

Application for Land Use Consent

Midlands Properties Limited

Racecourse Road, Ashburton

December 2024

Ashburton District Council

Reference: 22-296

Revision: Final



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QUALITY ASSURANCE

Project Reference: 22-296

Title: Application for Land Use Consent – Midlands Properties Ltd –
Agricultural Facility

Client: Mr Chris Green and Richard Bowman

Location: Racecourse Road, Ashburton

Version: Final

Lodgement Date: January 2025

Prepared By: David Harford

1.0 INTRODUCTION

Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource consent should include an assessment of any actual or potential effects that the activity may have on the environment and the ways in which any adverse effects may be mitigated.

Section 88(2)(b) also requires that any assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act 1991.

Form 9 as required by Section 88 of the Resource Management Act 1991 is provided as Annexure A to this application. The body of this application addresses the character of the land, the proposed land use activity and the relevant provisions of the District Plan. It also includes an assessment of effects on the environment as required by the Fourth Schedule to the Resource Management Act 1991.

1.1 Site Information

Site Address:	Racecourse Road, Ashburton
Legal Description:	Lot 1 and 2 DP 568166
Record of Title	CB 1023645 and 1023646 - Refer Annexure B
Site Area:	8.5315ha
District Plan Zone:	Rural A – Operative District Plan
Planning Maps	R65
Special Noted Features	

1.2 The Proposal

The proposal is to seek resource consent for Midlands Groups seed and plant research for agricultural purposes including seed and plant trials, display of products produced, office management and administration, operational storage, site landscaping and vehicle parking.

There is proposed to be two new buildings erected within the next two years. The intention is to construct a 600m² administration facility and 200m² field office. The balance of the site will include the trial plots vehicle accessways, car parking and extensive landscaping including plantings. The research part of the farm or trial plots will occupy over 5ha of the site.

Please refer to the site plan and landscape details included with the application for the site package.

The site is preferred due to its location and accessibility from a road network being Racecourse Road with proximity to Ashburton, State Highway 77 and to Mid Canterbury's wider rural areas.

Midlands is a well-established agricultural producer and suppliers of specialist vegetable and herbage seeds, pulses, oilseeds, cereal grains, and related value-added food ingredients.

Midlands Seed is one of New Zealand's top agricultural producers of specialty seeds and food ingredients, delivering 95% of the country's Marrowfat peas and 40% of the world's hybrid Carrot seed.

Research and development are critical to the Midland's business, building a strong future for their stakeholders, and allows them to continually explore and undertake new research to improve the product range.

Midlands Seed is a trusted and proven partner for farmers, suppliers and international buyers, by providing products and services that strengthen their businesses in the long run.

Midlands Seed have a strong quality assurance programme, guaranteeing complete traceability from the planted seed, right through to the final product. We have a substantial

presence on farm during critical stages of production to not only support farmers, but to ensure success of our entire agricultural range.

World leading quality is our benchmark, in everything we do. From consultation to formulation, conception to fulfilment, our emphasis on quality and attention to detail at every stage of the supply chain is second to none.

Key to this proposal and one of the reasons for establishment at the proposed location is to create a centralised facility that encompasses the multiple agricultural “arms” of business that Midlands has. Importantly and a substantial part of this is the use of the land for trials and research.

Midlands has different aspects of the business located in Ashburton alongside other land used for trials and research.

Importantly, there is the need to have a “flagship” facility to demonstrate both nationally and internationally, the activities Midlands undertake and to provide a facility for visitors to come to and appreciate.

To put some context on how significant Midlands Seed is as a contributor to the agricultural sector they are the fourth largest exporter of seed in the world.

The seed industry is governed by legislation administered by the Ministry of Primary Industries (MPI). The industry's principal policy tool is the seed control scheme, which requires seed companies to demonstrate they can control seedborne diseases before it can be sold. These requirements help to prevent the introduction of serious diseases on farm in New Zealand and support New Zealand's position as superior agricultural producers of seed crop and pasture seed to the international market.

Seed production in New Zealand is managed under strict biosecurity regulations and relies on a significant investment by farmers, the Government and industry in research and development. Midlands has invested in a variety of research to develop technologies and a range of farm practices to improve quality and yield, which produces superior pasture, forage and vegetable seed.

All this of course, is essential for quality and sustainable food production for both human and animal use.

A transport report is provided for this application which provides estimates of vehicle movements during both peak and non-peak times at the site. There are only a few traffic non-compliances associated with this proposal that relates to cycle parking, spacing between vehicle crossings and number of vehicle crossings. The proposal does not exceed the vehicle movements to be defined as a high traffic generator.

The number of staff at the site is 30 full time staff at the site and various casual and ancillary staff as required for the campus functionality.

The facilities are equipped with security measures like surveillance cameras and adequate lighting to ensure the safety of both the drivers and their vehicles.

The site has well established boundary vegetation on some parts of the boundary however additional internal plantings for screening and amenity will be provided by the applicant.

An agricultural report is included to support this application and details the specific requirements of the site usage. This includes assessment of the National Policy Statement for High Production Land.

1.3 Activity Classification

Under the Operative Ashburton District Plan the proposal is a discretionary activity on the basis there are permitted farming activities (trial plots for research and development and subsequent storage and processing and seed trials on land not owned by Midlands associated with contracts) however there is office administration ancillary to the seed facilities alongside provision for visitors to the site from time to time. Therefore, it falls more closely with a research and development facility so,

Any Other Activity on basis of the administration, contract and research aspects for the activities.

2.0 SITE AND SURROUNDS

2.1 The Application Site and Surrounds

The site is in the Rural A zone with frontage to both Racecourse Road and the Methven Highway (State Highway 77).

The site is used for both arable and pastoral purposes and has shelterbelt planting on both frontages and internal shelter within the paddocks within the site.

The site is contained predominantly in Record of Title 1023645 however Lot 2 DP 568166 (which is part of Record of Title 1023646) is the small portion of land that adjoins the site in the southwestern corner. This small site contains the irrigation well which serves this site and the land on the opposite side of the Methven Highway for the applicants.

A covenant exists on Record of Title 1023645 that prevents the keeping of more than 6 pigs, more than 24 hens and/or the operation of commercial dog kennels over the land. This covenant runs in perpetuity.

There is a stock water race that travels down the Methven Highway Road frontage of the site.

The site is adjoined internally by other small farming blocks and on the opposite side of Racecourse Road is a large farming block (Van Polanen) with an existing residential dwelling and accessory buildings.

On the opposite side from the site of State Highway 77 is land owned by the applicants and land owned by the McIlroys who live on that site and have the well-established Bently Service facility.

The Ashburton River is beyond this land to the north.

The current sites vehicle crossings include farm access on both Racecourse Road and State Highway 77.

