcome.
With sincere thanks.

Jenny McClintock

(Rod McClintock)

(Chris McClintock)

(Jessica McClintock)





WAIMAKARIRI DISTRICT COUNCIL

NOTICE OF SUBMISSION TO RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name: (Full name) Paul Upston & Helen Garrett
Postal Address: [REDACTED]

I ☐ support OR ☒ oppose the application of: Longmead Downs Ltd
to (proposal of applicant) subdividing 4.25 Loburn Kowhai Road (Lot 2 DP 55978)
into 16 lots that are 4 hectares or larger

The particulars of the application my submission deals with are: ① Rural Plan, ② Infrastructure, ③ Visual Pollution, ④ Flooding, ⑤ Productivity

The reasons for my submission are: ① The proposed subdivision does not fit with the rural plan for 20 hectare blocks as per the March 2022 submissions. ② Current reading is not capable of servicing the increased traffic Loburn Kowhai Road is very narrow. The single lane bridge over the Makariki River would become a pinch point for traffic. There have already been many near misses along Loburn Kowhai Rd → (attach further sheets if necessary)

What decision do you wish Council to make? Deny application submitted by Longmead Downs Ltd and endorse rural plan for 20 hectare blocks as per March 2022 submissions.

Do you wish to be heard in support of your submission: YES ☒ NO ☐

Signature: [Signature] Date: 5.10.22
(to be signed for or on behalf of person making the submission)

Postal Address for Correspondence: [REDACTED]

Telephone: [REDACTED] Cell Phone: [REDACTED]
Email: [REDACTED]

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wimk.govt.nz

Please note: All information provided becomes public information.

☒ I do not wish my contact details to be made public

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF THIS SUBMISSION ON THE APPLICANT

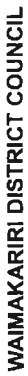
P.2.

with vehicles crossing the centre line on blind corners, dangerous overtaking and inappropriate speed. Increased traffic will cause further wear and tear to current damage of pot holes and broken seal. It will also raise dust issues for those residents along Loburn Terrace Rd.

③ We purchased our property for the rural aspect. We enjoy clear rural views of the surrounding farms, forestry and mountains. The visual pollution 17 new dwellings will bring may well destroy the rural outlook and country feel of our home. Potentially decreasing the future saleability of our property. We don't know if there are any building covenants included in the plan.

④ Stormwater run-off will also be an issue. We have had two flooding events in the last 2 years. Excess water run-off going through our paddock to join a creek that flows down to Makenkeri River. Has there been any provision made for the increase in future run-off from 17 new dwellings and their various out-buildings? The extra stormwater will further damage a section of Loburn Kowari Rd that has no swales. Erosion and access may well be an issue for us if not mitigated.

⑤ We see the current proposal as a negative impact on the productivity of a parcel of productive rural land.



NOTICE OF SUBMISSION TO RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

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Reasons for my submission:

1: Noncompliance of the 20Ha ruling in the proposed District Plan.

Waimakariri District Council went to the Environment Court in 2021 to get immediate effect of a plan change within the General Rural Zone to increase subdivision size from 4Ha to 20Ha to protect rural character and productive land. The applicant's current proposal does not comply with this ruling and therefore goes against the Council's vision for the development in this area and their request of the Environment Court for the immediate legal effect of the rule.

2: Interruption of the current rural outlook.

Our property directly overlooks what would be half of the proposed subdivision and is currently a view over green farmland and hedging towards the mountains behind. There is a very limited number of structures that can be seen (4) in that direction in its current state. This was a major determining factor in our decision to purchase this rural property. We feel that the number of proposed lots with dwellings, sheds, impermeable areas etc would have a very significant detrimental effect on the current rural visual outlook due to the density being proposed. This being in contrast to the views of the council in trying to keep rural areas rural and preserve the character of those areas.

3: Storm water run off.

Our property has two watercourses that run through the middle of it. These watercourses originate from further up Loburn Kowai Road and assist with the drainage of the land to the North West and West of our property; this includes the site of the proposed subdivision. In the past 2 years there have been several times that this watercourse has flooded and this has caused erosion of the land alongside them.

We have concerns that the number of proposed dwellings and associated outbuildings and impermeable areas will add significant flow and volume to these watercourses as there will be less green land for the water to be absorbed by. This in turn will cause more erosion and flooding to our property and livestock grazing areas as well as other neighbours downstream. Predicted increases in major weather events associated with climate change will contribute further to this issue.

4: Negative impact on current roading infrastructure.

Loburn Kowai Road is a narrow rural road that receives minimal maintenance and no improvements. There is a one lane bridge that has very restricted sightlines and inadequate width on either side approach for vehicles to safely pass without driving on the verge. A subdivision of the proposed size will not only increase the number of cars that will be using the road once the subdivision is complete but will have a large detrimental effect on the road during the initial earthworks, and subsequent construction. The additional wear and tear from trucks and other heavy vehicles would cause more damage to Loburn Kowai Road and this in turn will increase cases of subsidence and flooding on the road. There is also the increased danger to pedestrians, horse riders and cyclists that regularly use the road for recreation purposes from the increased traffic.



WAIMAKARIRI DISTRICT COUNCIL

NOTICE OF SUBMISSION TO RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name: (full name) Julie Anne Harris/Thomas Johnston	
Postal Address:	
<input type="checkbox"/> support OR <input type="checkbox"/> oppose the application of Greg Newell for Resource Consent to (proposal of applicant) subdivide 425 Loburn Kowai rd (Lot 20P 559709) into 16 Lots that are 4ha or larger.	
The particulars of the application my submission deals with are: Non compliance with District Plan, No consideration of Environmental Effect regarding Traffic on Loburn Terrace. No confirmation of capacity of electrical supply. It will diminish the rural character	
The reasons for my submission are: This farm has always been a productive land so sub dividing and diminishing the rural character of our area. The land has enabled Greg Newell and the previous owner Donald Stuart to successfully farm and raise there families on this farm. Electrical supply capacity has not been access which will have a great effect on community that is already here. Loburn Terrace is unsealed and there has been a huge increase in traffic since Matt Foxes smart's road subdivision.	
What decision do you wish Council to make? Be a responsible council should not grant the resource consent without putting in the correct infrastructure for the proposed subdivision	
Do you wish to be heard in support of your submission: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Signature: JA Harris Date: 15/10/22 (to be signed for or on behalf of person making the submission)	
Postal Address for Correspondence:	
Telephone:	
Email:	
If you wish to email your submission, please do so by emailing it to RCsubmissions@wmt.govt.nz	
Please note: All information provided becomes public information.	
<input checked="" type="checkbox"/> I do not wish my contact details to be made public	
NOTE: YOU ARE REQUIRED TO SERVE A COPY OF THIS SUBMISSION ON THE APPLICANT	

Reason for submission,

Loburn Terrace Road is unsealed so granting a resource consent will have a significant impact on the area

- 1) Dust from the road drifts all over our land our house and inside the house. It is so bad now that its unpleasant to sit or walk outside. Its unhealthy.**
- 2) Shingle is pushing to the outside of the road and then is pushed into swales which then flood when they become blocked causing flooding**
- 3) Our internal waterways become blocked with road shingle.**
- 4) Potholes are horrendous and appear soon after grading. Dangerous when driving in a small car**
- 5) Grading is irregular**
- 6) Clearing of drain /waterway's does not happen very often**
- 7) Matts Fox's subdivision has increased the amount of traffic making all these issues worse.**
- 8) Over the years we have had numerous vehicles in our front drain as they drive down the bend from smarts road lose control in the shingle and end up in drain.**
- 9) Where the proposed entry /exit for subdivision just up from there the road has a very narrow sign and**

beware of horses sign because of several incidents over the years.

10)The road is too narrow for traffic to pass safely.

11)\We don't make hay anymore because the hay becomes so dusty with the dust drift from the road.



WAIMAKARIRI DISTRICT COUNCIL
NOTICE OF SUBMISSION TO
RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name (Full Name) <u>DEAN & SUZANNE ANNE SWIFT - VASIM ANDREAN SWIFT</u>	
Postal Address <u>289 LORNU TEE RD RANGIORA 7472</u>	
<input type="checkbox"/> I support OR <input type="checkbox"/> I oppose the application of <u>USE RESERVE LAND</u> <u>10 (proposed applicant) SUBDIVIDE 625 LORNU TEE RD (LOT 2 DP554701)</u> <u>INTO 16 LOTS THAT ARE 4HA OR LESSER</u>	
The particulars of the application my submission deals with are <u>ENVIRONMENTAL EFFECT</u> <u>RE TRAFFIC ON LORNU TEE RD</u>	
The reasons for my submission are <u>LORNU TEE RD IS UNSHALED</u> <u>DRINKIE RD WHICH IS ALWAYS DEVELOPING FOR</u> <u>HUES, CONDUCTIONS & DRINKAGE ISSUES SHORTLY AFTER</u> <u>GRADING. WE ARE VERY CLOSE TO ROAD AND SUFFER</u> <u>CONTINUALLY FROM HUGE DUST PROBLEMS WITH</u> <u>12 OF THE PROPOSED 16 LOTS USING LORNU TEE RD</u> <u>THIS IS GOING TO GET WORSE</u> <small>(attach further sheets if necessary)</small>	
What action do you wish Council to make? <u>LORNU TEE RD REQUIRES IMPROVING BY</u> <u>SEALING FROM BRADYS RD UP TO PROPOSED SUBDIVISION AT LEAST</u>	
Do you wish to be heard in support of your submission YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Signature <u>D. Swift</u> Date <u>13/10/22</u> <small>(to be signed for or on behalf of person making the submission)</small>	
Postal Address for Correspondence <u>289 LORNU TEE RD</u> <u>RANGIORA 7472</u>	
Telephone <u>033120577</u> Cell Phone <u>0212321403</u>	
Email <u>vaswift43@gmail.com</u>	
<small>If you wish to email your submission please do so by enclosing it to resourceconsent@wairar.co.nz</small>	
<small>Please note: All information provided becomes public information</small>	



WAIMAKARIRI DISTRICT COUNCIL

NOTICE OF SUBMISSION TO
RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name: (full name) Rhia Milner, Scott Penner

Postal Address: 18 Glenbrae Place, Loburn 7472

I ☒ support OR ☐ oppose the application of: Subdivide 4.25 Loburn Kowai Road
to (proposal of applicant) Subdivide into 16 lots that are
4.0 hectares or larger

The particulars of the application my submission deals with are:

The reasons for my submission are: We currently live in Loburn and
love the area. We have found it hard to find
4 hectare blocks. This opportunity to buy one
of these blocks providing it goes through would
greatly better our family.

.....(attach further sheets if necessary)

What decision do you wish Council to make? We wish the Council lets
"person" subdivide

Do you wish to be heard in support of your submission:

YES ☒

NO ☐

Signature: [Signature]

Date: 16/10/2022

(to be signed for or on behalf of person making the submission)

Postal Address for Correspondence: 18 Glenbrae Place, Loburn
7472

Telephone: Cell Phone: 0277254590

Email: rhiamilner@gmail.com

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

☐ I do not wish my contact details to be made public

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF THIS SUBMISSION ON THE APPLICANT



WAIMAKARIRI DISTRICT COUNCIL
**NOTICE OF SUBMISSION TO
RESOURCE CONSENT**
RESOURCE MANAGEMENT ACT 1991

Your Name: **(full name)** ..Catherine & Anthony Sellin.....

