

Application for Land Use Consent
AJ Developments (2016) Ltd
4 Wilkin Street,
Tinwald
Site of Heritage Building Housing
Development
February 2023

Ashburton District Council

Reference: 20-108

Revision: Final



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Annexure J: Archaeological Authority

QUALITY ASSURANCE

Project Reference: 20-108


Title: Application for Land Use Consent – AJ Developments (2016) Ltd

Client: AJ Developments Ltd – Jeff Shanks

Filename: Resource consent to retain a District Plan Category B listed heritage building, remove ancillary buildings and residential development of 7 units on the site.

Version: Final

Lodgement Date: January 2023

Prepared By: 
David Harford

1.0 INTRODUCTION

Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource 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.

Section 88(2)(b) also 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.

Form 9 as required by Section 88 of the Resource Management Act 1991 is provided as Annexure A to this application. The application is separated into two parts. One being the heritage building and the other being the residential community housing proposal.

The body of the application addresses the character of the land, the proposed land use activity and the relevant provisions of the District Plan. It also includes an assessment of effects on the environment as required by the Fourth Schedule to the Resource Management Act 1991.

The proposal is assessed under the Operative Ashburton District Plan.

The proposal has been amended to now retain the main residential unit on the site whilst removing the other buildings. This is detailed within the application and the Archaeological Report included as Annexure J. The Heritage Report from Fulton Ross and the heritage comments included as Annexures H and I respectively are still relevant in terms of the setting for the site and the buildings respectively albeit they make mention of either relocation or removal of the existing residential unit and a larger scale residential development. This is not the situation now with the main heritage residential unit remaining in its current position accompanied by the remaining buildings removal and a subdivision of the land to be undertaken as a separate application.

1.1 Site Information

Site Address: 4 Wilkin Street

Legal Description: Lots 441-444 DP 91

Record of Title	Identifier CB135/34. Refer Annexure B
Total Site Area:	4048m ²
Property Owner	AJ Developments (2016) Ltd
District Plan Zone:	Operative District Plan – Residential C
Planning Maps	U67
Special Notations:	Heritage Building – H72 Group B

1.2 Activity Classification

Heritage Building/Item

Discretionary Activity in respect to non-compliance relating to:

12.7.3 Restricted Discretionary Activities –

- b) Alterations and additions to a listed heritage building / item (Group A & B or a building identified as “A” at Longbeach Estate Heritage Site);*
- c) The construction of a new building or any addition to a non-heritage building within any defined setting of a listed heritage building / item (Group A & B);*
- d) Land disturbance within any defined setting of listed heritage building / item (Group A & B).*

Discretionary Activity in respect to non-compliance relating to:

12.7.4 Discretionary Activities –

- c) The partial demolition or demolition of a Group B listed heritage building / item.*

*Under 12.7.4 (a) a subdivision application will be applied for separately to create the separate Records of Title

Within the Ashburton District Plan there is no NZHPT (now Heritage NZ) category and NZHPT Register Number

2.0 SITE AND SURROUNDS

2.1 The Application Site and Surrounds

The site is located in the Residential C zone. This zoning is the predominant Ashburton District medium density residential zoning covering the substantial area of the Ashburton urban area.

The existing heritage building and sheds were erected prior to 1900 based on the specific details addressed in the historic aerial imagery and heritage expert assessments and particularly the Archaeological Assessment included as Annexure J.

The site contains the existing homestead and three separate outbuildings. The site is bound by three road frontages and only shares one internal boundary with other sites to the south.

The buildings exist upon a very large residential setting being 1 acre (4048m²) where existing lawn and plantings exists. The main residential building is located centrally within the site. There is a substantial hedge located on the State Highway 1 frontage to the site with both additional hedging and trees on the northern boundary with frontage to Wilkin Street partially screening the site from the Café on the State Highway 1 and Wilkin St corner and some of the residential properties on the opposite side of the road.

The building and site has a Group B Ashburton District Council category listing in the District Plan. A copy of that listing is included as Annexure E to this proposal.

A Group B listing is stated as:

These heritage items are places of historical or cultural heritage significance or value to the District. The ongoing conservation and protection of these items is highly desirable. They include all NZHPT registered Category II historic places and other places of heritage significance and value at a District level. The loss of these items would be a significant matter, at least in respect of a District and regional community of interest.

This building no longer has a NZ Historic Places Trust (now Heritage NZ) Registration or at least not under the Ashburton District Plan so no further consultation or discussion where Heritage NZ was undertaken at this point as part of this application. However as the residential unit and other building(s) were erected pre-1900 an archaeological

authority has been prepared and ledged with Heritage NZ for the site as detailed in the Archaeological Assessment report included at Annexure J.

The adjoining land includes State Highway 1 on the western frontage to the site with Open Space zoned land the railway line further beyond.

On the northern side is Wilkin Street with the Café Time café opposite alongside residential units adjoining on the street frontage.

On the eastern boundary is McMurdo Street which consists of residential properties on both sides of the street.

The southern boundary consists of the internal boundary with residential properties.

The area is typically residential with the difference being a State Highway and some commercial activities fronting the State Highway close to the site.

The heritage protection for this building is for both internal and external protection. It is noted though that the heritage buildings are within a setting which includes the site being the whole Record of Title as listed in Appendix 12.1: Schedule of Heritage Buildings

Planning Map U57 shows the site as containing the listed heritage item on the site.

Other information will be outlined further in this application as required.

3.0 PROPOSAL

The proposal is to retain the Heritage B listed residential building in its current position as shown on the proposed subdivision plan included as Annexure C to this application.

The other ancillary buildings including the buggy shed, lean-to and garage will be removed and/or demolished. It is not considered those buildings hold any significant heritage value. The specific details regarding this are included within the heritage and in particular the archaeological reports annexed to this application.