All adjoining and opposite land is zoned Rural A.

The closest residential dwelling to the site is on the opposite property (309 Methven Highway - McIlroy) to the north being 38m from the closest boundary and (448 Methven Highway – Van Polanen) being 100 metres to the east.

The shelterbelt plantings which provide a level of screening along all shared boundaries.

Racecourse Road on the frontage to the application site is a two-lane sealed road. This road is classified as a principal road in the District Plan roading hierarchy. The speed limit is 100km/hr.

Methven Highway is a two-lane arterial road with a speed limited of 100km/hr.

3.0 PROPOSAL

This application is for a resource consent for the establishment and operation of a seed production and research facility with associated farm vehicle operations, storage and provision for administration and management. It will be the campus for Midlands Group seed offices and research.

The proposal includes the 600m² administration building and field office 200m².

The administration building (will involve some storage of seed) associated with farming activities exceeds the maximum 500m² floor area listed in the definitions.

The addition of impervious surfacing or sealing for the site will exceed the 2000m² maximum requirement and therefore does not comply with the site coverage standard. The proposal will include circa 2000m² of infrastructure (buildings) and the car parking and driveways circa 5000m².

Please refer to the site plan for the indicated location of these buildings and impervious areas. The building height will not exceed 8.0 metres.

The built form sought through this application will be separated from the boundary shared with the road and internal boundaries.

Earthworks will be required that exceeds the maximum areas in the zone for the building foundations and hardstand areas of 2000m² in area.

Established shelter planting and proposed additional plantings of species a similar or the same as the existing boundary plantings will provide a high level of screening that will in time obscure the buildings and facilities.

The traffic assessment included as Annexure G suggest that the maximum number of vehicle movements including heavy vehicles arriving and departing the site is 106 on a given day.

The site will generate a maximum of 154 equivalent car movements per day. This is based on a vehicle movement for one truck and trailer counts as 10 movements as opposed to a normal passenger vehicle. It is noted that this is the maximum number of movements per day; therefore, on average, vehicle movements may be less. The details of the traffic movements are included in the traffic assessment report.

The site is not exposed to flood risk from the perspective that the Ashburton River 1 in 200yr AEP stop banks prevent floodwaters from reaching the site.

As the site plan illustrates, the area is large enough to comfortably accommodate each aspect of the development whilst also allowing reasonable space between buildings and yard areas for on site logistics.

4.0 DISTRICT PLAN ASSESSMENT

4.1 District Plan Status

The District Plan is an operative plan and has been so since August 2014.

4.2 Zoning

The application site is zoned Rural A under the Operative Ashburton District Plan.

4.3 Compliance Assessment

In summary the relevant Ashburton District Plan rules for compliance or non-compliance are listed below.

Table 1: Operative Plan Compliance Assessment

Operative District Plan		
Rule	Requirement	Comment
Rural Zone Rules		
3.8.2	<p>Permitted Activities</p> <p>(a) Farming Activities*</p> <p>(p) Buildings</p> <ul style="list-style-type: none"> Farming activity definition states <i>means the use of land and buildings for the primary purpose of the production of vegetative matter and/or commercial livestock.</i> <p><i>Farming activity includes the packing, storage, and/or processing of the vegetative matter and/or commercial livestock produced on/in that land or on other land owned or managed by the same person(s). Buildings for this purpose are permitted up to an area of 500m² per site, where they meet all other rules.</i></p> <p><i>Farming activity excludes residential</i></p>	<p>The seed trials and research aspects are farming related activities on the site. Buildings associated with the farming and research would also be considered permitted with the exception of the storage aspect within the buildings which would exceed the minimum net area.</p> <p>In terms of the definition the administration building will exceed 500m². The primary use of the building is not for packing, storage or processing. However, there may be some small amounts of seed storage in the building but its not considered a significant matter. In any event the proposal is discretionary as detailed below.</p>

	<i>activity, home occupations, intensive livestock management, and forestry activity.</i>	
3.8.5	<p>The following activities shall be Discretionary Activities, provided that they comply with all the relevant zone standards:</p> <p>(i) Any other Activity, which is not listed as a Permitted, Restricted Discretionary, Non-Complying or Prohibited Activity.</p>	The proposal best fit this Activity standard due to the use of the site for farming and ancillary activities linked to research and development of seed.
Site Standards		
3.9.2	<p>Site Coverage</p> <p>a) Maximum percentage/area of the net area of any site covered by buildings and impervious surfaces shall be:</p> <p>Rural A 10% of net site area or 2000m², whichever is the lesser.</p>	<p>Does not Comply</p> <p>With the addition of the proposed buildings and yard area this will exceed 2000m².</p>
3.9.3	<p>Maximum Height of Buildings</p> <p>10m in Rural A and B for buildings used other than for the purposes of undertaking a farming activity</p>	<p>Complies</p> <p>The proposed additions will not exceed 10m in height.</p>
3.9.4	<p>Setbacks from Roads</p> <p>a) The minimum setback of buildings from road boundaries shall be 10m</p>	<p>Complies</p> <p>The proposed buildings will be setback over 20m from the road boundaries.</p>
3.9.5	<p>Setbacks from neighbours</p> <p>a) Minimum setback of buildings from internal boundaries of any site held in separate ownership shall be:</p> <p>All other buildings greater than 5m² GFA - 3m</p>	Complies
3.9.8	<p>Setback from Stop banks</p> <p>a) All buildings shall be set back a minimum distance of 100m from the centre line of any stopbank erected by the Canterbury Regional Council. (Refer Appendix 3-1.)</p>	<p>Complies</p> <p>No building will be within 100m of the stop banks on the Ashburton River.</p>
3.9.9	<p>Flood Risk</p> <p>a) All new structures, buildings or extensions to existing buildings that are to be constructed</p>	<p>Complies</p> <p>As per Flood Map F05 flood risk is not an issue on this property.</p>

