



Ashburton
DISTRICT COUNCIL

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Vers 1.0
July 2014

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

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

Consent number:	LUC17/0128
Applicant's Name:	Redmond Retail Limited
Street Address:	229 West Street & 86 Maronan Road, ASHBURTON
Legal Description of Site:	Sec 193 TOWN OF ASHBURTON Pt Sec 194 TOWN OF ASHBURTON
Zone:	Business A & Open Space A
Application summary:	Land use consent at 229 West Street for the relocation of Heritage Building H9 to 86 Maronan Road, Plains Historic Village (S32).

1.0 DESCRIPTION OF THE PROPOSAL

Resource consent is sought to relocate a historic building from 229 West Street to the Plains Historic Village in Tinwald.

Background

Resource consent was applied for in 2015 to demolish the Cates Grain and Seed building at 229 West Street, Ashburton. The resource consent application was processed on a notified basis and subsequently declined (LUC15/0006). The decision was appealed by the applicant and the application currently remains in a mediation process. A consequence of that mediation process was an arrangement that the applicant would lodge a new resource consent application to relocate the building, ie this application.

Proposal

The site contains a historic building and also an extension at the rear of the building which was constructed in the 1950's/60's. Resource consent is sought to relocate the historic part of the building through the separation of the building into a series of components which would then be transported and reassembled at a site within the Plains Historic Village in Tinwald.

The building has been identified as a Category A building in the Ashburton District Plan and a Category II building by Heritage New Zealand (Number 1807). It is noted that the District Plan does not specify if the heritage classification applies to only all or part of the building and instead only specifies "Peter Cates Grain Store", followed by the legal description for the site. It is recognised that the rear part of the building is a more recent addition but for the purposes of this assessment resource consent is being processed on the basis that approval is required for the relocation of the main part or historic part of the building and demolition of the remainder.

The applicant has noted that, at the new site, the building will not comply with maximum height requirements and may potentially intrude through a recession plane at the rear of the building depending on the final exact positioning of the building.

1.1 DESCRIPTION OF THE EXISTING ENVIRONMENT

The site the building will be relocated from is located at 229-241 West Street in Central Ashburton. The site is legally described as Lot 2-3 DP81368 (Certificate of Title CB47A/1218), Section 193 Town of Ashburton (Certificate of Title CB15K/1325) and Section 194 Town of Ashburton (Certificate of Title CB20K/251). The total area of the site is 3,544m².

The site includes the building in question and also an open area on the north east of the site. The details of the structure have been described as part of the resource consent application and for the purposes of avoiding repetition the description of the structure is relied upon for the purposes of this assessment. The structure is located as follows:

