



Sections 95, 95A – 95F Resource Management Act 1991

Report determining whether an application for Resource Consent should be processed as publicly notified, limited notified or non-notified

Consent number:	LUC23/0109
Applicant’s Name:	Southern Parallel Equine Centre Limited
Street Address:	279 Stranges Road, ASHBURTON
Legal Description of Site:	Lot 1 DP 43334
Zone:	Rural B
Application summary:	Land use consent is sought to establish an equine stud, with associated built and outdoor facilities, parking and earthworks.

1 DESCRIPTION OF THE EXISTING ENVIRONMENT

The site is located at 279 Stranges Road, Ashburton, and legally described as Lot 1 DP 43334. The application site is approximately 65ha in area being immediately west of Lake Hood as is indicated in **Figure 1** below. The site is predominantly flat, with Lagmhor Creek main stem located centrally within the site. A water race is located along the western boundary of the site, adjacent to Stranges Road.



Figure 1. Proposed Site Plan

The site contains a single storey, four bedroom house, with access from Stranges Road that is currently tenanted. The site otherwise comprises farm land used for rural production. The site is predominantly Class 1 soils under the LUC Classification, with a small area adjacent to Strangers Road classified as Class 3.

The surrounding area to the west/southeast/south is rural in character. To the east of the site is Lake Hood and a golf course, while to the north/northeast are established and developing residential areas associated with the Lake Hood residential community.

The Ashburton/Hakatere River is located to the east of Lake Hood.

2 DESCRIPTION OF THE PROPOSAL

A full description of the proposed activity is set out in the application and accompanying Assessment of Environmental Effects (AEE) prepared on behalf of the Applicant by Ms Kim Seaton of Novo Group Ltd. A summary of that description is set out below.

Resource consent is sought under the Ashburton District Plan to establish an equine stud with associated built and outdoor facilities, including a selling centre, veterinary clinic, stabling, grazing pasture, training arenas and associated parking. The stud is referred to as the Southern Parallel Equine Centre (SPEC) and is intended to provide a world class equine stud and breeding facility to support and help advance the equestrian and polo sport sectors in New Zealand, with the full range of facilities that are typically associated with that class of stud.

As indicated on the Site Plan included as **Figure 2** below, the proposed main facilities include:

2.1 Stables:

Six stable blocks are proposed (100 stables per block), providing stabling for stud stallions, brood mares and foals (those not located within the Breeding Services Centre), yearlings, and horses in training. These stables will have a total footprint of approximately 21,392m² and will have a maximum height of 9.54m to the top of the ventilation shafts.

2.2 Equine Veterinary Clinic/Equine Breeding Services Centre:

A single building will accommodate the Equine Veterinary Clinic, Equine Breeding Services Centre and 58 associated breeding and veterinary care stables. The Clinic will not be open to the general public.

The building will be approximately 3,070m² in floor area with a maximum height of 11.8m to the top of the ventilation shafts.

2.3 Stud Selling Centre:

The building will encompass a large barn-style facility that will accommodate an arena for demonstration and training; client seating; stud offices; meeting rooms; and a client-only entertainment area. The building will have a footprint of approximately 6,066m² and a maximum height of 12m to the gable ridgeline. Two chimneys (which will exceed a dimension of 1m) will protrude an additional 2.75m above this.

The selling centre will be solely for uses associated with the development and sale of horses bred on the SPEC, though the main annual sales event may involve the bringing of stock to the site for sale from off-site.

2.4 Walking Circle:

A covered horse walking circle of approximately 1000m² being a basic unfloored structure with a roof and peripheral fencing or walls.

2.5 Staff Accommodation:

The existing dwelling on site is proposed to be retained and utilised for staff accommodation purposes.

2.6 Access/Parking Areas:

The principal access to the site will be from Stranges Road, centrally within the site. A sealed driveway will be provided from this entrance to the selling centre and main parking area. Remaining vehicle, horse and pedestrian internal access will be gravelled.

A second vehicle access will be provided to the site from Huntingdon Avenue. for staff and emergency access only. The first 10m of that access (as measured from Huntingdon Avenue) will be sealed.

Construction traffic will principally utilise the existing entry to the site off Stranges Road until the new Stranges Road main entry is constructed. The application notes that an entrance off Huntingdon Avenue may also be utilised to a lesser degree during construction.