Postal Address: 49 Feathers Road, RD2, North Loburn. 7472

I ☒ **oppose** the application of: Greg Newall, Longmead Downs Ltd.....
to (**proposal of applicant**) Sub-divide 425 Loburn Kowai Road into 16 Lots (Lot 2 DP559709)

The particulars of the application my submission deals with are: In breach of District Plan, lack of provision of stormwater run-off and no consideration to current roading infrastructure.

The reasons for my submission are: Under the District Plan a 20ha minimum area is required, this Resource Consent does not comply with the Plan. Adding an additional 16 sections will drastically impact the rural character of the area and will diminish the valuable arable/farmland. There is no mention of upgrading the roading, and an additional 16 blocks will substantially increase the traffic on a road which is regularly in a poor state of repair, with large pot holes and diminished gravel. This has been exacerbated with the Smarts Road Sub-division. Added to this is the lack of adequate stormwater drainage, again another issue which was not assessed adequately prior to the Smarts Road sub-division, and subsequent works are planned to rectify. This needs better review and consultation with Engineers to ensure no further impact on the current localised flooding issues during frequent heavy rain events we are now experiencing.....**(attach further sheets if necessary)**

What decision do you wish Council to make? To ensure they follow the District Plan and not make exceptions. The decision to change the sub-division size was carried out for a reason and no exceptions should be made. If this sub-division goes ahead then provision to upgrade the roading to asphalt should be carried out and suitable stormwater drainage installed.

Do you wish to be heard in support of your submission:

NO ☒

Signature: *Catherine Sellin* *Anthony Sellin* Date: 17th October, 2022
(to be signed for or on behalf of person making the submission)

Postal Address for Correspondence: 49 Feathers Road, RD2, Rangiora. 7472

Telephone:.....Cell Phone: 027 559 0113

Email: catherinesellin@gmail.com

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

☐ I do not wish my contact details to be made public

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF THIS SUBMISSION ON THE APPLICANT

Application details:

WDC ref 220919161584 RC225279/220919161584

Valuation ref 2149013703

Longmead Downs Limited, 425 Loburn Kowai Road, Loburn North

Whether you support or oppose the application

With reference to this proposal to subdivide farmlands located at 425 Loburn Kowai Road, Loburn North (legally known as Lot 2 DP 559709) into 16 lots that are 4.0 hectares or more, we **OPPOSE** this proposal

Your submission, with reasons

The reasons why we oppose this subdivision application are:

1. Current potable water supply via the Ashley water scheme has no excess capacity to supply another 16 properties. The current Ashley water supply cannot adequately supply the existing properties on the scheme as evidenced during the peak summer season supply constantly failing due to low reservoir levels. Our property, which already on restricted water, goes without water supply for periods every summer during peak dry spells and the Ashley reservoir is 'topped up' via tanker to increase water levels and water pressure to supply our property
2. The current quality of the Loburn Kowai road is poor at the unsealed section where this subdivision is proposed. This road is clearly unable to support a much greater level of road use which would be caused by this subdivision and would cause more hardship especially during dry periods where dust and noise will be a problem to surrounding properties.
3. Under the proposed Waimakariri proposed district plan, this is a non-complying activity and for good reason. Subdivisions must be a minimum of double the proposed 4 hectares which has already been adopted by many councils some time ago.
4. The ambience of this road is a rural one, and allowing a large increase in traffic during building, servicing and accessing these new properties would change that and cause a devaluation in current surrounding properties from outlook and noise.
5. This submission fails to meet the Productive and Sustainable Land Use requirements as laid down by MPI

The decision you wish the Council to make

We wish the council to **deny** this proposal for the reasons given

Whether you wish to be heard in support of your submission

We do not wish to be heard on this submission as we believe the facts speak for themselves as to why permission should NOT be granted.

Regards

Nigel and Fiona Campbell



WAIMAKARIRI DISTRICT COUNCIL
**NOTICE OF SUBMISSION TO
 RESOURCE CONSENT**
 RESOURCE MANAGEMENT ACT 1991

RECEIVED
 18 OCT 2022
 BY: _____

Your Name: (full name) Grant & Bronwyn Columbus
 Postal Address: _____

I ☐ support OR ☒ oppose the application of: Grey Newell for resource consent
 to (proposal of applicant) Subdivide 425 Loburn Kowhai Road.
LOT 2 OP 559709 into 16 4ha or bigger lots.

The particulars of the application my submission deals with are: No consideration for
environment effects regarding roading and traffic on
Loburn Terrace Road. Non compliant with district plan.

The reasons for my submission are: 20ha is the minimum area under the
district plan. The consent does not comply. The impact to
infrastructure needs to be properly assessed as only Loburn
Kowhai Road was mentioned in the resource consent application.
There is no mention of Loburn Terrace Road which is an unsealed
shingle road that quickly develops potholes, corrugations and drainage issues
shortly after periodic grading. These issues have gradually been getting worse
the submission already general on smart road. (attach further sheets if necessary)

What decision do you wish Council to make? Should the district plan be
overlooked, as a responsible council, prior to granting a
resource consent of this scale, Loburn Terrace Road requires upgrading to
settling to accommodate increased traffic volumes. The proposed subdivision uses

Do you wish to be heard in support of your submission: YES ☐ NO ☒ PTP

Signature: [Signature] Date: 18/10/22
 (to be signed for or on behalf of person making the submission)

Postal Address for Correspondence: _____

Telephone: _____ Cell Phone: _____

Email: _____

If you wish to email your submission, please do so by emailing it to RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

☒ I do not wish my contact details to be made public

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WAIMAKARIRI DISTRICT COUNCIL
RECEIVED
 18 OCT 2022
 To: Sally

Loburn Terrace Road for 12 of the 16 lots.



WAIMAKARIRI DISTRICT COUNCIL

NOTICE OF SUBMISSION TO
RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name: (full name) ... Kayne Sanders

Postal Address:

I ☐ support OR ☒ oppose the application of: Longmead Down Ltd.
to (proposal of applicant) Subdivide 425 Loburn Kowhai Rd
into 16 lots that are 4.0 Ha or larger

The particulars of the application my submission deals with are:

Infrastructure issues

The reasons for my submission are:

The 4 Ha lots do not align with the current
district plan of 20 Ha lots. It is already a
good combination of small & large lots for farming.
The addition of 16 x more 10 Acre blocks will
put a significant pressure on the infrastructure
that is already inadequate after another subdivision
at the end of Loburn Kowhai Rd. (attach further sheets if necessary)
specifically roading & drainage.

What decision do you wish Council to make?

On Loburn Terrace Road

To approve it.

Do you wish to be heard in support of your submission: YES ☐ NO ☒

Signature: [Signature] Date: 8/10/22
(to be signed for or on behalf of person making the submission)

Postal Address for Correspondence:

Telephone: Cell Phone:

Email:

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

☒ I do not wish my contact details to be made public

NOTE: YOU ARE REQUIRED TO SERVE A COPY OF THIS SUBMISSION ON THE APPLICANT

Sally Fear

From: Emma Veale <emma@picidae.co.nz>
Sent: Wednesday, 19 October 2022 8:30 PM
To: RC Submissions
Subject: Fwd: 425 Loburn Kowai Road Subdivision Lot 2DP 559709 objection

[THIS EMAIL IS FROM AN EXTERNAL SOURCE] DO NOT CLICK links or attachments unless you recognise the sender email address

My original email submitting my response was filed on time but I got your address incorrect. It was cc'd to the applicant's address correctly.

My email has just been returned to me as not being delivered, but I assume that as you have the timestamp below, the submission can be accepted?

Many thanks
Emma

Begin forwarded message:

From: Emma Veale <emma@picidae.co.nz>
Date: 18 October 2022 at 6:53:17 AM NZDT
To: rcsubmissions@waimakariri.govt.nz
Cc: joshua@jtsurveying.co.nz
Subject: 425 Loburn Kowai Road Subdivision Lot 2DP 559709 objection

Please note that we object to the proposal to subdivide the above address for the following reasons:

- 1) we moved to Loburn Kowai Road because we were attracted by it's rural outlook and nature, building 16 properties plus a minor dwelling is at odds with this
- 2) we should be protecting land that is capable of being farmed, not subdividing it into smaller and smaller lots so that in future years we lose the ability to use it for the production of food
- 3) Both roads that are proposed to have new access ways are poorly maintained and it is highly debatable whether the additional volume of construction and residential traffic can be handled safely and without causing extra damage to the road putting road users at risk
- 4) the proposed district plan has a minimum area lot of 20ha and this should be the minimum standard for this subdivision, just because the application has been made just prior to the new rules, the proposed standard should still be applied. The subdivision will be here for ever after the new plan has come into force and will be at odds with this and the look and feel of the local area.
- 5) Going against the new district plan could set a precedent for other addresses in the area that wish to subdivide and can use this to get plans approved that are against the new district plan.

In summary the application should not be allowed. At a minimum the application should comply with the new district plan.

Kind regards
Emma



WAIMAKARIRI DISTRICT COUNCIL
NOTICE OF SUBMISSION TO
RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name: (full name) Mike Robinson
Postal Address: 450 Ioburn Kowai Road

I ☐ support OR ☒ oppose the application of:
to (proposal of applicant) 4 ha blocks are against council regulations in this area he has missed cut off

The particulars of the application my submission deals with are:
environmental factor, council regulations.

The reasons for my submission are:
The cut off for 4 ha blocks has passed, the road is at its limit now, Ioburn Kowai road is over house now.
(attach further sheets if necessary)

What decision do you wish Council to make? decline

Do you wish to be heard in support of your submission: YES ☐ NO ☒

Signature: [Signature] Date: 16/10/22
(to be signed for or on behalf of person making the submission)

Postal Address for Correspondence: 450 Ioburn Kowai Rd

Telephone: Cell Phone: 0210477443

Email: m_robinson@yahoo.co.nz

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

☐ I do not wish my contact details to be made public

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WAIMAKARIRI DISTRICT COUNCIL
NOTICE OF SUBMISSION TO
RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

Your Name: (full name) M.B. Robinson
Postal Address:

I ☐ support OR ☒ oppose the application of:
to (proposal of applicant)

The particulars of the application my submission deals with are:
environmental factors - Building covenants
drainage, roading - Building under pylons

The reasons for my submission are:
Waimakariri Council - has already cut off subdivisions of 4ha
Properties - need to have building covenants
no containers (shipping), height restrictions of buildings on
colour neutral materials used. no house buses
Roading/drainage. Flooding - Loburn Kowai Road
already has flood issues with water. Land is to wet,
on platform allocated (attach further sheets if necessary)

What decision do you wish Council to make?
decline

Do you wish to be heard in support of your submission: YES ☒ NO ☒

Signature: M.B. Robinson Date: 7 October 2022
(to be signed for or on behalf of person making the submission)

Postal Address for Correspondence:

Telephone: Cell Phone:

Email:

If you wish to email your submission, please do so by emailing it to: RCsubmissions@wmk.govt.nz

Please note: All information provided becomes public information.