	<p>on a site identified as being at risk from flooding, shall have a minimum floor height of 150mm above the level of the 1 in 200-year flood event, except for:</p> <ul style="list-style-type: none"> • new buildings or extensions to buildings with a gross floor area up to, and including 60m²; or • any building with an unsealed or permeable floor. <p>Note: A report identifying flood risk and the height of the 1 in 200-year flood event can be obtained from the Canterbury Regional Council or a suitably qualified expert.</p>	
3.9.12	<p>Tree Planting</p> <p>b) Tree planting in the Rural A and B Zones:</p> <ul style="list-style-type: none"> • any new tree shall be planted a minimum of 2.5 metres from any internal boundary adjacent to an existing residential unit on a neighbouring property. 	<p>Will Comply</p> <p>If any new trees are required these will meet the 2.5m setback requirement.</p>
3.9.13	<p>Earthworks</p> <p>b) Earthworks in the Rural A and B zones (excluding dig and fill for drainage works), shall not exceed a maximum volume of 5000m³ over an area no greater than 2000m² on any one site per annum.</p>	<p>Does not Comply</p> <p>There are earthworks required to compact and prepare the site for building foundation and the hardstand areas required. There would be greater than 2000m² in area and potentially over 5000m³ volume land disturbance to prepare the site.</p>
Zone Standards		
3.10.1	<p>Residential Density</p> <p>a) Minimum net area for any one residential unit shall be:</p> <ul style="list-style-type: none"> • 8ha - Rural A 	n/a
3.10.2	<p>Setback of residential units from Intensive farming activities.</p> <p>a) The minimum setback for new residential units from the following activities shall be 400m:</p> <ul style="list-style-type: none"> • existing feedpads. • existing dairy/milking sheds. • existing buildings designed and/or used for the housing and/or shelter stock. • existing buildings designed and/or used for any intensive farming activity; and • existing areas used for farm-related effluent storage or disposal. <p>Note: The standard does not apply to buildings on the same site.</p>	<p>n/a.</p> <p>The proposal does not involve a new residential unit.</p>

3.10.3	<p>Setback of Buildings from residential units.</p> <p>a) The following activities shall be setback at least 400m from existing residential units on a site held in a separate title:</p> <ul style="list-style-type: none"> • feedpads. • dairy/milking sheds. • buildings (over 100m² in area) designed and/or used for the housing and/or shelter of stock. • buildings designed and/or used for any intensive farming activity. • areas used for farm-related effluent storage or disposal. <p>Note: The standard does not apply to buildings on the same site.</p>	<p>n/a</p> <p>The five activities mentioned are not sought through this application.</p>
3.10.4	<p>High Flood Hazard Areas Rural A and B only</p> <p>a) No new structures, buildings or extensions to existing buildings shall be erected on a site identified as being at high risk from flooding.</p> <p>Note: A report identifying flood risk and the height of the 1 in 200-year flood event can be obtained from the Canterbury Regional Council or a suitably qualified expert.</p>	<p>n/a</p> <p>The site is not identified as being at high risk</p>
3.10.5	<p>Retail Sales</p> <p>a) There shall be no retail sales from sites by way of access or vehicle crossings to State Highway No. 1 and State Highway No. 77, except for the sale of refreshments to group visits to sites used for farming or residential activities.</p>	<p>Complies</p> <p>There is no retail sales associated with this proposal and nor is there any access to State Highway 77.</p>
3.10.7	<p>Intensive Farming and Disposal or Storage of Effluent</p> <p>a) There shall be no intensive farming and/or disposal or storage of any farm-related effluent:</p> <ul style="list-style-type: none"> • within 1500m of Residential A, B and C Zones and/or • within 1200m of the Residential D Zone and/or • within 20 metres of any water body or an Area of Significant Nature Conservation Value. 	<p>n/a</p>
3.10.8	<p>Setback from High-voltage Transmission Lines</p> <ul style="list-style-type: none"> • Within 12 metres of any High-voltage Transmission line as shown on the Planning Maps, no new buildings or structures shall be erected. 	<p>Complies</p> <p>There are no high voltage transmission lines within 12m of the proposed buildings or structures.</p>
3.10.9	<p>Lighting</p>	<p>Complies</p>

	<p>a) All fixed exterior lighting shall be directed away from adjacent properties, and roads, and railways and angled below the horizontal.</p> <p>b) No lighting from any activity shall result in a greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property within a Residential Zone, measured at any point more than 2m inside the boundary of the adjoining property.</p>	Lighting will be designed to comply.
Transport Standards		
10.8.6	<p>Cycle Parking</p> <p>a) All developments, other than residential and farming, are to provide cycle parking at a rate of 1 cycle space for every 20 car parking spaces provided.</p> <p>b) All required cycle parking shall be provided in cycle stands and laid out in accordance with Appendix 10-3.</p>	<p>Does Not Comply</p> <p>There is requirement for one long term cycle parking space. This may be able to be provided near the office building.</p>
10.9.4	<p>Spacing between Vehicle Crossings</p> <p>a) On Principal and Arterial Roads where the legal speed limit is 100km/hr, the minimum spacing between successive vehicle crossings (regardless of the side of the road on which they are located) shall not be less than 200m. This rule shall not apply to vehicle crossings to farming activities, which do not provide access or a driveway to buildings (other than hayshed's).</p> <p>b) On Principal and Arterial Roads where the legal speed limit is less than 100km/hr, the minimum spacing between successive vehicle crossings (either single or combined) on the same side of the road, shall not be less than 15m. This rule shall not apply to vehicle crossings which serve residential activities only.</p> <p>c) The separation distances shall be measured from the centre of one vehicle crossing to the centre of the succeeding vehicle crossing, parallel to the centreline of the transport network.</p> <p>d) Where the boundaries of the site do not allow the provision of any vehicle crossing whatsoever in conformity with the above distances a single vehicle crossing may be constructed in the position which most nearly complies with the provisions of this rule.</p>	<p>Does not comply</p> <p>The proposed main vehicle crossing is immediately opposite one of the farming accesses of 448 Racecourse Road. This vehicle crossing is approximately 40m from the main access of 448 Racecourse Road.</p> <p>The proposed service vehicle crossing is approximately 150m from the main access of 448 Racecourse Road.</p> <p>The two proposed vehicle crossings are separated by approximately 190m.</p>
10.9.5	Maximum number of Vehicle Crossings	Does not comply

	a) The maximum number of vehicle crossings to a site per road frontage shall be in accordance with Table 10-11 below:	The site frontage is greater than 100m along Racecourse Road; therefore, one vehicle crossing is allowed. Two vehicle crossings are proposed.
The rest of the traffic assessment is provided for in the Traffic Impact Assessment prepared by Novo Group included as Annexure G.		
11. Noise		
11.8.1	<p>Noise Standards for Zones</p> <p>When measured at or within the boundary of any site zoned:</p> <p>Rural A and B Daytime (0700-2200 incl)</p> <p>L_{aeq} 65dB L_{AF} Max 85dB</p> <p>Rural A and B Nighttime (all other times)</p> <p>L_{aeq} 45dB L_{AF} Max 70dB</p> <p>When measured at the notional boundary of any residential unit on an adjoining site zoned:</p> <p>Rural A and B</p> <p>Daytime</p> <p>L_{aeq} 50dB L_{AF} Max 75dB</p> <p>Nighttime</p> <p>L_{aeq} 40dB L_{AF} Max 65dB</p> <p>Exemptions: The following activities are exempt from complying with the above noise levels: a) Any noise source specifically listed below as being assessed in accordance with another New Zealand standard, or having specific noise levels listed below, or covered by the following rules:</p> <p>e) Within rural zones, any operational rural equipment which is mobile during its normal use, and which is associated with primary production (e.g. tractors, harvesters, and farm vehicles). This includes items such as motorbikes and chainsaws used as part of primary production activity but does not include recreational motorbike tracks or long-term sawmilling. This exemption does not include any fixed motors or equipment, frost fans or gas guns (see below).</p>	Based on the activity's hours of operation and intermittent nature of the transport any nighttime noise will be very limited and related to vehicle movements associated with the trial plots and farming activities on the land. This would come within the exemptions listed.
11.8.7	Audible Devices in Rural Zones	Some of the crop trials may need to include avian distress alarms. If these

