



**David Harford**  
CONSULTING LTD

## **Application for Subdivision Consent**

**Malteurop NZ Ltd**

**8 Glassworks Road,  
Ashburton**

**July 2025 – Updated September 2025**

Reference: 24-411

Revision: Final

RESOURCE MANAGEMENT PLANNING

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**Form 9: Application for Resource Consent**  
**Under Section 88 of the Resource Management Act 1991**

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**TO:** The Ashburton District Council

**Malteurop NZ Ltd applies** for the subdivision consent described below.

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

n/a

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

8 Glassworks Road being Lot 1 DP 9084 and Res 40106 held in Records of Title CB413/165 and CB11B/1091. A copy of the titles are attached as Annexure A to this application, and a location plan is included as Annexure C.

3. **The type of resource consent** being sought is a subdivision consent.

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

Subdivision consent is sought by boundary adjustment to adjust the boundaries of two existing lots. The realignment creates a parcel (Lot 3) being a road to vest which is land held by the applicant but is being used as road and berm as can be seen on the scheme plan. There is discussion in this application regarding the vesting of the 436m<sup>2</sup> (Lot 3).

The proposal is a realignment of boundaries to enable Malteurop NZ Ltd to realign the site following the removal of a heritage building and better separation between the lots for the sites usage. There is no amalgamation of land required as part of this subdivision.

As shown on the scheme plan, both resultant parcels will remain the same in area.

4. **Attached is an assessment of any actual or potential effects** that the activity may have on the environment.
5. **No other information** is required to be supplied by the district or regional plans or regulations.

**DATED:** .....

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

**Address for service:**

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## **INTRODUCTION**

1. Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource consent including a subdivision consent should include an assessment of any actual or potential effects that the activity may have on the environment and the ways in which any adverse effects may be mitigated.
2. Section 88(2)(b) requires that any assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act 1991. This assessment is made in accordance with those requirements.
3. The land the subject of this subdivision is zoned Business E under the Operative Ashburton District Plan. This is shown on planning map U43 included as Annexure D to this application.
4. The Records of Title for this site only have one encumbrance which is an easement for electivity in gross. The Records of Title are included as Annexure B to this application.

## **THE SITE & SURROUNDING AREA**

5. The site is located on the corner of Bremners and Glassworks Road, Ashburton.
6. The application sites are held within two titles. A copy of the location plan is included as Annexure D to this application.
7. The site contains the existing former Glassworks facility buildings and wider loading and storage areas. This includes the large chimney or tower facility.
8. The site contains the building on the heritage listed site and the adjoining title also owned by the applicants bisects through the large storage silos on the site. The adjoining title CB11B/1091, contains several storage silos, an engineering building, rail siding with load in/out facilities and wider gravel storage yard. Along the Glassworks Road boundary for most of its length is a hedge standing circa 4 m high and existing trees exist along the Bremners Road boundary. There is internal vegetation that exists along the boundary with the industrial land to the southwest.
9. The heritage site listing includes all the land and buildings contained within Lot 1 DP 9084. The building construction for the site started circa 1926 and unfortunately only operated as a glasswork's facility for a short period of time as the Southern Cross Glass Company.
10. The buildings have a Group A District Plan listing in the schedule of Heritage Items contained in the District Plan.
11. The buildings have a Category I New Zealand Historic Places Trust Registration. The Historic Places Trust (now Heritage NZ) Registration is number 7707.
12. The surrounding area is predominantly industrial both adjoining and to the south. The Railway Line and Council reserve adjoining State Highway 1 is beyond that to the northwest. Which to the north-east is Residential D or lifestyle residential zoned land.
13. Planning Map U43 shows the site as containing the listed heritage item on the site.

14. Bremners Road is a two-lane sealed road with a minimum carriageway width of 8 metres. There are no footpaths nor kerb and channel on both sides of this road. Kerbside car parking is available on both sides of the road. The speed limit is 50km/hr at this site.
15. Glassworks Road is a two-lane collector road with grassed berms on both sides of the road.
16. There is a listing on the Ecan Listed Land Use Register as having had HAIL activities. This detail is included in the Preliminary Site Investigation (PSI) included as Annexure F.