Included as Annexure G to this application is a building condition report prepared by Bill Skews Architect. The report assesses the buildings condition and comments on what works are likely to be required to bring the building up to condition and repair implications to economically reinstate the building to a modern standard of living. The summary of that report was that the building is in poor condition and works required are extensive with a provisional cost estimate of \$237 500.00. The summary was the cost of these upgrades are excessive and well exceed the value of these buildings.

This may be of little moment as the applicant proposed to leave the building as it is (it is currently rented) and following subdivision this building and land may be sold.

A Heritage Assessment (William Fulton-Fulton Ross Architects) is included as Annexure H to this application.

Aspects of this report will be discussed throughout the assessment of effects below.

Residential Development

The balance of the site will be developed for residential purposes as shown in accord with the subdivision plan included as Annexure C to this application.

The proposal is for 7 residential units to be erected on the site with each unit being at least meeting the minimum 360m² site area.

A subdivision application is lodged concurrently with this application and will be undertaken to separate the relocated heritage building within the site from the proposed subdivision development.

4.0 DISTRICT PLAN ASSESSMENT

4.1 District Plan Status

The Ashburton District Plan has been an Operative Document since August 25th 2014. In any event rules that relate to historic heritage as listed in section 86(B) (3) (d) took immediate legal effect under the Resource Management Act 1991.

The demolition of a Group B heritage item (accessory buildings) is classified as a discretionary activity.

The subdivision is a discretionary activity and a separate application will be lodged for that proposal.

4.2 Zoning

The application site is zoned Residential C under the Operative District Plan.

4.3 Compliance Assessment

For the purposes of this application the proposal complies with all other relevant heritage rules in the Operative Ashburton District Plan.

4.4 Activity Status

Consent is sought for a **discretionary activity**.

12.7 Rules – Heritage		
12.7.3	<p>Restricted Discretionary Activities</p> <p>b) Alterations and additions to a listed heritage building / item (Group A & B or a building identified as "A" at Longbeach Estate Heritage Site);</p> <p>c) The construction of a new building or any addition to a non-heritage</p>	

<p>12.7.4</p>	<p>building within any defined setting of a listed heritage building / item (Group A & B);</p> <p>d) Land disturbance within any defined setting of listed heritage building / item (Group A & B).</p> <p>Discretionary Activities</p> <p>c) The partial demolition or demolition of a Group B listed heritage building / item.</p>	<p>The proposal is to retain the residential building and remove all other ancillary buildings from the site.</p>
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Table 1: Operative District Plan Compliance Assessment

5.0 ASSESSMENT OF EFFECTS

The assessment details both the heritage matters and the residential activities on the site as per below.

The following assessment of effects arising from the non-compliances with the activity standard. The Operative District Plan under **12.9.1 Heritage buildings / items** provides a number of assessment matters relating to the demolition of the accessory heritage buildings and these are discussed below.

5.1 Assessment of Effects – Heritage Buildings

The relevant assessment matters for the heritage buildings relocation are detailed below;

- (a) *any immediate or cumulative effects of the proposal to the heritage building, object, property or place of special interest on Takata Whenua and District-wide historic heritage values (with regard to the reasons for its listing);*

The main residential unit is remaining on the site in its current position. The proposal is to retain the dwelling but create a subdivision of the site such that the house will be retained within its own Record of Title of circa 1060m².

The obvious immediate effect is that the three accessory building(s) being the former stable and attached shed and the two garages that are proposed to be removed from the site.

The archaeological assessment undertaken for the site, post the heritage assessment work, determined that the archaeological value of the site at 4 Wilkin St is moderate and the works to remove the aforementioned buildings can be undertaken alongside site clearance and earthworks subject to the recommendations outlined on page 47 of the South Island Archaeological Report.

In terms of visual amenity the buildings have existed at this location for some 125 + years so has been a feature building within this part of Tinwald. The buildings include the main dwelling and ancillary single garage and a separate workshop. There were two other buildings within the site that were subsequently demolished with the creation of McMurdo

Street. It appears that one of the storage buildings included provision for horses in the larger of the accessory buildings.

It is preferred that the existing hedge on the State Highway road frontage to the site will be removed in time however the heritage assessment by FR Architects preferred that this hedge remained but this was on the basis such that a greater sunlight exposure will be available if the main residential unit was to be relocated toward the State Highway frontage. This relocation is now no longer occurring.

The reasons for the rule details the significance of a Group B heritage item and in particular;

The Group B heritage items have significant values to the District. Their conservation is strongly encouraged by the District Plan, but circumstances may arise where alterations or similar actions may be warranted. The Plan recognises the need to retain flexibility to assess the particular circumstances in relation to any application for alteration to a Group A Heritage item or demolition or relocation of a Group B heritage item.

The building(s) are the lessor of the two heritage category's however the buildings are well overdue for some significant maintenance as detailed in the building condition report. It's not envisaged that there would be any specific Takata Whenua values linked to this site.

In terms of a District historic heritage significance this building is linked to the early history of Ashburton (as detailed in heritage and archaeological reports annexed to this application) and possibly amongst the earliest of residential units established within this Tinwald area albeit over time as this suburb has established and older homes were replaced by newer ones and/or the development of new houses occurred the setting for this site has become less of a focal point.

Therefore this building within its setting was part of the fabric of early occupation of Ashburton and the establishment of the township as essentially a rural servicing town, which it still is today.

In terms of its relation to other buildings history there may well have been other similar buildings used for residential purposes on various size tracts of land however this has

long since changed. Those earlier buildings have long since been replaced and in terms of the existing buildings, there have been both exterior and interior modifications and additions to this dwelling over time.

