



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

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

Consent numbers:	SUB25/0051 LUC25/0086
Applicant's Name:	Malteurop New Zealand Limited
Street Address:	8 Glassworks Road ASHBURTON
Legal Description of Site:	Lot 1 DP 9084
Zone:	Business E
Application summaries:	Resource Consent to subdivide one existing lot into two (2) individual lots at 8 Glassworks Road. Zoned Business E. Land use consent at 8 Glassworks Road to address the non-compliances associated with demolishing two heritage buildings, partial demolition of a heritage chimney, and seismic strengthening works. Zone Business E. *12.7.5

1.0 DESCRIPTION OF THE PROPOSAL

The applicant proposes to subdivide the site at 8 Glassworks Road and undertake seismic works to the heritage listed Ashburton Glassworks buildings. The works will include demolition of two buildings, partial demolition of the chimney, and seismic strengthening of the remaining buildings.

The proposed allotments have the following net areas:

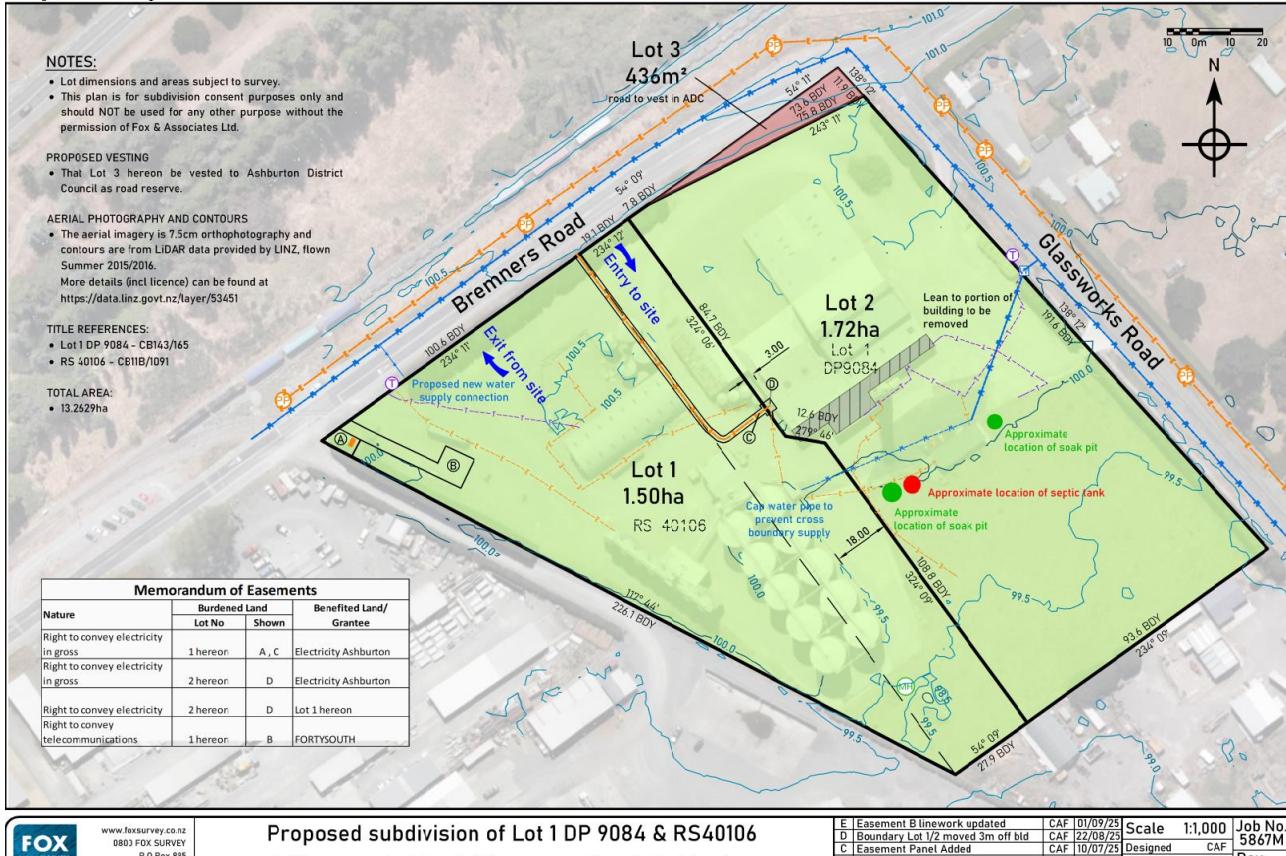
Lot 1	1.50ha (will contain the rail siding, silos and non-heritage buildings)	Lot 2	1.72ha (will contain the remaining Glassworks buildings)
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The subdivision proposal is largely a boundary adjustment to regularise the boundary between Lot 1 (currently Lot 1 DP 9084 CB413/165) and Lot 2 (currently RS 40106 CB11B/1091). The silos currently straddle the allotment boundary.