	<p>a) The operation of audible devices (including gas guns, audible avian distress alarms and firearms) for the purpose of bird scaring shall be permitted within the hours of daylight but not earlier than 6.30am, provided that:</p> <ul style="list-style-type: none"> • a noise limit of 65 dB (LAE) shall apply to any one event when measured at any point within the Residential Zone and at any point within the notional boundary of any rural residential unit other than on the property in which the device is located; and • no more than fifteen audible events shall occur per device in any 60-minute period; and each audible event shall not exceed three sound emissions from any single device within a one-minute period and no such events are permitted during the period between sunset and sunrise the following day; and • the number of devices shall not exceed one device per four hectares of land in any single land holding, except that in the case of a single land holding less than four hectares in area, one device shall be permitted; and • provided no device shall be placed in such a manner that in any public place 90 dB (LAE) is received from any one noise event. <p>Notes:</p> <ul style="list-style-type: none"> • Gas guns typically require a setback distance of around 600 metres to comply with this rule. For installations closer than this to neighbouring residential units, growers should check noise levels carefully before installation. • Although not forming part of the District Plan, attention is also drawn to the Councils voluntary “Audible Bird Scarers Code of Practice, March 2004”. 	are required, they will comply with the District Plan standards.
13. Signage		

13.7.1	<p>Permitted Activities</p> <p>Except where specifically provided for as Restricted Discretionary or Non-Complying activities, the erection of all signs shall be Permitted Activities in all zones, subject to compliance with the General Standards and Site Standards below and all relevant District Wide rules.</p>	<p>Complies</p> <p>The proposed signage for the site will be placed at the entrance and will comply with the relevant District Plan standards.</p>
16. Hazardous Substances		
16.7.1	<p>b) The storage of hazardous substances identified in Appendix 16-1, Table 16-1, in quantities not exceeding those specified in Column A of Table 16-2 for the relevant zone.</p>	<p>Complies</p> <p>Agrichemicals stored on the site will not exceed 3000 litres/kg and will be stored within the building.</p>

Table 1: Operative District Plan Compliance Assessment

4.4 Activity Status

Consent is required for a discretionary activity under the Operative Ashburton District Plan.

An assessment of the effects of this proposal below demonstrates that the effects of the non-compliances will be less than minor.

5.0 ASSESSMENT OF EFFECTS

The following assessment of effects arising from the activity status and non-compliances with site and zone standards is discussed below.

The compliance assessment has assessed compliance with the relevant District Plan criteria earlier in this application and, in so doing, has to a significant degree, addressed associated effects. This part of the Assessment of Effects (AEE) is therefore in the form of a summary of effects under a series of relevant headings.

5.1 Assessment of Effects – Rural Character and Amenity

The site is located within a mixed rural farming area of various sized rural blocks surrounding the site.

The land is flat in its topography and this site is farmed for both arable and pastoral purposes currently alongside areas of shelterbelt planting for amenity.

As shown on the Schematic Campus layout included as part of Annexure C the proposal includes extensive landscape plantings and features which will provide significant internal screening of the buildings and site in time.

This includes provision for low mounding and native planting along the Racecourse Roaf frontage of the site alongside planted laneways and provision for stormwater management via swales or infiltration as shown on the plan from hardstand or the all-weather surface driveways and car parking areas.

There are two vehicle crossings into the site. The primary crossing is located near the southern corner of the site which is the main entrance for the main buildings for staff and visitors. This crossing is positioned opposite a vehicle crossing to accessory buildings for the property at 448 Racecourse Road but not the main crossing or driveway to the existing residential building. A second crossing further north on the site is for service vehicles or heavy vehicles into the site. No additional vehicle crossing is proposed on State Highway 77 for this site.

This additional vegetation planting similar or the same as existing around the boundaries of the site now are proposed to be planted to assist with screening and mitigation of the

site as viewed from adjoining properties, those opposite and both Racecourse Road and State Highway 77 itself.

The proposed facilities are positioned at the southern part of the site but setback well exceeding the internal and road boundary setbacks approximately 70m from the road boundary so is well setback such that it is not close to the road boundary in terms of visual bulk or appearance.

The noticeable daily activity on the site will ultimately be limited to vehicle movements entering and leaving the site as detailed within the traffic assessment prepared by Novo Group Limited.

There is a low density of residential units on land surrounding the subject site with up to three residential units within 400m of the main building and yard areas. These surrounding residential units are within vegetated surroundings and are farming or lifestyle property operations.

It is noted that within the Operative District Plan, the purpose of the Rural A Zone is to provide for existing and future farming activities, and associated buildings including residential units. Due to the proximity of residential activities, this zone is not intended to provide for intensive farming and related effluent disposal.

The new structures proposed have been designed to less than a compliant height to minimise the scale, bulk and mass as perceived from the immediate environment. In doing so, the resulting impact is not considered out of character for this environment.

By ensuring all buildings are scaled and a sufficient distance from both the site boundaries and neighbouring landowners, this scheme seeks a proposal of limited impact when compared to permitted farming activities in this zone where farm buildings could be erected closer and higher to the boundaries than what is proposed.

To limit any impact on neighbours, machinery returning to the yard in the evening would be limited to using the service entrance to minimise any noise and light nuisance.

In terms of lighting effects from headlight glare there is fortunately well-established vegetation in the form of trees and shrubs on opposite side of the road which should shield a significant amount of light spill however it can be noted that other than the winter months most vehicles leaving the site will do so by later afternoon so it is not a case of a significant amount of light spill occurring late into the evening or the early hours of the

morning.

The closest public viewpoint is Racecourse Road, on the site frontage. While the height of the built form will be within the permitted building height allowance of the District Plan, there are also boundaries and intermittent vegetation in the form of established trees and additional shelter planting proposed which will provide additional screening from part of the surrounding environment.

The new structures (circa 800m²), upon the site equates to approximately 1% of building coverage. However, when combined with the proposed impervious surfacing for the yard area the coverage extends to 0.7ha so essentially 8% of the site which is still less than 10% coverage however it exceeds the 2000m² area. That said, the effects of the 2000m² only includes 600m² of building or bulk coverage. The rest relates to impervious surfacing.

