

In the matter of

Application LU230109 to the Ashburton District Council by Southern Parallel Equine Limited to establish and operate an equine stud at 279 Stranges Road, Ashburton.

DECISION OF COMMISSIONER

GRAHAM TAYLOR

15 May 2024

- Hearing:** 8 April 2024, Ashburton District Council Offices, Ashburton
- Site:** 279 Stranges Road, Ashburton
Lot 1 DP 43334 being 64.9400 hectares in area more or less, as contained in Record of Title CB21F/859)
- Zoning:** Rural B – Operative Ashburton District Plan.
- Approval Sought:** To establish an equine stud, with associated built and outdoor facilities, parking and earthworks.
- Decision:** Consent is **Granted** subject to conditions.

INTRODUCTION

1. I have been appointed by the Ashburton District Council (**ADC**) to determine application LU230109 made by Southern Parallel Equine Limited (**Applicant**) to establish and operate an equine stud at 279 Stranges Road, Ashburton.
2. A hearing to hear from the applicant and Council reporting officer was held at the ADC offices in Ashburton on 8 April 2024. The hearing was adjourned to allow written closing submissions from the applicant, which I received on 15 April. After considering the closing submissions and determining that no further information was necessary, the hearing was closed on 19 April.

PROPOSAL

Site and Activities

3. The application seeks land use consent under the Ashburton District Plan (**ADP**) to establish an equine stud with associated built and outdoor facilities on a 65ha Rural B zoned site fronting Stranges Road to the west and Huntingdon Avenue to the north. The site is located to the west of Lake Hood, and is to the south and southwest of the Residential C zoned Lake Hood residential area. Other surrounding sites contain rural activities.
4. The proposal includes a selling centre, veterinary clinic, stables, training arenas, grazing 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.
5. The activity is described in full in the application and plans and in the s42A planners report, which I adopt. Additional clarification on activities was also provided by the applicant director Ms Stuart at the hearing, and I note this in this decision. Key features are summarised as:

Indoor Facilities:

- 21,392m² of Stables for 600 horses with an additional 58 stables for the Equine Veterinary Clinic;
- A 3070m² Equine Veterinary Clinic/Equine Breeding Services Centre;
- A 6066m² Stud Selling Centre, including meeting rooms and client entertainment area;

- A 1000m² covered walking circle;
- Staff accommodation within the existing dwelling on site;

Outdoor Facilities:

- Grazing and pasture, with dual purpose as arenas and training fields for polo and eventing;
- Permanent parking facilities for 45 vehicles adjacent the Stud Selling Centre and the stables. Overflow parking on large event days (e.g. the annual sale) on grassed areas;
- Principal vehicle access from Stranges Road, with a secondary access for staff and emergency access only from Huntingdon Avenue;
- Five bridges and one culvert for crossing waterways on site;

Other

- Servicing, 37,360m² of earthworks, waterway enhancement, culvert removal, landscaping, fencing, and low level security lighting.
- No specific signage is proposed, and any signage will comply with the ADP standards, or be subject to separate resource consent.

6. The proposal is described as providing for breeding, training and sale of competition-ready sport horses to meet the demand for sport horse show jumpers, eventers, dressage, and polo horses, both domestically and internationally. It is not proposed to be a thoroughbred racehorse facility.
7. Up to 100 of the 600 stables are proposed to be used for breeding and training purposes, with up to 100 horses being on site on a day-to-day basis once the breeding stock and foaling numbers are established. The remaining stables will be used for sales events to house additional horses for sale, and prospective purchasers' horses. I was advised that the stables will not be available for general use, and they will be solely used for breeding and stud sale activity.
8. The application proposes a maximum of 25 event days per calendar year, including training competition and sales. An annual sales event taking place over 2-3 days is proposed catering for up to 500 prospective purchasers and support persons. It is anticipated that up to 600 horses could be present for the sales event, including horses for sale, and horses of prospective purchasers that will be brought onto the site to test in competition against horses for sale.
9. Other smaller events are also proposed on site. These will be comprised of smaller sales events (usually 1-2 days), and competition training (where prospective

purchasers compete in equestrian sports with their existing horses against prospective horses to test their ability prior to purchasing). These smaller events will vary in size, with a maximum of 200 prospective purchasers, their support people, and approximately 50 additional horses coming to the Site.

10. I was advised that attendance at sales is limited to prospective purchasers and associated support people only, and the site will not be open to the general public. The applicant advised that the stud selling centre will be used solely for the purposes of selling horses bred on site, although some of the horse stock for sale at the annual sales event will come from off-site (in the same way that typically occurs for rural sheep, deer and cattle sales).
11. The proposal includes two polo fields. The applicant confirmed that these are limited to on-site training of stud reared horses and showing and testing of horses on event days only. They will not be used for competitive polo matches other than where associated with events, and will not be used for training of horses from off-site.
12. The proposal includes an equine veterinary and breeding services centre, including 58 stables. This is proposed to be solely used in association with the centres stud breeding activity.
13. Between 20 and 40 staff are anticipated on site at any one time. Up to 10 additional visitors per day are anticipated on an appointment only basis.
14. Several resource consents are required from Environment Canterbury in relation to earthworks, culvert and bridge construction, take and use of groundwater for dewatering purposes, discharge of dewatering water, and discharge of contaminants from an on-site wastewater system. These consents were granted on a non-notified basis prior to the hearing, on 26 March 2024. Wastewater from the facility is proposed to be treated on-site via a Bio-Gill ultra system.
15. Water supply is proposed from the ADC supply, which will require a new pipe installed to Ashburton township at the applicants expense. I was also advised that additional water is available for irrigation purposes from an existing consent held on an adjacent property, and that the water had been tested for potable quality. Whilst there is an existing pivot irrigator on site, I was advised that it will not be used as it is incompatible with the fencing and horse stud operation.

