

Land Use Consent Application

6-10 Orr Street, Ashburton

Prepared for Kāinga Ora – Homes and Communities



Resource Management Act 1991

Application for Resource Consent

FORM 9: APPLICATION FOR RESOURCE CONSENT S88 of the RESOURCE MANAGEMENT ACT 1991

To: Ashburton District Council

1. **Kāinga Ora - Homes and Communities** applies for Land Use Consent described below:

Land use consent is sought to construct nine residential units. A copy of the proposed plans are attached in Appendix A.

Full details of the proposed activity are contained in the attached Assessment of Environmental Effects.

2. The name and addresses of the owners and occupier (other than the application) of land which the application relates is as follows:

- n/a

Address:	6, 8 & 10 Orr Street, Ashburton
Legal Description:	Lot 5 DP 18886, Lot 4 DP 18886 & Lot 3 DP 18886
Title:	CB20F/1228, CB20F/1227 & CB20F/1226
Area:	2699m ² (more or less)

3. There are no other activities that are part of the proposal to which the application relates.
4. Environment Canterbury resource consents will be sought where necessary.
5. We attach an assessment of any effects that the proposed activity may have on the environment in accordance with the Fourth Schedule of the Act.
6. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
7. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.



(Signature of application or person authorised to sign on behalf of the application)

Date: 10 April 2024

Address for Service	Address for Invoicing
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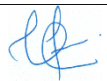

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DISTRIBUTION

-
- Ashburton District Council
 - Kāinga Ora - Homes and Communities
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QUALITY ASSURANCE

PREPARED BY	Clara Casaes	Resource Management Planner	10/4/24	
REVIEWED/APPROVED BY	Richard Williams	Senior Planner	10/4/24	

VERSION HISTORY

Clara Casaes	Resource Management Planner	10/4/24
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1 SITE AND SURROUNDING ENVIRONMENT

1.1 The Site

The site is located at 6, 8 & 10 Orr Street, Netherby, legally described as Lot 5 DP 18886, Lot 4 DP 18886 and Lot 3 DP 18886. The site has a total site area of 2699m² (more or less) and is held in Record of Title CB20F/1228, CB20F/1227 and CB20F/1226.

The site has frontage to Orr Street, which is a local road. The site contains three detached dwellings and accessory buildings. The site is currently served by three vehicle crossings. An aerial photo of the site and surrounding area s shown as Figure 1.



Figure 1: The site at 6, 8 & 10 Orr Street, Netherby, Ashburton, in yellow and the surrounding environment.
Source: GRIP Map

1.2 Surrounding Site

The surrounding area is predominantly single-storey residential homes located on allotments that range approximately between 566m² – 1100m² in area.

There are no street trees located within the grass berm.

There is a light pole located within the road reserve adjacent to the vehicle crossing for 8 Orr Street.

Ashburton Netherby School is located approximately 420m north-east of the site. Ashburton Intermediate School is located approximately 350m north-west of the site.

Hampstead Rugby Recreation Reserve is located approximately 190m to the west of the subject site. Davis Crescent Park is located approximately 290m to the north-east of the site. The Ashburton A & P Association grounds are located approximately 490m to the north-east of the site.



Figure 2: General view of the existing vehicle access and dwelling within the property at 6 Orr Street (viewed from the southeast corner of the site).



Figure 3: Existing vehicle access and dwelling within the property at 8 Orr Street (viewed from east).



Figure 4: General view of the rear section of the property at 8 Orr Street (looking northeast).



Figure 5: Existing vehicle access and dwelling within the property at 10 Orr Street (viewed from the northeast).



Figure 6: General view of the rear section of the property at 10 Orr Street (looking northeast).

2 BACKGROUND

2.1 Consent History

Kāinga Ora has applied for resource consent for land use and subdivision activities within the site at 8-10 Orr Street to construct nine new dwellings. The subject resource consent application, reference number LUC23/0100 & SUB23/0054, is currently on-hold pending revised documentation.

The development plans have been revisited with changes to the original design. In summary, the main changes are as follows:

- The shared access for Houses 3-8 has been adjusted by reducing the chicane located between Houses 2 and 9.
- Houses 3-6 have been shifted towards the shared access, proving more outdoor living space for these residential units, as well as providing further distance between the new buildings and the neighbouring site at 12 Orr Street. In addition, the change of location of Houses 3-6 also aims to enhance the legibility of these homes, making it easier for people to navigate and move through the development.
- The Landscape Plan has been modified to include further planting, especially more trees along the northwestern boundary of the site, where it adjoins the neighbouring site at 12 Orr Street.



Figure 7: Site Plan proposed under the resource consent application No. LUC23/0100 & SUB23/0054. The purple circle and arrows indicate the main changes to the original proposal, which include the shared access geometry and the location of Houses 3-6, as detailed in the sections below.

3 DESCRIPTION OF PROPOSAL

3.1 Overview

Land Use Consent is sought to construct nine residential homes. A copy of the proposed plans is attached in **Appendix A**. All existing onsite built form will be demolished.