Given the direct relationship of this agribusiness activity to the rural sector it is considered that this proposed activity fits with the purpose of the Rural A Zone and is therefore acceptable within a rural zone.

5.2 Assessment of Effects – Hours of Operation and staff

For most of the office administration and management staff, hours will be 8.00am to 5.00pm Monday to Friday however for field staff, farming and contract related staff movements may occur outside of those hours but that is typically for the spring and summer months, and it will be intermittent over the site and involving minimal numbers of staff.

There are times where the need to access and egress the site late at night and early in the morning will be required, which is the nature of this type of industry.

It is also worth reiterating how onsite activity will occur on an ad hoc basis, depending on the season and individual demand at that time. While this proposal includes the erection of additional built form in the future, the storage and administration will support the operation.

Nevertheless, it should be highlighted that even when functioning during the busier times of year, a lot of the work will take place off site where other Midlands sites exist i.e., land opposite on State Highway 77, the farming activities and contract growing on farmland throughout the District.

5.3 Assessment of Effects – Site Coverage

Assessment matters for building coverage are contained on pages 3-66 of the Operative District Plan. There are some comments that can be made about the coverage of the buildings and impervious surfaces on the site.

3.11.1 Residential Density and Building Coverage

a) The degree to which the residential density has an adverse effect on the open character of the site and the surrounding area, in particular:

- in the Rural A and B Zones the extent to which building coverage on the site would visually dominate a site which would be out of character with the local environment.*

The site is a rural block which has been farmed for many years. The land has not had any building activity upon it or to any knowledge any removal of materials or backfill however there may be the need for some Geotech assessment and reporting for the buildings and hardstand foundations for the site prior to any building consent being issued.

Upon this 8.5315ha site, overall building coverage is permitted up to 2000m² based on the rule. The proposed buildings will not exceed 2000m² however the impervious surfacing required for the yard area will cover up to 8% of the site.

Although the built form will introduce bulk on the site which does not currently exist, what is permitted by the District Plan is coverage up to 2000m² which could simply be buildings with no other hardstand which conceivably could create the same or greater effect in terms of bulk than what is proposed here. This proposal has a large enough land area with proposed plantings and vegetation to off set the effects of building bulk and location.

The proposed design and materials are included as part of the design shown in the RMM Landscape Package included amongst the plans in Annexure C. Essentially, the

administration building will be a large open plan office with materials being a combination of both timber and metals. The predominant angle is north facing toward the mountain ranges.

The open lawn and gardens areas will be in view from the building and the roof design will be gently sloped with solar Photovoltaic (PV) panels fitted. There will be potential or ability for a covered connection between this administration office and the field office. Note too that there is land set aside for future building development shown as area 18 on the schematic campus layout.

The field office will include the research labs and office spaces for the field technicians and other field staff. This office is required for access to the field trials area. This building would have a gentle sloping roof will would support PV panels if required.

The site coverage sought through this application is not considered problematic on the basis that it is permitted to have up to 10% building coverage over the site.

The main building is central to the site with parking separated from the buildings shown as Area 6 on the campus plan. This separation approach will lessen the perception of overall built form coverage, whilst simultaneously enhancing the manoeuvrability, safety and useability of the remainder of the site.

Note that the overall footprint measurement accounts for two independent structures that have been spaciouly separated within the generous application site. As shown on the site plan provided, this arrangement will go some way towards reducing the overall bulk of the proposal.

Moreover, the administration and field office facilities are primarily sought to support the day-to-day operation of this business. Furthermore, a site that spans over 8ha and being a corner site with substantial existing and proposed plantings, is considered spacious enough to comfortably absorb the proposed development.

The buildings do not exceed the maximum height within this Rural A zone. Similarly, the setback from both road and internal boundaries meets the minimum requirements.

After combining the above, the proposed facilities are not expected to appear dominant within this location. The development will not compromise the established character of the surrounding area.

b) The degree to which residential density shall compromise the productivity of Land Capability Classes I and II (New Zealand Land Resource Inventory) in the Rural A and B Zones.

While this matter refers to residential density, this proposal seeks consent to construct buildings for an agricultural campus facility more than the permitted coverage. Whilst the current District Plan does not determine which soils are Class I and II under the Land Use Capability Classification System, this site is LUC 2. More comments on this below under the High Production land assessment and specific details are within the Agricultural Report prepared to support this application and contained within Annexure H.

The introduction of these structures is necessary to provide a world class agricultural research and development facility due to the high-quality seed Midlands provides which is sought from many different countries throughout the world. The importance of having a high-class administration and research facility cannot be under emphasised when you are on display to overseas visitors.

Considering the above, it is not anticipated that the scale of the development will lead to excessively detrimental impacts upon its setting.

5.4 Assessment of Effects – Earthworks

The earthworks assessment matters are included under 3.11.11 of the Ashburton District Plan.

c) The siting, design and methods of construction of earthworks.

The earthworks involved will be building foundation preparations for the buildings and the driveways. The planting of trees and landscaping are excluded from the definition of earthworks. The balance of the site will be compaction and preparation for hard surfacing which will not necessarily be significant cut and fill, but land disturbance works, nonetheless. This is estimated to be a total of circa 450m³ based on some standard foundation depths.

Some geotechnical assessment is likely to be required pre-building at the site to determine the foundation strength.

The preparation of the driveways and entrance areas for the site to all weather surfaces may equate to 2000m³ of earthworks in terms of formation and cut/fill requirements.

Earthworks will be required that exceeds the maximum areas in the zone for the building foundations and hardstand areas of 2000m² in area.

Generally, most earthworks for foundations will involve cuts/fills of less than 0.5m deep.

For the hardstand areas on the site there will be the need for some form of stormwater treatment in the form of first flush and swale management, and/or soakage basin created on the site. There is ability for rainwater harvesting and general discharge to ground due to the levels of planting over the site. There are specific areas shown on the concept plan that show where stormwater can be discharged too.

The pavement and curtilage areas about the site for land disturbance and compaction with appropriate materials will not exceed the 5000m³ maximum based on the whole site being level and designed for stormwater management. Very little area of the site is hardstanding in terms of all-weather surface so factoring the parking areas and general curtilage about the buildings and driveway entrance area, stormwater treatment and soakage, it is conceivable that approximately 0.7ha of the site would be building or hardstanding areas so land disturbance or earthworks associated with this may get too 3000m³ volume.

d) The location of earthworks, whether these will be on a prominent ridgeline.

The site of the proposed earthworks is a relatively flat topography. It is not a prominent ridgeline or significant natural area. The main earthworks are for the building foundations which will be screened initially by existing vegetation and in time, new plantings will further screen the buildings.

e) The scale or duration of the earthworks.