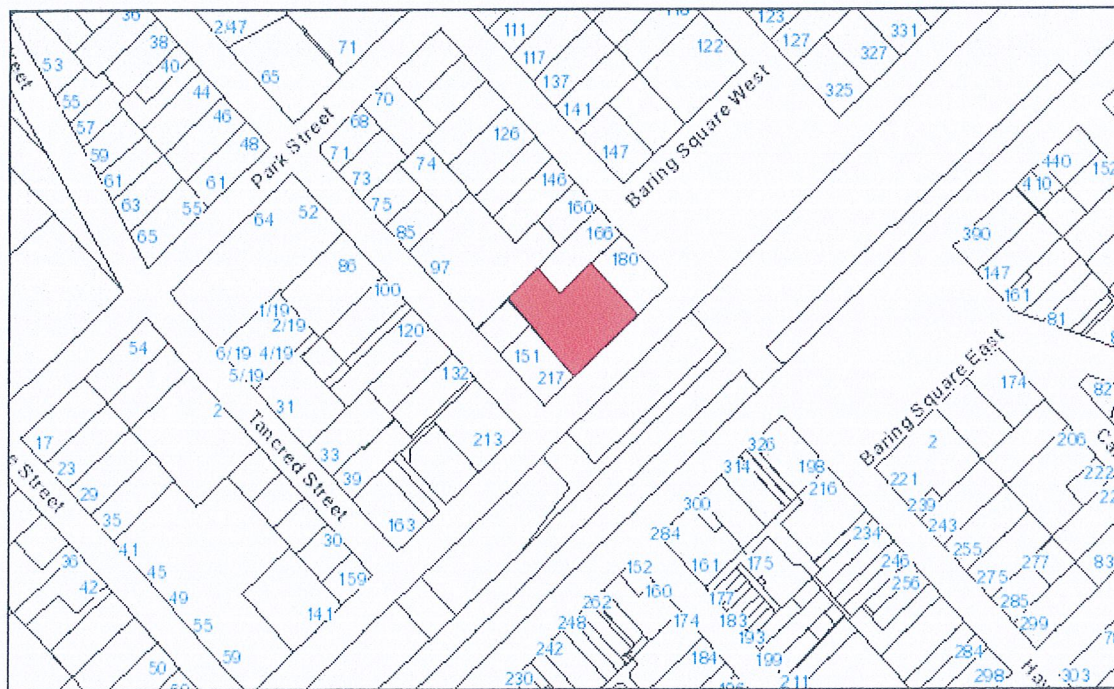


Figure 1: 229 - 241 West Street Site Location Plan

It is also recognised that the site has been identified by Heritage New Zealand Pouhere Taonga as a Category 2 building and that also as the building was constructed prior to 1900 the property is an archaeological site.

The surrounding area includes a variety of activities including State Highway 1 on the south eastern frontage of the site and the main trunk railway further to the south east. The character of the surrounding area is predominantly commercial in nature but it is noted that the Ashburton Public Library is located to the north east of the site.

The site the building will be relocated to is within the Plains Historic Village in the Tinwald Domain (86 Maronan Road). The site is legally described as RS 41245 PTS RS 41244 4137 BLK XVI Westerfield and the total area of the site is 7.79ham². The village is a collection of buildings including historic, equipment and trains. The relocated building will replace a lean to shed where carts and drays are currently stored. The relocated building would be located between other buildings of a historic appearance.



Figure 2: 86 Maronan Road Site Location Plan

This site is located on the fringe of Tinwald and the wider area includes the Tinwald Domain, farmland, housing and industrial activities.

2.0 PLANNING FRAMEWORK

229 - 241 West Street

This site is zoned Business A zone in the Ashburton District Plan. This zone covers the inner commercial area of Ashburton and provides principally for small scale retail activity. There are a variety of zonings in the surrounding area including Open Space A to the south east, Residential A to the north west and Business B to the south west.



The proposal has been reviewed against the provisions of the District Plan and it has been identified that the site contains a heritage structure (District Plan ID No 9). As such the provisions of Section 12 of the District Plan apply. The building has been identified as a Group A structure in the District Plan. Under section 12.6 (Reasons For Rules) guidance is provided as to the implications for the classification of structures:

12.6.1 Heritage Buildings / Items

The rules are based on a hierarchy of classification of heritage items within the District. The classification of each item has been based on local consultation and assessment of heritage resources, and the advice and, where applicable, registration category of the Historic Places Trust. The rules apply to both internal and external areas of the listed building/items.

The Group A heritage items are considered to be of national or regional significance. Their conservation and protection is provided for within the District Plan as of high significance and accordingly, any demolition of a Group A item is a non-complying activity.

On the basis of the building being identified as a Group A structure Rules 12.7.5(a), (b) & (c) specify that the relocation, partial demolition or full demolition of a Group A listed heritage building is a non complying activity.

86 Maronan Road

This site is zoned Open Space A in the Ashburton District Plan and is also a scheduled site (S32). The Open Space A Zone is intended to provide for areas such as neighbourhood reserves, and the Ashburton Domain. These areas provide relief from the built environment and a space for people to undertake passive activities such as walking within close proximity of their place of residence. The zone also includes the range of green strips of land which are valued for their contribution to landscaping for example the central area within Ashburton (Kapuka).

