

Report / Decision on a Resource Consent Application

(Sections 95A, 95B and 104 / 104C)

Application number:	RMA/2025/3857
Applicant:	Suburban Estates Ltd
Site address:	102A Birkdale Drive, Shirley (to be 1-21 Pine Valley Close)
Legal description:	Lot 100 DP 590624
Zone:	Open Space Metropolitan Facilities Zone/Residential Suburban Zone
Overlays and map notations:	Environmental Asset Waterway (Water Body Setback), Fixed Minimum Floor Level Overlay within Flood Management Area, Liquefaction Management Area (LMA)
Road classification:	Local
Activity status:	Restricted Discretionary
Description of application:	A land use consent for the 1-21 Pine Valley Close to increase the maximum site coverage to 40% for dwellings which are less than 5.5m in height.

Section 133A - Minor corrections of resource consents

The application was approved by an independent commissioner on 8 December 2025. Upon receipt, the applicant noted that the figures given in the table below were the 'unbuilt' site area, rather than the proposed site coverage. This has now been updated, so that the below figures show the maximum site coverage permitted under this resource consent. This does not result in any change, other than for the clarity of future consent holders.

Proposed activity

The proposal seeks a land use consent to cover the 15 lots created by RMA/2022/3963 (as varied by RMA/2022/3963/A) and to be addressed as 1-21 Pine Valley Close, to enable future development on these sites to have a site coverage of 40%, where the buildings are less than 5.5m in height. The table below indicates the extent of increase sought.

Address	Site Area	Permitted Site Coverage (35%)	Proposed Site Coverage (40%)	Difference
1 Pine Valley Close (Lot 1)	679m ²	237.65m ²	271.6m ²	33.95m ²
2 Pine Valley Close (Lot 15)	697m ²	243.95m ²	278.8m ²	34.85m ²
3 Pine Valley Close (Lot 2)	870m ²	304.5m ²	348m ²	43.5m ²
4 Pine Valley Close (Lot 14)	666m ²	233.1m ²	266.4m ²	33.3m ²
5 Pine Valley Close (Lot 4)	655m ²	229.25m ²	262m ²	32.75m ²
6 Pine Valley Close (Lot 13)	665m ²	232.75m ²	266m ²	33.25m ²
7 Pine Valley Close (Lot 3)	735m ²	257.25m ²	294m ²	36.75m ²
8 Pine Valley Close (Lot 12)	664m ²	232.4m ²	265.6m ²	33.2m ²
9 Pine Valley Close (Lot 5)	868m ²	303.8m ²	347.2m ²	43.4m ²
11 Pine Valley Close (Lot 6)	640m ²	224m ²	256m ²	32m ²
13 Pine Valley Close (Lot 7)	678m ²	237.3m ²	271.2m ²	33.9m ²
15 Pine Valley Close (Lot 8)	613m ²	214.55m ²	245.2m ²	30.65m ²
17 Pine Valley Close (Lot 9)	620m ²	217m ²	248m ²	31m ²
19 Pine Valley Close (Lot 10)	620m ²	217m ²	248m ²	31m ²
12 Pine Valley Close (Lot 11)	620m ²	217m ²	248 ²	31m ²

I note that no indicative drawings or layouts have been provided with this application, **however compliance with all of the other relevant built form standards will still need to be achieved** in order for future development to rely on this resource consent. Based on the site areas, I consider this is likely to be practicable, but also note that this resource consent does not force any future lot owner to build to 40% site coverage and they could continue to comply with the 35% site coverage (or less) and build a two storey/8m high building.

Description of site and existing environment

The application site and surrounding environment are described in sections 2.1 and 2.2 of the application. I adopt the applicant's description and note the works to implement the subdivision are almost complete.



Figure 1: Site & Surrounds (March 2025 - Voxel Viewer)

Activity status

Christchurch District Plan

The site is zoned **Open Space Metropolitan Facilities Zone** in the Christchurch District Plan. Under Rule 18.3 Table 1, the underlying zoning for the site, when the site is no longer required for recreation activities and major sports facilities is **Residential Suburban Zone**.

The proposal requires resource consent under the following rules:

Activity rule	status	Standard not met	Reason	Matters of control or discretion	Notification clause
14.4.1.3 RD21		14.4.2.4 Site coverage	The 35% maximum site coverage is exceeded by 5% - 40% proposed on each site.	14.15.2 - Site density and site coverage	Must not be limited or publicly notified

For completeness I note that:

- No development or construction work is proposed as part of this resource consent. It is solely sought to enable future development on these sites to have a maximum site coverage of 40%. Noting this will be limited to sites where all buildings on site are less than 5.5m in height as offered as a condition of consent by the applicant.

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

The [NES](#) controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. RMA/2025/3358 was granted 30 October 2025 for works under the NES-CS and no further comment is made.

Overall activity status

Overall, the application must be assessed as a restricted discretionary activity, being the most restrictive activity status.