Resource Consent Required

16. The site is zoned Rural B under the Operative ADP.
17. The applicant's planner Ms Seaton and the Council reporting planner Mr Boyes agreed as to the matters of compliance with the ADP rules, and I have adopted their assessment. Both planners agreed that the proposal meets the definitions of both a farming activity and an intensive farming activity under the ADP. They agreed that the housing of horses in the stables would fall within the definition of intensive farming.
18. Resource consent is required due to non-compliance with the following Standards:
 - **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 65ha application site.
 - **Rule 3.8.5(i) Discretionary activities** – The definition of farming only permits buildings up to 500m² in area. This will be exceeded therefore consent as required as any other activity.
 - **Rule 3.9.13 Site Standard 'Earthworks'** – the proposed earthworks are in excess of the permitted 2,000m³ volume, 2,000m² area and within 20m of a stream. Approximately 37,360m³ of earthworks are proposed.
 - **Rule 3.10.7 Zone Standard 'Intensive farming'**, the proposed stables will be within 1500m of a Residential C zone (at Lake Hood).
 - **Rule 14.7.4(e) 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. The AEE notes that the pipes will be attached to the underside of the proposed bridge crossings, not located within the bed of the waterbody itself.
 - **Rule 3.9.11 Vegetation Clearance** – Whilst no indigenous vegetation clearance is proposed, a single indigenous flax may require removal in association with a bridge crossing. Whilst this was planted by a previous landowner and is not naturally occurring the rule is still triggered.
19. Both planners provided evidence as to whether the proposed on-farm sale of stud stock at the sales event is a retail or commercial activity subject to Site Standard 3.9.10. I

agree with their advice that it is not a retail or commercial activity. I agree with both planners that livestock are not “*goods, merchandise or equipment*” for the purpose of these definitions. I find that it instead comprises “*commercial livestock*” as is referred to in the farming activity and intensive livestock management definitions in the ADP. The primary purpose of the activity on site is the production of commercial livestock – not trading in goods. Commercial livestock by its nature is reared for sale – but sale on site remains part of the permitted farming activity.

20. I also find that the retail activity definition does not apply to on-farm sales, primarily as the sales are commercial livestock rather than goods, but also as there will be no direct sale to the public.
21. I agree that the use of the veterinary facility and sales building fall within the definition of farming activity as they are used for the production and processing of commercial livestock produced on the land.
22. I agree that the overall proposal requires resource consent as a non-complying activity due to non-compliance with rule 3.10.7.

NOTIFICATION AND SUBMISSIONS

Submissions

23. The application for resource consent was limited notified to 7 parties including 3 Rural B zoned properties to the south and west of the site, and four Rural B and Residential C zoned properties to the north opposite Huntingdon Road.
24. Submissions opposing the application were received from:
 - John Skevington and Jo Ruane / JA & MJ Skevington – 6 Penbury Close, Lake Hood
 - Craig, Annabell and Tim Read – 703 Grahams Road
25. A summary of the matters raised in submissions is contained in paragraphs 5.2 and table 3 of the s.42A report provided by Mr Boyes. I have read and considered all submissions. Both submitters also provided additional material and expanded on their submissions at the hearing, therefore I have not repeated that detail here.

Written Approvals

26. Written Approval was submitted by the applicant from GHJ and EJ Small, who own the property to the west opposite Stranges Road, to the north of Maginnes Road. In accordance with s104(3)(b) I have not had regard to any effect on those persons

HEARING AND APPEARANCES

27. The hearing was held in Ashburton on 8 April 2024. I visited the site and surrounding area prior to the hearing on Sunday 7 April.
28. The Council s42A report, and evidence for the applicant and submitters was pre-circulated prior to the hearing, therefore was taken as read. I also advised prior to the hearing that I did not have questions for three of the applicant's witnesses, being Dr Lucy Waldron (pasture / soils), Kevin Hansen (Equestrian) and Mark Taylor (Ecology), therefore their appearance was not required. I have fully read and considered all evidence provided, including that of witnesses that did not appear.
29. Attendances were recorded as follows:

Applicant

30. **Jo Appleyard** provided opening legal submissions for the applicant. She discussed the proposal with reference to the National Policy Statement on Highly Productive Land (**NPS-HPL**). She acknowledged that the site is Highly Productive Land (**HPL**) subject to the NPS-HPL, and considered that being a land based activity, it is consistent with the objective of the NPS-HPL that "*Highly productive land is protected for use in land based primary production, both now and for future generations.*"
31. She referred to the definition of "*land based primary production*" in the NPS-HPL. The proposal is a pastoral activity producing horses and is reliant on the soil resource therefore meets the definition. She submitted the associated built facilities may be considered integral to the land based primary production on site, however if not, would also comprise "*supporting activities*" which are included in the exceptions in clause 3.9(2)(a) of the NPS-HPL. Accordingly, she submitted they are not an "*inappropriate use*" to be avoided under clause 3.9(1). On this basis she submitted that there was no barrier to consent under the NPS-HPL.
32. Ms Appleyard discussed Policy 3.1C of the ADP which is to avoid establishment of intensive farming activities in close proximity to residential activities. She submitted that with reference to the Supreme Court decision in *Environmental Defence Society v King*

Salmon that the avoid policy requires consideration in the context of the matters the policy seeks to protect. The words “*close proximity*” do not mean that every intensive farming activity within the 1500m standard is contrary to the policy – rather the 1500m rule simply triggers a consent process which engages assessment under the policy. She submitted that the evidence shows that the purpose of the policy, being to manage adverse effects including for example noise, odour and dust, will be met with a 500m setback of the stables from the residential zone. Accordingly, she submitted that Policy 3.1C is not engaged by the application.

33. Ms Appleyard addressed concerns raised by submitters that the application was not properly notified, as the size and frequency of events had increased from that set out in the application. She submitted that the information concerning event numbers was contained in the application, and had now been clarified by the applicant, including proffered conditions to clearly differentiate events. She also noted that the Council s95 RMA notification decision contemplated the number of annual sale and other events. She submitted that the scope of the activity remained within that considered by the Council in its s95 decision.
34. She discussed concerns raised by submitters as to potential future applications and submitted that these are a matter that would require separate resource consent application and is not relevant to the consideration of this proposal.
35. Ms Appleyard made submissions concerning the proposed conditions sought by the submitters which would limit other permitted activities, and considered these to be ultra vires as they do not relate to what is sought in the application.
36. She noted that Mr Cudmore had recommended an odour management plan, which Ms Seaton had accepted in her evidence, however Ms Appleyard submitted that this was not necessary as this is already controlled by the Canterbury Regional Air Plan, and in any case, it is not in the applicants interest to produce offensive odours.
37. **Catherine Stuart**, a Director of SPEC provided a written summary of her evidence. She clarified the proposed number and size of events and confirmed that there would be no more than 25 event days per year. Therefore, there would be less than 25 actual events as the annual sale is expected to occur over 2 – 3 days, and other smaller events will be 1 – 2 days.
38. She confirmed that the only on-site accommodation would be for staff accommodated in the existing dwelling, and no other persons including staff and visitors would stay on site.

