



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

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

Consent number:	LUC23/0010 & SUB23/0003
Applicant's Name:	A J Developments (2016) Limited
Street Address:	4 Wilkin Street TINWALD, ASHBURTON
Legal Description of Site:	Lot 441 - 444 DP 91
Zone:	Residential C
Application summary:	Land use consent at 4 Wilkin Street to retain Heritage B (H72) residential dwelling and address the non-compliances associated with development of balance site into 8 residential units zoned Residential C.

1.0 DESCRIPTION OF THE PROPOSAL

Resource consent is sought to subdivide a property into a total of eight residential allotments at 4 Wilkin Street in Tinwald.

The application site is 4,047m² in area and contains an existing dwelling and associated outbuildings. The buildings have been identified as having a heritage classification in the Ashburton District Plan.

The proposed subdivision seeks to create a total of eight residential allotments. The existing dwelling would be located within proposed Lot 4 which is 1,060m² in size. The remainder of the residential allotments will vary in size between 362m² and 506m². In addition, it is proposed to create two allotments for corner splays (Lots 9 & 10).

As part of the proposal land use consent is also sought to enable the removal of the outbuildings and redevelopment of the site. The existing dwelling on the site will be retained.

1.1 DESCRIPTION OF THE EXISTING ENVIRONMENT

The site is a large rectangular corner site fronting onto State Highway 1 and has three road boundaries onto State Highway 1, Wilkin Street and McMurdo Street. The site contains one dwelling, positioned centrally on the site and three ancillary buildings positioned to the south and south-east of the dwelling. The site has remained virtually unchanged since at least the 1940s. The site is 4047m² and is legally described as Lot 441 – 444 DP 91 (Record of Title CB135/34).

The site is located within an established residential area with residential properties directly adjoining the south west boundary of the site. On the opposite corner from the site is a commercial property and on the opposite side of State Highway 1 is a railway line.