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(Building must be completed within a year of start date)

WAIMAKARIRI DISTRICT COUNCIL

MEMO

FILE NO: RC215210 / 210520080836

DATE: 9 September 2021

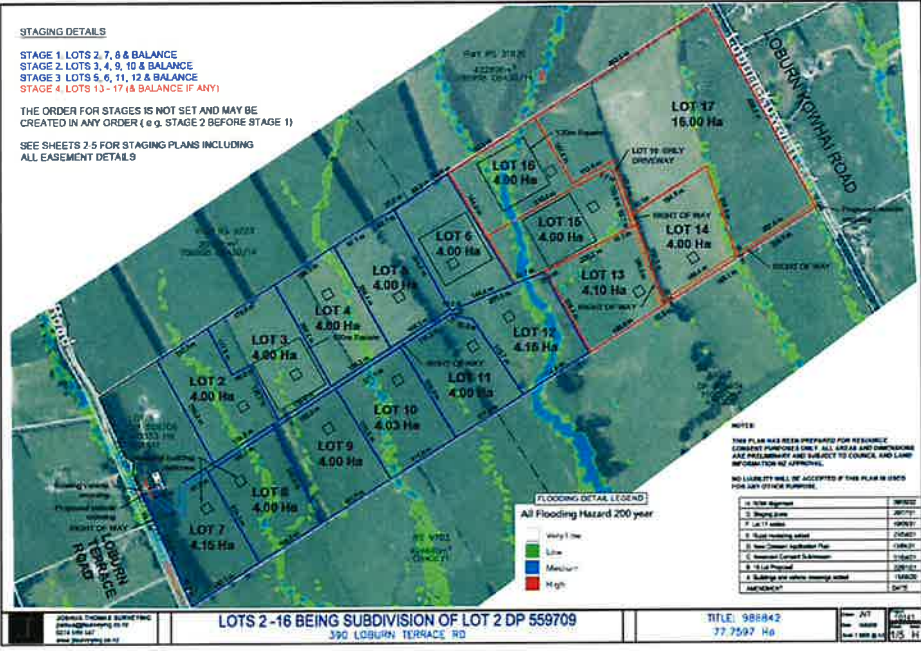
MEMO TO: Tim Johnston / Marcus Langman - PLANNING

FROM: Nicole Morgan – Land development Engineer

SUBJECT: ENGINEERING REPORT FOR THE 16 LOT RURAL SUBDIVISION AT 390 LOBURN TERRACE ROAD, LOBURN NORTH. THE AREA ASSESSED IS LOT 2 AND 3 OF RC205095 AND IS TO BE UNDERTAKEN IN 4 STAGES.

1. EXISTING SERVICING & ASSESSMENT

General	<p>The applicant wishes to further subdivide the rural zoned property at 390 Loburn Terrace (legally known as Lot 1 DP 409904) into 16 Lots. The property has a total area of 81.7945Ha.</p> <p>Under this application it is proposed to create 15 Lots (Lots 2 to 16) with varying lot sizes between 4 – 4.15Ha in size. The largest Lot (Lot 17) is proposed to be the largest Lot with a total area of 16Ha.</p> <p>Lots 2 to 12 will be gaining access off of a shared rights of way (ROW) which will gain access onto Loburn Terrace Road located to the west of the subdivision, whilst Lots 13 to 17 will gain access via a shared ROW also however the proposed RoW will gain access to Loburn Kowai Road located to the east of the subdivision.</p> <p>It is proposed that this subdivision will take place in stages as detailed below:</p> <ul style="list-style-type: none">• Stage 1: Lots 2, 7, 8 & balance• Stage 2: Lots 3, 4, 9, 10 & balance• Stage 3: Lots 5, 6, 11, 12 & balance• Stage 4: Lots 13 to 17 (and balance if any). <p>The order of the Stages are not set and can be completed any order as long as direct access to the nearest Road reserve is available via a suitably design, constructed and approved RoW.</p> <p>It should be noted that in 2020 a subdivision consent (RC205095) for the property was submitted to subdivide the site into 3 Lots. This was later changed to subdividing the site into 2 Lots. Lot 1 under RC205095 has been</p>
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	created and received 224c whilst Lot 2 and 3 were never created. This application discussed herein is for the further subdivision of Lot 2.
Scheme Plan	
Existing Site Information and Service	<p>The site is located in the rolling hills of North Loburn, at the base of Ashley Forest. The site has some undulation, with a couple of gentle valleys running North to south through the property which also act as overland flow paths.</p> <p>The site is currently utilised for stock grazing with a residential dwelling constructed on proposed Lot 17 this year with code of compliance given on the 21 June 2022.</p> <p>The dwelling house on Lot 17 is serviced by the Hurunui Water Scheme, on-site effluent disposal system, on-site storm water disposal system and reticulated power and electricity.</p>
Subdivision layout identifying roads, reserves, lot and boundaries	 <p>STAGING DETAILS</p> <p>STAGE 1, LOTS 2, 7, 8 & BALANCE STAGE 2, LOTS 3, 4, 9, 10 & BALANCE STAGE 3, LOTS 5, 6, 11, 12 & BALANCE STAGE 4, LOTS 13-17 (& BALANCE IF ANY)</p> <p>THE ORDER FOR STAGES IS NOT SET AND MAY BE CREATED IN ANY ORDER (e.g. STAGE 2 BEFORE STAGE 1)</p> <p>SEE SHEETS 2-5 FOR STAGING PLANS INCLUDING ALL EASEMENT DETAILS</p> <p>LOTS 2-16 BEING SUBDIVISION OF LOT 2 DP 559709 390 LOBURN TERRACE RD</p> <p>TITLE: 98842 37 7597 Ha</p>
ID notes on titles and easements.	A certificate of title has been provided by the site (TRIM 210427066730). This is the underlying record of title and does not illustrate Lot 1 (390 Loburn Terrace Road). A more up to date certificate of title (CT) can be found on council files (210414059888). No existing easements or conditions are evident on the CT.
Assessment of Serviceability of each lot	
Has the Applicant provided a servicing report?	<p>A brief description of the proposed servicing plan for the subdivision has been provided. It is proposed to service the site via reticulated water, on-site sewage disposal systems and storm water disposed of via soak pits.</p> <p>This is common for the area as there is no reticulated wastewater or storm water services in the area.</p> <p>It should be noted that since the initial release of this engineering report in September 2021 a new residential dwelling has been constructed on Lot 1</p>

	<p>(BC201242). Under this building consent application soil permeability of the onsite silty soils was found to be poorly draining. This is not what was initially expected as the soil permeability is deemed 'Medium' across the site as illustrated on council Waimap files and sourced from Landscare, New Zealand Fundamental Soil Drainage Map.</p> <p>This classification has since been rechecked on Landscare S-maps which reconfirmed a soil permeability of "Moderate (M; 18-72 mm/h)" underlain by Moderately slow (MS; 4-18 mm/h) permeable soils. As soils are naturally heterogeneous, soils on this site will be assessed as a mix of low and medium permeability.</p> <p>With this new information it is advised stormwater design conditions are added to the resource consent, which were not previously proposed in Sept 2022. This is addressed further in the stormwater disposal section below.</p>
Earthworks	<p>Earthworks to construct the proposed rights of ways (RoW) will be required along with earthworks to install the water main and lateral to each Lot. Standard earthworks conditions will apply.</p>
Wastewater	<p>The existing dwelling at 390 Loburn Terrace (Lot 1 created under RC205095) has existing on-site effluent disposal systems. The applicant has proposed that Lots 2 to 17 will be serviced via onsite effluent disposal systems also as there is no reticulated wastewater system nearby.</p> <p>As previously discussed, a new dwelling has been built on Lot 17 (BC201242) it was under this application that the underlying silty soil on the site was deemed poorly draining and as such the waste disposal field had to have a Design Irrigation Rate: 3 mm/day (210120007517 page 208) with a 76m by 7m drip irrigation disposal field.</p> <p>If low permeability soils are found on the other lots similar to Lot 17, they will all have adequate space to also install a 76m by 7m drip irrigation disposal field as all Lots are 4ha in size or larger.</p>
Stormwater disposal	<p>The existing dwelling at 390 Loburn Terrace (Lot 1 created under RC205095) has existing on-site stormwater disposal system via soak pits. Whilst the building on Lot 17 has a 25,000L roof water retention tank with a 15mm outlet valve discharging into the natural overland flow path.</p> <p>Initially Councils standard stormwater design criteria 'onsite soakpits as per Standard drawing 330B issue B' was recommended due to the soil permeability on the site recorded as 'Medium'.</p> <p>As this is no longer deemed the case specific wording requiring each lot owner to confirm onsite soakage rates as part of the building consent process which will help them design a suitable stormwater disposal system for the proposed new dwelling should be added.</p> <p>If soil permeability is found to be medium, then standard soakage pit design applies, however, if soakage is deemed low then either retention ponds or retention tanks will be required.</p> <p>Due to all lot sizes being 4ha in size or greater there should be ample space to construct an adequately design retention pond.</p>

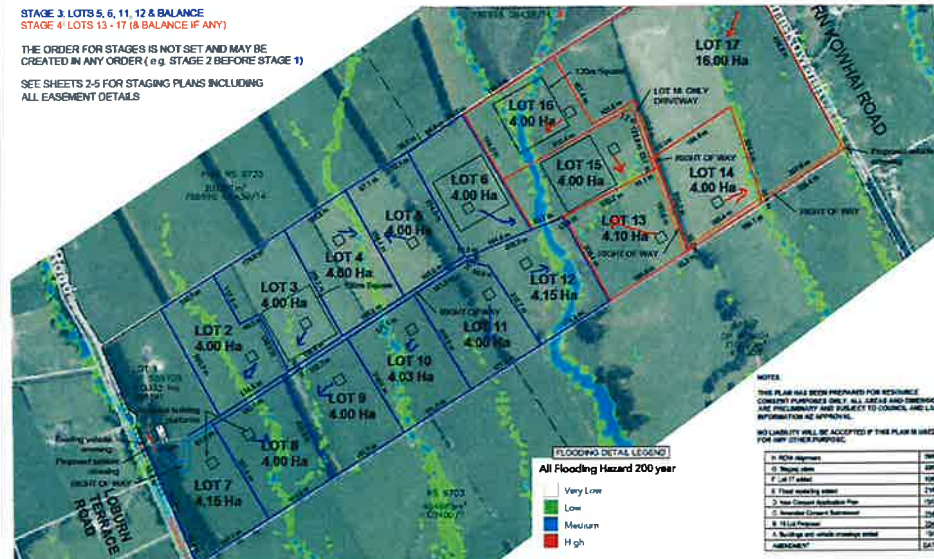
From looking at nearby building consent applications the majority of applications had stormwater being discharged via soak pits with only two properties found to be utilising onsite retention ponds or retention tanks.

A quick assessment of the site was also completed to ensure that all Lots had adequate access to secondary overflow paths which don't affect or cross neighbouring Lots or properties in rainfall events greater than a 10% AEP. Extended overflow lateral may be needed to ensure the overflow runs into the nearest valley however none of which will need to cross neighbouring Lots.

STAGE 3: LOTS 5, 6, 11, 12 & BALANCE
STAGE 4: LOTS 13 - 17 (& BALANCE IF ANY)

THE ORDER FOR STAGES IS NOT SET AND MAY BE CREATED IN ANY ORDER (e.g. STAGE 2 BEFORE STAGE 1)

SEE SHEETS 2-5 FOR STAGING PLANS INCLUDING ALL EASEMENT DETAILS



Water Supply

A letter from the Hurunui council states that the Ashley Rural Water Supply has capacity to supply the proposed additional 16 Lots.

The letter also stated:

- The restrictors for lots 2 to 12 will be located on Loburn Terrace Road with individual 25mm PE 12 bar pipe to be installed in the ROW to the individual tanks on each lot.
- The restrictors for lots 13 to 15 will be located on the Loburn Kowai Road with individual 25mm PC 12 bar pipe to be installed in the ROW to the individual tanks on each lot. Lot 16 already has a provisional tank that has been approved for connection.