A summary of the proposed typologies is provided in Table 1:

TABLE 1: NATURE AND EXTENT OF THE PROPOSED DEVELOPMENT

House Number	Stories	Detached or Semi-detached	Bedrooms	Building Coverage (m ²)	Gross Floor Area	Future Net Lot Area and Net Lot Site Coverage	Outdoor Living Area (m ²)
1	1	Detached	3	114.1m ²	106.5m ²	345.6m ² - 33%	65m ²
2	1	Detached	2	85.4m ²	75.2m ²	310.6m ² - 27.5%	51m ²
3	2	Semi-Detached	2	43.17m ²	79.55m ²	205.4m ² - 21%	81m ²
4	2	Semi-Detached	2	43.17m ²	79.55m ²	186m ² - 23%	73m ²
5	2	Semi-Detached	2	43.17m ²	79.55m ²	186m ² - 23%	73m ²
6	2	Semi-Detached	2	43.17m ²	79.55m ²	274.5m ² - 16%	156m ²
7	1	Detached	2	97m ²	81.30m ²	280.2m ² - 34.6%	62m ²
8	1	Detached	2	97m ²	81.30m ²	266m ² - 36.4%	64m ²
9	1	Detached	3	114.1m ²	106.5m ²	317.9m ² - 35.9%	57m ²

All units are provided with a washing line, rubbish/recycling bin storage area and a garden shed.

3.2 Transport

3.2.1 Vehicle Access

The development will be served by three vehicle crossings, as follows:

- The existing vehicle crossing at 10 Orr Street will be extended to 5m in width, plus 1.2m wide trafficable paths either side of the vehicle crossing. This vehicle crossing will be used as access to House 1 & 2.
- The existing vehicle crossing at 8 Orr Street will be extended to a width of 4m plus an additional 1.116m trafficable path for shared access to Houses 3-8.
- The existing vehicle crossing at 6 Orr Street will be repurposed to provide access to House 9 through a 4.5m wide access (including 1.2m trafficable pedestrian path).

The proposed vehicle crossings will be formed and sealed to comply with Councils standards.

3.2.2 Parking

Each two-bedroom residential unit is provided with a vehicle parking space. Houses 1 and 9 will have two vehicle parking spaces provided each, bringing the total number of parking spaces onsite to 11. Vehicles using the parking spaces for Houses 3-7 will be able to manoeuvre onsite and exit in a forward direction. Vehicles using parking spaces for Houses 1, 2 & 9 are required to reverse onto the local road network.

3.2.3 Visibility Splays

A 2m x 1.5m visibility splay is provided for each of the vehicle crossings.

3.3 Landscaping

3.3.1 General

- 1124.68m² (41.72%) of landscaping is provided.
- 735.72m² (65.42%) of the landscaping is trees/shrubs.
- 388.96m² (34.58%) of the landscaping is lawn.
- 38 trees are provided.

3.4 Earthworks

3.4.1 General

On-site earthworks are required to:

- Remove existing driveway(s) and house foundation(s).
- Scrape and recontour the site.
- Install house foundations.
- Install driveways, paving and patio areas.

The maximum depth of cut for earthworks is:

- 0.8m maximum cut to contour site.
- 0.41m maximum cut to install building foundations.

The maximum fill height for earthworks is:

- 0.6m fill.

The total volume of earthworks for the entire site is 2439m³. A timber supporting structure up to 500mm

high integrated to the fence (retaining fence) is proposed along the northwestern boundary.

All earthworks will be carried out in accordance with the Earthworks Plans in **Appendix B**.

3.5 Geotechnical

A Geotechnical Report was prepared for the site by Beca and is attached in **Appendix C**. A summary of the report is provided below however, we direct you to the appended report.

The site is at low risk of flood inundation, slips, static subsidence and settlement, lateral spreading, erosion, seismic subsidence and settlement and falling debris. No groundwater has been encountered during the site investigation.

The site is classified as the equivalent of Technical Category 1 (TC1) land. Therefore, TC1 waffle slab on a 200-400mm thick AP65 engineered fill raft, designed for 300 kPa ultimate geotechnical bearing capacity has been recommended.

The proposed recommendations included in the report will be adopted as part of this development.

3.6 Services

Wastewater, stormwater, water, electricity, and communications connections are available to service the development.

3.7 New Easements

No easements are proposed at this time.

3.8 Hazardous Substances

No hazardous substances stored on site.

3.9 Development Contribution

As the number of residential units are increasing on the site, the applicant expects development contributions to be collected.

3.10 Additional Consents

Additional consents will be applied for where necessary.

4 DISTRICT PLAN ASSESSMENT

4.1 Zoning and Overlays

This site is located within the Residential C (Medium - Low Density) Zone in the Ashburton District Plan. The site is not subject any overlays set out by the District Plan.

4.2 Rules and Standards Assessment

The following is a compliance assessment of the proposal against the relevant Ashburton District Plan Chapters.