## **THE PROPOSAL**

17. The proposal is to undertake subdivision to adjust the boundaries of two individual lots.
18. To give effect to this, proposed Lot 1 (covering an area of 1.50ha) will realign the boundary with Proposed Lot 2 ( circa 1.72ha) by pushing the boundary northeast by up to 28 metres. There is a break in the boundary as shown to allow for the edge or boundary to an existing building. The resultant allotment sizes create lots that are closer to each other in size ranging from 1.53ha – 1.69ha.
19. The purpose is to regularise these boundaries to separate the buildings from the new boundary as currently the silos are bisected by the current internal boundary alongside other infrastructure on the site.
20. The location of the new boundary will be offset by 3m from the existing heritage building as shown on the scheme plan 5867M Rev E prepared by Fox & Associates Surveyors included as Annexure B.
21. One other aspect is the creation of Lot 3 and being a lot with road to vest. This lot regularises the current situation where that corner of the applicant's land is currently bisected by the road and berms. To that end this lot is essentially a corner splay however it is substantially larger than the corner splay requirement for the District Plan. Some discussion with Council Assets, namely the roading department, will need to be undertaken based on the area substantially larger than a corner splay requirement being vested back with ADC.
22. As shown on the scheme plan provided, there is no minimum net allotment area for subdivision in the Business E zone.
23. The boundary adjustment standard is below for completeness.

### ***9.9.2 Boundary Adjustments***

- a) *Notwithstanding Rule 9.9.1 above, where there are two or more separately saleable existing allotments, which have separate title (Computer Registers), any adjustment of boundaries shall be such that:*
  - *any resultant allotments are not more in number than existed before the subdivision; and*
24. There are two allotments at the start of the subdivision proposal and three resultant allotments (Lot 3 is road to vest).
  - *the number of resultant allotments, which do not meet the minimum area standards under rule 9.9.1, shall not exceed the number of allotments which did not meet the minimum area standards before subdivision; and*

25. There is no minimum allotment area for the Business E zone so there will be no resultant allotment areas which do not achieve any minimum standard.
  - *for each resultant allotment which does not meet the minimum area standards under rule 9.9.1 there shall be an existing, initial allotment; and*
  - *the area of each resultant allotment shall not decrease by more than 10% from the area of the corresponding initial allotment; and*
  - *each initial allotment shall not be used more than once in this comparison.*
26. There are no residential units exiting or proposed as part of this subdivision.
  - *all subdivision subject to this rule shall occur within the same zone; and*
27. The proposed subdivision will take place within the Business E zone.
  - *any resultant allotment shall comply with all other standards and terms for controlled activities.*
28. Each proposed Lot achieves the standards and terms for controlled activities as set out within the District Plan however note that as the subdivision is created within an area that contains a Heritage item listed as Group A it will be considered as a discretionary activity.
  - b) *In all zones, each resultant allotment and each of the corresponding initial allotments that existed prior to the adjustment of boundaries shall be contiguous or separated only by a road, railway, drain, water race, river or stream; and each such initial allotment shall have frontage or legal access to a legal road.*
29. The allotments are contiguous in the sense they are all connected to each other as existing Records of Title now. Each initial allotment has frontage to a legal road (Bremners Road and Glassworks Road).
30. In terms of the requirement for an Indicative Plan under 9.9.6, the scheme plan illustrates the existing buildings, and no issues arise.
31. The site has established wastewater treatment and disposal for proposed Lot 2 and stormwater disposal in place as indicated on the scheme plan. There is a rule that requires connection to a reticulated sewer network for all lots in the Business zones. The reality is for this site is there is no manhole for wastewater connection within 450m in either direction. Therefore, it is simply untenable to try and connect to the reticulated network. As this is a boundary adjustment and not the creation of new or additional parcels this is not considered a potential effect.
32. In terms of natural hazards and issues regarding Section 106 of the Resource Management Act 1991, it is noted the application site is not within an area which is identified as at risk of flooding. Flood Map F05 has been included as Annexure F.

## **COMPLIANCE ASSESSMENT**

33. The compliance assessment table below considers and indicates all relevant site and zone standards in the application.