Dedicated parking areas will be formed as shown on the Site Plan. For the most part parking will be informal (gravel and unmarked), as the facility will not be accessible to the general public and parking requirements will be relatively low. The exception will be the parking area adjacent the selling centre, which will be formed and marked to provide 45 car parking spaces, inclusive of two mobility spaces.

2.7 Arenas and Training Fields:

The balance of the site being used for grazing areas will serve the dual purpose of providing training arenas, and fields for horses bred at SPEC.

Use of the arenas and fields will include provision for competitive events. Those events will only be open to prospective purchasers of horses bred at the SPEC. It is common practice at high quality studs for purchasers to bring their existing horses to the site, to test prospective horses in competition.

2.8 Ancillary Matters:

A BioGill system will be installed to treat onsite wastewater. The system will comprise the BioGill Ultra Unit, being two BioGill Ultra Units for secondary Biological Treatment, and one BioGill Anoxic Ultra Unit for denitrification.

An estimated 37,360m³ of earthworks (excavation) will be required on the site, exclusive of aggregate/concrete for foundations for buildings and paved surfaces, and of aggregate for gravel paths. All topsoil will be respread within the site, with minimal cartage required off site.

The waterways will be enhanced and restored (and the subject of a resource consent application to Environment Canterbury). This will include the removal of pest species such as blackberry and replanting of riparian areas. Works near the waterways will be restricted to these vegetation works and the creation of six new crossings. The crossings will comprise one bridge over Lagmhor Creek south of the junction with the northern branch; one bridge over the northern branch; three over the section of Lagmhor Creek between Stranges Road and the northern branch junction; and a relocated and extended culvert over the water race adjoining the main entrance to the site (relocated from its existing crossing that services the existing dwelling on site).

A deer-style fence 1.6m-2m in height will be established on the southern boundary of the site, at the request of the neighbours to the south. Fencing on other boundaries is not yet confirmed but will be rural in character.

On a day to day basis, between 20-40 staff will be present on the site, with visitors typically anticipated to be less than 10 per day and by appointment only.

An annual sales event is anticipated to cater for up to 500 prospective purchasers and their support persons. A small number of event contractors will also be present to run the sales, such as auctioneers.

Any signage is anticipated to be low key and related to the equine use of the site only. If signage is unable to comply with the provisions of the District Plan, the AEE states it will be the subject of a separate resource consent application.

2.9 Other Consents Required:

The following resource consents are required from Environment Canterbury and have been applied for concurrently with this land use application:

- Earthworks and vegetation clearance within a riparian margin
- Excavation of land over an unconfined or semi-confined aquifer
- Deposition of materials & earthworks within riparian land
- Operational and construction phase stormwater discharge (possibly permitted)
- Construction of bridges
- Water permit to take and discharge water for dewatering purposes
- Wastewater discharge

It is understood that these applications were returned under section 88 of the RMA and will be re-applied for in due course. Given the nature of the applications, it is considered that this land use application can proceed

independently from those regional consents.



Figure 2. Proposed Site Layout Plan

3 PLANNING FRAMEWORK – ASHBURTON DISTRICT PLAN

The application site is zoned Rural B Zone in the operative Ashburton District Plan.

The AEE included a full compliance assessment against the relevant District Plan provisions. In summary, resource consent is required pursuant to the following rules:

- **Rule 3.8.4** Restricted discretionary activities – earthworks in excess of the permitted volumes and within 20m of a stream.
- **Rule 3.8.5** Discretionary activities – farm buildings in excess of 500m² in area.
- **Rule 3.8.6** Non-complying activities – the proposal will not comply with Zone Standard 3.10.7 Intensive farming as the stables will be within 1500m of a Residential C zone (Lake Hood).
- **Rule 14.7.4** Discretionary activities – utilities that are otherwise permitted that are on land within the bed of any waterbody or within 20m of a stream. The proposal will require pipes for the conveyance of sewer, water and stormwater within 20m of the stream, though the pipes will be attached to the underside of the proposed bridges, not within the bed of any waterbody.
- **Rule 3.9.2** Site Standard Site Coverage – the total site coverage of buildings and impervious surfaces will be approximately 3.78ha, exceeding the permitted 3.25ha for the site.