Written approvals [Sections 95D, 95E(3)(a) and 104(3)(a)(ii)]

No written approvals have been provided with the application.

NOTIFICATION ASSESSMENT**Notification tests [Sections 95A and 95B]**

Sections 95A and 95B set out the steps that must be followed to determine whether public notification or limited notification of an application is required.

PUBLIC NOTIFICATION TESTS – Section 95A	
Step 1: Mandatory notification – section 95A(3)	
➤ Has the applicant requested that the application be publicly notified?	No
➤ Is public notification required under s95C (following a request for further information or commissioning of report)?	No
➤ Is the application made jointly with an application to exchange reserve land?	No
Step 2: If not required by Step 1, notification is precluded if any of these apply – section 95A(5)	
➤ Does a rule, NES, infrastructure design standard or environmental performance standard preclude public notification for all aspects of the application?	Yes
➤ Is the application a controlled activity?	No
➤ Is the application a boundary activity?	No
Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)	
➤ Does a rule or NES require public notification?	No
➤ Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor (discussed above)?	No
Step 4: Relevant to all applications that don't already require notification – section 95A(9)	
➤ Do special circumstances exist that warrant the application being publicly notified?	No

In accordance with the provisions of section 95A, the application **must not be publicly notified**.

LIMITED NOTIFICATION TESTS – Section 95B	
Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)	
➤ Are there any affected protected customary rights groups or customary marine title groups?	No
➤ If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is Te Rūnanga o Ngāi Tahu an affected person in this regard?	No
Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)	
➤ Does a rule, NES, infrastructure design standard or environmental performance standard preclude limited notification for all aspects of the application?	Yes
➤ Is this a land use consent application for a controlled activity?	No
Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)	
➤ Are there any affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval (discussed above)?	No
Step 4: Relevant to all applications – section 95B(10)	
➤ Do special circumstances exist that warrant notification to any other persons not identified above?	No

In accordance with the provisions of section 95B, the application **must not be limited notified**.

Notification recommendation

That, for the reasons outlined above, the application be processed on a **non-notified** basis pursuant to sections 95A and 95B of the Resource Management Act 1991.

Reported and recommended by: Jonathan Gregg, Consultant Planner

Date: 5 December 2025

Notification decision

That the above recommendation be accepted for the reasons outlined in the report.

Commissioner:

Name: Nathan O'Connell

Signature:



Date: 8 December 2025

SECTION 104 ASSESSMENT

Actual and potential effects on the environment [Section 104(1)(a)]

As a restricted discretionary activity, assessment of the effects of this proposal is limited to the matters of discretion for the rules breached, in this case Rule 14.15.2 - Site density and site coverage. In this case, the agent has provided an assessment of the relevant matters of discretion at section 5 of the AEE, with which I concur. I also note the following.

- The subject site is adjacent to an earlier stage of development (Fairway Park), which was developed under the previous District Plan, which enabled a 40% site coverage where buildings were no higher than 5.5m and had only a single storey. Consequently, the proposal to increase coverage to 40% on these new lots will result in a built form that is consistent with the established character of the immediate residential context.
- The subdivision is surrounded on three sides by green space, with a north/south utility reserve separating it from the established residential development to the west, another utility reserve to the south (with the golf course beyond), and then the golf course to the east. To the north is SH74. Given this, the balance of open space to buildings would, when viewed as a whole, maintain the established residential character.
- The offered condition of consent, ensures that only buildings with a maximum height of 5.5m can utilise this resource consent. This would maintain an appropriate proportion of building scale in relation to the sites, and also ensures that the resultant buildings are not of an incompatible scale which could visually dominate the street.

Overall, I consider that the proposal maintains the anticipated amenity values of the zone and the effects on the environment will be acceptable

Relevant objectives, policies, rules and other provisions of a Plan or proposed plan [Section 104(1)(b)(vi)]

Regard must be had to the relevant objectives and policies in the District Plan, namely those in Chapter 14.

Objective 14.2.1 seeks to increase housing supply, enabling a range of housing types, sizes and densities that meet the needs of the community. Policy 14.2.1.1 looks to provide for housing distribution across the different zones to achieve the outcomes for those zones. With the Residential Suburban zone providing for the traditional type of housing in Christchurch in the form of predominantly single or two storeyed detached or semi-detached houses, with garage, ancillary buildings and provision for gardens and landscaping. Objective 14.2.4 seeks high quality, sustainable environments with a high level of amenity and local character, policy 14.2.4.1 seeks development that does this, including a high quality street scene, high level of on-site amenity, providing safe, efficient access for all modes and incorporating CPTED principles. Policy 14.2.4.4 seeks low density residential

areas are characterised by a low scale open residential environment with predominantly one or two storey detached or semi-detached housing, and significant opportunities for landscaping and good access to sunlight and privacy are maintained.