Since the submission of this in September 2021, Lot 17 has already been connected to the Ashley Rural Water Supply and hence no new connection requirement will be added for this lot under this application.

As part of the Hearing process, Fire and Emergency New Zealand (FENZ) have provided comment that the proposed restricted supply is insufficient to meet SNZ PAS 4509:2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice standards on its own. They as such propose council add two consent notices to resolve this issue. The consent notices area as follows;

- All habitable dwellings on Lots 2 to 16 shall be provided with firefighting water supply and access which complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008.
- Prior to the construction of any habitable dwelling, adequate access to the Lot shall be provided in accordance with the New Zealand Fire

	<p>Services Fire fighting water supplies code of Practice SNZ PAS 4509:2008.</p> <p>Council accepts the additional consent notices proposed and shall add them to the consent.</p>
Power	<p>The applicant will need to provide evidence to council that the site can be supplied by power and telecommunication services. This will be required prior to 224c and will be a condition of consent. It should be noted that the neighbouring property has a 350 volts Transpower line across the site, the required setback from this does not affect the proposed development.</p>
Telecommunications	<p>As per above</p>
Roading	<p><u>Loburn Kowai Road</u></p> <p>Loburn Kowai Road is proposed to serve Lots 13 to 17 (five new lots). This road is categorised as a local rural road with a 5m formation width finished to an all-weather standard. The nearest sealed part of the road is at 257 Loburn Kowai road located 1.4km south-east of the site.</p> <p>Under this application the additional Lots will create a total of 40 addition vehicle movements per day (5 lots x 8 vmpd). The ADT for the site as of Dec 2020 is 113 vehicle movements per day, which combined with the 5 new lots will result in 153 vmpd total.</p> <p>Under NZS4404:2010 the required road width of 5m to 5.5m is deemed adequate for the total traffic proposed, but the road does not meet current Council design standards or DP rule 30.1.1.9.</p> <p>Comment from the Roding team was received on the 15 September (TRIM 210916149877). FCs for upgrading Loburn Kowai Road were deemed suitable for an application of this size as the road is currently not formed in accordance with Council's rural roading design standard drawing 600-270 issue D, or DP rule 30.1.1.9. Under this standard a lane width of 3m is required along with a 0.5m sealed shoulder either side, with a 2.25m gravel berm.</p> <p>Under Council's Rural Seal Extension Policy (https://www.waimakariri.govt.nz/data/assets/pdf_file/0029/28469/S-CP-4520-Rural-Seal-Extension.pdf) if potential future daily traffic count reach 300-400 vmpd then future sealing of the road can be considered; when traffic counts are lower, it is difficult to justify sealing on economic grounds alone.</p> <p>To calculate FCs and determine what upgrades to the current road are needed, the potential future daily traffic count for the road needs to be calculated. To do this we add the daily traffic created under this proposed subdivision consent (5 Lots x 8 vmpd), plus the most recent daily traffic count for that road (113 vmpd) as well as the theoretical additional daily traffic count generated if all large neighbouring Lots subdivided to the smallest allowable Lot size.</p> <p>Assessment under previous DP 4Ha rule</p>

In Sep 2021 prior to the 20ha rule coming into effect, the potential final traffic count was **785vmpd** created by an additional 79 Lots which could be subdivided under the applicable 4Ha rule at that time. The 79 additional lots equates to 632 vmpd (the catchment area for this calculation can be found on Council files 221108194701). Due to the final count being over 500 vehicle movements per day costing for sealing the road with Two Coat Grade 3 / 5 Chip Seal was added.

In this context, the proposed 40 additional vehicle movements created by the 5 new lots under this consent only account for 5.10% of the final traffic count on the road, which is the proportion the consent holder is required to contribute towards the upgrade works by financial contribution.

Assessment under current DP 20Ha rule

The 20ha rule has since come into effect and hence the potential for the neighbouring properties to further subdivide has been reduced. This reduction results in only an additional 12 potential lots able to be created from future subdivision in the area. By taking this into account the total potential final traffic count for Loburn Kowai Road is **249** vmpd ($40 + (12 \times 8) + 113$). This increases the proportion of the financial contribution for this development to 16.06%.

However, note due to the lower traffic numbers no asphalt sealing of this road is triggered as traffic counts are below 300-400 vmpd has not been met. With a traffic count under 300, as noted above it is difficult to justify sealing on economic grounds. However upgrading of Loburn Kowai Road is justified due to the additional vehicle movements proposed. Upgrading of the road would include the installation of shoulder formations and gravel berms and would result in a new FC amount.

Loburn Terrace Road

Loburn Terrace Road is proposed to serve Lots 2 to Lot 12 under this application resulting in an additional 11 new Lots accessing from the road. Loburn Terrace Road is classified as a local rural road with an all-weather (gravelled) formation width of 6m, with the nearest sealed section of the road being 1.4km south-east of the site at 239 Loburn Terrace Road.

Under this application the additional lots will create a total of 88 vmpd (11 lots x 8vmpd). The ADT for Loburn Terrace Road as of the Dec 2020 is 195vmpd.

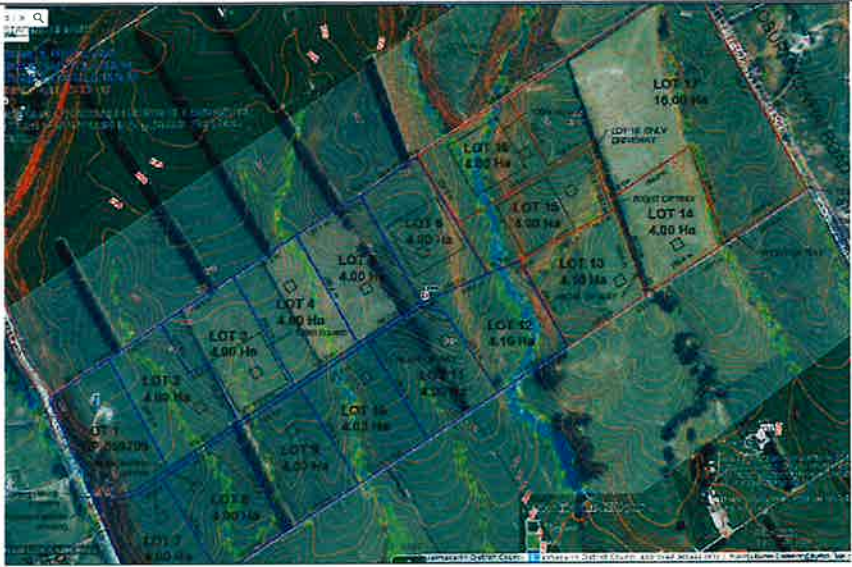
Similarly, to Loburn Kowai Road, under NZS4404:2010 the required road width of 5m to 5.5m is deemed adequate for a standard rural road, however, Loburn Terrace Road does not meet current council design standards or DP rule 30.1.1.9. and as such financial contributions can be assessed to upgrade the road.

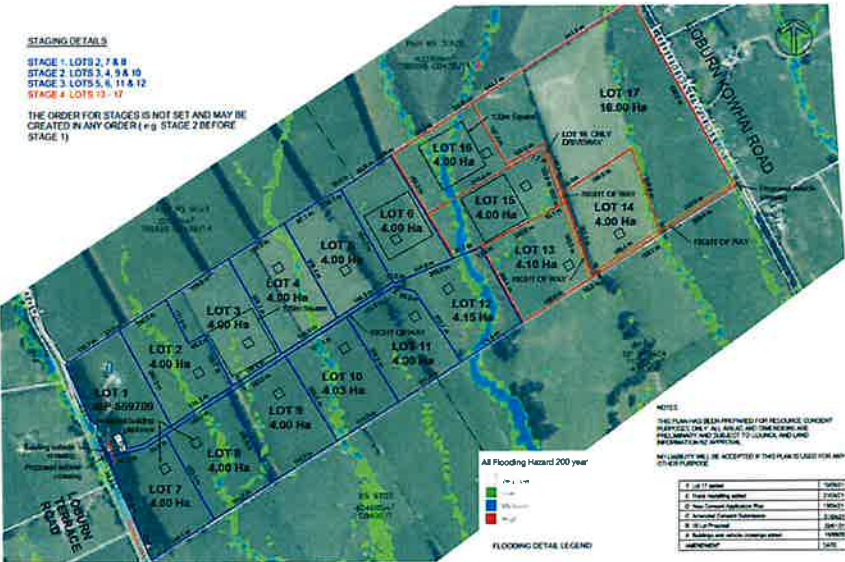
Assessment under previous DP 4Ha rule

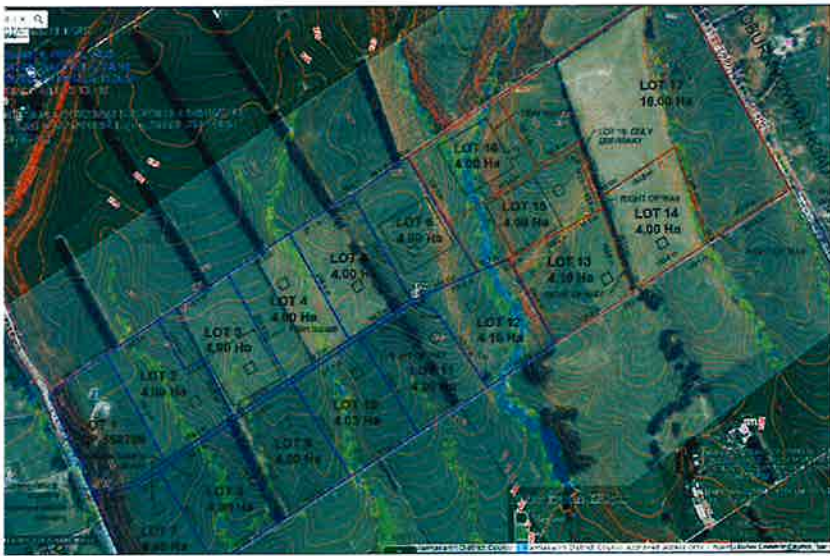
A total of 39 potential Lots could be created by neighbouring properties who will also use this road for access. This adds up to a potential final traffic count for Loburn Terrace Road of **595** vehicle movements per day ($88 + (39 \times 8)$)

	<p>+195). This meets the threshold for sealing, and shoulders and gravel berms would need to be installed as well.</p> <p>For this situation, the proposed 88 additional vehicle movements proposed accounted for 14.79% of the final traffic count and hence only had to pay for 14.79% of the total cost of sealing the road.</p> <p>Assessment under current DP 20Ha rule</p> <p>Under the recently imposed DP rule, only an additional six 20Ha lots could be subdivided in the area. This would reduce the final traffic count to 331 vehicle movements per day ($88+(6*8) +195 = 331$).</p> <p>As the forecast vehicle movements are within 300-400 vmpd threshold, sealing of the road is still triggered, though only just. It is noted that with the reduced number of future lots in the area, the consent holder would be contributing 26.59% towards the estimated cost of sealing the road instead of the originally calculated 14.79%. The cost calculated also include widening the road by adding a 0.5m sealed shoulders and a gravel berm either side in accordance with Councils rural roading design standard drawing 600-270 issue D</p> <p>Summary</p> <p>Under the 4ha area rule and 20ha area rule FC calculation is need for Loburn Terrace Road to be sealed with widening occurring by installing 0.5 sealed shoulders and a 2.25m gravel berms either side.</p> <p>A full breakdown of the costs can be found on Council files 221108194701.</p> <p>Note that as per Council's <u>rural seal extension policy</u> and the Long term Plan (LTP), Council has signalled it does not wish to fund seal extensions unless it qualifies for subsidy from NZTA. However, if at least 30% of the cost of sealing is contributed through financial contributions Council will undertake the sealing works.</p>
Vehicle access	<p>The new proposed vehicle crossing which will service Lots 2 to 12 (western ROW) will be located 10m south from the existing vehicle crossing serving 390 Loburn Terrace Road, sightlines from this crossing meets DP rules 30.6.1.24 and DP rule 30.6.1.19. This crossing will have to have a specifically designed culvert over the current deep swale / water course which runs along the western edge of the road Loburn Terrace Road.</p> <p>The new proposed eastern ROW crossing on Loburn Kowai Road is different from the originally consented crossings for RC205095. The new location is situated approximately 290m south of the recently built vehicle access to Lot 17 and will run along the southern most property boundary. The proposed access also meets DP rules 30.6.1.24 and DP rule 30.6.1.19. As four lots will be utilising this access the vehicle crossing will have to have a width between 4 and 6m in accordance with DP rule 30.6.1.19.</p>
Pedestrian access	Not applicable
Cycle access	Not applicable
Water Race Scheme	No water race is present on councils mapping system for the site, however an onsite visit confirmed there is a water course which runs along the north-eastern edge of Loburn Terrace Road.