Rule	Requirement	Activity Status / Comments
<b>Subdivision Standards</b>		
<b>9.7.5 Discretionary Activities</b>		
	c) Any subdivision of any site within all zones, which contains a Heritage Item listed as Group A or B in Appendix 12-1 and shown on the Planning Maps.	
	<b>General Standards</b>	
<b>9.8.1</b>	<b>Esplanade Provision</b>  Where any allotment of less than 4 hectares in area is to be created by subdivision on land abutting the mark of Mean High Water Springs of the sea, or the bank of any river or stream whose bed has an average width of 3 meters or more, or the margin of any natural lake with an area of 8 hectares or more, an esplanade reserve of 20 meters in width shall be set aside, except that:	n/a
<b>9.8.2</b>	<b>Property Numbering and Street Naming</b>  a) All allotments must be numbered in accordance with the New Zealand Standard AS/NZS4819:2003 by the applicant before a 224 certificate is approved.  b) All new roads vested upon subdivision of land shall be given distinctive names not already in use within the area covered by the District Council. The name shall be agreed to by the Council and the Council will make a formal resolution to name the new road in accordance with Section 319A of the Local Government Act 1974.	<b>Complies.</b>  There is an existing address for the entire site in one ownership – 8 Glassworks Road. This is a boundary adjustment, so no new allotments are being created.
<b>9.8.3</b>	<b>Allotment Dimensions</b>  N/for business zones	n/a
<b>9.8.4</b>	<b>Sanitary Sewage Disposal</b>  a) All allotments less than 1 hectare in area in the Ashburton Residential D Zone shall be connected to and served by the public wastewater reticulation and treatment system.	n/a

	<p>b) All allotments within the Trevors Road Outline Development Plan and the Redmond Outline Development Plan shall be connected and served by a public or community reticulation and disposal system.</p>	
9.8.5	<p><b>Earthworks</b></p> <p>a) Earthworks associated with subdivisions (the sum of the cut volume plus fill volume on a site during any 12-month period) shall not occur:</p> <ul style="list-style-type: none"> <li>• in the areas identified on the Planning Maps as being a geoconservation site.</li> <li>• in the areas identified on the Planning Maps as being of significant nature conservation value.</li> <li>• within any naturally occurring wetland.</li> <li>• within 100m of any lake, 20m of any wetland, or 20m of any river or stream.</li> </ul> <p>b) Earthworks in the Residential Zones shall not exceed 5,000m<sup>3</sup> per subdivision</p> <p>c) No earthworks shall create a new ground level more than 150mm above or below the existing ground level at the property boundary.</p> <p><i>Note: For the purposes of this rule, earthworks provisions do not apply to any earthworks associated with digging post-holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees, or drilling bores.</i></p>	n/a n/a n/a n/a n/a n/a Will Comply
<b>Critical Standards</b>		
9.9.1	<p><b>Allotment Size</b></p> <p>a) No allotments created by subdivision, including balance titles, shall have a net area less than the minimum specified for each zone below, except as provided for in clauses b, c and d below:</p> <p>b) There is no minimum allotment size in the Residential A, Business or Open Space zones, or the Commercial Area of the Aquatic Park Zone, or in any zone for access, utilities, roads or reserves.</p>	Complies Complies

	<p>d) All subdivision consent applications shall show proposed site boundaries at the time of application.</p>	Complies – see scheme plan
9.9.2	<p><b>Boundary Adjustment</b></p> <p>a) Notwithstanding Rule 9.9.1 above, where there are two or more separately saleable existing allotments, which have separate title (Computer Registers), any adjustment of boundaries shall be such that:</p> <ul style="list-style-type: none"> <li>any resultant allotments are not more in number than existed before the subdivision; and</li> <li>the number of resultant allotments, which do not meet the minimum area standards under rule 9.9.1, shall not exceed the number of allotments which did not meet the minimum area standards before subdivision; and</li> <li>for each resultant allotment which does not meet the minimum area standards under rule 9.9.1 there shall be an existing, initial allotment; and - the area of each resultant allotment shall not decrease by more than 10% from the area of the corresponding initial allotment; and - each initial allotment shall not be used more than once in this comparison.</li> <li>parcels which do not meet Residential density or are of such a shape that a residential unit would not meet the setback requirement rules of the relevant zone shall not be considered as an initial allotment for the purpose of clause (iii) above; and</li> <li>all subdivision subject to this rule shall occur within the same zone; and</li> <li>any resultant allotment shall comply with all other standards and terms for controlled activities.</li> </ul> <p>b) In all zones, each resultant allotment and each of the corresponding initial allotments that existed prior to the adjustment of boundaries shall be contiguous or separated only by a road, railway, drain, water race, river or stream; and each such initial allotment shall have</p>	<p>Complies</p> <p>Complies – Lot is a road to vest as a large corner splay</p> <p>Complies</p> <p>n/a</p> <p>n/a</p> <p>Complies</p> <p>Complies except sewer reticulation</p> <p>Complies</p>