39. Ms Stuart advised that PA systems would only be used on event days when competition training is occurring. SPEC proposed to convene at least 1 training day per month during the 5-month November – March Polo season, which would be included in the 25 event days.
40. She considered that the restriction to 12 event days proposed in the submission of Ms Ruane would not be viable, and would detrimentally impact training of horses.
41. Ms Stuart did not consider it necessary for overflow parking to be shown on the plan, as the traffic expert advice was that the parking location makes no difference from a transport effects perspective, and the layout may change on an event basis.
42. In response to questions, Ms Stuart confirmed that the stud selling centre building was necessary irrespective of whether sales and events were held, as it provided an indoor training facility.
43. She clarified that up to 100 horses would be held on site as part of the SPEC breeding and training activity. Additional horses would be brought on to the site for sale up to 10 days prior to the annual sales event. These would include SPEC bred horses, which are grazed off site under contract. Only a small number of additional horses from other breeders would be sold at the annual sales event, and the annual event and other smaller events were primarily aimed at selling SPEC raised and trained stock. She explained that other horses brought on site for the annual sales event would comprise horses owned by prospective purchasers, in order that they can test them against horses for sale in a competition setting. The additional 500 stables are intended to support the sales and events activities, which in turn support the breeding and training activities on site, and would not be used for other purposes or users.
44. **David Compton Moen** provided a brief summary of his evidence on landscape and visual effects of the proposal, and presented a video “*fly though*” of the facility.
45. His evidence considered that the proposal would result in less than minor effects on the existing rural landscape character and values, which are already highly modified. He considered that proposed mitigation measures, and the protection and enhancement of waterways would retain existing natural features. He considered the proposal to have a high level of open space and to be well considered from a design perspective.
46. In answer to questions he agreed that although the proposal is a non-complying activity due to separation distance, the anticipated rural character in the overall Rural B zone

includes large intensive farm buildings that are not subject to the 500m² size limit, but are still subject to site coverage rules. In this context he did not consider the additional 5000m² of site coverage compared to the 32500m² permitted coverage to be perceptible from outside the site. He considered that open space values as anticipated in the rural zone would be maintained.

47. **Lisa Williams** presented a summary of her transportation evidence via audio visual link. She prepared an Integrated Transport Assessment (**ITA**) submitted with the application. The assessment concluded that the site will be self-sufficient for carparking, and that the main access to Stranges Road is appropriate for the use. She considered the use of the Huntingdon Road access for secondary access for staff and light service vehicles appropriate.
48. She noted that the applicant had volunteered a maximum of 25 event days per calendar year and that a temporary Traffic Management Plan would be prepared for events of 50 or more visitors. The ITA had been prepared to account for the largest sales event which was the maximum scenario. All other events would be smaller and have lesser effects.
49. Ms Williams did not consider that an additional condition suggested by Ms West limiting manure truck trips to two per day to be necessary, as the ITA had allowed for 5 service vehicles per day using the Stranges Road access.
50. In response to questions Ms Williams confirmed that no changes to transport rules relevant to the activity had arisen from decisions on Plan Change 5 issued on 28 March 2024, and that additional small sales events would not result in additional transportation effects on Lake Hood residents.
51. **Rewa Satory** summarised her acoustic evidence. She confirmed that the proposal is expected to comply with the ADP noise rules at all neighbouring sites, and have minimal adverse effect. She also agreed with Mr Boyes that adherence to the requirements of NZS 6803:1999 relating to construction noise would mean that temporary construction noise effects would be minimal.
52. She responded to comments in the submissions and evidence of Mr Skevington, Ms Ruane and Ms West concerning additional noise from PA systems at the Polo field and showjumping/dressage outdoor arena. She confirmed that outdoor speaker use at the polo ground would be limited to hand held megaphones for training purposes, and recommended an amended condition that these and other external PA speakers at the outdoor arena be limited to use on 25 event days per year, that no more than 2 external

PA speakers be used for each competition event, that separation distances of 200m and 40m apply from Residential C and Rural B zone boundaries respectively, that speakers within 250m of a residential boundary be oriented away from the boundary, and that speakers be calibrated to provide maximum sound levels. On this basis, she considered that the proposal will comply with the district plan standards. She confirmed that the separation requirements would not allow the use of megaphones and other PA equipment in the parts of the northwest Polo field adjacent to the Huntingdon Avenue boundary.

53. **Roger Cudmore** tabled a summary of his air quality evidence. He considered that potential odour effects arising from the operation of the wastewater treatment plant (**WTP**) and the stables would be negligible. Given the site scale, and the design and operational features of the WTP, he considered that it would unlikely that any recognisable sewage type odours would occur beyond the boundary. The prospect for objectional or offensive odour effects can be effectively avoided through implementation of the odour management plan and contingencies.
54. He considered that the 500m buffer distance for the stables, combined with the stable design and operational features including impervious floors and effective ventilation, and the daily removal of horse manure and soiled bedding, would mean that there would be less than minor levels of odour beyond the boundary.
55. Mr Cudmore responded to comments made by submitters. He noted that the proposal has different characteristics to a traditional intensive farm which is permitted 1500m from a residential boundary, and in comparison, would have a fraction of the odour potential. The rearing of horses which are fed to maintain rather than produce body weight, the less confined area, and the daily removal of manure all result in less manure production and reduced odour potential. He also advised that horse odour is less noticeable than that of intensive cattle, pig or poultry.
56. Mr Cudmore noted comments from submitters concerning dust nuisance from gravel areas and noted that predictions of dust from vehicle movements can be inaccurate. He agreed that dust nuisance could potentially be further managed through conditions.
57. He confirmed that the recent granting of Ecan consents including effluent discharge did not result in any conditions that would change the operation of the WTP or his conclusions as to odour effects.
58. **Victor Mthamo** provided evidence relating to onsite wastewater discharge and water supply. He confirmed that the relevant Ecan consents for the activity had been granted

on 26 March 2024, and that the use of the BioGill treatment system had been considered in those applications. The assessment of effects and modelling for the Ecan consents demonstrated that the leaching of nitrates and phosphorus will be less than that of the current arable land use.