Section 4.8 – Residential Zones

SITE STANDARDS

Standard(s)/Rule(s)		Compliance Comment	Status
Standard 4.9.1 Residential Density	a) Minimum net area for each residential unit contained within a site shall be as set out in Table 4-1 - Residential C (unless specified) – 360 m ² b) In the Residential A zone, the ratio of net floor area to net site area shall be a maximum of 1.0. c) There shall be only one residential unit on any land comprised in a separate site/ Computer Freehold Register (Certificate of Title). d) The minimum net area for any site in the Residential C zone shall be such that it can accommodate a rectangle with minimum dimensions of 15m x 13m for each residential unit contained within the site except that: – on land subject to the Redmond Outline Development Plan, where the minimum shape factor shall be 20m x 20m.	a) 9 dwellings over 2699m ² equates to 299.89m ² per dwelling, therefore does not meet the 360m ² required per dwelling. The approximate Net Lot area's are also shown in Table 1, and range from 186m ² to 345.6m ² . b) N/A c) 9 dwellings are proposed over 3 existing sites/titles, which does not comply with the 1 unit per site.	Restricted Discretionary
Standard 4.9.2 – Building coverage	e) Maximum building coverage shall be: Residential B 45% Residential C 35%	The building coverage is 25%.	Permitted

	Residential D 15%		
Standard 4.9.3 – Height of buildings	<p>f) Maximum height of any building shall be: Residential A 10m Residential B and C 8m Residential D 10m</p> <p>except that:</p> <ul style="list-style-type: none"> in the area defined as 'Village Green 4' within The Village Green Outline Development Plan, the maximum height of any building shall be 5.5metres. 	The proposed dwellings are less than 8m in height.	Permitted
Standard 4.9.4 – Recession Lines	<p>a) Buildings shall not project beyond a building envelope constructed by recession lines from points 2.3m above internal boundaries as shown in Appendix 4-1, except that:</p> <ul style="list-style-type: none"> – within the hut settlement at Lake Clearwater, buildings shall not project beyond a building envelope constructed by recession lines from points 2.7m above internal boundaries; – where buildings on adjoining sites have a common wall along an internal boundary, no recession line shall be applied along that part of the boundary covered by such a wall; and – where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site or has a registered right-of way over it in favour of that site, the recession lines shall be constructed from points 2.3m above the far side of the access. 	<p>All buildings are within the site recession lines.</p> <p>Recession planes will be breached once subdivision is undertaken for House 3, 4, 5, 7 & 8.</p>	Permitted
Standard 4.9.5 – Setback from streets	<p>a) Minimum building setback from road boundaries shall be:</p> <ul style="list-style-type: none"> Residential A - 2m Residential B and C – 3m Residential B (Lake Clearwater Hut Settlement only) - 2m Residential D - 10m Residential D (buildings used for retail sales) - 30m <p>except that:</p> <p>b) In the Residential A, B and C zones, where the garage door faces the street or a shared access, the garage door shall be setback 5 metres from the road boundary or shared access way.</p> <p>Note: 4.9.5 (b) shall not apply to the Residential B Zone at Lake Clearwater where the setback shall be 2 metres as set out in 4.9.5 a).</p>	<p>The eaves of Houses 1 & 9 intrude the road setback by 0.169m and 0.157m, respectively. This falls under the exceptions set out by this standard.</p> <p>All other dwellings are setback more than 3m from the road boundary.</p>	Permitted

	<p>c) No building in that part of the Residential C Zone shown on the Lochhead Outline Development Plan as Area B shall be erected within 15m of the road boundary with State Highway 77, Holmes Road or Barkers Road.</p> <p>d) Eaves, porches, chimneys, bay windows, stairways, steps, landings, balconies and similar parts of buildings may be located with the minimum building setback from road boundaries, but only within the following limits:</p> <ul style="list-style-type: none"> – eaves may project into the setback by no more than 0.6m; – bay windows may project into the setback by no more than 0.6m parallel to the boundary, for a length of up to 3m; – chimneys may project into the setback by no more than 0.6m parallel to the boundary provided that the chimney is of no greater width parallel to the boundary than 1.8m; – porches and windbreaks opposite a doorway may project into the setback by no more than 0.9m provided that such porches and windbreaks are no longer than 1.8m parallel to the boundary; – external stairways, landings and unenclosed balconies may project into the setback by no more than 0.9m provided that the landing or balcony does not exceed 1.8m in length. 		
Standard 4.9.6 – Setback from neighbours	<p>a) Minimum setback of buildings from internal boundaries shall be:</p> <p>Residential A and B - 1.5m</p> <p>Residential C - 1.8m</p> <p>Residential D (residential units) - 6m</p> <p>Residential D (non-residential buildings greater than 5m² in gross floor area) - 3m</p> <p>Residential D (non-residential buildings less than 5m² in gross floor area) - 1.5m except that in all Residential zones:</p> <p>b) Buildings designed and/or used for the housing of the following animals shall be set back from internal boundaries, as follows....</p> <p>c) eaves, porches, chimneys, bay windows, stairways, steps, landings, balconies and similar parts of buildings may be located with the minimum building setback from internal boundaries, but only within the following limits (see diagrams above):</p> <ul style="list-style-type: none"> – eaves may project into the setback by no more than 0.6m; – bay windows may project into the setback by no more than 0.6m parallel to the boundary; 	<p>All buildings are setback 1.8m from all internal boundaries.</p> <p>The gutters of House 7 intrude the internal boundary setback by 176mm.</p> <p>The garden sheds provided for Houses 6-9 are located within the internal boundary setback. These intrusions are considered under the exceptions set out by this standard.</p>	Permitted