Lot 1 will continue existing land uses, other than the heritage building changes as set out in the application and shown in the application plans.

No changes in land use are proposed on Lot 1, other than installing new vehicle entry and exit points and installing a separate water connection.

Lot 3 will vest as road in Ashburton District Council. This will regularise the road boundary where it currently passes through Lot 2.



FOX AND ASSOCIATES	Proposed subdivision of Lot 1 DP 9084 & RS40106 8 Glassworks Road / Bremers Road, Ashburton	E Easement B linework updated B Boundary Lot 1/2 moved 3m off bld C Easement Panel Added B Access off Bremers - realign bdy No. Revision	CAF 01/09/25 CAF 10/07/23 CAF 17/06/23 CAF 15/05/2025	Scale 1:10,000 Job No. 5867M Designed CAF Drawn CAF Appr. Rev Date 15/05/2025
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Figure 1 – Proposed Scheme Plan

Title summary CB413/165

Type	Freehold
Land Registration District	Canterbury
Date Issued	26 October 1928
Estate	Fee Simple
Indicative Area	2.246 hectares
Legal Description	Lot 1 Deposited Plan 9084
▼ Historical Instruments	
▼ Referenced Surveys	



Figure 2 – Current title boundaries

The following servicing arrangements are proposed by the applicant:

Water Supply

- There is an existing Council water supply connection to Lot 2 that will be capped where it crosses Lot 1. The remainder will be retained to service Lot 2.
- A new Council water supply connection will be provided to Lot 1 from the main in Bremers Road.

- There are hydrants in the Council main in Bremners Road and Glassworks Road that can provide firefighting water supply.

Sewage Disposal

- There is no Council sewer provision within 400m of the site. Lot 2 has an existing septic tank as shown on the scheme plan that will be retained. Lot 1 does not currently require wastewater services. It is proposed that onsite wastewater services could be installed on Lot 1 in the future if required at the time of Building Consent. A consent notice will be included on Lot 1 to alert future owners to this.

Stormwater Disposal

- Lot 2 has existing soak pits as shown on the scheme plan that will be retained. Lot 1 can be provided with soak pits in the future if required as part of land uses on that lot. This can be assessed under Building Consent.

Electricity and Telecommunications

- There are existing services to both lots that will be retained.

Roading

- Lot 3 will vest as road in the Ashburton District Council, to regularise the existing situation.
- The existing vehicle crossings to Lot 2 will be retained.
- New vehicle crossing entry and exit will be provided for Lot 1 from Bremners Road. There is an existing vehicle crossing to Lot 1 from Bremners Road near the railway level crossing for the rail siding.

1.1 DESCRIPTION OF THE EXISTING ENVIRONMENT

The existing environment is described in the application. In summary, the site is zoned Business E and is operated by Malteurup for malt production.

The Glassworks are listed as a heritage building in the District Plan:

DISTRICT PLAN ID NUMBER	NAME	LOCATION	LEGAL DESCRIPTION	DISTRICT PLAN GROUP	NZHPT CATEGORY	NZHPT REGISTER NUMBER	DISTRICT PLAN MAP NUMBER
3	Ashburton Glassworks (Former) (Also known as International Malting Co NZ Ltd, Southern Cross Glass Company Building (Former))	8 Glassworks Road, Ashburton	Lot 1 DP 9084	Group A	I	7707	U43

The history of the Glassworks site is as set out in the application and in the written approvals from Heritage New Zealand.