59. He noted that SPEC proposed to remove manure from the site, and that the applicant had been in discussion with other local farms and businesses who may receive the manure. He confirmed that discharge and storage of solid animal waste is permitted under the Canterbury Land and Water Regional Plan (**CLWRP**), and that such disposal could be carried out under the rules. If not, any resource consents would be the responsibility of the person receiving the manure.
60. He confirmed that the proposal can be serviced with water from the ADC network, and that the proposal would require a new watermain from Ashburton to the site at SPEC's expense. This may include a contribution from ADC for the provision of additional capacity for its own reticulated supply, and redundancy for the existing supply in case of breakage.
61. In response to submitters, he confirmed that due to the large site area, there would be no need for retention ponds to attenuate stormwater. Stormwater from buildings and hardstand areas would be able to be managed within the site in accordance with CLWRP requirements.
62. **Kim Seaton** tabled a summary of her planning evidence. Her evidence in chief addressed planning related issues, including clarification of aspects of the proposal, and comments on proposed conditions, in response to the s42A Officers report and submissions by submitters. It included a description of the proposal and site, including amendments and clarifications of activities, identification of relevant ADP and statutory provisions, and assessments of effects and of relevant ADP objectives and policies.
63. Ms Seaton agreed with the assessment of relevant ADP plan provisions in Mr Boyes s42A report. This included agreement that the proposed sales event is not a commercial or retail activity as defined under the ADP rules. She agreed that the proposal is a non-complying activity, due to non-compliance with the intensive farming separation rule.
64. She considered actual and potential effects on the environment in relation to transport, visual, amenity, intensive farming and odour, ecological, cultural, earthworks and servicing, and positive effects, with reference to the expert reports provided, and the

s42 report of Mr Boyes. She agreed with Mr Boyes that adverse environmental effects arising from the activity would be less than minor.

65. Ms Seaton referred to the assessment of the proposal against the relevant objectives and policies of the ADP contained in the application AEE. She specifically discussed Policy 3.1C relating to avoiding establishment of intensive farming in close proximity to residential activities, with reference to the 1500m separation rule. She considered that having regard to the *Port Otago Ltd v Environmental Defence Society Inc* decision, that the “avoid” policy requires consideration in the context of what values the policy seeks to protect. In this case the 1500m separation requirement is a trigger for consent only, and the purpose of the policy to manage any adverse effects created by such activities is still achieved. Accordingly, she considered the proposal to be not contrary to policy 3.1C.
66. She identified other relevant planning instruments, and considered the proposal consistent with them. She considered that in terms of the NPS-HPL, the proposal is defined as land based primary production and that the sales centre, stabling and veterinary facilities are all supporting activities therefore they are not deemed inappropriate activities to be avoided under clause 3.9.
67. In her evidence in chief, Ms Seaton identified several amendments to conditions attached to her evidence to provide clarification and to ensure consistency with recommendations of experts. This included:
- Clarifying the number of sales and related events where in excess of 50 visitors per day are anticipated to a maximum of 25 days per year.
 - Clarifying conditions relating to indigenous vegetation removal.
 - Landscape planting plan and maintenance conditions.
 - Odour management conditions including manure removal and the provision of an odour management plan.
 - Review condition.
68. Ms Seaton’s further tabled summary responded to matters raised in the evidence of submitters. She did not consider that further limitations on events as suggested by Ms West are necessary.

69. She reiterated that although the 1500m separation for intensive farming activities was not met, this was only a trigger for consent, and the evidence of Mr Cudmore was that the 500m separation from the stables was appropriate and acceptable. She also noted that the separation requirement only applies to the stables, and not to the sales centre, outdoor paddocks/arenas, vet centre, and the use of stables for the housing of birthing mares and young foals for up to 3 months.
70. Ms Seaton noted the concerns relating to dust from the site and from the Huntingdon Road access and volunteered condition to require sealing of the first 100m of the access, and the management of dust.
71. She considered that given the advice of Ms Williams, further restriction on manure truck movements suggested by Ms West is not necessary from a traffic perspective.
72. Ms Seaton proposed a new condition dealing with PA noise, as suggested by Ms Satory.
73. In response to questions, Ms Seaton confirmed that off-site spreading of manure is able to comply with relevant regional rules.
74. She confirmed her understanding that the terms of the consent would not include use of the Polo grounds for competitive polo matches outside of the specified sales events, nor would it allow their use for private training of horses or riders.

Submitters

75. **Tim Read** provided an oral submission in support of his parents, Annabelle and Craig Read. Whilst Mr Read is a graduate planner for the Central Otago District Council, he confirmed that his evidence was in support of the submission, and not expert evidence.
76. Mr Read noted that concerns in their submission relating to nitrate and phosphorus discharges had been met following the granting of the Ecan consents, as advised by Mr Mthamo.
77. He agreed with the now proposed manure disposal and odour management conditions, which he considered would be easier for the ADC to enforce and manage.
78. Mr Read considered that a reporting / complaints condition could be imposed to identify and respond to any unforeseen adverse effects arising from the activity.
79. He noted that whilst horses require pasture, the maintenance of the polo fields, and provision of large buildings present challenges in terms of the NPS-HPL. They differ

from the case of other stock growers who typically try to maximise pasture area and minimise curtilage.

80. He agreed that the Rural B area is highly modified, and that activities creating noise and traffic are expected. Mr Read noted that although the noise from PA's might comply with the ADP rules, it is an unexpected noise source in a rural zone, akin to an A&P show or sports event in character. He agreed that conditions on the use of the PA system would address these concerns. He also acknowledged that existing motorised boating noise on Lake Hood already exists in the environment and can be annoying.
81. **Joanne Ruane** presented further evidence in support of her submission. She explained that herself and her husband own the 35 lot Village Green development located to the west of the site in Huntingdon Road. 17 of those sections have been developed and are already sold or on the market. Development of the remaining 18 sections is to occur in 2025.
82. They had concerns regarding potential noise from PA systems, and odour from stockpiled waste.
83. Ms Ruane was concerned at changes to the scope of the proposal, including the number of events, which she thought had risen from 2 to 25 days per year.
84. She considered that a greater number of persons in the Lake Hood residential area including those within 1500m of the intensive farming activity should have been notified of the proposal, rather than applying a lesser 500m setback.
85. Ms Ruane raised concerns with potential future expansion of the facility to include other activities.
86. She referred to the proposed timeframe for SPEC events to begin, and considered that given that breeding stock and foals are not yet established and trained, there will be a delay between establishment of the facility and the availability of stock for sale. Because of this she considered that sales events should not commence until 2026, and that other event days be limited to 12 per year from 2028.
87. Ms Ruane was concerned with noise from the Polo ground adjacent to the Huntingdon Avenue boundary adjacent to Village Green Drive. She was concerned that running commentaries akin to a rugby match would occur at the polo grounds and outdoor arena, creating nuisance to residents.