In addition, the application mentions a potential application to ECan for vegetation clearance at the work site in the vicinity of Lagmhor Creek. If the vegetation to be cleared is indigenous, vegetation clearance **Rule 3.9.11(d)** may also be breached "There shall be no clearance of indigenous vegetation on any sites in the Rural A and B Zones, except where it is planted in a domestic garden or used for shelter purposes". However, it is noted that any such breach does not alter the overall activity status.

3.1 Activity Status

Overall, land use consent is required for the proposal as a non-complying activity under the District Plan.

4 PLANNING FRAMEWORK – NATIONAL ENVIRONMENTAL STANDARD FOR CONTAMINANTS IN SOIL

A Detailed Site Investigation (DSI) has been undertaken and was provided with the application. The DSI confirms that contamination levels are above background levels in defined areas of the site but remain below guideline levels.

I agree with the assessment that the use of the site will continue to fall within the definition of production land contained in the RMA. Furthermore, the soils in the immediate vicinity of the existing dwelling will not be disturbed as part of the redevelopment of the site. No other residential use of the site is proposed. Therefore, in accordance with Clause 5(8) of the NESCS, the NESCS does not apply.

5 NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C-95D)

5.1 PUBLIC NOTIFICATION ASSESSMENT (SECTION 95A)

Step 1: Mandatory public notification in certain circumstances (section 95A(3))

Public notification of this application is not mandatory in this instance, as:

- The Applicant has not requested that the application be publicly notified.
- Public notification of this application is not required under section 95C of the RMA.
- The application is not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 2: Public notification precluded in certain circumstances (section 95A(5))

The application is not precluded from public notification as no relevant rules and/or NES preclude notification.

Step 3: Public notification required in certain circumstances

The proposal does not meet the criteria set out in subsection (8); as the adverse effects on the environment, when assessed in the context of section 95D, are not considered to be more than minor.

Section 95D sets out that for the purpose of public notification, the consent authority shall disregard:

- A) Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land; and
- B) Any effect on a person who has given written approval to the application.

It is noted that GHJ & EJ Small, immediately adjoining owners to the west of the site, have provided written approval.

The assessment below considers the actual and potential adverse effects of the proposal on the environment and concluded that the proposal will have no more than minor adverse effects on the environment beyond the immediate vicinity of the site (i.e., beyond immediately adjoining sites). In this regard, full public notification is therefore not required.

Step 4: Special circumstances that would warrant public notification (section 95A(9))

- No special circumstances exist in relation to the application that warrant public notification.

Conclusion on Public Notification under section 95A:

It is considered that the application does not meet any of the criteria for full public notification and therefore does not need to be publicly notified pursuant section 95A of the RMA.

5.2 LIMITED NOTIFICATION ASSESSMENT

Under section 95B, if the Council does not publicly notify an application, it must decide (under sections 95B(1)-(10)) if there are any reasons to limited notify to affected persons. These are addressed in the statutory order below.

Step 1: Certain affected customary groups must be notified (section 95B(2)-(3))

There are no affected protected customary rights groups or customary marine title groups affected by the

The applicant has undertaken consultation with MKT representing the interests of local Runanga.

Step 2: Criteria for precluding limited notification (section 95B(6))

The application is not precluded from limited notification as:

- The application is not subject to a rule or national environmental standard that precludes limited notification.
- The application is not for a controlled activity, other than a subdivision.
- The application is not for a prescribed activity.

Step 3: Criteria for other affected persons to be notified (section 95B(7)-(8) and section 95E)

The assessment of effects summarised below has concluded that the activity is likely to have adverse effects on immediately adjoining properties that are at least minor (i.e., they cannot be described as being less than minor). This conclusion has considered the matters set out in section 95E as follows:

- Effects that are the same as the permitted and consented baseline have been disregarded;
- In this instance there is/is not a relevant statutory acknowledgement;
- the adverse effects on those persons who have provided their written approval have been disregarded; and
- There are no circumstances applying to the site that would make it unreasonable to seek any person's written approval.

5.3 Assessment of Environmental Effects

For the most part the adverse effects of the proposed activity are considered to be less than minor following application of the typical effects hierarchy of avoid, remedy or mitigate. The application includes various volunteered conditions to minimise adverse effects where possible.