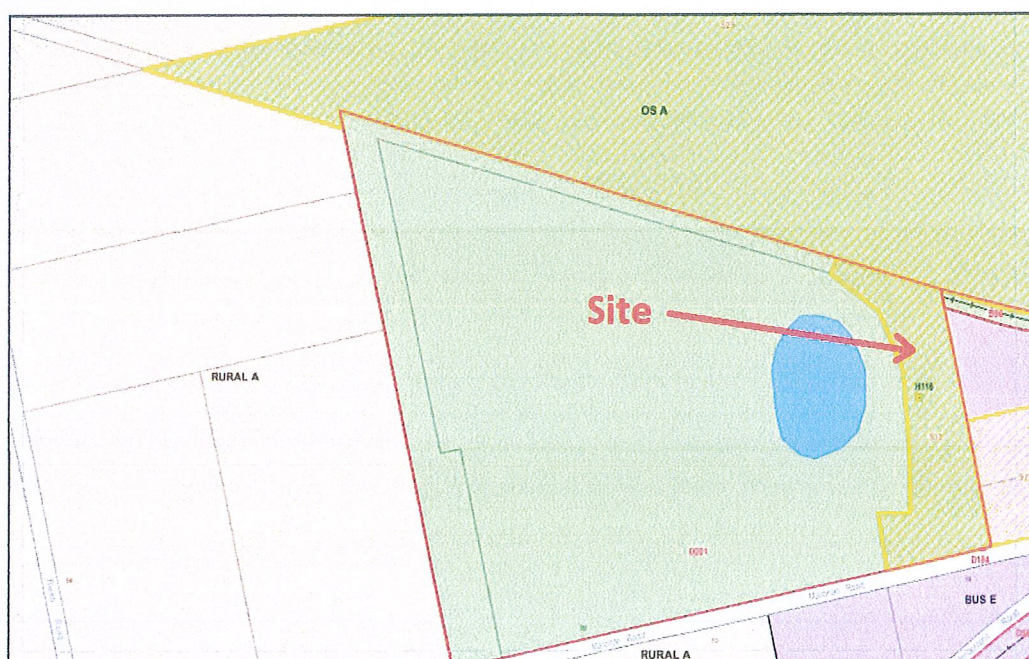


Figure 4: Maronan Road Site Zone Map

The site has also been scheduled as a historic village (S32). The scheduling of the site imposes an additional set of requirements which are located at section 8.6.7 of the Plan. Under these provisions the

establishment of the building is considered to be provided for as a permitted activity specifically including the maintenance, repair and storage of objects relating to historical aspects of farming activities and the display of goods and materials related to the history of the District. Under these provisions resource consent is required for the following reasons:

- Standard 8.6.7.5 of the Plan specifies that the maximum height of any building shall be 8m. The building will have a maximum height of 9.6 metres.
- Standard 8.6.7.6 of the Plan specifies that a building shall comply with recession plane requirements. The applicant has specified that the exact measurements of the building in relation to the internal boundary have not been determined but there is the potential that the building will intrude into the recession plane by up to 2.0 metres in height and accordingly resource consent has been sought for this non compliance.

In accordance with Rule 8.5.4(a) an activity which does not comply with the above standards is provided for as a Restricted Discretionary activity.

The site has also been designated for recreation purposes (D201). The Ashburton District Council has been identified as the requiring authority for the designation.

Near the proposed location of the building a heritage structure has also been identified in the District Plan (H116). This is the Church of St Philip & St James within the heritage complex. The church is still some distance from the location for the proposed building and the church, or values associated with it, will not be adversely affected by the proposal.

On the basis of the above the proposal is considered to be a **non-complying** activity.

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

3.1 PUBLIC NOTIFICATION ASSESSMENT

3.1.1 Request for public notification (Section 95A(2)(b))

The applicant has not requested that the application be publicly notified

3.1.2 National Environmental Standard or District Plan rule requiring or precluding notification (Section 95A(2)(c) and Section 95A(3)(a))

In terms of s95A(2)(c) and 95A(3)(a) there are no rules in the relevant District Plan, Regional Plan or NES which require or preclude public notification of the application.

3.1.3 Effects on the Environment to be disregarded (Section 95D Assessment)

3.1.3.1 Effects that must be disregarded for public notification purposes

- A) Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land

In this case, it is considered that adjacent land includes the following, properties because they either directly adjoin the site or are located immediately opposite the subject site. The effects on these properties have been disregarded for the purposes of public notification assessment.