	frontage or legal access to a legal road.	
9.9.3	<b>Flooding and Overland Flow of Water</b>  <i>a) No subdivision shall occur in any area identified as being at risk from a 1 in 200-year flood event (a 0.5% annual exceedance probability).</i>	<b>Complies</b>  The site is not shown on the Flooding Map F05 of the Operative Ashburton District Plan.
9.9.4	<b>Water Supply</b>  <i>a) All new allotments, other than allotments for access, roads, utilities or reserves, in the Residential and Business Zones where the allotments are in or adjoining areas which are served with a Council reticulated water supply, shall be provided with a connection to a Council reticulated water supply laid to the boundary of the net area of the allotment.</i>     <i>c) All new allotments, other than allotments for access, roads and utilities, in all zones shall be provided with a firefighting water supply in accordance with New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies, SNZ PAS 4509:2008.</i>	<b>Complies</b>  Existing water connections to Lot 2 and a new connection provided to Lot 1.     <b>Complies</b>  There are three hydrants on the road frontages to this site. The supply for firefighting purposes will be in accordance with the NZFS Code of Practice.
9.9.5	<b>Sanitary Sewage Disposal</b>  <i>a) All new allotments, other than allotments for access, roads, utilities or reserves, in the Residential and Business Zones of Ashburton, Methven and Rakaia, shall be provided with a piped sewage outfall for disposing of sanitary sewage to a reticulated system, laid at least 600mm into the net area of the allotment.</i>	<b>Complies</b>  The proposal is not creating new allotments. The proposal is by boundary adjustment. Further, there is no ability to connect to reticulated wastewater as the nearest manhole connection is over 450m away.  There is existing on site wastewater treatment and disposal for Lot 1 from the office. No wastewater treatment and disposal are required currently for Lot 1.
9.9.6	<b>Indicative Plan</b>  <i>a) All new subdivisions in areas not serviced by a reticulated water and/or sewerage system shall provide the Council with a plan showing the indicative location of building platforms, stormwater treatment</i>	<b>Complies</b>  This is shown on the subdivision scheme plan included as Annexure C.

	<i>and disposal areas (including secondary flow paths), and wastewater treatment and disposal areas.</i>	
9.9.7	<b>Energy Supply and Telecommunications</b>  <i>a) All new allotments in the Residential A, B and C, Business and Aquatic Park Zones, other than allotments for access, roads, utilities or reserves, shall be provided with connections to electrical supply to the boundary of the net area of the allotment and a telecommunication system.</i>	<b>Complies</b>  There is existing electricity and telecommunications to both lots now. The boundary adjustment doesn't create any new allotments.
9.9.8	<b>High Voltage Transmission Lines</b>  <i>a) No allotments created by subdivision, including balance titles, shall contain indicative building platforms within 12 meters either side of the centerline of any High-Voltage Transmission line as shown on the Planning Maps.</i>	<b>n/a</b>  There are no High-Voltage Transmission lines within the site.
9.9.9	<b>Roads</b>  <i>a) All new roads shall be vested with the Council on subdivision.</i>  <i>a) All road reserves in the Residential and Business Zones, to be vested with Council, shall be planted with trees to be placed no more than 50 metres apart.</i>	No new roads are being created however the existing land within the road corridor is to be legalised as shown on the scheme plan. A 436m <sup>2</sup> lot is created and is to be vested with ADC. This is an historic situation and needs to be rectified.
9.9.10	<b>Open Space and Recreation</b>  <i>a) All subdivisions in the Residential or Business Zones for the purpose of residential activities shall provide a contribution of either:</i>  <i>• 5% of the market value of additional residential lots created by the subdivision; or</i>  <i>• A land area equivalent to 30m<sup>2</sup> of land for each additional residential lot created by the subdivision; or</i>  <i>• A combination of the above to the equivalent value/area.</i>	<b>n/a</b>  The proposal is not for the purpose of residential activities.