88. She was critical of the evidence of Dr Waldron in respect of pasture establishment, which she considered did not reflect Canterbury conditions, and would further delay the establishment of pasture for breeding until at least summer 2025.
89. In response to questions Ms Ruane acknowledged that the use of the PA systems had been clarified in evidence, and that future proposals not forming part of the application are unable to be considered.
90. **John Skevington** provided brief written evidence in support of the submission from himself and Ms Ruane. He referred to previous proposals of the applicant that did not include horses, and was concerned at the possibility of future further proposals if consent is granted.
91. He was concerned that the reduction in the 1500m buffer zone in the ADP to 500m excluded residents of Lake Hood from submitting on the application. As the eastern polo field came within 100 -200 m of residents be considered that they should have been consulted. Mr Skevington also questioned why the 500m setback was only covering the selling centre, and not the polo field where noise nuisance could occur.
92. He sought that conditions be placed on any consent to prevent conversion of stables into residential accommodation, and supported the proposed daily removal of manure.
93. Mr Skevington was concerned that the large roof area would lead to stormwater runoff problems, particularly where disposal to ground from zinc roof coatings is proposed, and had reservations about driveway dust.
94. He identified concerns with provision of water from the ADC supply, and providing accommodation for people attending events.
95. Mr Skevington sought conditions relating to manure disposal, dust mitigation, monitoring, event days, use of PA systems, and that no other permitted activities be allowed.
96. In response to questions Mr Skevington confirmed his concerns relating to stormwater and dust had been met, but he still had reservations concerning wind direction affecting odour, separation distance, and polo field noise.
97. **Jane West** provided expert planning evidence in support of the Skevington / Ruane submission. The evidence focussed on conditions, and did not include evidence supporting the original relief sought in the submissions which was to decline the application. In answer to questions, Ms West confirmed that many of the concerns

raised in submissions had been satisfied in further evidence provided prior to and at the hearing, and she accepted that consent could be granted, but subject to further conditions as outlined in her evidence.

98. She still maintained concern that the information contained in evidence indicated an increase in the size and frequency which called into question whether further parties should have been notified of the application. She questioned whether the proposal was for up to 25 event days per year, or 25 events or 1 – 3 days duration which could result in 53 days of events. She also considered that a potential increase in intensity of the activity would call into question the use of the 500m buffer in respect of odour effects, and questioned why the notification decision was based on the stables location only and not on other effects. Ms West considered that a precautionary approach should be taken in identifying affected parties, and that a 1500m setback should have been used.
99. Her evidence sought several new or amended conditions of consent relating to:
- Restricting the number of manure truck trips to 2 per day.
 - Restricting the number of people and horses on site during day-to-day operation.
 - Restricting the start of the main sales event to 2026 with up to 600 horses on site once the first yearlings are available.
 - Restricting additional events to 12 per year with up to 150 horses on site starting in 2028 when SPEC bred horses reach competition age.
 - Limiting the number of annual indoor and outdoor event days to 6 days each.
 - Limiting use of outdoor PA systems.
 - No additional residential units on site.
 - Review condition.
100. In response to the evidence presented at the hearing, Ms West acknowledged that some of the concerns raised in her evidence had been further satisfied, therefore the suggested conditions could be deleted or modified as follows:
- She accepted the advice of Ms Williams as to manure truck movements and agreed that a condition restricting this was not necessary.

- She acknowledged that the applicant proposed bringing in yearlings and 3 to 4 year old horses for rearing and training, as well as breeding horses on site. Because of this, she acknowledged that the delayed start dates for commencing sale activities were impracticable.
- Whilst clarification had been provided as to the number of event days, she noted that the submitters still had concerns and considered these should be limited to 12 days.
- She was satisfied that the issue of PA use had been addressed through clarification at the hearing and the applicants proposed conditions concerning PA use, siting and calibration. She also acknowledged that the limited polo season would further reduce potential noise effects.
- She acknowledged that further residential use would require additional resource consents and is not sought, but thought a limitation on numbers of people accommodated on site could be appropriate due to the rural zoning.
- She was satisfied with the applicants proposed amendment to the review condition.

S42A Officers Report

101. **Nick Boyes** a consultant planner, provided a s42A report which had been pre-circulated. His report described the proposal and site, the submissions lodged, the activity status against the ADP, and the relevant statutory considerations under s104 and s104D of the RMA. He noted that the overall proposal was to be considered as a non-complying activity. I note that the Mr Boyes and Ms Seaton were both in agreement as to the status of the activity under the ADP rules, and the types of activities proposed in terms of the ADP definitions.
102. Mr Boyes agreed with Ms Seaton that the original AEE did not clearly set out the proposals in respect of the number of events, however agreed that this information was contained in the overall application and supporting documents, and his assessments had been carried out on that basis. He also agreed that smaller events do not raise additional policy or effects issues. He agreed that the number of events as clarified by the applicant in evidence and at the hearing was within scope of the application as lodged.
103. He identified and assessed relevant effects of the activity in terms of:

- Transport Effects (including Vehicle Access and Parking)
- Visual, Landscape and Natural Character Effects
- Amenity (Construction, Noise & Lighting) and Rural Character Effects
- Intensive Farming and Odour Effects
- Ecological Effects
- Cultural Effects
- Earthworks and Servicing
- Positive Effects.

104. Mr Boyes assessment is summarised as

- The proposal is not considered to detract from the modified rural character of the surrounding area, which includes Lake Hood and associated residential area. The proposed location on a rural site adjacent to Lake Hood is considered to be appropriate and raise the amenity values of the receiving environment.
- Effects of earthworks and other potential temporary nuisance, construction, noise and dust effects can be effectively managed through standard management practices as set out in recommended conditions.
- Odour effects from equine manure are to be managed by removal off-site on a daily basis. A review condition can be imposed should the frequency of removal need to be increased.
- Overall, the proposal is a rural activity of a type requiring high levels of amenity. The proposal plans reflect this in terms of the built form, layout and landscaping proposed.
- Based on his assessments, he considered any adverse effects of the proposal are to be minor.