Annex Report

No.	Table 1	
<u>229 West Street</u>		
	Address	Legal Description
1.	241 West Street	Lot 3 DP81368
2.	180 Havelock Street	Lot 1 & 2 DP81368
3.	97 Burnett Street	Lot 1 DP307505
4.	217 West Street	Sec 192 & Pt Sec 194 TN of Ashburton
<u>86 Maronan Road</u>		
	Address	Legal Description
5.	1 & 9 Shearman Street	Lot 1 & 2 DP45405
6.	18 Shearman Street	Lot 3 DP45405
7.	62 Maronan Road	RS 41245 PTS RS 41244 4137 BLK XVI Westerfield

The location of the site and adjacent properties has been identified on the below two plans. The application sites are in red and the adjacent properties are in blue.

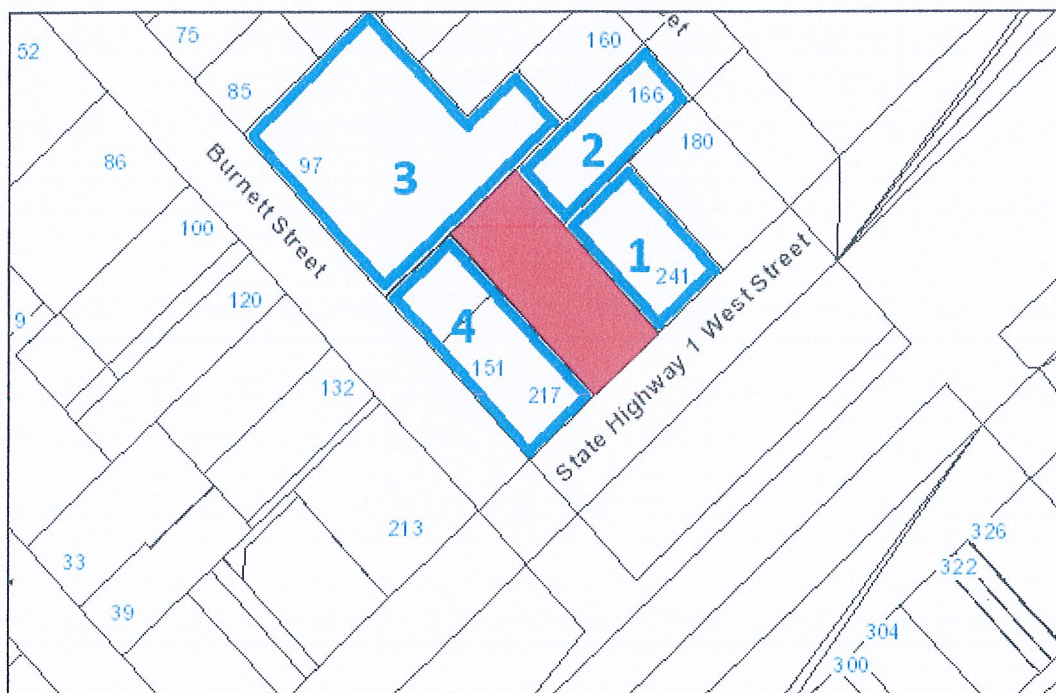


Figure 5 - West Street Site Potentially Affected Parties



Figure 6: Maronan Road Site Potentially Affected Parties

B) Any effect on a person who has given written approval to the application

No written approvals have been submitted as part of the resource consent application.

Effects that may be disregarded – Permitted Baseline Assessment

The permitted baseline refers to permitted activities on the subject site.

In considering the West Street site it is considered that there is no relevant permitted baseline that could be applied. This is because any works of a similar or lesser nature will trigger the need for resource consent on the basis of the heritage status of the building.

In considering the Maronan Road site it is considered that there is a relevant permitted baseline which includes the establishment of a building of a similar nature to the proposed but complying with the maximum height requirement of 8 metres and also the recession plane requirement. The establishment of such a building is considered feasible and realistic given the nature of the site where the accommodating and storage of historic equipment is undertaken within buildings of a historic appearance.

3.1.4 Adverse Effects Assessment (Section 95A(2))

Having regard to the above and after an analysis of the application, the following assessment addresses the adverse effects of the activity on the environment for public notification purposes.

As a non-complying activity the full range of adverse effects must be considered. The potential effects of the proposed activity have been assessed as follows:

Heritage

West Street Site

It is considered that the heritage values of the building relate to the physical structure of the building and also what the building represents for the Mid Canterbury area. These two aspects are assessed as follows:

Building Structure

It has been widely recognised that the external appearance of the building has changed in appearance over time. This has included extensions to the side and rear of the building during the 1960's and also the alteration of the front facade of the building. This would appear to have reduced the historical appearance of the building but the curved roof structure remains a dominant characteristic for the area.