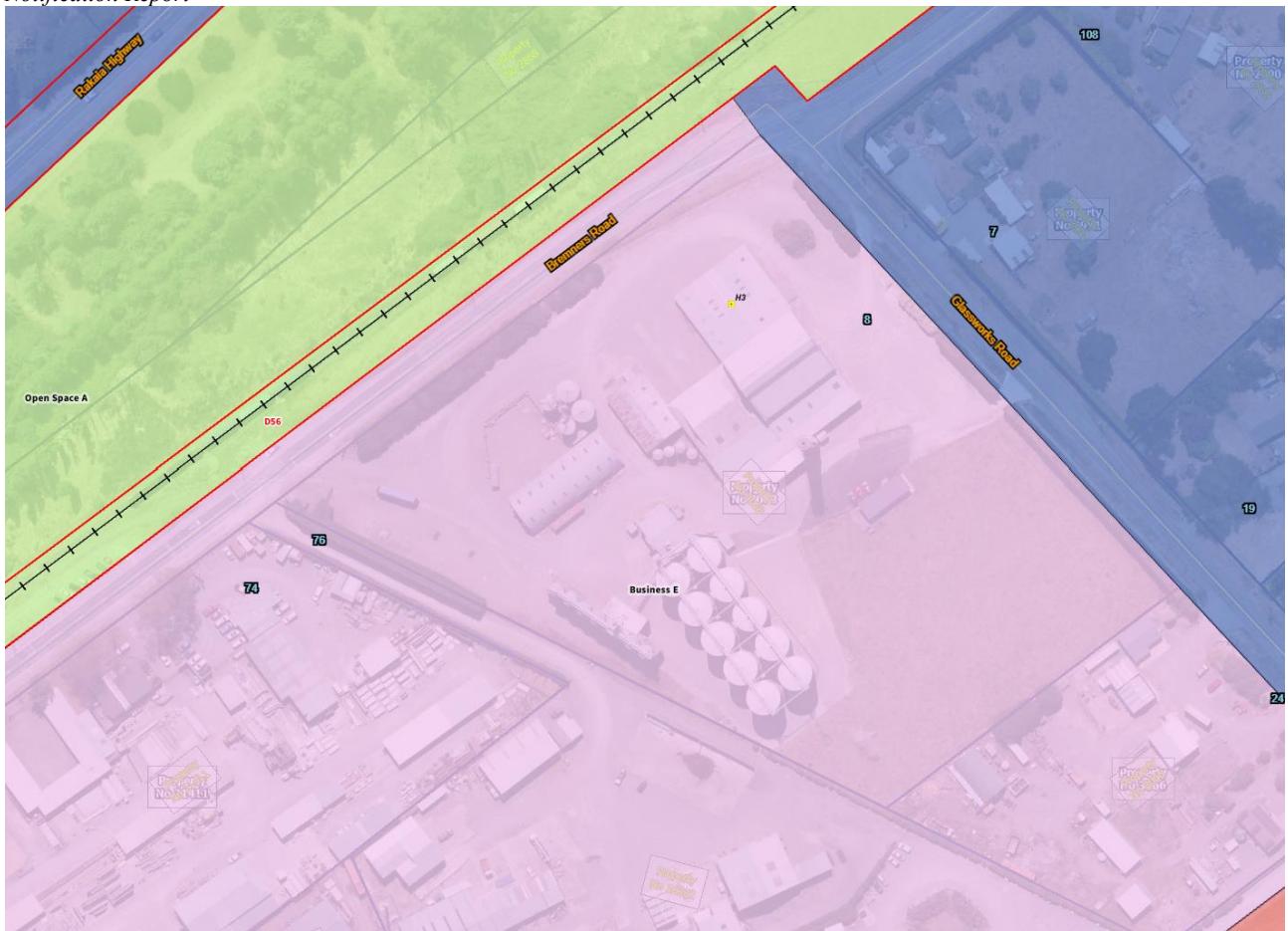


Figure 2 – Ashburton District Plan Planning Map



Figure 3 – Aerial View of the Site

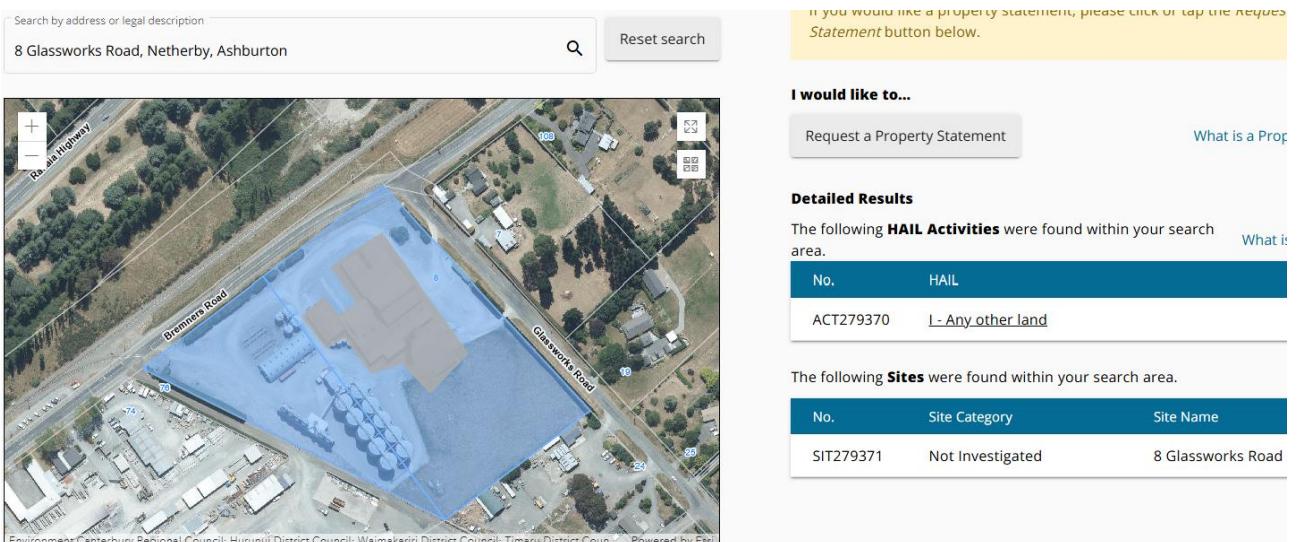


Figure 4 – Listed Land Use Register

The site is listed as containing a potential HAIL activity on the Listed Land Use Register. The listing is I – Any other land, SIT279371 (not investigated).

2.0 INTERNAL FEEDBACK

Aoraki Environmental Consultancy Limited (AECL) have provided cultural advice on behalf of Te Rūnanga o Arowhenua (Arowhenua) in relation to this resource consent. Arowhenua advise that they have no concerns with the proposal. They have requested that an accidental discovery protocol is in place and that AECL is contacted should any Maori artefacts be found. This can be included as a condition or advice note on the resource consents.

The Council Open Spaces Team did not have any comments to make.

Roading comment from the Council Development Engineer:

Further to review of the proposal the following our comments

1. *Crossing Yellow line in a low-speed zone, while permitted for property access, still involves safety considerations*
 - *Visibility*
 - *Predictability*
 - *Vulnerable Road Users*
 - *Manoeuvre Safety*

Taking above into consideration, we advise to have a [applicant's] traffic engineers' comments for us to review on the effects and any safety improvement required for the proposed Vehicle Crossings

3.0 PLANNING FRAMEWORK

3.1 Ashburton District Plan

Subdivision consent is required for:

- a **non-complying activity** under Subdivision Rule 9.7.6. because the subdivision does not comply with Critical Standards 9.9.5 (Sanitary Sewage Disposal) and 9.9.6 (Indicative Plan). The subdivision is also a discretionary activity under Heritage Rule 12.7.4 a. for subdivision of land containing a listed heritage building.