	<ul style="list-style-type: none"> – chimneys may project into the setback by no more than 0.6m parallel to the boundary provided that the chimney is of no greater width parallel to the boundary than 1.8m; – porches and windbreaks opposite a doorway may project into the setback by no more than 0.9m provided that such porches and windbreaks are no longer than 1.8m parallel to the boundary; – external stairways, landings and unenclosed balconies may project into the setback by no more than 0.9m provided that the landing or balcony does not exceed 1.8m in length; and <p>except that in the Residential A, B and C zones: – where an internal boundary of a site immediately adjoins an access or part of an access, which is owned or partly owned with that site or has a registered right-of-way over it in favour of that site, the minimum building setback from that internal boundary shall be reduced to 1m; and</p> <ul style="list-style-type: none"> – accessory buildings, which are not used for human habitation, may be located within the minimum building setback from internal boundaries, where all stormwater is contained within the site and the total length of walls of accessory buildings facing, and located within the minimum building setback of, each internal boundary does not exceed 10m in length, and does not contain any glazed surfaces; and – where buildings on adjoining sites have a common wall along a site boundary, no setback is required along that part of the boundary covered by such a wall. <p>except that in the area subject to The Village Green Outline Development Plan...</p>		
Standard 4.9.7 – Outdoor living space	<p>a) For each residential unit in the Residential A zone, there shall be a minimum of 30m² of outdoor living space with a minimum dimension of 1.5 metres.</p> <ul style="list-style-type: none"> ▪ The required minimum area of outdoor living space may be made up of either ground level space or balconies, where any balcony shall be unenclosed. Note: for the purposes of this rule “unenclosed” means a balcony with at least two walls not exceeding 1.5m higher than the floor of the balcony. ▪ The required minimum area of outdoor living space shall be designed to receive sunshine in mid-winter and be directly 	<p>The outdoor living space ranges between 51m² to 156m².</p> <p>The outdoor space of Houses 1-2 & 7-9 does not achieve the required minimum area of 70m² with the minimum dimension of 5m. However, as demonstrated by the Sheet A-21.01</p>	Restricted Discretionary

	<p>accessible from a living area of the residential unit, or a maximum of 20% of the required area may be directly accessible from bedrooms.</p> <p>b) For each residential unit in the Residential B zone, there shall be a minimum of 40m² of outdoor living space with a minimum dimension of 5 metres.</p> <ul style="list-style-type: none"> The required minimum area of outdoor living space shall be designed to receive sunshine in mid-winter and be directly accessible from a living area of the residential unit. <p>Except that in the Residential B Zone at the Lake Clearwater Hut Settlement, no outdoor living space shall be required.</p> <p>c) For each residential unit in the Residential C zone, there shall be a minimum of 70m² of outdoor living space with a minimum dimension of 5 metres.</p> <ul style="list-style-type: none"> The required minimum area of outdoor living space shall be designed to receive sunshine in mid-winter and be directly accessible from a living area of the residential unit. 	<p>(‘Outdoor Living Area’) and further discussed in Section 6 below, these residential units are provided with additional outdoor living areas that do not meet the 5m minimum dimension.</p> <p>All outdoor living spaces are designed to receive sunshine in mid-winter and are directly accessible from a living area.</p>	
Standard 4.9.8 – Outdoor service space	a) For each residential unit within the Residential A and B zones, there shall be a minimum area for outdoor service space of 15m ² with a minimum dimension of 1.5m, screened from adjoining sites, public places and adjoining outdoor living spaces.	N/A - Residential C Zone.	Permitted
Standard 4.9.9 – Barrhill	a) Within the Residential C Zone at Barrhill: – all new buildings, additions or exterior alterations and fences to existing buildings shall be Restricted Discretionary Activities;	N/A.	Permitted
Standard 4.9.10 – Design and Appearance	a) Within the Residential A zone, all new buildings, or additions to the exterior of existing buildings that are greater than 40m ² in area, shall be Restricted Discretionary Activities.	N/A - Residential C Zone.	Permitted
Standard 4.9.12 – Flooding	<p>a) All new buildings or extensions to existing buildings that are to be constructed on a site identified as being at risk from flooding, shall have a minimum floor height of 150mm above the level of the 1 in 200 year flood event, except for:</p> <ul style="list-style-type: none"> new buildings or extensions to buildings in the Residential A, B and C Zones with a gross floor area up to, and including 30m²; 	According to Flood Map-F05, the site is not subject to flooding.	Permitted