- b) *where a building is part of a group of buildings, any adverse effect on the integrity of building character in the vicinity or of the group;*

This building is part of a group of buildings on the site however of the five original buildings that were on the site two have been subsequently demolished.

Of note with this development is that the District Plan listing for the heritage buildings/items captures the whole site i.e. the setting captured as part of the heritage value for the site. Therefore this assessment is mindful of the site as part of the actual and potential effects this proposal may have.

The key building on the site is the residential unit. The condition report focused predominantly on that building. It is clear that the original exterior cladding had been covered over or replaced by weatherboards and painted to match and be consistent with the other buildings.

The building's design and appearance is described in the archaeological and architectural reports annexed to this application. The key point is the main residential building is being retained upon the same site which is a preferable one compared to original consideration seeking demolition or relocation to another site altogether.

The condition report raised that the house was tidy inside and well looked after by its owners but the key aspect is it is in need of refurbishment.

The external buildings have been described in the condition report and the comments were that none of the buildings were in particularly good condition. The archaeological report goes into detail about the condition of the buildings and changes that occurred over time and the land they sit upon. There are recommendations included in the Archaeological Assessment that the applicant will need to factor as part of the site redevelopment. Of note is that an Archaeological Authority has been lodged with Heritage NZ for the proposed works.

There are no other buildings within the vicinity that have any heritage classifications that would indicate an area of heritage that goes beyond just this site where there is a grouping or cluster of heritage buildings.

- c) *the purpose for which the site is to be used, and the alternatives available to the applicant, including the development of the site without affecting the heritage item, or the retention of the important features of the heritage item;*

The important aspect and what is sought for this proposal is that the current buildings, to bring these to a new modernized standard, there would need to be substantial works undertaken on them.

The proposal is to redevelop part of this site for residential purposes. This is what it is zoned for and the applicant has a clear plan of works at this time.

The value of the heritage items and the cost of subsequent upgrades to bring this up to a remediated and repaired building standard were estimated up to circa \$238 000.00. The present value of the buildings were in early 2022 estimated to be circa \$70 000.00. The applicant's proposal is to retain the building in its current position within the site retaining its present features. Any other remediation and repairs to this building will be undertaken by the new owners and/or occupiers of this building.

The issues are the building has been modified and linked to this is the very real economic issue of costs of bringing the building up to a new building standard.

The heritage building will be retained where possible. Based on the current conditions of the buildings and the use of the balance of the site this is not seen as a significant effect.

- d) *the effect on the property owner/occupier's enjoyment and practical use of the heritage item and the extent to which they would face unreasonable restrictions on that enjoyment and/or use or unreasonable costs, as a result of consent being refused or conditions imposed.*

The applicant has no connection or otherwise to the heritage item and there would be unreasonable restrictions should consent not be approved to retain the existing residential building but demolish the other heritage items on the site.

- g) *Any incentives available to the applicant to retain the building, place or object;*

The Council does offer through its heritage grants process some financial incentive toward repair and maintenance of heritage buildings however there are no incentives

available that the applicant is aware of in the sense of any significant subsidizing or grants to try to make significant repairs to the building. It is highly doubtful that any heritage grants can be applied for from the National Heritage Preservation Fund, Lottery Grants and/or the Canterbury Heritage Building Funds that could be applied for toward the level of works required to bring this building back to a high standard. The building is a Category B building which puts this into a lesser classification of heritage value for the Council and any likelihood of a grant being obtained.

j) the importance (if any) of the land surrounding the heritage item;

Whilst the land surrounding the residential unit holds some importance in terms of the past residential activities within the buildings however it is the setting for this property that provides the appearance and value for the buildings. Based on the age of the buildings and the standard of the buildings and otherwise open area of the setting this heritage item could not be said to be of high heritage value from the point of view of well-maintained and kept grounds and ancillary buildings.

The land surrounding the heritage item is all residential zoned land with a State Highway frontage. There is a café on the opposite side of Wilkins Street however the balance of all other land is medium density established residential zoned land. The surrounding land and users/owners of that land is not considered to place high importance or value to the existing heritage site.

k) the impact the proposal has on the integrity/value of the heritage resource;

The impact is not significant in the sense that this proposal is seeking retention of the existing residential unit within the same site however the ancillary buildings linked to the main residential unit are removed and the future subdivision reduces the land area. Essentially the value of the heritage resource will therefore still hold its link to the site.

However it is emphasized the buildings heritage value is not as significant as a Category B building that it will be a loss to the Tinwald Community. The building may have had some historic value as an older building that existed and functioned upon this site and in previous decades other similar buildings and sites existed but other than that its value in its current setting is not considered a high heritage value.

Based on the significant remedial work required to return the building to a modern remediated state the conclusion is that it is not economic to warrant significant remediation as the condition report states.

l) the importance attributed to the heritage item by the wider community.

The existing building(s) does hold some heritage value for the community and in particular as a Group B buildings/items. It is desirable to retain and protect these heritage assets where possible but it is considered it is not at all costs.

Even though the building holds the less significant Category B classification of heritage status in the Operative District Plan, the buildings are recognized as an early Ashburton building(s) that still holds a character however whether they are buildings that could be said to be striking or unique in its appearance is a matter of opinion and specifically whether the wider community place any significant value on the building.

There does come a point where heritage buildings must still fulfill a purpose and usefulness whilst still being economic and safe to function. The building retention on the same site still protects this building within part of the original setting to a large degree. It must be considered that this site has been screened from State Highway 1 and part of Wilkin St for decades by the existing boundary hedge.

m) consideration of the purpose of and need for the proposed works, particularly in relation to proposed infrastructure, servicing or utility works, including consideration of alternatives, functional constraints, and the wider benefits of a proposal.