Internally, significant alterations have also occurred but there are a number of wooden columns and a roof structure, between first and second floors, which again reflect the historic nature of the building. The alterations and changes to the building including extensions have affected the historic character of the building but there are elements of the original structure that remain.

The resource consent application seeks to remove the building from the site. No details have been provided as to the future development of the site. This removes the opportunity to consider options to incorporate physical elements of the existing building or to include features in the design of a future development which may reflect the historical nature of the site. Instead the applicant is proposing to relocate the structure to the Tinwald site.

In consideration of the above, I am of the opinion that the effects from the proposed demolition of the building will be reduced because there are a number of elements of the building, including the front facade which have been altered and changed. Other elements of the building continue to display a historic character and nature and there will continue to be an effect through a loss of a historic structure from the site. Again this has been reduced through the retention of the building structure albeit on another site but it is considered a recognisable structure, due to its' size and shape, will be removed from the site. Therefore, while potential effects have been reduced it is not considered they have been reduced to such a degree as to be no more than minor. The removal of the building will result in the loss of a heritage structure which still retains recognisable heritage characteristics and those characteristics will no longer be located on the site in West Street. .

Heritage Values

The building is an important indicator of the history of Mid Canterbury and the importance of the grain industry for the area. It was noted by Ms Arlene Baird as part of the processing of the previous resource consent application for the site:

Representativeness:

The building stands as a good example of Ashburton's past and current links with the agricultural industry. As the applicants have made reference to, this building is representative of the early history of Ashburton and the local Mid Canterbury arable industry of the time. Grain stores once lined West Street, which would have been an ideal location for trading in the busy central area of town and close to the railway station. This is the last remaining grain store on West Street.

The report of Ms Baird also further detailed the wider references associated with the building including Hugo Friedlander who was one of three brothers which constructed the building. Mr Friedlander also served as mayor for three terms, was a member of the Ashburton County Council and the first chairman of the hospital board.

The grain industry has and remains an important characteristic of Mid Canterbury and it is important to remember the linkages between the past and current industries for the area. The application site and building reflects the industrial history of the area and elements of the building remain such that the history remains recognisable.

The removal of the building will eliminate any references to the historic values of the building and what they represent from the site and within the town centre of Ashburton. It is considered that while parts of the building have been altered and changed, historic indicators, including the usage of the building until recently for grain storage, maintain a linkage with the history of the site and its role in the grain industry as part of the foundation of the development of Ashburton.

It is considered the relocation of the building, compared to the previously proposed demolition, will reduce the loss of heritage and the effects of this but it remains considered that an iconic building in Ashburton with significant representativeness of an important part of the townships history will be lost.

It is not considered the potential adverse effects of the proposal have been avoided, remedied or mitigated to such a degree as to be no more than minor. On this basis, it is considered the removal of the building will also have a more than minor effect on the historic values associated with the West Street site.

Maronan Road Site

In considering the relocation to the Maronan Road site it is recognised that a collection of buildings of a historic nature are established on the site and the proposed building will be complementary to this. The building will be a large dominant structure but this is considered appropriate as it is also reflective of its' current situation. It is noted that there are elements of the building which will not be able to be relocated, such as the lower walls and the front roadside fascia. The conclusion of the heritage report, supplied as part of the resource consent application, specifies the following:

"3.7. Thus with appropriate conditions of consent around the timing of full restoration, the development of a Conservation Plan, a heritage inventory of the fabric and a Temporary Protection Plan that covers the building's relocation and the protection of the fabric while it is restored and given the discussion above, I believe the relocation of this building could be supported."

It is therefore apparent that while the building may be suitable, in character, for relocating to the Maronan Road site there are many details that will need to be determined prior to relocation occurring. This should include a detailed design of the relocated building to ensure it is both relocated in appropriate manner but that that finished appearance of the building is appropriate. This should be addressed no less than by way of condition with strict controls as part of this regarding timeframes and peer reviews of design.