	<ul style="list-style-type: none"> - new buildings or extensions to buildings in the Residential D Zone with a gross floor area up to, and including 50m²; - any building with an unsealed or permeable floor. <p>Note: A report identifying flood risk and the height of the 1 in 200 year flood event can be obtained from the Canterbury Regional Council or a suitably qualified expert.</p>		
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Section 4.10 – Zone Standards

Standard(s)/Rule(s)		Compliance Comment	Status
Standard 4.10.4 - Lighting	<ul style="list-style-type: none"> a) All exterior lighting shall be directed away from adjacent properties, roads, and railways and shall not be projected above a horizontal line from the light source. b) No activity shall result in a greater than 3 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property. 	<p>Exterior lighting is directed away from adjacent properties, roads and does not project above the horizontal line.</p> <p>Light spill on adjacent properties will be less than 3 lux as required.</p>	Permitted

Section 10 – Transport

Standard(s)/Rule(s)		Compliance Comment	Status
Standard 10.8.4 – Residential Parking Spaces	<ul style="list-style-type: none"> a) Where residential car parking spaces are provided within a garage, the minimum internal dimensions shall be as set out in Table 10-2: b) The minimum width of the entrance to a single garage shall be no less than 2.4 m 	N/A - No garages provided.	Permitted
Standard 10.8.5 – Cycle Parking	<ul style="list-style-type: none"> a) All developments, other than residential and farming, are to provide cycle parking at a rate of 1 cycle space for every 20 car parking spaces provided. b) All required cycle parking shall be provided in cycle stands and laid out in accordance with Appendix 10-3. 	N/A - Residential.	Permitted
Standard 10.8.6 – On-site Manoeuvring	<ul style="list-style-type: none"> a) The manoeuvring area from the road transport network boundary to any parking space shall be designed to accommodate a 90 percentile car (refer Appendix 10-4 – 	11 carparking spaces are provided. Each carparking space provided is at least	Permitted

	<p>minimum recommended clearance for both sides of vehicle 600mm).</p> <p>b) Onsite manoeuvring for a 90 percentile car (refer Appendix 10-4) shall be provided to ensure that no vehicle is required to reverse either onto or off a site where:</p> <ul style="list-style-type: none"> any activity has vehicle access and/or vehicle crossings to an arterial road; any activity provides 4 or more parking spaces having vehicle access and/or vehicle crossings onto a principal or collector road; any activity provides 10 or more parking spaces; three or more residential units share a common access. 	<p>2.5m in width and 5m in length.</p> <p>Vehicles from Houses 2-8 are provided with onsite manoeuvring designed to a B99 percentile vehicle (which complies with the 90 percentile design motor car specified in Appendix 10-4) to exit the site in a forward gear.</p> <p>Vehicles from Houses 1 & 9 are required to reverse onto Orr Street (local road).</p>	
Standard 10.8.9 – Surface of parking and Loading areas	<p>a) The surface of all required parking, loading and trade vehicle storage areas in the Residential Zone, Business A, B, and C Zones, and the Aquatic Park Zone (except parking areas within the Recreational Area of the Aquatic Park Zone), shall be formed to provide an all weather surface.</p> <p>b) The first 3m of all such required areas (as measured from the road boundary) shall be formed and sealed for the full width of the vehicle crossing, to ensure that material such as mud, stone chips or gravel is not carried onto any footpath, road transport network or service lane.</p> <p>c) Parking and loading areas in the Recreational Area of the Aquatic Park Zone shall be formed and oversown with grass so as to maintain the character and appearance of the surrounding recreational area.</p>	All parking will be formed to comply with the required weather surface council standards.	Permitted
Standard 10.8.10 – Tree planting within Car Parking Areas	<p>a) Where a car parking area has central parking rows, which do not abut a site boundary or building, trees shall be planted at least 7.5m apart adjacent to the central car parking spaces. The trees shall be protected from damage by vehicles</p>	N/A - No central parking rows.	Permitted
Standard 10.8.11 – Queuing Length	<p>a) Where car parking is provided within a site, a minimum queuing length shall be provided in accordance with Table 10-3 below for vehicles entering the site:</p> <ul style="list-style-type: none"> Less than 20 car parking spaces provided requires a 6m queuing length <p>b) The required queuing length shall be measured from the road boundary at the car</p>	Queuing space provided on the shared access.	Permitted