## **ACTIVITY STATUS**

34. Pursuant to section 104B of the Resource Management Act 1991 the consent sought is for a discretionary activity as it applies to a subdivision with a heritage listed activity upon it under the Operative Ashburton District Plan.
35. The discretionary status under 9.7.5 lists the following rule.
  - c) *Any subdivision of any site within all zones, which contains a Heritage Item listed as Group A or B in Appendix 12-1 and shown on the Planning Maps.*
36. There is an earthworks requirement which limits a maximum volume of 5000m<sup>3</sup> on any one site per annum. The only earthworks for the development as a whole and as an indirect result of the subdivision, is the demolition of two buildings on the site and removal of the material and any foundations.
37. In terms of assessment the potential effects of the application are detailed below under the controlled activity matters.

### *The staging of development and timing of works*

- *Allotment size, dimensions and orientation*
- *Roads, access, vehicle crossings and street lighting*
- *Esplanade provision, other reserves provision, and related access*
- *Natural hazards avoidance or mitigation*
- *Water supply, storage and treatment*
- *Storm water captures, controls and disposal*
- *Sanitary sewage disposal*
- *Trade waste disposal*
- *Energy supply and telecommunications*
- *Easements and other service arrangements*
- *Site contamination remediation*
- *Building location and orientation*
- *Managing construction effects*
- *Provision for firefighting and managing associated risk*
- *Effects on and of high voltage transmission lines*
- *Effects on historic heritage and on resources of significance to Takata Whenua, including waahi tapu sites and waihi taoka*
- *Effects on areas identified as having landscape, nature conservation or geoconservation value*
- *Design and location of utilities*
- *Financial contributions, bonds, payments and other guarantees*
- *Any relevant assessment matters*

38. Only some of these matters are considered relevant and these are outlined below.

## **ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT**

39. An assessment of effects on the environment relevant to this proposal follows and addresses the assessment matters relevant to the proposal.

## **Roading, Access and Vehicle Crossings**

40. Considering the layout of the application site shown on the scheme plan, there will be two new vehicle crossings providing separate access and egress from the site for proposed Lot 1 as shown.
41. There is over 100m of frontage to Bremners Road so that enables a maximum number of 3 vehicle crossings onto a Collector Road. The existing vehicle crossing or access point to the site from the existing gates in the western corner of the site will remain as that includes the existing rail siding into the site.
42. The current vehicle crossings for Proposed Lot 2 will continue to operate as at present to serve proposed Lot 2. The position of vehicle crossings achieves the minimum setback and site distance requirements in accordance with the Operative District Plan.
43. Bremners Road and Glassworks Roads have a 50km/hr speed limit in this location, is straight in alignment on the site frontage and visibility in both directions is high.

## **Heritage**

44. The subdivision does not affect the remaining heritage buildings on the site. The heritage classification only applies to Lot 1 DP 9084. All the heritage buildings and the site the buildings are within, exist in this title.
45. The subdivision by boundary adjustment realigns this boundary by locating the boundary up to 28 meters northeast which does encroach into one of the buildings existing within current lot 1 DP 9084 however that building is one of the sheds sought to be removed as part of resource consent LUC 25/0086. Therefore, all the heritage will remain with the new resultant title.
46. The obvious immediate effect is that there are two buildings to be fully demolished and the tall chimney to be partially demolished. All the heritage assessment matters were considered under LUC25/0086.
47. The creation of the boundary via adjustment will be positioned such that a 3m setback from the façade of the existing heritage building is created as indicated on the scheme plan Rev E. This enables some ability to get access around the that side of the building for any maintenance or small vehicle access if required.
48. The buildings were constructed and form part of this site since 1929, albeit the workshop building is more likely to have been constructed in the 1950's.
49. In any event they are buildings that were created for a specific purpose being a glassworks operation. However, that activity was very short lived and other uses have been undertaken within the building on site since circa 1933.
50. The facilities here and in particular the chimney, the prominent brick exterior of the main buildings are considered as feature structures within this part of Ashburton Town.
51. Except for the two buildings to be fully demolished, the workshop, and the timber shed, with regards to the chimney and assessment of this heritage building. To retain it fully requires some strengthening to meet a safe building standard. A building's demolition or removal is to be assessed on its merits and structural engineering for the purpose of structural integrity and safety, and the economics of achieving retention of the building(s), is a key consideration for the seeking the demolition of the building.