Based on the assessment and information undertaken to determine what is required to repair or remediate the building there is justification for its retention. The assessment undertaken strongly indicates the works to the building are uneconomic to be undertaken. This becomes a commercial consideration for a building owner. This would be no different to a number of similar heritage buildings that exist within the greater Canterbury Area.

In terms of a functional constraint the site has operated as a residential facility which has possibly functioned well and as intended over time however issues arise such as insulation, roofing, electrical wiring, cladding quality and window joinery to name some of the issues with the main house which all add up to modern constraints.

The wider benefits of this proposal is that part of the site can be replaced with new buildings that meets up to date and modern building requirements. It will therefore be safe to function within whilst still having the Category B heritage house on site.

5.2 Assessment of Effects – Residential Development

The residential development proposal is for 7 residential units to be erected on the site.

The design and appearance of these buildings is shown in the general layout and elevations included as Annexure C to this application. The proposed residential units will stand no higher than 5.5 metres and have a modern, yet modest appearance.

These modestly scaled units do not detract from the setting or the established street scene. Moreover, they will be in keeping with the building lines and the road boundary setback already present nearby.

As with neighbouring dwellings, pedestrian access will not be impeded, and entranceways will be provided from either the shared access onto McMurdo Street or directly onto Wilkin Street.

The scale of the buildings are considered suitable for this site given its relationship with the street frontage. The location is within a mixed but already established medium density residential area and Council are encouraging a diverse range of living type housing for this zone.

The units will enjoy good exposure to natural light at this location and as shown on the elevation plans, the development does not involve recession line intrusions.

There is enough variance in the buildings in terms of the material used on the exterior with vertical and horizontal features including the breaks in the continuous building lines, roof pitches and glazing on the exterior to add interest to the design.

When considered individually, the proposed units are not significant in either bulk or floor area. The seven units will be arranged as standalone units each within their own individual Records of Title.

Given the scale of residential dwellings found within the vicinity of the application site, the built form sought through this application will be consistent with allotment sizes of the neighbouring properties.

Whilst avoiding detrimental repetition, the development will contribute towards the street scene through an interesting, balanced and appropriate design.

The colours and materials that will be used for the buildings have been tastefully matched to avoid an incongruous addition and/or a bland finish,

5.3 National Environmental Standards

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

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.

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.*

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.*

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).*

Section 6 methods of the legislation states;

6 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.*

Under Clause 6(2) (b) there is no recorded HAIL activity for this site. A copy of that assessment is contained at Annexure G.

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.

Section 8 is key to this proposal. This is in regard to whether a preliminary site investigation (PSI) is required.

The law (Resource Management (NES for soil contamination that may affect human health) Regulations 2011) states that a PSI is required if the land use is changed. For this proposal the land use won't change in that it is still for residential purposes. A subdivision is being undertaken however that is to separate the heritage building from the housing development. To continue to use it for a similar purpose would mean that no change has occurred.

There is no HAIL attached to this land as detailed within the Ecan LLUR.

Therefore on the basis of this assessment a PSI is not required and therefore no consents under the NES are deemed to be necessary.

5.4 Effects Summary

Overall, in terms of potential effects there are essentially none or at least insignificant effects.

5.5 Consideration of Alternatives

An assessment of effects has been completed for the proposals. The alternative's for this proposal is to seek resource consent to demolish or relocate the building. This was not considered favourable from heritage experts nor found support as the preferred approach. Another option was to relocate the building to the Plains Heritage Village on Maronan

Road however that option was not pursued as the Plains Heritage Village Committee decision was upon consideration there would not be a suitable space for this building. Relocation within the site was considered but the option now is leaving the heritage building in its present location and develop around this was considered and is now the preferred option as it would create the new residential units over the site but separated by the heritage building.

6.0 OBJECTIVES AND POLICIES

The proposal is for a non-complying activity the relevant objectives and policies considered under Section 104 of the RMA as any other matter relevant for this application. For completeness the following is relevant;

Objective 12.1: Historic Heritage

To protect significant historic heritage in the District, including historic buildings, places and areas, waahi tapu sites and areas and archaeological sites, from adverse effects of subdivision, land-use and development.

Policy 12.1C

To use methods and rules in the District Plan to protect historic heritage listed in the heritage schedule from adverse effects of land-use, subdivision and development.

The Operative Ashburton District Plan requires relocation of a Group B listed building to another location within the property to be considered as a discretionary activity.

Whilst protection is the key to the policy it is recognized that relocation whilst not a last resort by any means but discretion regarding the heritage the effects must be at a scale that the relocation of the building does not create any significant adverse effects.

In Mr Skew's opinion in the Building Condition Report at Annexure G, the heritage values have significantly diminished given the state of the present buildings and changes applied over time and the economic viability of remediation in any form is uneconomic.

Whilst protection is the key to the policy it can be considered that this building(s) does not have enough heritage quality to be classified as a Group B heritage item. Based on the condition report there is limited *tangible evidence within the building*. This point is well made but the applicant accepts, nonetheless, that the Group B listing remains, as does the discretionary activity status for demolition of the ancillary buildings included as part of the heritage item list for the site.

Within the methods of Implementation at section 12.5 of the Heritage chapter of the District Plan (which is part of Policy 12.1c), there are some methods that require comment. One of those methods is the application of rules in the District Plan requiring applications for resource consent where necessary. This has been established.

Other methods include through Councils Long Term Planning process under the Local Government Act;

- *To consider granting funding for the preservation, maintenance and alteration of historic items.*

The Council does seek applications on an annual basis for heritage grants for various projects within the District. Council has discretion to consider those applications and choose how much funding it may allocate to a given heritage item, place or project. These individual grants have typically been for amounts between \$5000 and \$10,000. These amounts would not make any meaningful contribution to the costs required to retain the existing buildings.