ROW	<p><u>Western Right of Way</u></p> <p>The western most ROW which will serve at total of 11 Lots and accessed off Loburn Terrace Road is beyond the design capacity of a standard WDC ECoP ROW requirement. As such this ROW will be required to be meet the width required by NZS4404:2010 standards for a rural road. As such the right of way shall have a minimum width of 5.5m and shall be constructed and designed as per WDC ECoP Rural Road design 600-270 Issue D. Culverts will also be conditioned at all overland flow path locations and will need CPeng design and sign off.</p> <p>It should also be noted that there is a steep incline at the beginning of the western RoW. Gradients of this slope was requested as part of Councils S92 process. Gradients were noted by Eliot Sinclair to be no greater than 19 degrees (210810130960). Gradients of the RoW will need to meet CCC DP requirements 7.5.7 which states the following:</p> <ul style="list-style-type: none"> • The maximum change in gradient without a transition shall be no greater than 1 in 8 (12.5%). Changes of grade of more than 1 in 8 (12.5%) shall be separated by a minimum transition length of 2 metres (see Figure 9 for an example). • Where the gradient exceeds 1 in 10 (10%) the vehicle access is to be sealed with a surface that enables safe access in wet or icy conditions. • The maximum gradient at any point on a vehicle access shall be in accordance with Table 7.5.7.2, except a maximum gradient of 1 in 5 (minimum 4.0 metres long transition ramps for a change of grade 1 in 8 or greater) shall apply for accesses that are identified in (g). For curved accesses, the maximum gradient shall be measured on the inside of a curved vehicle access. <p>Such gradients will be checked at engineering approval stage to ensure that this requirement has been met.</p> <p><u>Eastern Right of Way</u></p> <p>The eastern ROW will only serve 4 Lots and be accessed off Loburn Kowai Road. Due to only serving 4 Lots the RoW can be designed in general accordance with standard WDC ECoP standard design 600-273 Issue D with a form width of 4m and passing bays every 90m. however from a SW, topography, and overland flow path perspective the proposed RoW is complex and will also need specific design by a chartered professional engineer. The Culverts will also be conditioned at all overland flow path locations and will need CPeng sign off.</p>
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Landscaping and access connectivity in reserves	Not applicable
Reserve play equipment and amenities	Not applicable
Street trees and landscaping of the road reserve network	Not applicable
Licence to occupy Council/public land	Not applicable
Flood Hazard	
If proposal is in a flood hazard area as per WDC mapping, has a flood hazard report been supplied?	<p>The site is subjected to low-medium flood hazard flooding from overland flows during a 1 in 200yr AEP flood event this is largely due to the site being hilly with all overland flows following valleys within the site. All building platforms are located outside of the overland flows generated via local flooding. This requirement will be conditioned and placed on each certificate of title.</p> <p>As for the ROWs which cross the overland flows, these rights of ways will need to be designed to not affect or alter overland flows. Current NZ standards (Austroads) and council standards is that any access to the property shall meet design standards below.</p> <ul style="list-style-type: none"> • No inundation of the access to all Lots for a 20% AEP (5 year) flood event, and, • The maximum inundation depth over the access does not exceed 200mm for a 2% AEP (1 in 50 year) flood event,

	<ul style="list-style-type: none"> The maximum velocity over the access does not exceed 3m/s for a 2% AEP (1 in 50 year) flood event. <p>In the Waimakariri District Councils engineering code of practice Culverts shall be designed for a 10% AEP event whilst Austroads Part 5 table 4.3 recommends a 10 to 20 ARI (10 to 5% AEP) (local road standard). Due to the steepness of the site the larger rain fall intensity event of 20 ARI or 5% AEP was chosen to minimise the risk of scoring around the culvert.</p> <p>Councils flood hazard map considers velocities and depth of flooding. From looking at the 1 in 100yr ARI event the maximum flood depth across the ROWS is 1m within valleys and is deemed low to medium flood hazard. Such a hazard category would suggest a low to medium flow velocity which will be required to be confirmed at Engineering approval stage and should be incorporated into the final RoW and subsequent Culvert designs.</p> <p>As the Rows will be required to be designed by a suitable experienced CPENG with specific design criteria to be conditioned. The risk to the down stream catchment is deemed low.</p> <p>All future dwellings on the site will be required to be built outside of the flood map areas in a 0.5AEP event (1 in 200yr event).</p> 
If subject to Ashley Breakout, has the applicant supplied an ECan Flood Hazard Assessment?	Not applicable
***Environmental** *	
Is the site in a liquefaction area?	The site is in a very low liquefaction potential area. This is likely attributed to the hilly nature of the site a lower standing water table. Though the site is not subjected to liquefaction the proposed building locations are all located on slopes and as such these slopes ability to safely accommodate these

	<p>dwelling without resulting in slope failure need to be addressed along with an assessment of the feasibility and design of the ROW locations. As such a geotechnical investigation report was requested under an S92 and has been provided. The geotechnical report (TRIM 210810130960) completed by Eliot Sinclair adequately assessed the site and noted that the topography was only gently undulating and that there are no significant issues with the proposed building locations or road layout which would requiring detailed engineered design.</p> 
If in a liquefaction area, has a Geotech Report been supplied?	Not applicable
Technical Land Category TC1/TC2/TC3	Not applicable
Is the site on the LLUR?	Not listed on the LLUR zone as per ECAN, the provided AEE included a minor desktop study of the sites historical usage and the applicant has identified the subject site as free from any contamination and as there were no dwelling on the site until after 2015 the risk of contamination is low.
Preliminary Site Investigation required?	Not applicable
Detailed Site Investigation required?	Not applicable
Remedial Action Plan included with the DSI?	Not applicable
Dam assessment	Not applicable

Appendix 5

Relevant objectives and policies of the Operative Waimakariri District Plan

Objective 11.1.1

Utilities that maintain or enhance the community's social, economic and cultural wellbeing, and its health and safety.

Policy 11.1.1.1

A utility should:

- a) contribute to a safe environment;*
- b) maintain or enhance public health;*
- c) promote efficient use of resources and efficient development of the utility, so that resources are conserved and used in a sustainable manner;*
- d) have regard to cross boundary issues where the utility or the service provided by the utility crosses the territorial boundary;*
- e) where it is necessary to service new development, be paid for by the developer, or as a condition of consent for the development; and*
- f) maintain and enhance social wellbeing.*

Policy 11.1.1.2

Every new site within a design catchment of an existing or proposed utility should connect to the utility wherever possible.

Policy 11.1.1.3

Subdivision and development should not proceed within areas that do not have access to appropriate utilities, or where the utilities are operating at full capacity or where these subdivisions or developments are likely to adversely affect the planned expansion of those utilities. Subdivision and development can proceed if the existing utilities are upgraded to provide the appropriate capacity for the health and safety of the present and future population, or appropriate alternatives are provided. Appropriate alternative systems should, as a minimum:

- a) *meet the current environmental and engineering design standards prescribed for the present utilities; and*
- b) *be capable of integration with existing utilities.*

Policy 11.1.1.4

A road hierarchy shall be maintained and protected to enable the District to function with minimal conflict between activities, traffic, and people.

Policy 11.1.1.6

Every site should have access that provides safe entry and exit for vehicles to and from the site to a road without compromising the safety or efficiency of the road or road network. Where a site has two or more road frontages access should be from the lowest road classification within the road hierarchy.

Objective 12.1.1

Maintain the amenity values and a quality of environment appropriate for different parts of the District which protects the health, safety and wellbeing of present and future generations, and ensure that any potential adverse environmental effects from buildings and structures, signs, glare, noise and hazardous substances are avoided or mitigated.

Policy 12.1.1.5

In the Rural Zones maintain the amenity values and quality of the environment by ensuring that the land is not dominated by dwellinghouses.

Objective 14.1.1

Maintain and enhance both rural production and the rural character of the Rural Zones, which is characterised by:

- a. *the dominant effect of paddocks, trees, natural features, and agricultural, pastoral or horticultural activities;*
- b. *separation between dwellinghouses to maintain privacy and a sense of openness;*
- c. *a dwellinghouse clustered with ancillary buildings and structures on the same site;*
- d. *farm buildings and structures close to lot boundaries including roads;*
- e. *generally quiet – but with some significant intermittent and/or seasonal noise from farming activities;*
- f. *clean air – but with some significant short term and/or seasonal smells associated with farming activities; and*
- g. *limited signage in the Rural Zone.*

Policy 14.1.1.1

Avoid subdivision and/or dwellinghouse development that results in any loss of rural character or is likely to constrain lawfully established farming activities.

Policy 14.1.1.2

Maintain the continued domination of the Rural Zones by intensive and extensive agricultural, pastoral and horticultural land use activities.

Policy 14.1.1.3

Maintain and enhance the environmental qualities such as natural features, air and noise levels, including limited signage and rural retail activities that contribute to the distinctive character of the Rural Zones, consistent with a rural working environment.

Objective 14.2.1

Protect the life supporting capacity of the water resource from the adverse effects of on-site land based sewage treatment and wastewater disposal systems.

Policy 14.2.1.1

Avoid the deterioration of the quality of the water resource as a result of the operation of on-site land based sewage treatment and wastewater disposal systems in the Rural Zones.