52. The land surrounding the heritage item is a mix of both residential and business zoned land.
53. These properties were described earlier in this application and whilst the land surrounding the site holds some importance in terms of the activities they undertake such as the rail network, it is not considered there is anything significant about these areas.
54. The wider benefit of this proposal is that there will be some retention for heritage purposes of the base of the chimney as part of a physical record of what existed before.
  
55. With its removal, it will therefore be safe to function around and in the case of the main buildings, within, and will have less likelihood of longer-term issues with regards to other potential earthquake related effects that might occur in the future should the decision to progress with repair or remediation have been undertaken. To that end the building has far greater likelihood of being utilized once it is strengthened to increase its longevity as a heritage building.

#### **Natural Hazard Mitigation**

56. There is no evidence that the applicant is aware of regarding any significant flooding, erosion or liquefaction risks.
57. Flood Map F05 has been included as Annexure F.

#### **Water Supply**

58. The water supply for Proposed Lot 2 will not be altered as part of this application. A new water supply connection to proposed Lot 1 will be provided from the existing network off Bremners Road. Council reticulated water is available to both subject lots along the site frontages.
59. There are three fire hydrants on the site frontage to this property (two on Bremners Road and one on Glassworks Road). These are within 90 metres of the main buildings and therefore water supplies for fire-fighting purposes will be an existing situation for these sites.

#### **Sanitary Sewage Disposal**

60. Critical Standard 9.9.5 Sanitary Sewage Disposal requires all new allotments in the Business Zones of Ashburton to be provided with a piped sewage outfall for disposal. There are no new allotments created as it is a boundary adjustment. That said, there is no reticulated sewage availability for this site and therefore on-site wastewater treatment and disposal in the form of a multi chamber tank system or grey/black water separation would be required for proposed Lot 1 in the future.
61. There is existing on site wastewater treatment and disposal on Proposed Lot 2 that is connected to the office facilities at the site. This will remain unchanged as there is open land at the rear of this site where the discharge is established. The discharge is minimal with only 4/5 staff on the site at any one time. Proposed Lot 1 does not have an on-site wastewater system and there is no proposal to install any currently. This could be an advice note or

#### **Stormwater Disposal**

62. Storm water treatment will continue as at present. Roofwater will be disposed to ground. The scale of the proposed Lots ensures any hardstand stormwater can also be disposed of in this way. Soak pit locations for the hardstand areas are shown on the scheme plan.
63. This boundary adjustment will not increase the amount of proposed hardstanding as part of this application, it does remove some roof space, however. Although the lot boundaries are to be

adjusted, the generous provision of porous land will ensure the disposal of storm water is not a significant issue in this location.

### **Energy Supply and Communications**

64. Both telecommunications and electric power will continue to be available to each of the proposed lots from the existing reticulated services along both roads.

### **Easements and other Service Arrangements**

65. There is an existing easement which is included on the Record of Title provided. A memorandum of Easements is shown on the scheme plan which includes a right to convey electricity in gross and a right to convey telecommunications over Lot 1 in favour of the grantees shown.

### **Financial Contributions**

66. While it is noted under site standard 9.9.10 'Open Space and Recreation' that contributions are required for all residential uses within the Residential or Business Zones, this application relates to a boundary adjustment with no additional lots created. Accordingly, reserve contributions are not payable.

67. The applicant has shown the large splay as Lot 3. This is an existing situation that has been in place for some years where the public road bisects through the applicant's land. There needs to be discussion and comments sought from ADC Assets regarding this correction as there may need to be a discussion around some form of compensation based on what is a splay that is offering far more than the minimum area requirement.