Land use consent is required for:

- a **non-complying activity** under Heritage Rule 12.7.5 b. and c. for the partial demolition of a Group A listed heritage building (the chimney) and the demolition of a Group A listed heritage building (Buildings 3 & 4).

The proposal complies with all other aspects of the District Plan, other than the requirement for consent for subdivision in the Business Zones. A copy of the District Plan compliance assessment is included in the tables below.

3.2 National Environmental Standards

The National Environmental Standard for Assessing and Managing Contaminants in Protect Human Health (NES CS) is relevant to the activities. The land is land covered by the NES CS Regulation 7 because it contains HAIL activities.

The subdivision activity is a permitted activity under Regulation 8(4) of the NES CS, because: a) a PSI report has been prepared (Momentum Environmental Ltd, July 2025), b) the PSI report states that the subdivision activity is highly unlikely to pose a risk to human health, c) the report is accompanied by a relevant site plan, and d) the Council has the report and the plan.

The applicant has confirmed that the the proposed demolition and seismic strengthening land use activities will comply with the permitted criteria for soil disturbance under Regulation 8(3) of the NES CS.

3.3 Overall activity status

Overall, subdivision and land use consent is required as a **non-complying activity**.

Table 1 – Subdivision		
Rule/Standard	Comment	Compliance
9.7.6 Non-Complying Activities	Subdivision that does not comply with one or more Critical Standards	Non-Complying Activity
Critical Standard 9.9.5 Sanitary Sewage Disposal 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.	No sewer connection is available, and no connection will be provided to Lots 1 and 2.	Does not comply
Critical Standard 9.9.6 a) All new subdivisions in areas not serviced by a reticulated water and/or sewerage system shall provide to Council a plan showing the indicative location of building platforms, stormwater treatment and disposal areas (including secondary flow paths), and wastewater treatment and disposal areas.	No indicative plan has been provided for Lot 1.	Does not comply
I agree with the application in other respects for the Subdivision Section compliance.		

Table 2 – Business Zones		
Rule/Standard	Comment	Compliance
5.8.5 Discretionary Activities I) Food and Produce Processing in the Business E Zone	The land use activity on Lots 1 and 2 is operating under s10 existing use rights.	Complies under s10 RMA
5.9.3 Setback from Neighbours No setback applies in Business E Zone		Complies

Table 3 – Heritage		
Rule/Standard	Comment	Compliance
12.7.5 Non-Complying Activities b) The partial demolition of a Group A listed heritage building c) The demolition of a Group A listed heritage building	The Glassworks are a Group A listed building. The chimney will be partially demolished, and Buildings 3 and 4 will be demolished.	Non-Complying Activity

Table 4 – Transport		
Bremners Road is a Collector Road in the Appendix 10-1 Roading Hierarchy		
Glassworks Road is a Collector Road in the Appendix 10-1 Roading Hierarchy		
Both roads have a speed limit of 50km/hr.		
Rule/Standard	Comment	Compliance
10.7.1 Permitted Activities Where complies with all of the Site Standards		Permitted Activity
Site Standard 10.8.1 High Traffic Generating Activities	No new activity proposed	N/A
Site Standard 10.8.3 Mobility Parking	No new activity proposed	N/A
Site Standard 10.8.6 Cycle Parking	No new activity proposed	N/A
Site Standard 10.8.12 Queuing Requirements		Complies
Site Standard 10.9.2 Vehicle Access	No new vehicle accesses proposed	N/A
Site Standard 10.9.3 Distances of Vehicle Crossings from Intersections Collector-Collector: 20m	Both new vehicle crossings for Lot 1 comply	Complies
Site Standard 10.9.4 Spacing Between Vehicle Crossings	Not on a Principal or Arterial Road	N/A
Site Standard 10.9.5 Maximum number of Vehicle Crossings Collector – 119m frontage length: 3 crossings allowed	Three crossings are proposed for Lot 1.	Complies
Site Standard 10.9.6 Sight Distance from Vehicle Crossings 50km/hr: 45m minimum sight distance	Complies for all proposed crossings.	Complies
Site Standard 10.9.14 Railway Level Crossings – Vehicle Accessway Location and Minimum Sight Distances a) Any new vehicle accessway onto a road shall be located a minimum of 30 metres from a railway level crossing, measured from the closest railway track to the edge of seal of the proposed accessway.	No new vehicle accessways will be installed within 30m of the rail level crossing, however the existing accessway to Lot 1 is within 30m of the rail level crossing that accesses the rail siding.	Complies

The proposal is compliant with the other District wide sections of the Plan including Noise and Signs.