	<p>park entrance to the nearest vehicle control point or the point where entering cars could conflict with vehicles already on the site.</p> <p>c) Where more than one vehicle crossing is provided to a site, the required queuing length may be assessed for each access point individually, with each parking space allocated to the nearest entry vehicle crossing for the purpose of the assessment.</p>		
Standard 10.9.3 – Distances of Vehicle Crossings from Intersections.	<p>a) No part of any vehicle crossing shall be located closer to the intersection of any roads than the minimum distances specified in Table 10-6:</p> <p>Local intersecting with a Principal road: 15m</p>	Orr Street (Local) and Bridge Street (Principal) intersection is located approximately 84m away.	Permitted
Standard 10.9.5 – Maximum number of Vehicle Crossings	<p>a) The maximum number of vehicle crossings to a site per road frontage shall be in accordance with Table 10-7 below:</p> <p>Local & Collector, Frontage length 0-20m- 1 vehicle crossing, 21-60m; 61-100m: 2 vehicle crossings.</p>	Orr Street is a local road, and the sites have a frontage length of 51.238m. 3 vehicle crossings are proposed.	Restricted Discretionary
Standard 10.9.6 – Site Distances from Vehicle Crossings	<p>a) Unobstructed sight distances shall be available from all vehicle crossings, in accordance with the minimum sight distances specified in Table 10-8:</p> <p>Legal Speed limit of 0-50km/hr has a minimum site distance of 45m.</p>	Complies	Permitted

Section 11 – Noise

Standard(s)/Rule(s)		Compliance Comment	Status
Standard 11.8.1 – Noise standards for zones	<p>a) The noise level from activities within any other site shall not exceed the limits set out in Table 11-1:</p> <p>Residential A, B, C and D daytime (0700-2200 inclusive 50dB-75dB and all other times 40-65dB.</p> <p>Exemptions:</p> <p>The following activities are exempt from complying with the above noise levels:</p> <p>k) Spontaneous social activities and children's play (but not including pre-schools in Residential Zones).</p>	The dwellings are designed to comply with the noise standards.	Permitted

Standard 11.8.3 – Construction noise	a) Construction noise shall comply with NZS 6803:1999 Acoustics – Construction Noise	All construction will comply with these standards.	Permitted
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4.3 Summary

Land Use Consent is sought under Rules 4.8.3 and 10.7.2 due to the breaches of the following Performance Standards:

Residential

- Standard 4.9.1 – Minimum net area in the Residential C zone.
- Standard 4.9.1 – Residential density – 9 dwellings over 3 existing sites.
- Standard 4.9.7 – Outdoor living space (Houses 1-2 & 7-9)

Transport

- Standard 10.9.5 – Maximum number of vehicle crossings

Overall, resource consent is required as a **Restricted Discretionary Activity**.

5 NATIONAL ENVIRONMENTAL STANDARDS

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into force on 10 October 2011.

Clause 5 sets out that these regulations that apply when:

- a) a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) to (8):
- b) do not apply when a person wants to do an activity in any of subclauses (2) to (6) on a piece of land described in subclause (9).

Accordingly, whether the regulations apply depends on whether the site described as a 'piece of land' under subclause (7) as follows:

- a) an activity or industry described in the HAIL is being undertaken on it;
- b) an activity or industry described in the HAIL has been undertaken on it;
- c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.

Clause 6 sets out there are only two methods that may be used for establishing whether or not a piece of land is as described in regulations 5(7). One method is by using 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.

The other method is by relying on the report of a preliminary site investigation –

- a) stating that the activity or industry described in the HAIL is, or 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.

A Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI) have been undertaken on the site and their report, prepared by Tonkin & Taylor Ltd, is attached in **Appendix E**. According to the PSI/DSI, the site's history review indicates that the site has not been subject to an activity on the Hazardous Activities and Industry List (HAIL) and is not listed as contaminated under the Environment Canterbury Listed Land Use Register (LLUR). However, regarding the applicability of the NESCS, the PSI/DSI report states the following.

“Review of historical aerial photographs and council records indicates that the site has not been subjected to an activity on the HAIL.

While some impact from anthropogenic activities has been identified on site by this investigation, this would only be considered a HAIL if contamination was present in sufficient quantity that it could be a risk to human health (i.e., HAIL category I). Concentrations of arsenic and lead in surface soil were recorded above high-density residential criterion in two locations at 8 Orr St, and a fragment of ACM was identified at one investigation location at 6 Orr St. If these isolated instances of arsenic and lead impacted soils were not removed from site it could meet the threshold for HAIL category I for future site users. However, this impacted soil, as well as the soil containing the ACM fragment will be removed from the site in accordance with Kāinga Ora’s site redevelopment policy, and the earthwork undertaken following suitable management and controls. As this contaminant source is being removed prior to the site’s high-density residential land use, HAIL category I would not apply following its redevelopment.

However, correspondence with ADC for other HDS redevelopment sites in Ashburton indicates their position is that consent as a restricted discretionary activity under the NESCS is required for this site’s redevelopment earthwork due to the individual results recording exceedances of applicable human health criteria.”

As noted within the PSI/DSI, it is our understanding that the soil disturbance will require a resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS). Therefore, an assessment in relation to Part 8 (3) and (4) is provided further below.