### **Site Contamination Remediation**

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

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

70. The NES for Assessing and Managing Contaminants in Soil to Protect Human Health: provides a nationally consistent set of planning controls and soil contaminant values ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

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

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

72. Activities requiring a resource consent under the NES include:

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

73. Section 6 methods of the legislation states.

#### Methods

(1) *Sub clauses (2) and (3) prescribe the only 2 methods that the person may use for establishing whether or not a piece of land is as described in regulation 5(7).*

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

(a) *holds on its dangerous goods files, property files, or resource consent database or relevant registers; or*

(b) *has available to it from the regional council.*

(3) *The other method is by relying on the report of a preliminary site investigation—*

(a) *stating that an activity or industry described in the HAIL is, or is not, being undertaken on the piece of land; or*

(b) *stating that an activity or industry described in the HAIL has, or has not, been undertaken on the piece of land; or*

(c) *stating the likelihood of an activity or industry described in the HAIL being undertaken, or having been undertaken, on the piece of land.*

(4) *The person must—*

(a) *choose which of the 2 methods to use; and*

(b) *meet all the costs involved in using the method that the person has chosen.*

74. Under Clause 6(2) (b) the only recorded HAIL activity for this site was for the storage of agrochemicals on the site which were held in an above ground cage and within sealed 5-50 litre containers. A copy of that assessment is contained at Annexure K.

75. Section 8 of the NES includes the following.

#### Subdividing or changing use

(4) *Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:*

- (a) a preliminary site investigation of the land or piece of land must exist;
- (b) the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land;
- (c) the report must be accompanied by a relevant site plan to which the report is referenced;
- (d) the consent authority must have the report and the plan.

76. Section 8 is key to this proposal. A Preliminary Site investigation (PSI) has been prepared and is included as Annexure F.

77. The scientists who investigated this site identified the following potential sources of contamination that links to the Hazardous Activities and Industries List (HAIL):

- *Minor chemical and fuel storage occurring in various locations across the site (HAIL A17).*
- *Potential historical wood treatment including bulk storage of treated timber outside in the western half of the site, largely restricted to RS 40106 (HAIL A18).*
- *An electrical transformer (HAIL B2).*
- *An engineering workshop with metal fabrication (HAIL D5).*
- *Coal or coke storage associated with the glassworks and potential military use of the site (HAIL Category I).*
- *Lead and asbestos products on historical buildings (HAIL Category I).*
- *Burn areas and waste disposal of ash (HAIL Category I).*

78. If any contamination exists, it is considered unlikely that it would be at concentrations that exceed the 'commercial/industrial' soil guideline values and there would be a low risk to human health and the environment under the existing industrial setting.

79. There is a potential risk to construction workers where soil disturbance works are proposed. It is recommended that a Detailed Site Investigation (DSI) be undertaken in areas of the site where soil disturbance activities are to be undertaken.

80. At the time of writing this report, the proposed subdivision can proceed as a permitted activity under Regulation 8(4) of the NESCS due to the proposal being highly unlikely to pose a risk to human health. A subdivision application is being lodged concurrently with this land use consent application.

81. Resource consent under the NESCS for future soil disturbance works may be required, however this is dependent on the size and scope of any proposed works and will be assessed during the DSI phase of investigation.

82. Regarding the DSI. It is requested that an advice note or possibly a condition be considered such that after the demolition of the structures on site the applicant supply the Ashburton District Council with a Detailed Site Investigation Report (DSI).

83. If necessary, appropriate sampling in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil (NESCS) be carried out.

84. A ground contamination work completion or validation report shall be prepared and supplied to the Ashburton District Council, within three months of completing the project's earthwork. This

document shall record the quantity and destination of any soils disposed offsite, summarise any ground contamination related environmental, and/or summarise the post-earthwork ground contamination conditions.

## **CONSIDERATION OF ALTERNATIVES**

85. The preceding assessment of effects shows that the proposal will not have any significant adverse effects on the environment. As such, an assessment of alternatives is not required.

## **PART II OF THE RESOURCE MANAGEMENT ACT**

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

### **Section 5**

Section 5 outlines the purpose of the Act as follows:

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

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

### **Section 6**

#### **Matters of national importance**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

f) *the protection of historic heritage from inappropriate subdivision, use, and development:*

The proposal is a boundary adjustment that will not be detrimental to the existing and remaining heritage on the site. It is the main brick building and the chimney that are the subject of both full and partial demolition as detailed in the land use consent application lodged concurrently with this proposal.

The position of the new boundary moves it closer to the buildings, but this will not create any effect on the heritage setting.