In this context, the increased site coverage of each site is considered to maintain the residential suburban character, retaining the anticipated low density with significant opportunities for landscaping. The usage of the additional site coverage is limited to buildings with a maximum height of 5.5m, which maintains the on-site amenity. Given this, the proposal is considered to be consistent with these provisions.

Relevant provisions of a National Environmental Standard, National Policy Statement, Regional Plan, Regional Policy Statement or Coastal Policy Statement [Section 104(1)(b)]

The District Plan gives effect to the relevant higher order documents referred to in s104(1)(b), including the Regional Policy Statement and Regional Plans, and the National Policy Statement on Urban Development (NPS-UD). As such, there is no need to specifically address them in this report.

Part 2 of the Resource Management Act [Section 104(1)]

Taking guidance from case law¹, the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Christchurch District. It was competently prepared through independent hearing and decision-making processes in a manner that appropriately reflects the provisions of sections 5-8 of the Act.

Accordingly no further assessment against Part 2 is considered necessary.

Section 104(3)(d) notification consideration

Section 104(3)(d) states that consent must not be granted if an application should have been notified and was not. No matters have arisen in the assessment of this application which would indicate that the application ought to have been notified.

Section 106A Natural hazard risk

Section 106A² enables a consent authority to refuse to grant a land use consent, or grant a consent subject to conditions, if it considers that there is a significant risk from natural hazards.

This requires a combined assessment of all of the following taken together:

- (a) *“the likelihood of natural hazards occurring (whether individually or in combination):*
- (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards:*
- (c) *whether the proposed use would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b):*
- (d) *whether the proposed use of the land would result in adverse effects on the health or safety of people.”*

Future development will be required to meet the minimum floor levels required within the Fixed Minimum Floor Level Overlay within Flood Management Area, along with the other relevant flood management rules, noting that no works are proposed as part of this application. The proposal has been reviewed by Ms Sheryl Keenan (Council’s Planning Engineer – Surface Water), who notes that ‘the lots have already been consented at finished levels well above modelled in stream and other surrounding flood level’. It has also been reviewed by Ms Jig Dhakal (Council’s Stormwater Planning Engineer) who raises no concerns in terms of the stormwater network.

Given this expert advice and noting the requirement to comply with minimum floor levels, the increased site coverage would not result in any significant natural hazard risk.

Section 104 Recommendation

That, for the above reasons, the application **be granted** pursuant to Sections 104, 104C, 108 and 108AA of the Resource Management Act 1991, subject to the following conditions:

¹ *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

² Introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025, with effect from 21 August 2025

1. The development shall proceed in accordance with the information submitted with the application, including the stamped approved plan entered into Council records as RMA/2025/3857.
2. The consent holder must ensure that where a lot has a site coverage for all buildings of between 35% and 40%, no building shall have a maximum height that exceeds 5.5m above ground.

Advice Note: This condition is only applicable if this consent is relied upon by future development and does not apply if individual resource consents are sought for other non-compliances with the District Plan.

Advice Notes:

- This resource consent will **lapse five years from the date it is issued** unless it is given effect to (i.e. the activity is established) before then. Application may be made under Section 125 of the Resource Management Act 1991 to extend the period for giving effect to the resource consent, and this must be submitted prior to the consent lapsing.
- At the time of the lodgement of building consent, the consent holder will need to provide a **design report prepared by a suitably qualified acoustics specialist** stating that the design is capable of achieving compliance with District Plan Rule 6.1.7.2.1 Sensitive activities near roads and railways (including mechanical ventilation and air conditioning where required). The development must be constructed in accordance with this information.

If design changes are required to meet the requirements of the design report, and are outside the scope of this consent, an application under s127 for a change of conditions will need to be lodged and processed at the consent holder's expense.

- All future development which rely upon this resource consent will need to comply with the relevant built form standards and other rules in the District Plan, or further resource consents may be required.
- This resource consent has been processed under the Resource Management Act 1991 and relates to **district planning matters only**. You will also need to comply with the requirements of the Building Act 2004 and any other legislative requirements (including but not limited to Environment Canterbury Regional Plans, health licence, liquor licence, archaeological authority, certificate of title restrictions such as covenants, consent notices, encumbrances, right of way or easement restrictions, landowner approval where required).
- For more information about the **building consent process** please contact our Duty Building Consent Officer (phone 941 8999) or go to our website <https://ccc.govt.nz/consents-and-licences/>

Reported and recommended by: Jonathan Gregg, Consultant Planner

Date: 5 December 2025

Section 104 Decision

That the above recommendation be accepted for the reasons outlined in the report.

- ☒ I have viewed the application and plans.
- ☒ I have read the report and accept the conclusions and recommendation.

Commissioner:

Name: Nathan O'Connell

Signature:



Date: 8 December 2025

Section 133A Decision

Commissioner:

Name: Nathan O'Connell

Signature: 

Date: 10 December 2025