Objective 18.2.1

Sustainable management of natural and physical resources that recognises and provides for:

- a) changes in the environment of an area as a result of land use development and subdivision;*
- b) changes in the resource management expectations the community holds for the area; and*
- c) the actual and potential effects of subdivision, use and development.*

Policy 18.1.1.1

Growth and development proposals should provide an assessment of how:

- the use, development, or protection of natural and physical resources affected by the proposal will be managed in a sustainable and integrated way; and*
- the adverse effects on those resources and the existing community will be avoided, remedied, or mitigated.*

In particular, proposals should not be inconsistent with other objectives and policies in the District Plan, and show how and the extent to which they will:

- a) protect areas of significant indigenous vegetation and habitats of indigenous fauna including vegetation and habitat sites listed in Appendix 25.1;*
- b) protect the outstanding landscape area as defined in the District Plan Maps;*
- c) avoid or mitigate natural hazards including:*
 - flooding as defined in the District Plan Maps,*
 - flooding from the Waimakariri or Ashley/Rakahuri Rivers,*
 - seismic conditions including the potential for liquefaction and amplification effects,*
 - damage from the sea, including erosion, storm and tsunami, and*
 - land instability;*
- d) protect the life supporting capacity of soils;*

- e) *maintain and enhance the environmental characteristics of adjoining zones, and the environment of the zone within which the proposal is located, as set out in Policies 14.1.1.2, 14.1.1.3, 14.1.2.1, 15.1.1.1, 16.1.1.1, 16.1.1.3, 16.1.1.4, 16.1.1.5, 16.1.1.6 16.1.1.8, 16.1.1.9, 17.1.1.2, 17.1.1.3 and 17.1.1. 5;*
- f) *retain the rural environment between Residential 4A and 4B Zones, between the Rangiora, Kaiapoi, Woodend, Pegasus and Oxford urban areas, and other Residential 3 Zones; between any rural intensive development opportunities and villages within Maori Reserve 873; and between Kaiapoi and the Christchurch City boundary;*
- g) *provide access to and along rivers, open spaces and reserves;*
- h) *maintain and enhance the form and function of the District's towns;*
- i) *avoid or mitigate significant adverse effects on the form and function of the Business 1 Zones including its role as a dominant community focal point within the four main towns;*
- j) *avoid noise sensitive activities within the 50 dBA Ldn airport noise contour for Christchurch International Airport as defined in this Plan, with the exception of those areas within Kaiapoi defined in Chapter 6 of the Canterbury Regional Council Regional Policy Statement;*
- k) *provide infrastructure for services and roading in a manner consistent with this District Plan;*
- l) *ensure the efficient and effective integration of any new infrastructure into the existing network, or ensure the efficient and effective ongoing working of a stand-alone system;*
- m) *avoid or mitigate potential adverse effects from sites and facilities using, storing, and/or disposing of hazardous substances;*
- n) *protect groundwater quality and quantity;*
- o) *protect surface water quality and quantity;*
- p) *protect wahi taonga;*
- q) *avoid adverse effects on heritage sites and protect those sites listed in Appendix 28.1;*
- r) *avoid adverse effects on significant plants and protect those notable plants listed in Appendix 29.1;*
- s) *avoid adverse effects on the Business 3 Zone;*
- t) *provide for efficiency in energy use;*
- u) *enable local communities to be more self-sustaining;*
- v) *affect the demand for transport;*
- w) *provide choice in transport mode, particularly modes with low adverse environmental effects;*
- x) *avoid or mitigate for adverse impacts on the habitat of trout and salmon; and*
- y) *recognises the historical and cultural associations of Ngai Tuahuriri with the land in Maori Reserve 873 to provide for residential development opportunities for the original grantees and their descendants.*

Appendix 6

Relevant objectives and policies of the Proposed Waimakariri District Plan

SD-O4 Rural land

Outside of identified residential development areas and the Special Purpose Zone (Kāinga Nohoanga), rural land is managed to ensure that it remains available for productive rural activities by:

- 1. providing for rural production activities, activities that directly support rural production activities and activities reliant on the natural resources of Rural Zones and limit other activities; and*
- 2. ensuring that within rural areas the establishment and operation of rural production activities are not limited by new incompatible sensitive activities.*

TRAN-P4 New activities

New activities:

- 1. locate on or establish primary access to the classification of road within the District Plan road hierarchy best able to accommodate the level and type of traffic generated;*
- 2. provide safe entry and exit for vehicles to and from a site to a road without compromising the safety or efficiency of the road corridor or rail corridor;*
- 3. where a site has two or more road frontages, provide access from the classification of road within the District Plan road hierarchy best able to accommodate the level and type of traffic generated;*
- 4. provide safe and efficient access, including ease of access by service and emergency service vehicles; and*
- 5. provide facilities for safe active transport, including through marked on-road cycle lanes, separated cycle lane, sealed road shoulders with sufficient width to safely accommodate cyclists, off-road formed cycle paths, cycling end-of-journey facilities for staff, shared use path and footpaths.*

NH-O1 Risk from natural hazards

New subdivision, land use and development:

- 1. manages natural hazard risk, including coastal hazards, in the existing urban environment to ensure that any increased risk to people and property is low;*
- 2. is avoided in the Ashley Fault Avoidance Overlay and high hazard areas for flooding outside of the urban environment where the risk to life and property are unacceptable; and*
- 3. outside of the urban environment, is undertaken to ensure natural hazard risk, including coastal hazard risk, to people and property is avoided or mitigated and the ability of communities to recover from natural hazard events is not reduced.*

NH-O3 Natural hazard mitigation

Adverse effects on people, property, infrastructure and the environment resulting from methods used to manage natural hazards are avoided or, where avoidance is not possible, mitigated.

NH-P5 Activities within the Fault Awareness Overlay and Ashley Fault Avoidance Overlay

For activities within fault overlays:

- 1. only allow subdivision, use and development for natural hazard sensitive activities in the Ashley Fault Avoidance Overlay where the risk to life or property is low; and*
- 2. manage subdivision in the Fault Awareness Overlay so that the risk to life and property is low.*

SUB-O1 Subdivision design

Subdivision design achieves an integrated pattern of land use, development, and urban form, that:

- 1. provides for anticipated land use and density that achieve the identified future character, form or function of zones;*
- 2. consolidates urban development and maintains rural character except where required for, and identified by, the District Council for urban development;*
- 3. supports protection of cultural and heritage values, conservation values; and*
- 4. supports community resilience to climate change and risk from natural hazards.*

SUB-O2 Infrastructure and transport

Efficient and sustainable provision, use and maintenance of infrastructure; and a legible, accessible, well connected transport system for all transport modes.

SUB-P1 Design and amenity

Enable subdivision that:

- 1. within Residential Zones, incorporates best practice urban design, access to open space, and CPTED principles;*
- 2. minimises reverse sensitivity effects on infrastructure including through the use of setbacks;*
- 3. avoids subdivision that restricts the operation, maintenance, upgrading and development of the National Grid;*
- 4. recognises and provides for the expression of cultural values of mana whenua and their connections in subdivision design; and*
- 5. supports the character, amenity values, form and function for the relevant zone.*

SUB-P2 Allotment layout, size and dimension

Ensure that allotment layout, size and dimensions:

1. *in Residential Zones:*
 - a. *enables a variety of allotment sizes to cater for different housing types and densities to meet housing needs;*
 - b. *supports the achievement of high quality urban design principles for multi-unit residential development;*
2. *in Rural Zones:*
 - a. *retains the ability for rural land to be used for primary production activities; and*
3. *in Open Space and Recreation Zones:*
 - a. *provides a variety of types and sizes of open space and recreation areas to meet current and future recreation needs.*

SUB-P3 Sustainable design

Ensure that subdivision design:

1. *maximises solar gain, including through:*
 - a. *road and block layout; and*
 - b. *allotment size, dimension, layout and orientation;*
2. *in Residential Zones, Commercial and Mixed Use Zones, and Open Space and Recreation Zones, supports walking, cycling and public transport; and*
3. *promotes:*
 - a. *water conservation,*
 - b. *on-site collection of rainwater for non-potable use,*
 - c. *water sensitive design, and*
 - d. *the treatment and/or attenuation of stormwater prior to discharge, and*
4. *recognises the need to maintain the design capacity of infrastructure within the public network and avoid causing flooding of downstream properties.*

SUB-P8 Infrastructure

Achieve integrated and comprehensive infrastructure with subdivision by ensuring:

1. *upgrade of existing infrastructure where the benefit is solely for the subdivision and subsequent development, or otherwise provide for cost-sharing or other arrangements for any upgrade, such as financial contributions, that are proportional to the benefit received;*
2. *adequate infrastructure provision and capacity to service the scale and nature of anticipated land uses, including:*
 - a. *wastewater disposal that will maintain public health and minimise adverse effects on the environment, while discouraging small-scale standalone community facilities;*
 - b. *water supply;*
 - c. *stormwater management;*
 - d. *phone, internet and broadband connectivity can be achieved, with new lines being underground in urban environments, except within the Special Purpose Zone (Kāinga Nohoanga);*
 - e. *electricity supply, with new lines being underground in new urban environments except within the Special Purpose Zone (Kāinga Nohoanga);*
3. *where reticulated wastewater disposal is available, that any new site is to be provided with a means of connection to the system; and*

4. *where a reticulated wastewater system is not available, ensure that onsite treatment systems will be installed.*

RURZ-O1 Rural Environment

An environment with a predominant land use character comprising primary production activities and natural environment values, where rural openness dominates over built form, while recognising:

1. *the east of the District has a predominant character of small rural sites with a pattern of built form of residential units and structures at more regular intervals at a low density compared to urban environments; and*
2. *the remainder of the District, while having a range in the size of rural sites, has a predominant character of larger rural sites with a corresponding density of residential units and built form.*

RURZ-O2 Activities in Rural Zones

Rural Zones support primary production activities, activities which directly support primary production, and activities with a functional need to be located within Rural Zones.

RURZ-P1 Amenity values and character

Recognise the contribution of amenity values to maintaining the character of the zones, and maintain amenity values in Rural Zones by:

1. *requiring separation between buildings on adjoining properties to maintain privacy and a sense of openness;*
2. *retaining generally low levels of signs, noise, traffic, odour, outdoor lighting, and built form from activities while recognising that in association with primary production and rural industry, which are part of the character of each rural zone that:*
 - a. *there may be seasonal, short term or intermittent odour, noise, dust, traffic and outdoor lighting effects; and*
 - b. *large buildings may have a functional need.*
3. *restricting the density of residential units and minor residential units that can be established on a site consistent with the character of each rural zone, unless a development right has been protected through a legacy provision or is associated with a bonus allotment.*

RURZ-P2 Rural land

Maintain the availability and life supporting capacity of land in recognition of its importance for undertaking primary production, and to maintain or enhance natural environment values in Rural Zones, including by:

1. *providing for primary production activities;*
2. *providing for those activities that directly support primary production, or those activities with a functional need to be located within Rural Zones, where:*
 - a. *adverse effects on soil and highly productive land are minimised;*
 - b. *the amenity values and character of Rural Zones are maintained; and*

- c. *to the extent practicable, adverse effects are internalised within the site where an activity is being undertaken.*
3. *ensuring subdivision and subsequent development is managed so that it does not foreclose the ability for rural land to be utilised for primary production activities including not diminishing the potential for rural land to meet the reasonably foreseeable needs of future generations.*

GRUZ-O1 *Purpose of the General Rural Zone*

Natural and physical resources and primary production activities which contribute to the District's rural productive economy dominate while fragmentation of land into small rural parcels is restricted.