105. Mr Boyes also considered the proposal consistent with the three relevant National Policy Statements on Freshwater Management, Indigenous Biodiversity and Highly Productive Land.

106. In terms of the NPS-HPL he agreed that the proposal is for land based primary production, and that the additional buildings and activities are supporting activities reasonably necessary for carrying out the land based primary production activity on site. Accordingly, he considered that the proposal is not an inappropriate use of highly productive land to be avoided under clause 3.9 of the NPS-HPL.
107. Mr Boyes considered the proposal to be consistent with and not contrary to the relevant ADP objectives and policies relating to rural zones, transport, noise and utilities.
108. Overall, he considered that the proposal meets both limbs of the s104D threshold test and achieves the purpose of the RMA. He recommended that the application be approved subject to conditions.
109. In response to matters presented and heard at the hearing, Mr Boyes maintained his recommendation to grant consent. He agreed with the recommended further conditions offered by the applicant at the hearing, and added further that:
- He considered that proposed condition 9 relating to events should be more specific as to defining events, as a threshold of 50 people per day may not be an appropriate limit.
 - He considered that amended condition 28 should limit PA use to 25 calendar days per year total, rather than limiting to events, and that it should be clarified to apply to megaphone use.
 - A log of events could be provided to assist enforcement and provide certainty for residents.
 - He agreed that conditions on odour should also apply to manure storage.

Closing Submissions

110. Following the adjournment of the hearing, Ms Appleyard provided written closing submissions and further amended draft conditions.
111. The closing submissions addressed:
- National Policy Statement on Highly Productive Land (NPS-HPL);
 - Scope and notification considerations;
 - Disposal of manure options;

- Plan Change 5 to the District Plan;
 - Commercial and retail activities; and
 - Amended conditions.
112. Ms Appleyard referred to MfE guidelines on the NPS-HPL to assist in ascertaining whether *supporting activities* as defined in the NPS might include the extent of the stabling proposed and the horses being brought in from offsite for the annual sales event. She submitted that the evidence of Ms Stuart made it clear that the annual sales event (and associated stables) is a critical component to establishing an equine stud of this scale and quality. In this sense, all aspects of the Proposed Equine Centre would constitute 'land-based primary production' and/or 'supporting activities' because without them, the underlying activity (being the breeding, rearing, keeping, and grazing of sport horses for eventual sale) would not and could not establish on the Site.
113. She submitted that establishing the centre on less productive soils or splitting the facilities would not work as the supporting activities must be located on the same site, and the raising of healthy horses is dependent on quality pasture. She rejected the suggestion that horses could be sold at existing sales outlets such as A&P shows, as the nature and target market for high quality sports horses is different.
114. Ms Appleyard submitted that while aspects of the Application have been further clarified in the evidence, none of these are beyond the scope of what was contemplated and applied for in the Application. She noted that the Application (including in the expert reports forming part of the Application) did contemplate the annual sales event, and other smaller sales and competition training events, and that the ADC s95 notification decision was made on that basis. She also submitted that the notification decision was based on a 500m separation, assessed on the basis of up to 600 horses being in the stables up to 25 days per year, therefore the basis for the notification decision has not changed.
115. She provided further detail on regional plan provisions relating to disposal of manure, and submitted that the necessary conditions relating to these would not be particularly hard to achieve, therefore the off-site disposal of manure is practicable.
116. Ms Appleyard confirmed that the decisions on Plan Change 5 would now require an Integrated Traffic Assessment to be carried out as a high traffic generating activity. An ITA containing the required assessments had already been carried out by Ms Williams therefore the new requirement was met.

117. She submitted that if the proposed centre were found to comprise commercial/ retail activity for the purpose of Rule 3.9.10, the overall status of the activity would remain non-complying and there would be no additional objectives or policies requiring consideration.
118. Ms Appleyard provided additional amended conditions responding to issues raised at the hearing. This comprised amendment to conditions relating to event size and numbers, application of the odour management plan to the stables and manure storage, and clarification of condition 28 relating to PA and megaphone use.
119. She submitted that the conditions requested by submitters relating to event days, PA use, and limiting residential numbers were not required. Ms Appleyard disagreed with the suggestion of Mr Boyes that the trigger for events in condition 9 be set at less than 50 visitors. The 50 visitor number had been set as the trigger beyond which a traffic management plan would be appropriate. She submitted it is clear on the evidence that in the context of the site, potential additional visitors (i.e. between 10 and 50) are not going to have an impact. In the overall scale of the site, any visitors below 50 are unlikely to be noticeable outside the site, nor give rise to any adverse effects, noting again that external amplified noise is now specifically limited to 25 days per year.

DISCUSSION

Preliminary Matters

120. Four matters arose in the submissions and hearing that I deal with as preliminary matters. These related to:
- The scope of the application with respect to the number of events; and
 - Whether the application should have been publicly notified or limited notified to additional persons.
 - Status of selling centre
 - Whether the activity is one to be avoided under the NPS-HPL

Scope

121. Submitters questioned whether the number of events had changed from that contained in the application, and whether the proposal for up to 25 event days was able to be considered for approval. I heard evidence from Ms Stuart that clarified the number of

events as being up to 25 calendar days per year, comprising the annual 2-3 day sale event with up to 500 visitors, and other smaller 1 – 2 day events with up to 200 visitors. Submitters claimed that the AEE did not detail the additional smaller events.

122. I heard from Ms Seaton and Mr Boyes who both agreed that although the AEE was not clear as to events, the information concerning events was contained in the overall application package, including in the supporting documents relating to traffic, noise and wastewater. The additional events were also identified and accounted for in the Council s95 notification decision. Mr Boyes also advised that his assessments had been carried out on this basis.
123. I agree with this advice and find that the proposed event size and numbers are within the scope of the application as submitted and notified.