The works will take several weeks in good weather conditions to complete with the ground preparation and levelling to create a sub-base for the pavement and the foundations for buildings and driveways.

f) Site management i.e. control of dust and runoff.

All measures will be employed to mitigate any adverse effect on the surrounding environments. The risks include:

- Fuel and oil spills from construction vehicles contaminating soils
- Sediment contamination of waterways
- Dust
- Noise from construction activities
- Increased construction traffic on adjacent roads

Contractors will follow a Construction Management Plan which will be like the following.

- *Fuels and oils will be used and stored by approved methods to minimise the risk of spills.*
- *Normal construction operation hours will be between 7:00am and 6:00pm Mondays to Fridays and between 7:00am and 4:00pm on Saturdays. No work will be carried out on Sundays or public holidays with the exception of plant maintenance, erosion and sediment control, or work to ensure the security of the site.*
- *Site access will be provided off Racecourse Road at the location of the proposed new vehicle crossings.*
- *All necessary precautions will be taken to keep Racecourse Road in a clean and tidy condition, and to ensure that all reasonable measures are taken to clean construction vehicles of any material that may drop, before they leave the site.*
- *Dust mitigation measures will be used to avoid loose material being blown off site. Measures will include the progressive revegetation of exposed areas and water damping as required.*
- *The monitoring and management of any Erosion and Sediment Control measures will be the responsibility of the Contractor.*
- *Erosion and sediment control measures have been designed in accordance with Environment Canterbury's Erosion and Sediment Control Guidelines*
- *The Contractor will make daily inspections of any erosion and sediment control devices and the efficiency of any Erosion and Sediment plan is to be continually monitored.*

- h) Whether any materials will be transported from the site and potential effects on the road network i.e. trucks movements.*

Some material such as backfill may need to be imported and any spoil materials exported from the site for the earthworks, therefore there will be limited construction traffic associated with the proposed earthworks.

5.5 Assessment of Effects – Vehicular Activity

Firstly, it is emphasized that the proposal can comply with all traffic-related rules in the District Plan except for the cycle parking and vehicle crossing requirements. That said, the applicant will be able to provide a cycle space near the office administration or field office facility as required.

Nevertheless, it is acknowledged that the discretionary activity status enables all effects to be considered. The key traffic related issues associated with this proposal have been assessed as part of the Novo Group traffic assessment included as Annexure G.

There will be a requirement or need to seal the entranceways to the site (berm) and other areas of traffic movements would at least be all-weather standard to minimise dust nuisance and materials being carried out onto the road.

Overall, any traffic related effects are considered less than minor.

5.6 Assessment of Effects – Services

The buildings on site will be required to have a potable water supply. The intention will be to install a bore for the domestic water requirements of the site unless water for domestic purposes can be taken from the existing irrigation bore that exists on the site.

On site wastewater discharge will be investigated at the time of building consent. The site exceeds a minimum area of 4ha and provided there is not high groundwater at the site on-site wastewater discharge from this site should not be an issue.

Electricity and telecommunications will be connected to the site from the existing facilities on Racecourse Road or in the case of telecommunications, if fibre is unavailable then a form of wireless broadband may be installed.

5.7 Assessment of Effects – Noise, Dust, Glare, Smell and Vibration

A certain level of noise and disruption is anticipated locally and is part of the existing environment now. That being said, the proposal is not considered to result in an unacceptable intensification of use or increased noise emissions.

The noise standards for vehicles entering and leaving the site between the anticipated hours is not considered an issue and the daytime standards of 65dBA Leq are anticipated to be complied with.

Vehicle glare will not create such an effect that poses a risk to existing road users or creates a nuisance or safety effect. Any glare effects on adjoining or neighboring properties will need to be mitigated, if necessary, through there is some substantial vegetation on the site frontage opposite and upon the application site. The entranceways for exiting do not face directly out towards a residential unit. The key issue to mitigate here is any light spill or glare onto residential buildings.

It is not anticipated that this proposal will generate a level of dust or debris that would disturb neighboring landowners based on the low-speed vehicles traveling through the site. Furthermore, there are no anticipated effects such as odour from this site.

There would be limited vibration effects other than at time of compaction where rollers or compaction equipment may be required for the site levelling.

5.8 National Environmental Standards- Soil Contamination that may affect Human Health

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the NES) came into effect on 1 January 2012.

The statements in italics below are direct from the Ministry for the Environment's website and are included for the purpose of identifying the likelihood of contamination at this site.

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health:

- *provides a nationally consistent set of planning controls and soil contaminant values.*

- ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

The NES classifies as permitted activities (meaning no resource consent required if stated requirements are met):

- removal or replacement of fuel storage systems and associated soil and associated subsurface soil sampling.
- soil sampling
- small-scale (no greater than 25 cubic metres per 500 square metres of affected land) and temporary (two months' duration) soil disturbance activities
- subdividing land or changing land use where a preliminary investigation shows it is highly unlikely the proposed new use will pose a risk to human health.

Activities requiring a resource consent under the NES include:

- the development of land where the risk to human health from soil contamination does not exceed the applicable soil contaminant value (classified as a controlled activity, meaning resource consent must be granted)
- the development of land where the risk to human health from soil contamination exceeds the applicable soil contaminant value (classified as a restricted discretionary activity)
- the development of land where the activity does not meet the requirements to be a restricted discretionary, controlled or permitted activity (classified as a discretionary activity).

Section 6 methods of the legislation states.

6 Methods

- (1) Subclauses (2) and (3) prescribe the only 2 methods that the person may use for establishing whether or not a piece of land is as described in [regulation 5\(7\)](#).

(2) One method is by using information that is the most up-to-date information about the area where the piece of land is located that the territorial authority—

- (a) holds on its dangerous goods files, property files, or resource consent database or relevant registers; or
- (b) has available to it from the regional council.

- (3) *The other method is by relying on the report of a preliminary site investigation—*
- *(a) stating that an activity or industry described in the HAIL is, or is not, being undertaken on the piece of land; or*
 - *(b) stating that an activity or industry described in the HAIL has, or has not, been undertaken on the piece of land; or*
 - *(c) stating the likelihood of an activity or industry described in the HAIL being undertaken, or having been undertaken, on the piece of land.*
- (4) *The person must—*
- *(a) choose which of the 2 methods to use; and*
 - *(b) meet all the costs involved in using the method that the person has chosen.*

The site is not listed on the ECan Listed Land Use Register (LLUR) as a HAIL site. A copy of the LLUR report for the site is included as Annexure F.

5.9 National Environmental Standards- Highly Productive Land

Under the National Policy Statement – Highly Productive Land, there are requirements for the Council to consider regarding potential soil loss for changes in land use or subdivision activities on higher classes of soil. In particular Land Use Classifications (LUC 1-3), are relevant. The location of this site is on LUC 2 land (sourced from *Our Environment Landcare Research website*).