Effects falling into this category include:

- Transport Effects;
- Construction Effects, including Earthworks and Servicing;
- Ecological Effects; and
- Cultural Effects

However, there remain other effects that require further assessment, as set out below.

5.3.1 Odour Effects

Odour from the intensive farming of horses on the site has the potential effects to impact on the wider environment beyond those sites immediately adjoining the application site.

It is noted that the applicable rule in the District Plan refers to intensive farming activity being subject to a 1500m setback from residential zoning. However, that does not mean that all properties within a 1.5km radius are automatically considered to be adversely affected.

In response to a request for further information, the applicant provided further specialist technical assessment of the odour effects arising from the proposed activity. This assessment concluded that a separation distance of 500m should be adopted for the stable blocks and veterinary clinic & breeding centre, with a reduced 200m setback for the for the selling centre. These setbacks are set out in **Figure 3** below (taken from the WSP assessment submitted in response to the request for further information). It indicates that that none of the existing residential zoned areas or future dwellings beyond those sites considered to be affected would be within these setback distances. To mitigate the effects of odour, the proposal includes all horse manure being collected and removed from the site daily.

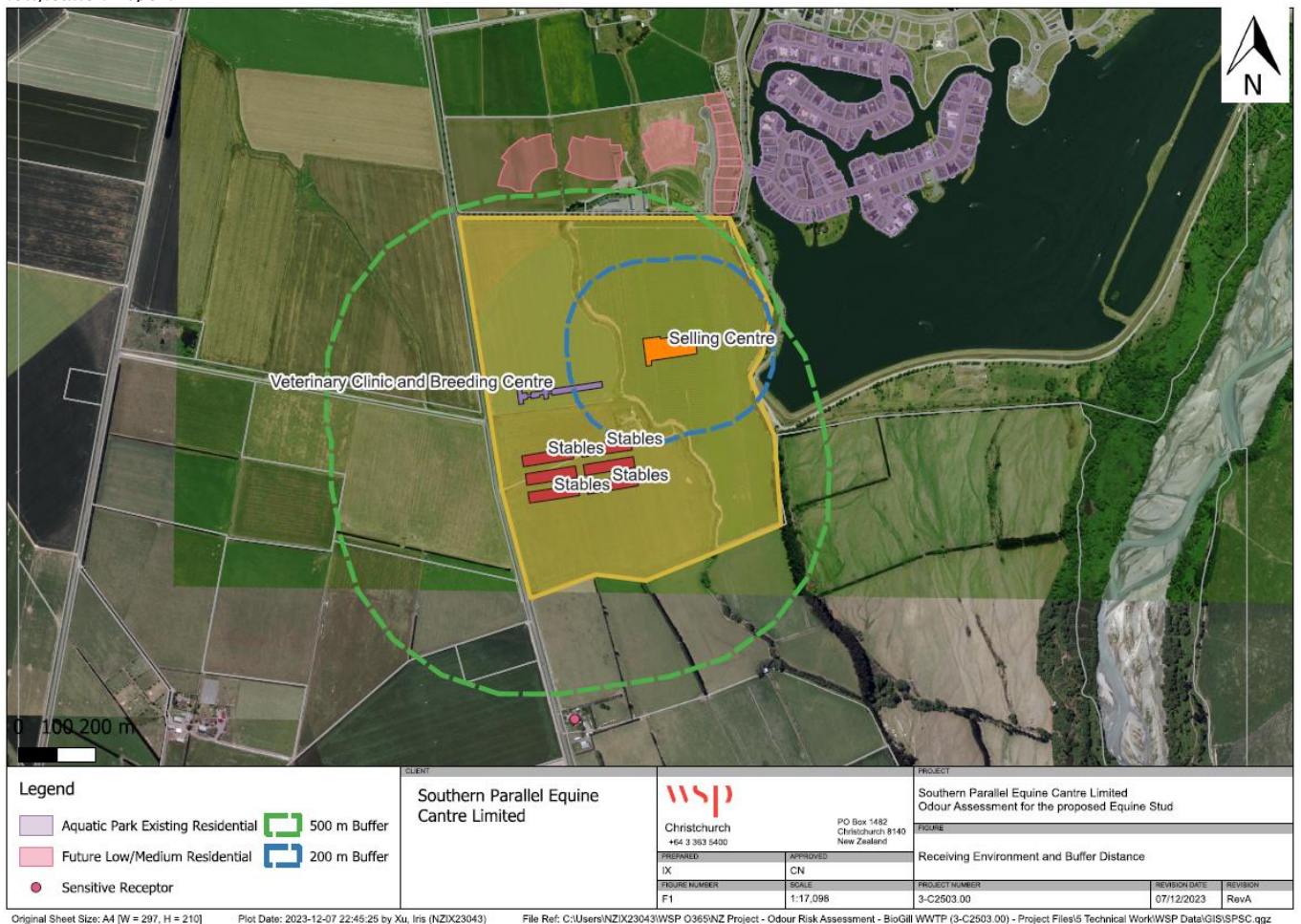


Figure 3. Odour Assessment Setbacks (WSP, Christchurch)

On the basis of the specialist assessment provided, the setback distances are considered sufficient to avoid adverse effects. Notably this means that the closest residential areas adjacent to Lake Hood are outside these setbacks and are therefore not considered to be adversely affected.

Immediately adjoining sites remain within this 500m setback and on that basis are considered to be adversely affected by the proposed activity to an extent that is at least minor.

5.3.2 Visual, Landscape and Character Effects

The site is well designed, and it is clear from the plans will be constructed to a high standard of visual amenity in terms of both built form and landscaping.

Notwithstanding, the proposal exceeds the built form site coverage for a rural site, and the scale of development exceeds that which would typically locate in a rural environment in terms of its built form and scale in terms of staff numbers. However, it is considered that the site will retain sufficient areas of green open space to retain a rural character. A rural zone is the appropriate location for this type of activity.