4.0 NOTIFICATION ASSESSMENT

4.1 PUBLIC NOTIFICATION ASSESSMENT

Section 95A of the Resource Management Act sets out a step-by-step process for determining public notification.

4.1.1 Step 1 - Mandatory Public Notification in Certain Circumstances (Section 95A(2) and (3))

Question	Response
Has the applicant requested public notification? (Section 95A(3)(a))	No
Is public notification required under Section 95C? (Section 95A(3)(b))	N/A
Has the application been made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977? (s95A(3)(c))	No

In this case, public notification is not mandatory.

4.1.2 Step 2 - Public Notification Precluded in Certain Circumstances (Section 95A(4) and (5))

Question	Response
Does a rule or national environmental standard preclude public notification of each activity in the application? (Section 95A(5)(a))	No
Is the application for one or more of the following, but no other activities? - A controlled activity? (Section 95A(5)(b)(i)); or - A restricted discretionary, discretionary or non-complying boundary activity? (Section 95A(5)(b)(iii))	No

In this case, public notification is not precluded.

4.1.3 Step 3 - Public Notification Required in Certain Circumstances

Question	Response
Is the application for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification? (Section 95A(8)(a))	No
Does the Consent Authority decide, in accordance with Section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor? (Section 95A(8)(b))	Yes

Section 95D sets the parameters a Consent Authority can work within when deciding whether an activity will have or is likely to have adverse effects on the environment that are more than minor.

Section 95D

Section 95D(a) – A Consent Authority must disregard any effects on persons who own or occupy (i) the land in, on or over which the activity will occur, or (ii) land adjacent to that land; and

Section 95D(b) – A Consent Authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect

Section 95D(c) – A Consent Authority, in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and

Section 95D(d) – A Consent Authority must disregard trade competition and the effects of trade competition; and

Section 95D(e) – A Consent Authority must disregard any effect on a person who has given written approval to the application.

In this case, (a) effects on the persons noted are disregarded; (b) there is no permitted baseline for subdivision activities in the Ashburton District Plan; (c) n/a; (d) there are no trade competition matters to consider; and (e) effects on **Heritage New Zealand** (who have provided written approval to both applications) have been disregarded.

Heritage effects

Building Demolition

Buildings 3 and 4 are proposed to be demolished. This is likely to have a more than minor adverse effect on the environment, as the heritage buildings are listed in the Plan as Group A heritage item. I note the assessment in the application regarding the history of the buildings and these buildings being constructed after the original glassworks building and chimney. I acknowledge that they are likely to hold less heritage value than Buildings 1 and 2. However, as they form part of the Group A heritage listing, are readily visible from the road boundaries, and have been in place for 70-90 years, there are likely to be more than minor adverse effects on the environment from their removal.

Building Partial Demolition

The Chimney is proposed to be partially demolished (from 38.4m to 11.4m). This is likely to have a more than minor adverse effect on the environment, as the chimney is a recognisable landmark due to its height and age, and is listed in the Plan as a Group A heritage item. The application notes that the chimney has been in place since 1920s, and contributes to the history of Ashburton. The partial demolition to the collar level will preserve a portion of the chimney as a historic building, however the scale of the demolition is likely to lead to adverse effects on the environment that are more than minor.

Building Strengthening

The building seismic strengthening works (Buildings 1 & 2) are largely internal works. The work will be carried out by a suitably qualified tradesperson with recognised experience in working with heritage buildings (this is confirmed by the applicant in page 17 of the Land Use Application and will be conditioned). There is no proposal to re-paint the building in a different colour and building detailing will be largely the same. The changes may only be noticeable on closer inspection. The story of the Glassworks buildings will be largely retained. I consider the adverse effects on the environment from the building strengthening work and its impacts on the heritage value of the Glassworks buildings will be no more than minor.