## **Section 7**

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

- (c) *The maintenance and enhancement of amenity values.*
- (f) *Maintenance and enhancement of the quality of the environment.*

89. Section 7(c) and (f) of the Act are matters to which Consent Authorities should give regard to when making informed decisions. Consideration may be given to the effects on amenity values and maintenance and enhancement of the quality of the environment because of the proposed activity.

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

## **SECTIONS 104 & 104B - CONSIDERATION OF APPLICATIONS**

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

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

Section 104B of the Act states in relation to the determination of applications for discretionary activities:

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

- (a) may grant or refuse the application; and*

*(b) if it grants the application, may impose conditions under section 108*

92. The preceding assessment demonstrates that the adverse effects of the proposal on the surrounding environment will be less than minor, and that the proposal is consistent with the relevant objectives and policies of the District Plan. It is therefore considered that the proposal is entirely consistent with achieving the purpose of the Act.
93. This application provides an assessment of environmental effects, and it is considered those effects are less than minor. The matters for discretion that are still relevant were raised earlier in this application and part of the discretion includes an assessment of the controlled activity matters as listed under 9.7.3 above. Therefore, it is appropriate that consent be approved and if necessary, any appropriate conditions are attached to this application.

## **NOTIFICATION –SECTIONS 95 AND 95A-F**

### **Section 95A Public notification of consent applications**

94. There is a four-step process under Section 95(A) to determine if public notification is required.
95. Step 1 - Does the application fall within the criteria for mandatory public notification under s95A (3)?
  - The applicant has not requested public notification
  - Public notification is not required under s95C
  - The application has not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.
96. Step 2 - Does the application fall within the criteria where public notification is precluded under s95A (5)?
  - The activity itself is for a discretionary activity.
97. Step 3 – Does the application fall within the criteria where public notification is required under s95 (8)?
  - The application is not for an activity subject to a rule or national environment standard that requires public notification.
  - the activity will not have or is not likely to have adverse effects on the environment that are more than minor.
98. Step 4 – Are there any special circumstances under s95A (9) which requires public notification?
  - There are no special circumstances which require the application to be publicly notified.

- The application does not meet the criteria for public notification under the provisions of s.95A. Therefore, the application does not need to be publicly notified.

### **Section 95B Limited notification of consent applications**

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

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

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

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

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

- The above assessment of environmental effects concludes the proposal will have less than minor adverse effects. Therefore, there are no persons who should be notified.

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

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

103. Based, on the above, and the preceding assessment of effects any adverse effects on the environment are less than minor and as such, no parties are adversely affected by the proposal. It is considered that the application need not be limited notified in accordance with Section 95B of the RMA.

104. There are no other affected persons under Section 95E. Heritage NZ have been consulted with through the land use consent application LUC25/0086 lodged concurrently with this application.

105. Although the proposal will introduce a discretionary activity when assessed against the Ashburton District Plan, it is considered that the impact is of low potential and will create less than minor effects. Accordingly, this application can be processed by non-notification.

## **CONCLUSION**

106. This application seeks a subdivision consent to adjust the established boundaries of two existing lots. This development will not increase the total number of individual land parcels over the existing situation except for a corner splay which needed to legalise the current issue being the applicants land is bisected partially by Bremners Road carriageway and berm.
107. This realignment will be completed as described in this application and as demonstrated upon the submitted proposed scheme plan.
108. Section 104 of the Act sets out the matters to be considered when assessing an application for resource consent. These matters require consideration of any actual and potential effects on the environment arising from the proposal, together with consideration as to whether the proposal is consistent with the relevant objectives, policies and rules of the District Plan.
109. It has been demonstrated by the preceding assessment that the effects on the environment because of this proposal will be minor. The relevant provisions of Part II of the Resource Management Act 1991 have been satisfied, and it is considered that the proposed development is consistent with the purpose of the Act by promoting the sustainable management of natural and physical resources, with less than minor environmental effects.

**ANNEXURE A: RECORDS OF TITLE**

**ANNEXURE B: SUBDIVISION SCHEME PLAN**

**ANNEXURE C: LOCATION PLAN**

**ANNEXURE D: PLANNING MAP**

**ANNEXURE E: FLOOD MAP F05**

**ANNEXURE F: PRELIMINARY SITE INVESTIGATION**