Rule	Requirements	Compliance Comment	Activity Status
Section 8(3) – Disturbing Soil	(a) controls to minimise the exposure of humans to mobilised contaminants must— (i) be in place when the activity begins: (ii) be effective while the activity is done: (iii) be effective until the soil is reinstated to an erosion-resistant state:	The land disturbance works will follow the recommendations of the Detailed Site Investigation (DSI) and the Work Instruction (WI) prepared for the site (both attached in Appendix E). The WI includes detailed health and safety and environmental controls which the earthwork contractor must implement. The WI also provides mitigation controls to manage unexpected discovery of contaminants, including asbestos containing materials (ACM).	Permitted
Section 8(3) – Disturbing Soil	(b) the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:	The house foundations and site fill will reinstate the site to an erosion-resistant state.	Permitted
Section 8(3) – Disturbing Soil	(c) the volume of the disturbance of the soil of the piece of land must be no more than 25m ³ per 500m ² :	The site has an area of 2,699m ² and the total volume of earthworks for the entire site is 2439m ³ , therefore, the works will not comply with the volume to land ratio.	Restricted Discretionary
Section 8(3) – Disturbing Soil	(d) soil must not be taken away in the course of the activity, except that,— (i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:	Approximately 1243m ³ of soil will be removed from the site, therefore, the works will not comply with the permitted threshold.	Restricted Discretionary

	(ii) for all other purposes combined, a maximum of 5m ³ per 500m ² of soil may be taken away per year:		
Section 8(3) – Disturbing Soil	(e) soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:	The excavated soil will be disposed of at an appropriate disposal facility as recommended in the PSI/DSI report and detailed on the Work Instruction (Appendix E).	Permitted
Section 8(3) – Disturbing Soil	(f) the duration of the activity must be no longer than 2 months:	The earthworks will comply with this duration requirement.	Permitted
Section 8(3) – Disturbing Soil	(g) the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.	Appropriate Erosion and Sediment Control requirements/structures will be installed.	Permitted

It is therefore considered that the required land disturbance will require consents under the ES-CS as a **Restricted Discretionary Activity**.

6 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Overview

The following assessment considers the effects of this development. The proposal has been assessed as a **Restricted Discretionary Activity**. The following assessment considers the relevant matters to which Council’s discretion has been restricted.

6.2 Alternative sites/methods

Residential development is anticipated for this site, and thus, no alternative sites have been assessed.

6.3 Positive Effects

The redevelopment will provide social housing which is a critical need in the community as it provides housing that enhances social well-being and provides long-term certainty for future residents.

6.4 Assessment

6.4.1 Residential Zones

Residential Density and building coverage	
Matters of Discretion 4.11.1	Assessment
The Council's discretion is limited to the following matters:	
a) <i>In Residential C and D zones, the extent to which the character of the site will remain dominated by open space and garden plantings, rather than buildings.</i>	The character of the site remains available for open space and garden plantings, with ample outdoor living space provided for the homes and landscaping towards the street.
b) <i>The ability to provide adequate opportunity for garden and tree planting around buildings.</i>	Extensive garden and tree planting provided around the dwellings, towards the street and throughout the site. 41.7% of the site is landscaping; 65.4% of the landscaping is trees and shrubs. 38 trees

	with a height of 1.5m are proposed, with 7 trees being proposed adjacent to the road boundary.
<i>c) The ability of the site to contain a residential unit and sewerage disposal system without adversely affecting the provision of sufficient outdoor living space.</i>	The site connects to the Council wastewater network.
<i>d) Whether the undersized site can contain a sewerage disposal system without undermining the amenity values anticipated in the zone.</i>	The site connects to the Council wastewater network.
<i>e) Whether the sewerage disposal system will have any adverse effects on visual amenity.</i>	The site connects to the Council wastewater network.
<i>f) Whether the sewerage disposal system will create any adverse effects on neighbours, particularly if located close to an internal boundary.</i>	The site connects to the Council wastewater network.
<i>g) The extent to which there is a need for the decreased site size or increased building coverage in order to undertake the proposed activities on the site.</i>	There is high demand for housing in the community and the development is in accordance with most of the standards of the District Plan.
<i>h) The ability of the residential unit to gain greater access to sunlight and/or daylight and to provide for solar heating.</i>	The dwellings are orientated to achieve ample sunlight and daylight to provide for solar heating.
<i>i) The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building density and coverage which is out of character with the local environment.</i>	<p>An Urban Design Statement is provided (Appendix A) and explores the building scale, form and appearance of the development in relation to the local environment.</p> <p>The development has been carefully designed to minimise any visual dominance effects and to provide quality on-site residential amenity for residents and for adjoining sites and the street.</p> <p>The development will be constructed on a site of a total site area of 2699m², and will comfortably comply with the maximum building coverage standard (25% is proposed), providing ample open space around the buildings.</p> <p>The scale of the proposed buildings is designed in accordance with the intent of the standards established within the District Plan. The dwellings are setback from the road boundary and internal boundaries to maintain residential amenity. Most of the houses are detached and are distributed throughout the site. The proposed driveway to the centre of the site also helps to provide ample separation between buildings and views through the site. Single storey units have been positioned next to the street and along the southern boundary of the site, where the recession planes are lower.</p> <p>The development does not include garages and parking spaces will be located primarily within the rear portion of the site and will not be readily visible from the street. The driveway and the parking stalls of Houses 1, 2 & 9, located at the front of the site, will be softened by the proposed planting and the use of differentiated paving for pedestrian access.</p>