Subdivision of site containing heritage buildings

The subdivision will regularise the boundary between the existing titles and allow the road boundary to be regularised through the vesting of Lot 3. It will provide more land area around the silos on Lot 1 (the silos currently straddle the lot boundary) by moving the boundary approximately 28m to the north east. The subdivision will reduce the land area for the setting of the Glassworks buildings, reduced to a 3m internal boundary setback at its closest point. The application notes that there is no minimum building setback in the Business E zone, the proposed 3m setback will provide some additional protection for the historic buildings on Lot 2, and the setback will also ensure sufficient space for access and maintenance of the

heritage buildings on Lot 2. The District Plan listing describes the Ashburton Glassworks, but does not describe the land area surrounding the Glassworks. Overall, I consider the adverse effects on the environment from the subdivision of the Glassworks buildings and their setting to be no more than minor.

Subdivision related Transport effects

As a subdivision activity, and a non-complying activity, there is discretion to consider the transport effects. The subdivision proposes to provide two new vehicle crossings for Lot 1 (an entry and an exit) and the applicant has confirmed that they intend to retain the existing two-way crossing to Lot 1 positioned near the south-west corner, and near the railway level crossing (that serves the rail siding). Lot 3 will vest as road in the Ashburton District Council. The road to vest will likely improve the sight lines for the intersection by allowing the Council to manage activities in the road corridor more effectively. The Council Development Engineer advises that there may be adverse safety and efficiency effects on the function of Bremners Road as a result of the use of the vehicle crossings for Lot 1, and that there is insufficient detail on the design and effects of these in the application (see section 2.0 of this report). The road alignment in this location and the types of vehicles using the crossings mean that there is the potential to impact on the safe and efficient operation of Bremners Road and the site, and further effects assessment is required. In the absence of such detail, I must conclude that these adverse effects on the environment may be in the order of minor to more than minor, with further transport evidence from the applicant likely to refine the transport effects assessment.

Demolition and Strengthening related Transport, Noise and Vibration effects

It is anticipated that these will be short term during the demolition and seismic strengthening work. Traffic will likely make use of existing crossings to Glassworks Road. Noise vibration can be conditioned to comply with the relevant NZ Standards. Any adverse effects are expected to be temporary and no more than minor in scale.

Contaminated Soil effects

The applicant has confirmed that the proposal will comply with the permitted standards for subdivision and disturbance of soil under the NES CS. I consider that adverse effects on the environment in relation to contaminated soils will be no more than minor.

Overall effects

In this case, the adverse effects on the environment are likely to be to be more than minor due to the potential adverse effects on heritage values and transport safety & efficiency.

As adverse effects on the environment have been determined to be more than minor under s95D, public notification is required under S95A(7) and S95A(8)(b).

4.2 NOTIFICATION CONCLUSION

Based on the step-by-step process for determining public notification, it is considered that the applications are required to proceed on a **publicly notified basis**.

5.0 RECOMMENDATION

For the reasons set out below, these applications shall proceed on a **publicly notified basis**, pursuant to Section 95A of the Resource Management Act 1991:

- i) The applicant has not requested public notification (Section 95A(2)(b);
- ii) The activity is not subject to a rule or national environmental standard which requires public notification or limited notification (Section 95A(5)(c) and Section 95B(6)(a));

iii) Any adverse effects on the environment will be more than minor (Section 95D). Public notification is required under S95A(7) and S95A(8)(b).



Signed: _____
Nicholas Law
Planner

Date: 17 December 2025

Decision:

The above applications SUB25/0051 and LUC25/0086 have been considered under delegated authority and have been determined to be processed with public notice pursuant to Section 95A(7) and Section 95A(8)(b) of the Resource Management Act 1991.

Signed: _____
Brad Thomson
District Planning Manager

Date: _____

Signed: _____
Ian Hyde
Group Manager Compliance & Development

Date: _____