The proposed site coverage and scale of the built environment proposed is such that it is considered that the immediately adjoining properties are impacted to an extent that is at least minor. Whilst the majority of the proposed buildings are centrally located, all adjoining properties will have views into the site, and this will alter the outlook that could otherwise be anticipated under the District Plan rules.

This also applies to a residential site at 4 Village Green Drive that does not immediately adjoin the site but has views into the site. Beyond this site to the north the effects on the residential sites are considered to be less than minor given the intervening built residential development will dominate and there would be little opportunity for open rural views from those sites.

5.3.3 Amenity Effects/Noise

Temporary construction noise is expected; this can be controlled through conditions requiring adherence to the NZ Construction Noise Standard and appropriate management plans.

On-going noise from the proposed activity is considered to be in compliance with District Plan noise standards and any effects less than minor.

Step 4: Special circumstances warranting limited notification (section 95B(10))

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance there is considered to be nothing exceptional or unusual about the subject application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur. Therefore, no special circumstances are considered to exist in relation to the application that would warrant limited notification to other persons that have not already been assessed under section 95B above.

Conclusion on Limited Notification Assessment

It is considered that this application should be processed on a limited notified basis as the written approval of all persons identified as being affected have not been provided.

6 RECOMMENDATION ON NOTIFICATION

Based on the assessment above, it is considered that land use consent LU230109 should be processed on a limited notified basis pursuant to section 95B of the RMA.

Affected Persons

Those properties considered to be adversely affected by the proposal are as shown on the map and table below. This excludes GHJ & EJ Small, being the only party that have provided written approval to the proposed activity.

Identifier	Address	Persons
1	Springvale Avenue (Val. 2446005236)	JW Skevington & JP Ruane
2	36 Huntingdon Avenue (Val.2446005218)	M B & X Brandsma
3	2 Village Green Drive (Val. 2446005233)	JW Skevington & JP Ruane
4	4 Village Green Drive (Val. 2446005232)	Mike Greer Homes Mid Canterbury Ltd
5	339 Stranges Road (Val. 2446005300)	RP Lash & NJ Lash
6	Grahams Road (Val. 2446020233)	Skevington Farms Ltd
7	Grahams Rd/Maginness Road (Val. 2446005411)	Caithness Stud (NZ) 2011 Ltd



Signed: _____
Nick Boyes
Consultant Reporting Planner

Date: 21 December 2023

Signed: _____
Ian Hyde
District Planning Manager

Date: 10 January 2024

Signed: _____
Jane Donaldson
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Date: 10 January 2024