- *To consider granting rate rebates for properties where scheduled heritage items are voluntarily protected through some legal mechanism, and for those identified in the District Plan.*

The buildings are not voluntarily protected through a legal mechanism other than the District Plan listing. It's doubtful and not certain if there is any rates rebate on this property for the applicant.

Outside of the District Plan the following methods are listed;

- *To consider alternative uses of scheduled heritage items which would assist in their protection, when resource consents are considered in relation to heritage items.*

The applicant considers the retention on site option to be the best option to protect the residential unit on the site. Whilst there are other buildings on this site as part of the sites heritage listing, the archaeological assessment determined these are not pre-1900 buildings and they are therefore proposed to be removed.

To use Heritage Protection Orders, as a last resort, to ensure the protection of any scheduled heritage item in Group A, which is under threat from demolition, removal or

major modification, or listed Protected Tree, which is under threat from removal or significant trimming.

This building(s) is not Group A. There is a procedure in the Resource Management Act for the making of heritage protection orders which may only be sought by a Heritage Protection Authority (which includes the Council).

- *To promote public awareness of the importance of historic heritage values, through the provision of information and advice.*
- *The identification of heritage sites on property files, including on the Council's computer-based property information system.*
- *To encourage conservation of heritage items by the property owners, through regular contact and liaison with the Council, including advice and information regarding sources of assistance.*

The three bullet points above are methods which may or are being used (in the case of point 2 Council has this included on the property file) by parties but the only comment regarding bullet point 3 on the provision of advice and information between parties is outside of this resource consent process, which has been minimal.

To that end, it is my view that it provides no tangible support to a private owner of a heritage building facing very significant restoration costs.

Policy 12.1E

To encourage the use of protected buildings while ensuring that their valued features are not impaired or destroyed.

The retention of the building on the site still enables its ongoing residential use and a new owner may undertake refurbishment works to bring the building to a modern standard. Building code requirements may require some heritage features to be altered which may further diminish its heritage value without improving its ability to attract a new owner and/or tenants.

Policy 12.1G

To encourage owners to retain historic heritage values through considering a range of mechanisms, including opportunities for alternative uses of the site or building, provision of development incentives or reductions in rating for properties where historic heritage values are protected through a legal mechanism.

Any development incentives or grants, even if there was that option, would need to be significant to bring the building up to a modern standard however retention of the building on site is the key use.

Policy 12.1H

To ensure the protection of significant heritage items listed in the schedule which are under threat from demolition, removal or major modification by the use of Heritage Protection Orders, as necessary, and in conjunction with other agencies where appropriate.

The existing buildings and site do have heritage significance in the District Plan as a Group B listing however there is no Heritage NZ listing. Therefore the buildings and site is not considered a nationally significant heritage item. If that were the case a Group A classification would have been imposed.

The original building has been modified in such a manner over time that the original building status has lost a large portion of heritage value.

In terms of the objective and policies detailed above a balanced judgement considers that this proposal is not contrary to the policies as the objective sets out to encourage protection of heritage values which the proposed retention of the main residential unit location will achieve. This is on the basis of its discretionary status as a Category B heritage item. If that was Category A and a non-complying activity status the legal test is higher and the objective 12.1 and supporting policies provide some strength such that it commands detailed analysis of the same to meet the threshold and avoid what has under a previous resource consent for heritage demolition (for a Category A

building) been considered as a 'Statutory Roadblock". As this is for a retention of a heritage building (residential unit) and removal of smaller buildings captured as part of the heritage site being category B this proposal is not considered contrary to the relevant objective and supporting policies.

7.0 PART II OF THE RESOURCE MANAGEMENT ACT

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.

7.1 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 well being 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.*

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 aforementioned reasons, it is considered that the proposed development achieves this purpose by avoiding, remedying or mitigating any adverse effects.

Sustainable Management is important in the context of this proposal. The use, development and protection of the physical resource is to be managed in a way, or at a rate, which enables people and communities to provide for their social, economic, cultural wellbeing and for their health and safety. This proposal to seek relocation within the site which enables the building to be retained generally within the site it was first established.

From a social perspective and indeed culturally, the building has been part of Ashburton's fabric for over 125 years and many people have had some connection to this building

over that time. The relocation will enable the ability for the continued use of the residential building on the site.

Under Section 5(a) the retention of the existing building, removal of the smaller and lesser valued ancillary buildings and construction of new residential buildings would indeed enable meeting the needs of future generations and to a degree avoiding, remedying or mitigating adverse effects of the buildings from upgrade and cost to bring this building up to modernised standards.

Under Section 5(2) (a) above it can be stated that the proposal would indeed enable meeting the needs of future generations and to a degree avoiding, remedying or mitigating any adverse effects of the building from development not in keeping or unsympathetic to what is existing.

7.2 Section 6

Section 6(f) identifies *“protection from historic heritage from inappropriate subdivision, use and development”* as a matter of national importance, which the Council must recognise and provide for.

Section 6(f) of the Resource Management Act is a key principal for this proposal. This is a matter of National Importance and needs to be recognised and considered for as part of this application.

The key words of this principle are “protection” and “inappropriate”. This evidence and indeed the application discussed the matters of protection. In terms of inappropriate development and linking this to a matter of National Importance, is a broad perspective. It is the Ashburton District Council that has listed this building as a Group B heritage building for District and/or Regional importance and not the higher national importance as defined by this section of the Act.

It is a building that has heritage features and aspects that do warrant it as a heritage item but it has been assessed in the application and in the building condition report that the ability to continue to use the building is very limited without some major works to bring the building up to a higher standard. The costs of this are high and even if the applicant agreed to redevelop this building to a modern standard it is significant costs to achieve this.