GRUZ-P1 *Character of the General Rural Zone*

Maintain the character in the General Rural Zone which comprises:

1. *primary production being the predominant land use;*
2. *a dominance of open space and vegetation, including paddocks, trees, agriculture and natural elements over buildings;*
3. *a landscape strongly influenced by patterns and processes of human activity associated with primary production, with a focus of open farmland areas and larger scale primary production activities, along with areas with natural environment values and sites and areas of significance to Māori;*
4. *separation between residential units and farm buildings on adjoining sites, with an overall low density of residential units and buildings; and*
5. *contrasts with urban environments through having a general absence of the type and scale of infrastructure and built form found in urban environments.*

GRUZ-P2 *Limiting fragmentation of land*

Maintain opportunities for land to be used for primary production activities within the zone by limiting further fragmentation of land in a manner that that avoids sites being created, or residential units being erected, on sites that are less than 20ha, unless:

1. *associated with the development of infrastructure which reduces the size of the balance lot or sites to below 20ha;*
2. *associated with the establishment of a bonus residential unit or creation of a bonus allotment;*
3. *the erection of a residential unit is protected by a legacy provision in this District Plan; and*
4. *it is for the establishment of a minor residential unit, where the site containing a residential unit is 20ha or greater, or is protected by a legacy provision in this District Plan.*

Draft conditions (should consent be granted)

Subdivision Consent - RC215210

1. Application Plan

- 1.1 The activity shall be carried out in accordance with the attached approved application plans stamped RC215210 and RC225279.

2. Standards

- 2.1 All stages of design and construction shall be in accordance with the following standards (and their latest amendments) where applicable:
- Waimakariri District Council Engineering Code of Practice
 - Waimakariri District Council Stormwater Drainage and Watercourse Protection Bylaw (2018)
 - Erosion & Sediment Control Toolbox For Canterbury
 - NZS 4404:2010 Land Development and Subdivision Infrastructure
 - New Zealand Transport Agency standards
 - Relevant Austroads Guides & Standards
 - New Zealand Drinking Water Standards 2005 (Revised 2018)

3. Easements

- 3.1 All services, including open drains and access ways, serving more than one lot or traversing lots other than those being served and not situated within a public road or proposed public road, shall be protected by easements. All such easements shall be granted and reserved.

4. Power and Telephone

- 4.1 The Consent Holder shall provide evidence in writing from the relevant service utility provider(s) that existing electrical and telephone reticulation has the capacity to provide service connection to Lots 2 to 16 inclusive. If wired telecommunication reticulation is unavailable or extension of wired reticulation is shown to be cost prohibitive, the Consent Holder shall provide evidence in writing from a service provider of their choice, that 4G Broadband has capacity to provide a service connection to Lots 2 to 16 inclusive.
- 4.2 The Consent Holder shall provide evidence in writing from a utility network operator that electrical and telephone reticulation has been installed to Lots 2 to 16 and that all costs have been met.

5. Water Supply

- 5.1 The Consent Holder shall provide an adequate reticulated domestic water supply to each lot from the Ashley rural water supply, providing a minimum of 1 unit (1.8 m³/day per day). This is a restricted supply.
- 5.2 The Consent Holder shall engage the Hurunui District Council to carry out any required new or modified connections to the water supply.
- 5.3 The Consent Holder shall install the reticulation to meet the following minimum standards for Lots 2 to 16:

- Separate 15mm diameter laterals from the main to the toby box;
- Toby boxes, restrictors and valves installed at the road frontage;
- Individual 25mm PE 12 bar pipe to be installed in the ROW off the road from the toby box to the storage tank within each Lot, which shall be located a minimum of 1m within the main body of the lots
- A supply of a minimum of 1.8m³/day of water, including pipework, restrictors, fittings and storage tanks with a minimum capacity of 5400 litres;

Note Lot 16 already has a provisional tank that has been approved for connection.

- 5.4 Prior to the construction of any habitable dwelling on Lots 2 to 17 a firefighting water supply and access which complies with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 shall be established onsite.
- 5.5 Condition 5.4 as it applies to Lots 2 to 17 shall be subject to a consent notice, pursuant to section 221 of the Resource Management Act 1991 and shall register on the Record of Title for Lots 2 to 17.
- 5.6 Prior to the construction of any habitable dwelling, adequate access to the Lot shall be provided in accordance with the New Zealand Fire Services Fire fighting water supplies code of Practice SNZ PAS 4509:2008.
- 5.7 Condition 5.6 as it applies to Lots 2 to 17 shall be subject to a consent notice, pursuant to section 221 of the Resource Management Act 1991 and shall register on the Record of Title for Lots 2 to 17.

6. Right of Way

- 6.1 The Consent Holder shall design and construct a specifically designed right of way serving Lots 2 to 12 inclusive at the location as shown on the approved plan. The right of way shall be designed by a suitably qualified engineer and include culverts at all points where overland flow paths cross the right of way.
The culverts shall be adequately sized to convey overland flows during a 20 year flood event (minimum) without altering existing overland flow paths and the overall design of the right of way shall also include consideration of secondary flow paths for events greater than the 5% AEP event. The Consent Holder shall submit design plans, specifications and report including hydraulic calculations for the culvert sizing and engineering details to council to confirm the feasibility of the design. The design shall be certified by a Chartered Professional Engineer and a Producer Statement - Design (PS1), report and plans (if applicable) shall be submitted to Council for approval, in writing, prior to works commencing.
- 6.2 The Consent Holder shall form the right of way serving Lots 2 to 12 to an all-weather standard (or sealed) with a minimum formation width of 5.5m and be in general accordance with the requirements of the Waimakariri District Council Engineering Code of Practice Standard Drawing 600-273 Issue D, with amendments made where needed to meet condition 6.1 requirements. Note that where the gradient of the RoW exceeds 1 in 10 (10%) the vehicle access is to be sealed with a surface that enables safe access in wet or icy conditions.
- 6.3 The Consent Holder shall provide a sealed vehicle crossing to the right of way serving Lots 2 to 12, formed in accordance with the requirements of the Waimakariri District Council Engineering Code of Practice Standard Drawing 600-218 Issue E, excepting the formation width shall be 5.5m wide and the 'pipe size' shall be 'directed by the Council' as:
- The Consent Holder is to provide a culvert design to determine minimum pipe diameters. Design plans, specifications and report including hydraulic calculations are required to confirm the culvert sizing and engineering details for the access to proposed Lots 1 to 12. A design producer's statement shall be provided to Council. No work shall commence until

formal engineering approval in writing has been provided by Council (A 'Producers Statement- Design' form can be found in Part 3 of the Engineering Code of Practice, Appendix C).

The existing table drains/swales shall be re-graded as required to provide a free outfall with the vehicle crossing to be constructed at the proposed location as shown on the approved plan.

- 6.4 The Consent Holder shall install handrails/safety barriers, with a minimum height of 1100mm, on either side of the vehicle access serving Lots 2 to 12 where it crosses the stormwater channel. The handrails/safety barriers shall be designed and installed in accordance with the Compliance Document for New Zealand Building Code Clause F4 Safety from Falling - Third Edition.
- 6.5 The Consent Holder shall design and construct a specifically designed right of way serving Lots 13 to 16 inclusive. The right of way shall be designed by a suitably qualified engineer and be constructed in general accordance with the Waimakariri District Council Engineering Code of Practice Standard Drawing 600-273 Issue D. Passing bays shall be installed at 90 metre intervals. Culverts shall be included within the right of way at all points where overland flow paths cross the right of way. The culverts shall be adequately sized to convey overland flows during a 20 year flood event (minimum) without altering existing overland flow paths and the overall design of the right of way shall also include consideration of secondary flow paths for events greater than the 5% AEP event. The Consent Holder shall submit design plans, specifications and report including hydraulic calculations for the culvert sizing and engineering details to council to confirm the feasibility of the design. The design shall be certified by a Chartered Professional Engineer and a Producer Statement - Design (PS1), report and plans (if applicable) shall be submitted to Council for approval, in writing, prior to works commencing.
- 6.6 The Consent Holder shall provide an all-weather vehicle crossing to the right of way serving Lots 13 to 16, formed in accordance with the requirements of the Waimakariri District Council Engineering Code of Practice Standard Drawing 600-218 Issue E, excepting the 'pipe size' shall be 'directed by the Council ' as:
- The Consent Holder is to provide a culvert design to determine minimum pipe diameters. Design plans, specifications and report including hydraulic calculations are required to confirm the culvert sizing and engineering details for the access to proposed Lots 1 to 12. A design producer's statement shall be provided to Council. No work shall commence until formal engineering approval in writing has been provided by Council (A 'Producers Statement- Design' form can be found in Part 3 of the Engineering Code of Practice, Appendix C).

The existing table drains/swales shall be re-graded as required to provide a free outfall with the vehicle crossing to be constructed at the proposed location as shown on the approved plan.

- 6.7 The Consent Holder shall Clegg Hammer test the access/all accesses prior to final surfacing. A measured Clegg Impact Value of at least 25 for residential crossings shall be obtained to assure adequate compaction and pavement strength prior to final surfacing. Documentation shall be supplied to Council confirming the test results obtained.
- 6.8 The Consent Holder shall submit for approval a Traffic Management Plan detailing traffic control works (including sketch layout and control signs). This plan shall be submitted prior to the works commencing on or in Loburn Terrace Road or Loburn Kowai Road. Traffic Management shall be to Level 1, as described in the NZTA Code of Practice for Temporary Traffic Management.

7. Flooding

- 7.1 Existing overland flow paths shall be retained so as not to create flood nuisance or damage effects offsite.

7.2 Condition 7.1 as it applies to Lots 2 to 17 shall be subject to a consent notice, pursuant to section 221 of the Resource Management Act 1991 and shall register on the Record of Title for Lots 2 to 17.

7.3 The Consent Holder shall ensure the proposed right of ways meet the minimum requirements below:

- No inundation of the access to all Lots for a 20% AEP (5 year) flood event, and
- The maximum inundation depth over the access does not exceed 200mm for a 2% AEP (1 in 50 year) flood event
- The maximum velocity over the access does not exceed 3m/s for a 2% AEP (1 in 50 year) flood event.
- Existing overland flow paths shall be retained so as not to create flood nuisance or damage effects offsite

8. Finished Floor Levels

8.1 The Consent Holder shall ensure that the minimum floor level of any new dwellinghouses erected on proposed Lot 2 to 17 is to be set no lower than 400mm above undisturbed ground at any point intersecting the building footprint and located outside Councils mapped 1 in 200 year (0.5% AEP) Flood Hazard Areas.

8.2 Condition 8.1 as it applies to Lots 2 to 17 shall be subject to a consent notice, pursuant to section 221 of the Resource Management Act 1991 and shall register on the Records of Title for Lots 2 to 17.

9. Supervision and Setting Out

9.1 The Consent Holder shall, prior to the commencement of any works on the ROW's, engage a Chartered Professional Engineer to manage the construction works including ensuring a suitably qualified person oversees all engineering works and setting out.

9.2 The Consent Holder shall ensure the supervising Engineer supplies a certificate signed by a Chartered Professional Engineer to the Council, stating that all works have been designed in accordance with the appropriate standards. This is to be submitted at the time of Engineering Approval.

9.3 The Consent Holder shall ensure the supervising Engineer/Surveyor supplies to Council a certificate signed by a Chartered Professional Engineer, stating that all works and services associated with the subdivision have been installed in accordance with the approved engineering plans and specifications and that the "As Built" plans are a true and accurate record of all works and services as constructed. This certificate shall be supplied prior to requesting the Section 224(c) Conditions Certificate.

10. Financial contributions

10.1 The Consent Holder shall pay a financial contribution of \$118,508.23 (including GST at 15%) for the future widening and sealing of Loburn Terrace Road. Calculated price may fluctuate from that specified due to Consumer Price Index (CPI) so final cost amount shall be confirmed prior to payment.