Figure 1: Aerial Photograph of Site

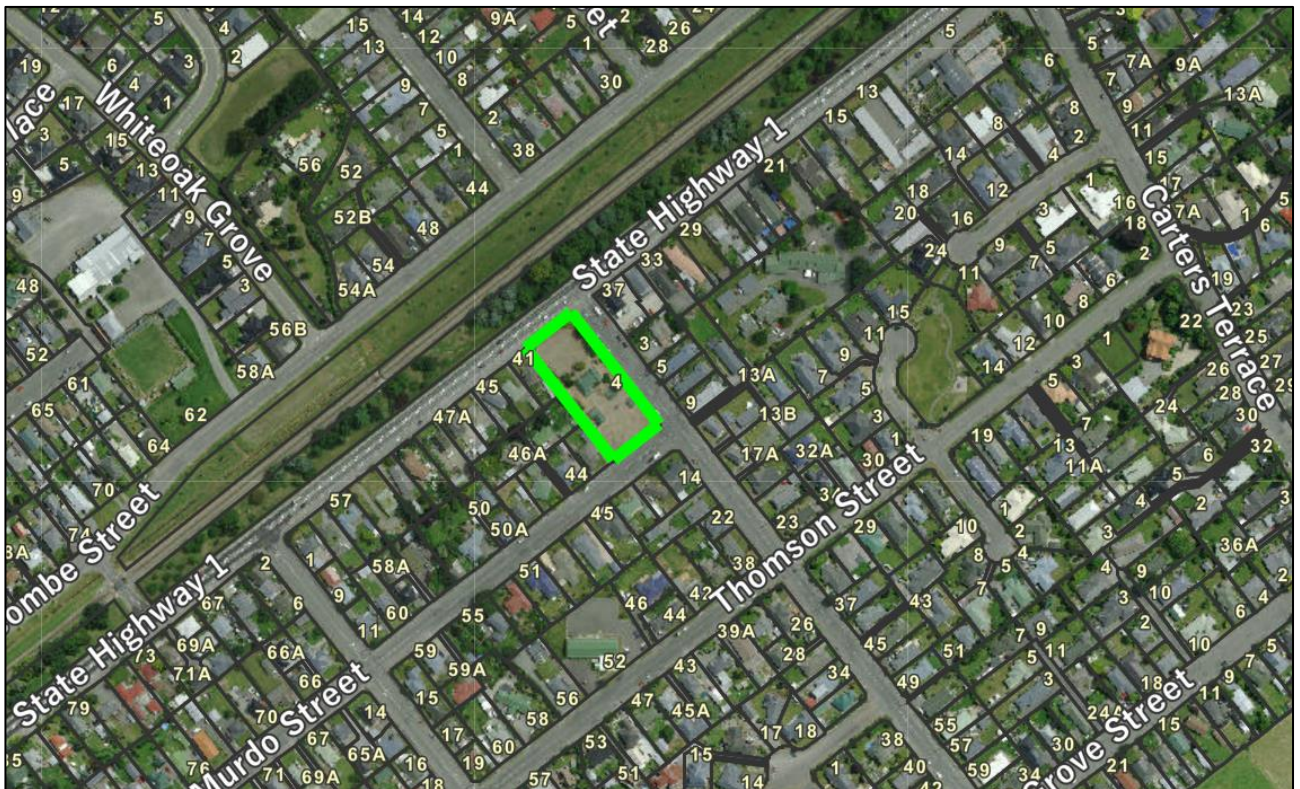


Figure 2: Site Location Plan

2.0 PLANNING FRAMEWORK

2.1 RELEVANT RULES

The site is zoned Residential C in the Ashburton District Plan and has also been identified as containing a Heritage Listing (H72). State Highway 1 has been identified as designated and the railway line on the opposite side of the road is also designated.

Listing H72 is identified in the District Plan as a House and has a Group B classification. The site is not identified as being categorised or registered with the NZHPT (now referred to as Heritage New Zealand Pouhere Taonga).

It is noted that the listing refers to 'House' and as such consideration has been given to whether the listing also applies to the outbuildings on the site. In reviewing the process to include the site within the heritage listings in the District Plan, reference has been made to the documentation prepared in that analysis. A copy of the analysis is attached as Appendix 1 to this assessment. A factor in the analysis of the site was the large section associated with the dwelling and it is assumed that with reference to section size it is assumed consideration was given to all buildings within the section which provide an overall context to the historic nature of the property. It is therefore assumed that the relevant heritage rules apply for both the dwelling and outbuildings.



- Rule 12.7.4(a) (Discretionary Activities) specifies that the subdivision of land containing or affecting any listed heritage building / item (Group A & B) is a discretionary activity.

Landuse:

- Rule 12.7.4(c) (Discretionary Activities) specifies that the partial demolition or demolition of a Group B listed heritage building / item is a discretionary activity.

Overall, it is considered that a discretionary land use consent and a discretionary subdivision consent is required.

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.

Table 1	
Address	Legal Description
3 Wilkin Street	Lot 1 DP 351915
5 Wilkin Street	Lot 2 DP 351915
7 Wilkin Street	Lot 3 DP 351915
9 Wilkin Street	Lot 4 DP 351915
37 McMurdo Street	Lot 3 DP 36821
39 McMurdo Street	Lot 2 DP 36821
42 McMurdo Street	Lot 6 DP 22065
44A McMurdo Street	Lot 4 DP 22065
37 Archibald Street	Lot 2 DP 328335

41 Archibald Street	Lot 11 DP 22065
State Highway 1	State Highway 1

The location of the above properties is identified with a red diamond on the below plan:



Figure 4: Map showing the subject site and the sites termed as adjacent

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

No persons have given their written approval.

3.1.3.2 Effects that may be disregarded – Permitted Baseline Assessment

The permitted baseline refers to permitted activities on the subject site. In this case the repair and maintenance of a listed heritage building / item is provided for as a permitted activity but it is considered that the proposal is of a difference from the permitted baseline and that there is no other similar permitted activities relevant in assessing the proposed activity. In reaching this conclusion it is noted that the construction of a new building or any addition to a non-heritage building within any defined setting of a listed heritage building requires resource consent and accordingly it would not be permitted to erect other dwellings on the application site as a permitted activity.