The NPS-HPL took legal effect in October 2022. The Objective is.

Highly productive land is protected for use in land-based primary production, both now and for future generations.

There are nine supporting policies to this objective however the relevant policies for this proposal include.

Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Section 3.9 *Protecting highly productive land from inappropriate use and development*, says the Council in (1) *must avoid the inappropriate use or development of HPL that is not land based primary production.*

Under 3.9(2) however, there are exemptions listed. Of that list 2(a) states.

(a) it provides for supporting activities on that land.

The definition of *productive capacity, in relation to highly productive land*,

means the ability of the land to support land-based primary production over the long term, based on an assessment of:

(a) physical characteristics (such as soil type, properties, and versatility); and

(b) legal constraints (such as consent notices, local authority covenants, and easements); and

(c) the size and shape of existing and proposed land parcels

The application site will still be utilised for production for seed research and management. The proposal is very much aligned as a supporting activity to the land as it is for seed research and development which is critical for arable production improvements in not only NZ but in other international countries.

Section 3.9(3) can be met on the basis the loss or cumulative loss of any soil is limited as the scale of the site is not large.

It is noteworthy too the Ashburton District has a substantial amount of HPL land in predominantly Rural A and B zones and some Rural C land.

(ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and

There is no fragmentation of any large or contiguous portions of land as it applies to this site.

(iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and

Based on the proposal there is unlikely to be any reverse sensitivity effects on surrounding or adjoining land.

(c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

It is stressed that under this application there is minimal loss of soil (less than 10%) in terms of a District or Regional context. The proposal meets the criteria as a supporting activity on the land and in terms of a production context this site provides ability for improvements through research and development for arable research. Midlands have a worldwide reputation as seed specialists.

Therefore, in terms of potential soil loss, this is not considered to be a significant effect. An agricultural report is included as Annexure H.

5.10 Natural Hazards

The Ashburton River is to the north however substantial stop banking exists removing the potential for a significant 1 in 200-year flood event.

There is no flooding notation on maps to indicate surface flooding issues.

5.11 Effects Summary

Overall, based on the preceding assessment of environmental effects it is considered that the effects are not significant.

The proposal still more than adequately provides for future land users and adverse effects that could be considered significant are not expected to arise.

5.12 Consideration of Alternatives

The preceding assessment of effects shows that the proposal will not have any significant adverse effects on the environment. The fourth schedule of the Resource Management Act 1991 at section (1) (b) does not require an assessment of alternatives unless the activity is likely to have significant adverse effects. It is therefore submitted based on the assessment of effects provided in this application that the effects are not significant and therefore an assessment of alternatives is not required.

Accordingly, under Schedule 4 clause 1(b) of the Resource Management Act, there is no need for alternatives to be considered.

5.13 Consultation

The applicant has not undertaken consultation with adjoining landowners currently other than some verbal discussion with some parties.

6.0 OBJECTIVES AND POLICIES

Section 104 (1) (c) of the Resource Management Act does allow for any other relevant matters that the territorial authority sees fit to be considered in determining an application. Therefore, to assist here some relevant objectives and policies have been assessed. The relevant Rural Zone objectives and policies for the Operative District Plan are considered to be the following:

Objective 3.5: Rural Character and Amenity

To protect and maintain the character and amenity values of the district's rural areas, considering its productive uses whilst providing for non-rural activities that meet the needs of local and regional communities and the nation.

Policy 3.5B

Provide for the establishment of non-rural activities in the rural areas, whilst managing any potential adverse effects on the character and amenity of the rural environment and rural productive activities.

The proposal is effectively an agricultural seed research, development and support business being a vital rural related activity.

The overall site will change in terms of the buildings and layout, but productive uses of the land are not lost as the seed trials will still be undertaken utilising the soil.

The site plans annexed to this application shows the proposed site layout. The facilities will be sufficiently removed from site boundaries and the nearest neighbouring properties. From Racecourse Road, any anticipated visual impact can be mitigated to an extent with the site layout, retention of shelter vegetation and proposed additional planting of trees along the road frontage and internal boundaries of the site. Building setbacks exceed the minimum requirements.

Set within a largely open location, the erection of these facilities will not negatively impact upon the character and amenity currently experienced within this rural setting to any significant degree.

Policy 3.5D

Protect the visual qualities of the surrounding environment from any adverse effects of night lighting of recreational and business activities.

Significant areas of boundary planting and numerous elements of built form have developed on and around the application site over time. The surrounding area will be protected from night lighting via both buildings and vehicles due to these various forms of screening. Building lighting will be minimal and internalized alongside carparking and laneway lighting. As much as possible, operations during the hours of darkness will be limited.

While there are residential units in proximity of the site (within 200 metres) on site lighting will be controlled and effects of glare from headlights factored into the development in terms of offsite effects on other landowners.

Policy 3.5E

Retain an open and spacious character to the rural areas of the district, with a dominance of open space and plantings over buildings by ensuring that the scale and siting of development is such that:

- *It will not unreasonably detract from the privacy or outlook of neighbouring properties.*
- *sites remain open and with a rural character as viewed from roads and other publicly accessible places.*
- *The character and scale of buildings is compatible with existing development within the surrounding rural area.*
- *the probability of residential units' dwellings being exposed to significant adverse effects from an activity on a neighbouring property is reduced.*

The buildings are designed and finished to not take on large bulk and appearance close to adjoining properties or the road. The different aspects of the proposal have also been considerably located so as not to unreasonably compromise either the privacy and/or outlook of neighbouring properties.

The buildings do not exceed height limits and benefit from screening on this site and on nearby sites within the vicinity. Accordingly, there is compatibility within the surrounding rural area. The character and scale of the buildings are not so large that they are out of place in this location. Many farm buildings could be constructed that are larger than the administration building proposed.

The nature of the building use is relatively passive in terms of the administration and support nature. This is not a proposal with significant vehicle movements or noise creation that there are significant effects generated.

After assessing against the objectives and policies, it appears that the proposal is not contrary to those relevant.

In summary, it is deemed that the proposal sought is appropriate within this area of the Rural A zone.

7.0 PART II OF THE RESOURCE MANAGEMENT ACT

Part II of the Act contains Sections 5 – 8 and relates to the purpose and principles of the Act. It is considered that the proposal should be assessed against Sections 5 and 7.

7.1 Section 5

Section 5 outlines the purpose of the Act as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 5 of the Resource Management Act 1991 identifies the purpose of the Act as being the promotion of sustainable management of natural and physical resources. For the reasons, it is considered that the proposed development achieves this purpose by avoiding, remedying or mitigating any adverse effects.