Amenity

In considering the removal of the building and its effects on the amenity of the area from a view wider than heritage it is recognised the removal of the building will significantly change the character of the site, including its likely redevelopment in the future.

The redevelopment of sites is typical of a town centre and there are various properties within the town centre at varying levels of redevelopment, particularly due to the Canterbury earthquakes. Therefore, while it is considered the removal of the building will have an effect on the amenity of the area it is considered that such an effect is generally part of what one would anticipate for the local area and as such any potential effects will be less than minor.

With regards to the Maronan Road site the building will be approximately 9.6m high which exceeds to permitted maximum by 1.6m. The building will therefore be of some dominance. In addition the building will be close to a side boundary and will intrude into a recession plane. The effects of these non-compliances are considered to be offset by the scale of the site and that the building will be located within a cluster of buildings of a similar nature. For these reasons it is considered any effects on amenity will be no more than minor.

Temporary Effects

The removal of a building can lead to potential temporary effects such as dust, silt run off but also the need to temporarily close areas of the street frontage for the purposes of public safety while the building is separated into parts.

It is considered that suitable measures can be undertaken as part of the removal of the building which will minimise the effects of the removal of the building, in much the same way as when a new building is constructed, any measures can be reinforced through the use of appropriate conditions. This will ensure that any effects from the relocation of the building will be no more than minor.

Summary

The potential effects of the proposed activity are primarily the effects on heritage from the removal of a historic structure and the representativeness of that structure in the history of Ashburton. It is recognised that the building has previously been altered and these alterations will reduce the overall impact of the removal of the building from the site and significantly the building will be retained on a different site. That said, due to there still being significant historic elements to the building which are associated with and are part of the West Street site any effect from the removal of the building will be more than minor on heritage values.

In summary, having assessed the adverse effects of the activity on the environment, I consider that the activity will overall have a more than minor adverse effect on the environment as discussed in section 3.1.4.

3.1.5 Do special circumstances exist (Section 95A(4))?

It is considered that no special circumstances exist in relation to the application.

LIMITED NOTIFICATION ASSESSMENT

4.1.1 Is there an NES or District Plan rule requiring limited notification?

There are no rules in the relevant District Plan/ Regional Plan/NES that would require or preclude limited notification of the application.

4.1.2 Are there holder(s) of customary rights order who may be adversely affected by the activity? (s 95(f))?

No

4.1.3 Are there affected persons who the activity will have a minor or more than minor adverse effects on (s 95 (e))?

Generally it is considered that the effects of the proposal are on the wider area rather than being specific to adjoining landowners. In addition, as it has been concluded that the effects of the proposal on the wider area will be more than minor the identification of potentially affected parties is less relevant. That said it is noted that the relocated building will intrude into a recession plane and the affected party

approval has not been obtained from either the Domain Board or Council as landowner. Therefore it is concluded that the written approval of all potentially affected parties has not been obtained.

4.1.4 Limited Notification Assessment Conclusion

It is considered that this application should be processed with service of notice as all potentially affected persons have not given their written approval to this proposed activity.

6.0 Conclusion

Notification

- The applicant has not requested public notification.
- Taking into account the effects of the proposed development, it is considered that the adverse effects on the environment of the activity for which consent is sought will be more than minor.
- Special circumstances requiring notification do not exist.
- The written approval of all potentially affected persons has not been supplied.

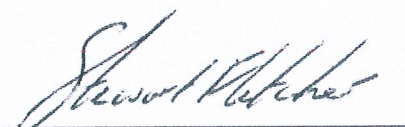
7.0 Recommendation

Notification

That for the reasons set out below, this application be processed with public notification and service of notice, pursuant to Sections 95A-95F of the Resource Management Act 1991.

- i) The applicant has not requested public notification [s.95A(2)(B)]; and
- ii) The effects are more than minor (s.95D)
- iii) There are no special circumstances [s95a(4)]; and
- iv) The written approval of all potentially affected persons has not been obtained (s95e & s95F).

Signed:



Stewart Fletcher
Reporting Planner

Date: 2 February 2018

Decision:

The above application LUC17/0128 has been considered under delegated authority and it has been determined that it shall be processed with public notice pursuant to sections 95A-95F of the Resource Management Act 1991.



David Mountfort
Independent Hearings Commissioner

2 February 2018