The proposal is to retain the residential building and now remove the lesser valued accessory buildings on the site as detailed earlier in the application.

Historic heritage is defined by the Resource Management Act as:

means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological;*
- (ii) architectural;*
- (iii) cultural;*
- (iv) historic;*
- (v) scientific;*
- (vi) technological; and*

Includes —

- (i) historic sites, structures, places, and areas; and*
- (ii) archaeological sites; and*
- (iii) sites of significance to Maori, including wahi tapu; and*
- (iv) surroundings associated with the natural and physical resources.*

The removal of the ancillary buildings is recognised in the Operative Ashburton District Plan as a discretionary activity but is not inconsistent with specifically the protection of historic heritage. The wording in the law uses “*inappropriate...use and development* “. In this case, based on the proposal to retain the building on the site and therefore within its existing wider setting this is not seen as inappropriate development.

The proposal does overall satisfy Part II, Section 5, being the purpose of the Act, in providing for the economic and social wellbeing of people and their health and safety.

7.3 Section 7

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;*

Section 7(c) and (f) of the Act are matters to which Consent Authorities should give particular regard to when making informed decisions. When assessing a discretionary land use consent application, consideration may be given to the effects on amenity values and

maintenance and enhancement of the quality of the environment as a result of the proposed activity.

Based on the assessment the proposed removal of the ancillary buildings and development of the balance land is seen as an efficient use of a physical resource. Its relocation is enabling new development to occur on the balance of the site for residential housing adds to the commercial viability for the applicant for the development.

The building holds some amenity value and indeed over time there has been maintenance of the building and enhancement has been undertaken in terms of additions and changes to the building however as described these changes have not enhanced the heritage value and it's been possibly more detrimental to it.

The proposal is also considered to be consistent with these Part II matters in that whilst removing features that have been in existence for some time, this is not considered so valuable that it should be retained at all costs. The use of the land the building is upon can be utilised for residential purposes and the preference is that the existing heritage building is moved within the site to make a larger contiguous land area available for the development.

The building condition report costings are indicative (but considered valid) but could well be at least 15-25% higher if an ambitious developer was to upgrade the building to a greater extent than what Mr Skews findings are. The condition report is based on basic modernisation. That said, the applicant is not undertaking any improvements or modernisation of the residential heritage building.

Given the above, it is considered that the proposal is in keeping with Part II of the Act.

8.0 SECTIONS 104 & 104B - CONSIDERATION OF APPLICATIONS

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."*

The actual and potential effects have been assessed and removal of the ancillary buildings is proposed.

The residential housing proposal is a development both sides of the heritage building where each unit will be held within its own Record of Title.

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](#).*

Under (b) the applicant is happy to consider and accept appropriate conditions imposed on this application if it were to be approved.

This application provides an assessment of environmental effects and in particular an assessment of the relevant matters relating to the requirements of the Operative Ashburton District Plan with respect to this proposal.

9.0 NOTIFICATION –SECTIONS 95 AND 95A-F

Section 95A Public notification of consent applications

There is a four-step process under Section 95(A) to determine if public notification is required.

Step 1 - Does the application fall within the criteria for mandatory public notification under s95A (3)?

- The applicant has requested public notification
- Public notification is not a mandatory requirement under s95C
- The application is not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

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.

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 is not considered to have or is not likely to have adverse effects on the environment that are more than minor.

Step 4 – Are there any special circumstances under s95A (9) which requires public notification?

- The proposal includes removal of category B heritage buildings from the site. It is not considered the removal of those buildings creates a situation where public notification is warranted and therefore 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.

10.0 CONCLUSION

This application seeks consent for the retention of the existing Category B heritage building(s) within the site but removal of the ancillary accessory buildings. The site proposal is then to have seven residential units erected on the site as shown on the plans included with the application at 4 Wilkin St Tinwald, Ashburton. The application overall is for a discretionary activity.

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 an assessment as to whether the proposal is consistent with the relevant objectives, policies and rules of the District Plan.

It has been demonstrated by the preceding assessment that the effects on the environment as a result of this proposal will be less than 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, promoting the sustainable management of natural and physical resources, with no more than minor environmental effects.

ANNEXURE A – FORM 9

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

TO: The Ashburton District Council

A J Developments (2016) Ltd applies for the resource 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:

4 Wilkin St, Ashburton legally described as Lots 441-444 DP 91 contained in the Record of Title CB 135/34 included as Annexure B.

3. **The type of resource consent** being sought is a Land Use Consent.

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

The proposal is to seek retention of a Category B listed heritage building, removal of smaller ancillary buildings and redevelop the site with 7 residential units over the site as shown on the subdivision scheme plan included as Annexure C. The non-compliances with the District Plan are outlined within the application. This proposal is a discretionary activity.

The proposed development will be in accordance with the plans accompanying this application and which should be read as part of it. A more detailed description of the proposed activity is to be found in the assessment of effects on the environment which accompanies this application and should be read as part of this application.

5. **Attached is an assessment of any actual or potential effects** that the activity may have on the environment.
6. **No additional resource consents** we are aware of are required in relation to this proposal:
7. **No other information** is required to be supplied by the district or regional plans or regulations.



.....