Notification

124. Submitters raised concerns that additional persons were potentially adversely affected by the proposal, and that it should have been publicly notified, or limited notified to a greater number of people. I note that under s104(3)(d) to the RMA I am required to refuse consent if the application should have been notified and was not.
125. Reasons for these concerns related to the use of the 500m separation distance from the stable buildings as the main determinant of adverse effects, and that if a greater distance of 750m or 1500m (corresponding with the ADC intensive farming rule) had been applied, further persons would have been considered affected. Mr Skevington also suggested that noise from activities closer than 500m from residential boundaries, including the polo fields should have been considered.
126. Although the ADP intensive farming rule includes a 1500m separation requirement, this is a trigger for consent, and does not necessarily mean that adverse effects will occur within this distance. The Council is required to consider effects when determining whether or not a person is adversely affected and whether public notification is required.
127. I note that the Councils notification decision was made on the basis of the odour assessment of Mr Cudmore, which concluded that a separation distance of 500 would mean that there would be less than minor levels of odour beyond the boundary. I heard no expert evidence that disputed that conclusion. I also note that the ADP separation requirement relates to intensive farming activities only, which comprises the stables. It does not apply to the other activities including the polo fields and sales centre.

128. The reports provided with the application showed that effects of the sales centre and polo field activities on residential properties would be less than minor. This included noise from PA's, which would comply with relevant ADP rules. I also note that the use of the polo fields is a recreation activity which is otherwise permitted in the Rural B zone.
129. Evidence was provided that the visual impact of buildings would be acceptable in this rural environment, and that traffic effects would also be less than minor.
130. I heard no evidence that would give rise to additional adverse effects that were not considered by the Council in its notification decision, or would lead to a conclusion that the application should have been publicly notified or limited notified to a greater number of people.
131. Accordingly, I find that there is no reason to refuse the application under s104(3)(d).

Status

132. I agree with and adopt the assessment of Mr Boyes as to the status of the application and the consents required under the ADP. I find that the sales centre activity is not a commercial or retail activity under the ADP definitions, therefore rules relating to those activities do not apply. I agree that these activities fall within the definitions of farming and intensive farming activities.
133. Overall, resource consent is required as a non-complying activity.

NPS-HPL

134. I heard evidence and legal submissions from the applicant and Mr Boyes that the breeding and training of horses comes within the definition of "*land based primary production*" under the NPS-HPL, as it is a pastoral activity producing livestock and is dependent on the soil resource. I agree with that.
135. The question then remained as to whether the sales centre, veterinary clinic and other ancillary facilities are "*supporting activities*" as defined in the NPS-HPL. Based on the evidence provided I find that they are. The use of the sales centre and veterinary clinic for breeding and indoor training purposes directly relates to the production of sports horses on the site. I also agree with evidence that the sale of commercial livestock reared and trained on the site is "*reasonably necessary*" to support the breeding and training of horses, therefore also falls within the definition.

136. Accordingly, I find that the supporting activities are provided for in the exceptions contained in clause 3.9(2)(a) of the NPS-HPL, and the proposal is therefore not an *“inappropriate”* activity to be avoided under clause 3.9(1).

Effects Assessment

Matters of Agreement

137. I note that there was agreement between the applicant and the Council s42A reporting officer as to effects in relation to several matters, which were also not contested in submissions. These matters relate to:

- Ecological Effects
- Cultural Effects
- Construction Effects
- Lighting
- Earthworks
- Positive Effects

138. Accordingly, I adopt Mr Boyes conclusions in relation to these matters and find that any adverse effects in relation to them will be less than minor.

139. I address my findings as to other effects as follows:

Landscape and Visual Impact

140. I did not hear any evidence that disputed the visual impact of the proposed buildings. I heard that the site is located in a highly modified part of the rural zone, which also includes residential development in the adjacent Lake Hood residential C zone, and has the capacity to absorb the proposed built form. The large site and generous setbacks would maintain sufficient open space and maintain rural character.

141. I note that the proposed buildings exceed the 500m² area limit for farm buildings, however this does not apply to other buildings in the rural zone including those used for intensive farming, which are only subject to site coverage controls. Whilst intensive farming is not permitted on this particular site due to the separation controls, it is permitted throughout the Rural B zone, therefore I consider that the site coverage rule

provides a baseline as to what is considered to be acceptable in the zone overall in terms of built form.

142. In this case, the proposal will exceed the 32500m² permitted site coverage by 5000m² and I agree with the advice of Mr Compton-Moen that this difference will be imperceptible in the context of the site size. I also note that the buildings are well within the 20m height limit for farm buildings in the zone, and that they are attractively designed including landscaping, compared to the utilitarian design and appearance of intensive farming buildings that may be anticipated within the rural area.
143. Accordingly, I find that any adverse effects of the proposal in terms of landscape and visual impact will be less than minor.

Transport Effects

144. The transportation assessment and evidence of Ms Williams concluded that the proposal does not give rise to any transport rule non-compliances. The proposal will be self-sufficient for car parking and the assessment shows that the principal access Stranges Road, and the secondary staff/service access to Huntingdon Avenue are appropriate, and will operate in a safe manner.
145. A Traffic Management Plan will be in place for any sales events to manage any off-site effects of vehicle generation and parking associated with events. I agree with Ms Appleyard's closing submission that the use of a 50 visitor limit in condition 9 to define events triggering a TMP is appropriate, as the transport evidence is that events below this number will not give rise to noticeable adverse effects.
146. I note that concerns raised by submitters as to the use of the Huntingdon Avenue access have now been clarified. I also note that Ms West acknowledged that the manure truck use of the main access has been accounted for in Ms Williams assessment of service vehicle use, and she no longer sought the imposition of an additional condition relating to manure truck trip numbers.
147. On the basis of the evidence provided, I find that any actual or potential adverse transport effects will be less than minor.

Noise

148. I note the evidence of Ms Satory that the site can be operated to comply with the noise standards of the ADP, and note that no resource consent has been sought to breach noise rules.

149. Concerns were raised as to noise effects on residential sites due to the use of PA systems at the polo fields, and the outdoor area. Clarification was provided at the hearing that PA use including hand held megaphones associated with polo training would be limited to the 25 event days, and conditions were proposed relating to separation of PA systems from residential boundaries, orientation of speakers, and calibration of maximum sound output. Ms West advised at the hearing that the proposed conditions now addressed noise concerns.
150. On this basis I find that any adverse effects of noise arising from the activity will be less than minor.

Dust

151. The applicant offered conditions that will require the sealing of the first 100m of the Huntingdon Avenue access, and the management of dust emissions in compliance with the CARP. I understand that this now meets the concerns raised by submitters in relation to dust.
152. I find that any adverse effects of dust nuisance will be less than minor.