7.2 Section 7

Section 7 outlines other matters that need to be considered. Matters of relevance are:

- (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.*

When assessing a discretionary land use consent application in the Rural A zone, consideration may be given to the effect on amenity values and the maintenance and enhancement of the quality of the environment because of the proposed activity.

It is considered that section 7(b), (c) and (f) of the Act are matters that will not be adversely affected by the proposal. The proposal will contribute to the efficient use and development of the land while offering an agricultural research and development focus and pivotal to this are trial plots that will form a large part of the site.

In terms of the efficient use of natural and physical resources, it is considered that the use of the site for its proposed purposes is an efficient use of the land.

The proposal is consistent with these Part II matters in that the proposal will maintain the amenity of the surrounding environment, in accordance with Section 7c and 7f. Given the above, it is considered that the proposal is in keeping with Part II of the Act.

8.0 SECTIONS 104 & 104B - CONSIDERATION OF APPLICATIONS

Section 104 sets out those matters that must be considered when assessing an application for a resource consent. Subject to Part 2 of the Act, Section 104(1) requires a consent authority to have regard to the following matters:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of-*
 - (i) *a national policy statement.*
 - (ii) *a New Zealand coastal policy statement.*
 - (iii) *regional policy statement or proposed regional policy statement.*
 - (iv) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

Section 104B of the Act states in relation to the determination of applications for discretionary and noncomplying 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.”*

Section 104(1)(b)(2) requires the consent authority to have regard to any relevant provisions of the District Plan or 104(1)(c) any other matter the consent authority to determine the application or Section 104(D)(1)(b)(i) the activity not being contrary to the objectives and policies of the District Plan.

In conclusion, we consider that the proposal meets the requirements for having effects that are of low potential effect and not being contrary to the relevant objectives and policies.

9.0 NOTIFICATION –SECTIONS 95 AND 95A-F

Section 95A Public notification of consent applications

There is a four-step process under Section 95(A) to determine if public notification is required.

Step 1 - Does the application fall within the criteria for mandatory public notification under s95A (3)?

- The applicant has not requested public notification.
- Public notification is not required under s95C.
- The application is not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 2 - Does the application fall within the criteria where public notification is precluded under s95A (5)?

- The activity is for a discretionary activity.

Step 3 – Does the application fall within the criteria where public notification is required under s95(8)?

- The application is not for an activity subject to a rule or national environment standard that requires public notification.
- the activity will not have or is not likely to have adverse effects on the environment that are more than minor.

Step 4 – Are there any special circumstances under s95A (9) which requires public notification?

- There are no special circumstances which require the application to be publicly notified.
- The application does not meet the criteria for public notification under the provisions of s.95A. Therefore, the application does not need to be publicly notified.

Section 95B Limited notification of consent applications

Step 1 – Are there certain affected groups and affected persons who must be notified under s95BA (2-3)?

- There are no affected customary rights groups or affected marine title groups in relation to this proposal.
- The proposed activity is not on or adjacent to, or affects land is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11.

Step 2 - Does the application fall within the criteria where limited notification is precluded under s95B (6)?

- No. The application is not for an activity subject to a rule that precludes limited notification.
- The application is not for either or both the following activities, but for other activities:
- The activity is not for a controlled activity,
- The activity is not for a prescribed activity.

Step 3 – Does the application fall within the criteria for other affected persons to be notified under s95B (7-8) and s95E?

- The above assessment of environmental effects concludes the proposal will not have significant adverse effects. Any requirement for consultation with adjoining landowners can be undertaken.

Step 4 – Are there any special circumstances under s95B (10) which requires limited notification?

- There are no special circumstances that would warrant the limited notification to any other persons not already deemed to be affected parties (excluding persons assessed under s95E as not being affected persons) unless affected person approvals could not be secured for the application.

Although the proposal will introduce a discretionary activity when assessed against the Ashburton District Plan, it is considered that the impact is of low potential due to the farming and research nature of the activities.

10.0 CONCLUSION

This application seeks resource consent for Midlands Group which provides seed and plant research for agricultural purposes including seed and plant trials, display of products produced, office management and administration, operational storage, site landscaping and vehicle parking.

Section 104 of the Act sets out the matters to be considered when assessing an application for resource consent. These matters require consideration of any actual and potential effects on the environment arising from the proposal. The relevant objectives and policies of the Operative Ashburton District Plan were considered which Council must have regard to in its decision making and based on those relevant provisions the proposal is not considered inconsistent with those.

It has been demonstrated by the preceding assessment that the effects on the environment because of this proposal will have effects that are of a low impact. The relevant provisions of Part II of the Resource Management Act 1991 have been satisfied and it is considered that the proposed development is consistent with the purpose of the Act, promoting the sustainable management of natural and physical resources, with no more than minor environmental effects.

ANNEXURE A – FORM 9

Form 9: Application for Resource Consent

Under Section 88 of The Resource Management Act 1991

TO: The Ashburton District Council

Midlands Properties Limited applies for the resource consent described below.

1. **The names and addresses** of the owner and occupier (other than the applicant) of any land to which this application relates are as follows:

n/a

2. **The location** to which this application relates is:

Racecourse Road, Ashburton, legally described as Lot 1 and 2 DP 568166 contained in Records of Title 1023645 and 1023646. Please find the titles attached at Annexure B.

3. **The type of resource consent** being sought is a Land Use Consent.

4. **A description of the activities** to which the application relates is:

This application seeks consent for the establishment and operation of seed research and administration facility in accordance with the plans and details provided.

The proposed development will be in accordance with the plans accompanying this application and which should be read as part of it. A more detailed description of the proposed activity is to be found in the assessment of effects on the environment which accompanies this application as Annexure A, and which should also be read as part of this application.

5. **Attached is an assessment of any actual or potential effects** that the activity may have on the environment.
6. **No additional resource consents** are required in relation to this proposal:
7. **No other information** is required to be supplied by the district or regional plans or regulations.

Address for service:

David Harford Consulting Limited
2 Queens Drive
Ashburton 7740

Attention: David Harford

Telephone: 029 307 7164

Email: david@[dhconsulting.co.nz](mailto:david@dhconsulting.co.nz)

Address for Applicant

Midlands Properties Ltd
C/- Richard Bowman

Email: Richard.bowman@midlands.co.nz



.....
DATED: 7th January 2024

(Signature of applicant or person authorised to sign on behalf)

ANNEXURE B – RECORD OF TITLE

ANNEXURE C – CONCEPT DEVELOPMENT PLANS-RMM LANDSCAPE ARCHITECTURE

ANNEXURE D – LOCATION PLAN

ANNEXURE E – PLANNING MAP

ANNEXURE F – LLUR

ANNEXURE G – TRAFFIC IMPACT ASSESSMENT

ANNEXURE H – AGRICULTURAL REPORT