DATED: 27th January 2023

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

Address for service:

David Harford Consulting Limited
PO Box 603
Ashburton 7740

Attention: David Harford

Telephone: (03) 307 7164

Mobile: (029) 3077 164

Email: david@dhconsulting.co.nz

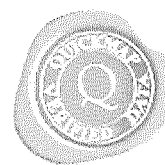
Address for Applicant

AJ Developments (2016) Ltd
9 Country Place
Ashburton 7700

email: caronshanks@gmail.com

ANNEXURE B – RECORD OF TITLE

Quickmap Title Details



Information last updated as at 30-May-2021

RECORD OF TITLE DERIVED FROM LAND INFORMATION NEW ZEALAND FREEHOLD

Identifier CB135/34

Land Registration District Canterbury

Date Issued 17 April 1888

Prior References

CB17/92

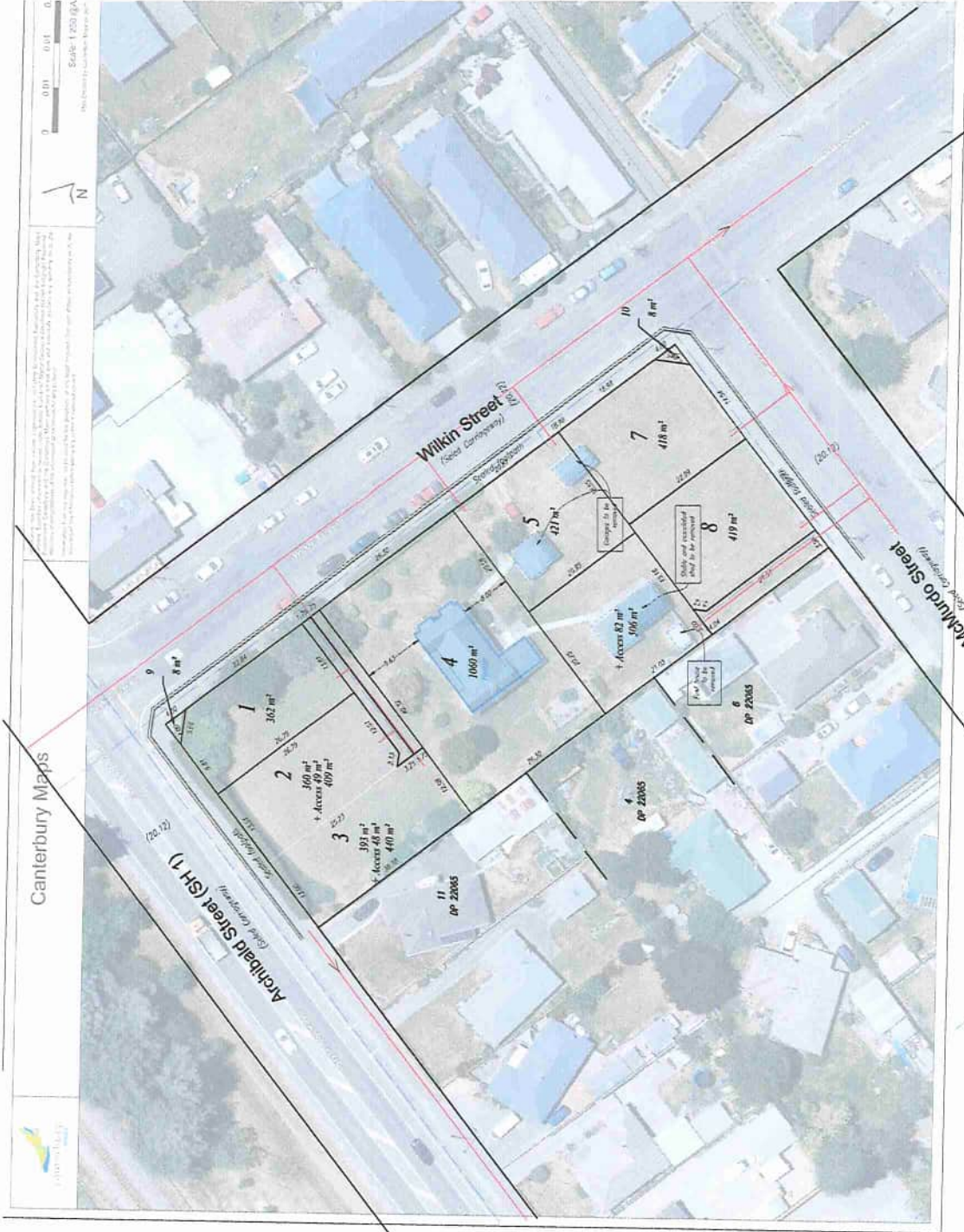
Type	Fee Simple
Area	4047 square metres more or less
Legal Description	Lot 441-444 Deposited Plan 91

Registered Owners

AJ Developments (2016) Limited

The information provided on this report forms a guideline only. As a result, Custom Software Limited cannot and does not provide any warranties or assurances of any kind in relation to the accuracy of the information provided through this report, the Site and Service. Custom Software Limited will not be liable for any claims in relation to the content of this report, the site and this service.

ANNEXURE C – DEVELOPMENT PLANS



Area Schedule		
Lot No	Net Area (m²)	Coverage
1	362	0.0%
2	360	0.0%
3	393	0.0%
4	1060	18.3%
5	421	0.0%
6	424	0.0%
7	418	0.0%
8	419	0.0%
9	8	0.0%
10	8	0.0%
Access	179	
Total	4052	

Lots 9 and 10 are to vest as road in the Ashburton District Council

RT CB135/34
 Owner AJ Developments (2016) Ltd
 Encumbrances Nil
 Area 4047 m²

Origin of Levels
 Levels are in terms of NZ vertical datum 2016.
 Disclaimer:
 The location of underground services shown herein has been taken from
 plans supplied by the relevant authority and is advised only. It is the responsibility of the client to verify the location of underground services should consult the
 appropriate plans and if necessary arrange for the service authority to locate the service.