Odour

153. Mr Cudmore confirmed that the granting of the Ecan effluent discharge consent did not give rise to any new conditions that might affect odour potential from the WTP. His report and evidence concluded that the operation of the WTP would not give rise to recognisable sewage type odours beyond the boundary.
154. His evidence also concluded that the 500m buffer distance for the stables, combined with the stable design and operational features including impervious floors and effective ventilation, and the daily removal of horse manure and soiled bedding, would mean that there would be less than minor levels of odour beyond the boundary. He also explained that horse odour is less noticeable than other stock, and that the odour characteristics of horse breeding are such that the odour potential is a fraction of that for conventional intensive farms.
155. Although submitters raised concerns that the 1500m setback should have applied, I note that this is a trigger for consent, and I am required to consider the application in terms of its environmental effects. I heard no contrary evidence that adverse odour effects would occur beyond the 500m buffer.

156. On this basis, and on the basis of proposed conditions relating to manure removal and the provision of an odour management plan, I find that adverse odour related effects will be less than minor.

Servicing

157. I was advised that adequate water supply for domestic use and irrigation will be available to the site from the ADC supply and from an existing consented take from the nearby Small property.
158. The use of the ADC supply will require the provision of a new watermain from Ashburton at the applicants expense. Mr Skevington raised concerns relating to possible additional costs to ratepayers if the ADC contributes to the new main, in order to improve its own supply. This matter is a separate issue between the applicant and the Council which falls outside this resource consent process, and is not a matter that I am able to consider.
159. Mr Mthambo explained that stormwater from buildings and hard stand areas is able to be treated and disposed of within the large site area in accordance with the CLWRP requirements, and that no retention basins will be required. Mr Skevington confirmed that this satisfied his concerns raised in submission as to this matter.
160. The appropriate Ecan consents have now been granted for on-site effluent disposal, and submitters confirmed that this and the information provided at the hearing satisfied their concerns regarding effluent disposal and nitrate / phosphorus discharges.
161. I am satisfied that the proposal can be adequately serviced, and that any servicing related effects will be less than minor.

Effects Conclusions

162. On the basis of the above discussion, and the proposed terms and conditions of consent, I find that any actual or potential adverse effects on the environment will be less than minor.

Objectives and Policies

163. A comprehensive assessment of relevant objectives and policies was included in the s42A report of Mr Boyes. Ms Seaton also included an evaluation against objectives and policies in her evidence, which was consistent with Mr Boyes findings. With the

exception of discussion by Ms West on Policy 3.1C, I heard no other evidence contesting these matters.

164. I agree with and adopt the findings of Mr Boyes in relation to objectives and policies contained in Chapter 10 – Transport, Chapter 11 – Noise, and Chapter 14 – Utilities.
165. I agree that the main objectives and policies of concern are contained in Chapter 3 – Rural.
166. I find that the proposal is consistent with overall Objective 3.1 – Rural Primary Production. The overall proposal is for primary production and associated activities that utilise the productive soils on site.
167. I agree with the submissions that the interpretation of the “avoid” wording in policy 3.1C relating to intensive farming requires consideration in a contextual context. In this respect I find that the reference to “close proximity” contained in the policy does not necessarily relate to the 1500m separation requirement contained in rule 3.10.7. This rule is a trigger point for consent, which in turn requires evaluation of effects to ascertain whether or not a proposal is contrary to the policy.
168. The important contextual issue here is whether the values that the policy seeks to protect are met, that being “*to manage any adverse effects created by such activities for example noise, odour and dust.*”
169. In this case the evidence has shown that adverse effects will not arise from the reduced separation between the stables and the Residential C zone. Accordingly, I find that the values that the policy seeks to protect are maintained, and the proposal is not contrary to Policy 3.1C.
170. I agree with Mr Boyes that the proposal is consistent with relevant rural chapter objectives and policies relating to biodiversity and natural character.
171. Given my findings as to visual and landscape effects, I consider that the proposal is consistent with Objective 3.5 – Rural Amenity, and associated policies 3.5A and 3.5E.
172. Overall, I find that the proposal is consistent with, and not contrary to, the objective and policies of the ADP.

Other Matters

173. I have discussed the NPS-HPL above, and concluded that the proposal is consistent with the NPS and is not constrained by clause 3.9(1).

174. I find that there are no other relevant matters of concern contained in any national policy statement, plan or in Part 2 of the RMA necessary to determine the application.

Conditions

175. The applicant provided an amended set of draft conditions with their closing submissions, that responded to matters arising during the hearing. With the exception of some remaining matters, there was general agreement between parties as to the appropriateness of the draft conditions.

176. I have assessed the remaining matters of contention as follows.

177. The submitters retained concerns as to the number of event days, and sought that these be limited to 12 days. Based on the evidence provided, I am satisfied that the events will be able to operate within the proposed 25 calendar day limit proposed by conditions, without giving rise to more than minor adverse effects, including those relating to traffic generation, noise, odour and dust. I find that there is no effects based reason to further limit event numbers beyond that offered by the applicant in conditions.

178. Ms West sought a condition limiting residential activity on site. I note that no consent has been sought that would allow residential use of any structure other than the existing dwelling. The capacity of the dwelling is limited by its size. As no consent has been sought for any other residential use, I am not able to place further conditions on residential use that has not been applied for.

179. Mr Boyes suggested that condition 9 relating to events could have a lower threshold than the 50 visitor number proposed. I agree with the closing submissions of Ms Appleyard in this regard, that this limit has been set to correspond with the need for a TMP, and that no other significant adverse effects from events below 50 visitors are likely to arise. Accordingly, I find that the 50 visitor threshold for events in condition 9 is appropriate.

180. I find that the proposed amended consent conditions as contained in the applicant's closing submissions are appropriate, to manage any adverse effects arising from the activity.

CONCLUSIONS

181. I have found that the proposal will result in less than minor adverse effects on the environment.

182. I have found that the proposal is consistent with, and not contrary to, the objective and policies of the ADP.
183. As such I find that the proposal satisfies the threshold test of s104D, and I am able to consider granting consent.
184. Having regard to the wider matters contained in s104, I find that consent is able to be granted to the proposal, subject to appropriate conditions.

DECISION

For the reasons detailed in this decision resource consent application LUC23/0109 is **granted** under sections 104, 104D, and 108 of the Resource Management Act 1991 subject to the conditions contained in Annexure One.



Graham R Taylor

Hearing Commissioner

15 May 2024