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 discretionary activity the full range of adverse effects must be considered.

In assessing the heritage related effects of the proposal, it is noted that an assessment of the heritage related effects of the proposal has been undertaken by an independent consultant on behalf of Council.

A copy of the assessment is attached to this report as Appendix 2 and should be read in conjunction with this report.

The heritage assessment considers the heritage status of the site, the heritage values and the impact of the proposal on heritage values. The following is stated as part of the assessment:

4.4 *In summary, the current proposal for 4 Wilkin Street will not adversely affect its cultural, architectural and technological values. This is in contrast to the applicant's previous proposals for demolition and relocation, which would have been detrimental to all existing values as well as the perceived importance of historical detail, which is diminished when no physical evidence remains.*

4.5 *However, the loss of its large site and original setting will mean that 4 Wilkin Street will no longer be seen as a unique example of an historic way of settlement. The removal of the ancillary buildings to the south of the dwelling will result in the loss of the existing group context and the proposed lots to the north of the dwelling will reduce its relationship to the main road. The removal of the pre-1900 ancillary building will also result in the loss of above ground archaeological evidence on the site.*

It is recognised that efforts have been made by the applicant through the design of the subdivision (the existing dwelling will be retained on a larger allotment) and detailed assessments have been undertaken by the applicant in understanding the buildings and history of the site. As such the potential effects of the proposal have been reduced but an important characteristic or context for the site is its' large size and the outbuildings around the main dwelling. The changes proposed will result in a significant change to the heritage related character of the site and consequently it is considered that the potential effects of the proposal could be more than minor.

While any assessment as to potential effects of the proposal is unlikely to change it is noted that the applicant may also want to consider some of the finer details of the proposal and whether further measures could be incorporated into the proposal to further reduce potential effects. Consideration could be given to:

- The provision of a landscape plan for Lot 4 including the identification of perimeter fencing;
- Whether it is possible for any of the existing outbuildings to be relocated on to Lot 4.
- The location of any new buildings to be erected on the site, such as garaging;
- Any maintenance works proposed to be carried out to the dwelling; and
- Whether any additional long term protections for the dwelling are available.

With regards to other potential effects it is considered that the site is able to be suitably serviced provided appropriate conditions are imposed and transport related effects are also able to be suitably managed subject to the imposition of conditions.

Summary

In summary, having assessed the adverse effects of the activity on the environment, I consider that the activity will overall have adverse effects 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 applications.

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 applications.

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))?

In assessing the potential effects of the proposal it has been determined that it will have more than minor adverse effects on the wider environment. On this basis an assessment of effects on adjoining and adjacent parties is less critical. That said, it has been previously identified that there are adjoining and adjacent parties to the site and consideration has been given to the scale of effects on them. On the basis of the site and its classification it is considered that parties will experience a significant change in the character and amenity of the site and that such a change cannot be automatically anticipated due to current District Plan provisions. As such it is considered there will be at a least a minor effect on adjoining and adjacent parties.

4.1.4 Limited Notification Assessment Conclusion

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

6.0 Conclusion

Public Notification

- This application must be publicly notified because the activity will have, or is likely to have, adverse effects on the environment that are more than minor as detailed in Section 3.1.4.

7.0 Recommendation

Public Notification

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

- i) The effects are more than minor (s.95D); and
- ii) There are persons considered affected by this proposal (s95e & s95F).

Signed:



Stewart Fletcher
Reporting Planner

Date: 19 April 2023

Decision:

The above applications LUC23/0010 & SUB23/0003 have been considered under delegated authority and have been determined to be processed with public notice and service of notice pursuant to sections 95A-95F of the Resource Management Act 1991.

Resource consent application: LUC23/0010 & SUB23/0003
Address: 4 Wilkin Street, Tinwald
Notification Report