N.K.SALTER SURVEYING LTD
 REGISTERED SURVEYOR
 230 Sutherland Road
 P.O. Box 453
 ASHBURTON
 New Zealand
 Tel: 03-307 4553
 Fax: 03-307 4553

Lots 1 - 10 Being Proposed Subdivision of Lots 441-444 DP 91

Local Authority
 Survey Block & Dist.
 Land District
 Map Ref. H2M5

DATE Nov 2022
 SCALE 1:500

FILE 2146
 Drawing 1 of 1

ANNEXURE D – DISTRICT PLAN LISTING

Section 12: Historic Heritage Values and Protected Trees

Appendix 12-1: Schedule of Heritage Buildings / Items

DISTRICT PLAN ID NUMBER	NAME	LOCATION	LEGAL DESCRIPTION	DISTRICT PLAN GROUP	NZHPT CATEGORY	NZHPT REGISTER NUMBER	DISTRICT PLAN MAP NUMBER
67	Unallocated Number						
68	Savage Club (former Malvern Hospital)	Cnr William and Cox Streets, Ashburton	TS 790	Group B	-	-	U53
69	House	42 Havelock Street, Ashburton	Lot 1 DP 28103	Group B	-	-	U53
70	Unallocated Number						
71	House	34 Short Street, Ashburton	Lot 1 DP 12239 CT 481/197	Group B	-	-	U53
72	House	4 Wilkin Street, Tinwald	Lots 441-4 DP 91	Group B	-	-	U67
73	Ardentrive	22 Carters Terrace, Ashburton	Lot 2 DP 40234 CT 18A/856	Group B	-	-	U67
74	House	7 Rapley Street, Ashburton	Lot 5 DP 1995	Group B	-	-	U61
75	House	57 Harrison Street, Ashburton	Lot 59 DP 430	Group B	-	-	U41
76	Court House	122 Cameron Street (Baring Square West), Ashburton	TS 224 & 225	Group B	-	-	U53
77	Methven Roads Board Office (former Mount Hutt Roads Board Office)	Ashburton Rakaia Gorge Road, Methven	Pt Lot 2 DP 48204	Group B	-	-	U08

ANNEXURE E – PLANNING MAP



Ashburton District Plan Tinwald



Scale 1: 5,000 (A4)

- [Street Index](#)
- [Rural Index](#)
- [Urban Index](#)
- [Legend](#)

R72

U58	U66	U72
U59	U67	U73
U60	U68	U74

ANNEXURE F – LLUR

Dear Sir/Madam

Thank you for submitting your property enquiry in regards to our Listed Land Use Register (LLUR) which holds information about sites that have been used, or are currently used for activities which have the potential to have caused contamination.

The LLUR statement provided indicates the location of the land parcel(s) you enquired about and provides information regarding any LLUR sites within a radius specified in the statement of this land.

Please note that if a property is not currently entered on the LLUR, it does not mean that an activity with the potential to cause contamination has never occurred, or is not currently occurring there. The LLUR is not complete, and new sites are regularly being added as we receive information and conduct our own investigations into current and historic land uses.

The LLUR only contains information held by Environment Canterbury in relation to contaminated or potentially contaminated land; other information relevant to potential contamination may be held in other files (for example consent and enforcement files).

If your enquiry relates to a farm property, please note that many current and past activities undertaken on farms may not be listed on the LLUR. Activities such as the storage, formulation and disposal of pesticides, offal pits, foot rot troughs, animal dips and underground or above ground fuel tanks have the potential to cause contamination.

Please contact and Environment Canterbury Contaminated Sites Officer if you wish to discuss the contents of the LLUR statement, or if you require additional information. For any other information regarding this land please contact Environment Canterbury Customer Services.

Yours sincerely

Contaminated Sites Team

Property Statement from the Listed Land Use Register

Visit www.ecan.govt.nz/HAIL for more information about land uses.



Customer Services
P. 03 353 9007 or 0800 324 636

PO Box 345
Christchurch 8140

P. 03 365 3828
F. 03 365 3194
E. ecinfo@ecan.govt.nz

www.ecan.govt.nz

Date:	02 June 2021		
Land Parcels:	Lot 443 DP 91	Valuation No(s): 2461133300	
	Lot 442 DP 91	Valuation No(s): 2461133300	
	Lot 444 DP 91	Valuation No(s): 2461133300	
	Lot 441 DP 91	Valuation No(s): 2461133300	



The information presented in this map is specific to the property you have selected. Information on nearby properties may not be shown on this map, even if the property is visible.

Summary of sites:

There are no sites associated with the area of enquiry.

Information held about the sites on the Listed Land Use Register

There are no sites associated with the area of enquiry.

Information held about other investigations on the Listed Land Use Register

For further information from Environment Canterbury, contact Customer Services and refer to enquiry number ENQ284971.

Disclaimer: *The enclosed information is derived from Environment Canterbury's Listed Land Use Register and is made available to you under the Local Government Official Information and Meetings Act 1987 and Environment Canterbury's Contaminated Land Information Management Strategy (ECan 2009).*

The information contained in this report reflects the current records held by Environment Canterbury regarding the activities undertaken on the site, its possible contamination and based on that information, the categorisation of the site. Environment Canterbury has not verified the accuracy or completeness of this information. It is released only as a copy of Environment Canterbury's records and is not intended to provide a full, complete or totally accurate assessment of the site. It is provided on the basis that Environment Canterbury makes no warranty or representation regarding the reliability, accuracy or completeness of the information provided or the level of contamination (if any) at the relevant site or that the site is suitable or otherwise for any particular purpose. Environment Canterbury accepts no responsibility for any loss, cost, damage or expense any person may incur as a result of the use, reference to or reliance on the information contained in this report.

Any person receiving and using this information is bound by the provisions of the Privacy Act 1993.