10.2 The Consent Holder shall pay a financial contribution of \$74,798.31 (including GST at 15%) for the future widening of Loburn Kowai Road. Calculated price may fluctuate from that specified due to Consumer Price Index (CPI) so final cost amount shall be confirmed prior to payment.

11. Earthworks

11.1 The Consent Holder shall ensure all construction operations shall be limited to 7 am to 6 pm Monday to Saturday. No construction work shall take place on Sundays or Public Holidays.

11.2 Construction noise shall not exceed the recommended limits specified in, and shall be measured and assessed in accordance with, the provisions of NZS: 6803: P1999 "Measurement and Assessment of

Noise from Construction, Maintenance, and Demolition Work". Adjustments and exemptions provided in clause 6 of NZS: 6803: P1999 shall apply.

- 11.3 The Consent Holder shall ensure stockpiles are located a minimum of 20 metres away from dwellings or sensitive areas such as waterways and overland flow paths. stockpiles shall be no greater than 3 metres in height. Any stockpile not removed after a period of 1 week shall be grassed to prevent sediment migration.
- 11.4 During all earthworks the Consent Holder shall employ dust containment measures, such as watering, to avoid off site nuisance effects created by dust.
- 11.5 All rubbish, organic or other unsuitable material shall be removed off site to an approved disposal facility where this material can be legally disposed.
- 11.6 Where material needs to be imported on to site, the Consent Holder shall provide details of the source and type of material, laboratory tests to confirm mode of compaction, type and frequency of transportation and route used to enter the site to Council, in writing, prior to works commencing.
- 11.7 The Consent Holder shall maintain a register of the source of all clean fill materials imported onto the site. The Consent Holder shall provide the register to Council if requested.
- 11.8 The earthworks shall not block, alter or redirect existing or natural overland flow paths, and shall not block or redirect drains.

12. Environmental Management

- 12.1 Prior to any works commencing on site the Consent Holder shall provide an Environmental Management Plan (EMP) to the Council for approval. The EMP shall detail:
 - a) the methodology of works and the environmental controls in place to limit effects from issues involving flooding, dust, noise and other pollutants, and;
 - b) an Erosion and Sediment Control Plan (ESCP) setting out the measures to be taken to control silt contaminated stormwater at all times during earthworks, accessways development and installation of services.

The Consent Holder shall comply with the EMP, including the ESCP, at all times.

- 12.2 Any required amendments to the EMP as a result of adverse site conditions shall be submitted in writing to Council.
- 12.3 The Consent Holder shall be responsible for installing and maintaining any sediment control devices, protection of the existing land drainage and waterways, and making regular inspections, repairs and changes to the proposed measures as required.

13. Stormwater

- 13.1 The stormwater runoff from the roofs of structures and other hard standing areas on Lots 2 to 17 shall discharge to an individual stormwater management system on each lot designed and constructed to infiltrate roof water generated by a 10 minute 10% AEP event with a Factor of Safety of 3 applied to the site soils infiltration rate. All design calculations shall utilise rainfall intensity figures from the site's location derived from NIWAs HIRDS Version 4 with RCP 8.5, 2081 - 2100 climate change scenario. The Consent Holder shall demonstrate that a suitable design for individual stormwater management system is achievable at the time of building consent and can be one of the following options: retention pond with swale system or an onsite soakage system such as soak pits.

13.2

The Consent Holder shall provide for secondary flow paths with a design capacity to accommodate flows from a 2% AEP event from the subdivision so that neighbouring properties and waterways are not adversely affected from a 2% AEP event. The design of the overall stormwater system shall also include consideration of secondary flow paths for events greater than the 2% AEP event.

- 13.3 Condition 13.1 shall be subject to a consent notice, pursuant to Section 221 of the Resource Management Act, to be issued on the Records of Title for Lots 2 and 17.

14. **Geotechnical**

- 14.1 Prior to the erection of any new dwelling on proposed Lots 2 to 17, the Consent Holder shall ensure a site specific geotechnical assessment is carried out by a suitably qualified Chartered Professional Engineer (CPEng) with experience in residential/commercial development. The results of this assessment shall be used to design specific foundations for each dwelling and shall take into account the Eliot Sinclair Natural Hazards Risk Assessment for 390 Loburn Terrace Road, Loburn North dated: 21 July 2021, Referenced: 502717.

- 14.2 Condition 14.2 shall be subject to a consent notice, pursuant to Section 221 of the Resource Management Act, to be issued on the title for Lots 2 and 17.

15. **Conditions Auditing**

- 15.1 For audit inspections required by the consent, the Consent Holder shall notify the Council Development Team at least 24 hours prior to commencing various stages of the works, preferably by email to subdivaudit@wmk.govt.nz including subdivision and contractor/agent contact details or by phone on 0800 965 468.
- 15.2 The Council, on an actual cost basis, shall audit compliance with the conditions of consent by both site inspections and checking of associated documentation to ensure the work is completed in accordance with the approved plans and specifications and to the Council's standards. The Council will undertake inspections and checking.
- 15.3 Where repeat inspections are required because of faulty workmanship or work not being ready contrary to the receipt of a notification, such inspections will be carried out on the same charging basis as the normal inspections.
- 15.4 The minimum level of inspection shall be as follows:

Water

- On completion.

Access and Right of Ways

- On completion of excavation to sub-grade;
- Following compaction of base course prior to final surfacing;
- When Clegg Impact Hammer tests are being carried out (on vehicle crossing).

Whole Works

- Prior to issue of a Conditions Certificate under Section 224(c) of the Resource Management Act 1991.

16. **Minor Household Unit**

- 16.1 Any minor household unit established on Proposed Lot 17 is subject to the following conditions:

- a) The minor household unit is limited to 90m² Gross Floor Area;
- b) The minor household unit can be contained within its own delineated area and there is no overlap between delineated areas;
- c) Except as otherwise provided for above, the minor household unit shall comply with the following rules under the Operative District Plan at the date of grant of consent, and Rules 32.1.1.1 (areas and dimensions), 32.1.1.3 (provision for a building platform and sewage disposal area), 32.1.1.30 and 32.1.1.31 (common vehicle crossing for multiple lots), 32.1.1.58 and 32.1.1.59 (energy supply to the allotment) and 32.1.1.64 (stormwater connection to public drain) can be complied with as though any delineated area was an allotment;
- d) the minor household unit shall comply with the following rules under the Operative District Plan at the date of grant of consent, Rules 30.6.1.2 (access to seven or more sites) and 31.1.1.15 (setbacks for structures) and 31.10.1.1 (glare) can be complied with as though any delineated area was a site; and
- e) any delineated area, other than one that encompasses an existing habitable dwellinghouse, can be connected to a reticulated potable water supply.

16.2 Condition 16.1 as it applies to Lot 17 shall be subject to a consent notice, pursuant to section 221 of the Resource Management Act 1991 and shall register on the certificate of title for Lot 17.

17. Works Condition

17.1 A completion of conditions certificate under Section 224(c) of the Resource Management Act 1991 will not be issued until conditions 1 to 16 above have been met to the satisfaction of the Waimakariri District Council, at the expense of the consent holder.

Land Use Consent - RC225279

1. Application Plan

1.1 The activity shall be carried out in accordance with the attached approved application plans stamped RC215210 and RC225279.

2.Minor Household Unit

2.1 Any minor household unit established on Proposed Lot 17 is subject to the following conditions:

- a) The minor household unit is limited to 90m² Gross Floor Area;
- b) The minor household unit can be contained within its own delineated area and there is no overlap between delineated areas;
- c) Except as otherwise provided for above, the minor household unit shall comply with the following rules under the Operative District Plan at the date of grant of consent, and Rules 32.1.1.1 (areas and dimensions), 32.1.1.3 (provision for a building platform and sewage disposal area), 32.1.1.30 and 32.1.1.31 (common vehicle crossing for multiple lots), 32.1.1.58 and 32.1.1.59 (energy supply to the allotment) and 32.1.1.64 (stormwater connection to public drain) can be complied with as though any delineated area was an allotment;
- d) the minor household unit shall comply with the following rules under the Operative District Plan at the date of grant of consent, Rules 30.6.1.2 (access to seven or more sites) and 31.1.1.15 (setbacks for structures) and 31.10.1.1 (glare) can be complied with as though any delineated area was a site; and
- e) any delineated area, other than one that encompasses an existing habitable dwellinghouse, can be connected to a reticulated potable water supply.

3. Finished Floor Levels

- 3.1 The Consent Holder shall ensure that the minimum floor level of any new dwellinghouses erected on proposed Lot 2 to 17 is to be set no lower than 400mm above undisturbed ground at any point intersecting the building footprint and located outside Councils mapped 1 in 200 year (0.5% AEP) Flood Hazard Areas

4. Inspection

- 4.1 Compliance with the above conditions may be verified by inspection by a Council Officer pursuant to Section 35(2)(d) of the Resource Management Act 1991.
- 4.2 Should an inspection be required, the Consent Holder shall pay to the Council charges on an at cost basis pursuant to Section 36(1)(c) of the Resource Management Act 1991 to enable the Council to recover its actual and reasonable costs in carrying out the inspections.

ADVICE NOTES

- (a) The Consent Holder is advised that Traffic Management Plan forms can be sourced from Council Service Centres or on-line at: <https://www.waimakariri.govt.nz/home>.
- (b) The Consent Holder is advised that requirements and conditions listed are a statement of the Council's minimum standards. Where the Consent Holder proposes higher standards or more acceptable alternatives these shall be submitted to the Council in writing for approval.
- (c) The consent granted will lapse 5 years after the date of the decision (or if any appeal results, from the date of any decision of the Environment Court) unless, before the consent lapses:
- ☐ The consent is given effect to; or
 - ☐ An application is made to the consent authority to extend the period after which the consent lapses, and the consent authority decides to grant an extension after taking into account all relevant statutory matters.
- (d) The Erosion & Sediment control Toolbox for Canterbury can be found on the ECan website link <http://esccanterbury.co.nz/>.
- (e) Ashley Rural Water Supply is managed by Hurunui District Council. To avoid delays relating to water supply connections the Consent Holder should contact the water service unit at Hurunui District Council on 03 314 8816 and advise of the subdivision. For any enquiries regarding Ashley Rural Water Supply locations or to agree any required new or modified connections to the water supply, please contact Hurunui District Council. Please note that the Ashley Rural Water Supply is a flow-restricted scheme.
- (f) The requirement for power and telephone to be confirmed as having capacity to service the subdivision does not guarantee that power or telephone connections are provided to potential allotments. On rural lots, the service authorities will not install submains to individual lots until the location of the house site is determined. Prospective purchasers of these lots should be advised to contact the relevant service authorities to ascertain the likely costs of servicing any specific lots to the purchaser's requirements.
- (g) This consent does not constitute approval under the Building Act or any Regional Plan.
- (h) Prior to any future dwelling being established on proposed Lots 2 to 17, the property owner shall be required to install an onsite sewage disposal system. A discharge consent may be required from Environment Canterbury.
- (i) The consent is a resource consent in terms of the Resource Management Act 1991. It is not a consent under any other Act, Regulation or Bylaw.

- (j) Consent Holder shall be advised that development contributions may apply to this subdivision and that these will be levied in accordance with the Council's Development Contributions Policy. Development Contributions will be advised in a letter separate to the resource consent decision. Payment of development contributions is required prior to the completion of the 224(c) process, under section 208 of the Local Government Act 2002.