	<p>A variety of materials and colours are incorporated into the buildings, which acknowledges the human scale and provides visual interest. Changes in the roof form help to limit continuous ridgelines and minimise the visual bulk of the buildings, providing identification of each residential unit.</p> <p>The front dwellings are orientated to the street to actively engage with the public realm. Passive surveillance over the street is provided through the kitchen windows. The houses to the rear are orientated towards the shared accessway to provide additional visual surveillance over this shared internal environment.</p> <p>Overall, the buildings are considered compatible with the scale of other buildings in the surrounding area and any visual dominance effects have been appropriately managed and are, therefore, less than minor.</p>
<i>j) The ability to provide adequate vehicle manoeuvring space on site.</i>	Vehicle manoeuvring is provided within the shared access to House 2-8 to enable vehicles to exit in a forward gear.
<i>k) The extent to which decreased site size or increased building coverage would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and day light and loss of opportunities for views.</i>	<p>There are no anticipated adverse effects of the site density as the scale of the buildings are designed in accordance with the intent of the standards established within the District Plan. The dwellings are setback from the road boundary and internal boundaries to maintain residential amenity to residents and adjoining persons.</p> <p>As detailed above, the development has been designed to mitigate any dominance effects. Loss of privacy are also mitigated through the buildings design. Windows of habitable rooms are mostly orientated to the street and/or the common access. The two-storey units have been placed further away from neighbouring properties, given changes to the geometry of the driveway, as discussed in Section 2 above. The proposed Landscape Plan includes 1.8m high fencing along the site's boundaries, and several specimen trees throughout the site, including the area next to the two-storey duplexes, where the site adjoins the neighbouring property at 12 Orr Street. These measures in combination to the distance between the proposed dwellings and the neighbouring sites can ensure a reasonable level of privacy, access to sunlight and daylight.</p>



Figure 8: Proposed Landscape Plan. It is noted that the development includes robust planting, with a number of specimen trees throughout the site, including the area next to the two-storey duplexes, where the site adjoins neighbouring properties.

l) The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.

Private outdoor living space is provided within the development. Each dwelling has adequate lawn, planting and patio areas. The private amenity space which meets the 5m requirement and range between 51-156m². Once additional outdoor living areas which don't meet the 5m dimension requirement are added to the total areas, the areas range between 73m²-156m².

m) Whether the residential units are to be used for elderly persons housing and the extent to which a decreased site size will adequately provide for the outdoor needs of the activities on the site, and retain a balance of open space to buildings.

The dwellings are designed to accommodate a diverse range of future residents and outdoor needs.

n) The ability to mitigate any adverse effects of increased coverage or site density.

There are no anticipated adverse effects that require mitigation.

Outdoor living space

Matters of Discretion 4.11.5

Assessment

The Council's discretion is limited to the following matters:

a) The extent to which the reduction in outdoor living space and/or its location will

The outdoor living spaces are directly accessed from internal living areas and purposefully orientated to the north to maximise solar gain.

<i>adversely affect the ability of the site to provide for the outdoor living needs of likely future residents of the site.</i>	The outdoor spaces are also provided with a porch to facilitate frequent use. The outdoor living spaces are considered to provide ample amenity and are appropriately sized for the size of the homes.
<i>b) Any alternative provision on, or in close proximity to the site for outdoor living space to meet the needs of likely future residents of the site.</i>	<p>Additional outdoor living space has been provided for Houses 1, 2, 7, 8 & 9 which doesn't meet the 5m dimension. Overall when added together, all houses are provided with at least 70m² of outdoor living space.</p> <p>In addition, there a number of public open spaces in close proximity to the site, including Hampstead Rugby Recreation Reserve and Davis Crescent Park. Ashburton A & P Association is also located in the vicinity of the site.</p>
<i>c) The extent to which the reduction in outdoor living space or the lack of its access to sunlight is compensated for by alternative space within buildings with access to ample sunlight and fresh air.</i>	The proposed residential units are provided with ample outdoor living space that is accessible and orientated to the north where possible.
<i>d) Whether the residential units are to be used for elderly persons housing and the extent to which a reduced area of outdoor living space will adequately provide for the outdoor living needs of the likely residents of the site including future residents.</i>	The homes are not exclusively intended for elderly persons.

6.4.2 Transport

Roading, Access, Vehicle Crossings and Intersections	
Matters of Discretion 10.10.3	Assessment
The Council's discretion is limited to the following matters:	
<i>a) The extent to which the safety and efficiency of the adjoining road/s would be compromised by vehicle crossings or intersections being located closer together, or with a lesser unobstructed sight distance or intersection visibility, than is permitted by the Plan.</i>	It is considered that there are no effects to the safety or efficiency of the adjoining road network. The site currently has 3 vehicle crossings, and the development will have the same number of vehicle crossings remaining.
<i>b) Whether the speed and volume of vehicles on the road will increase the adverse effects of the use of the vehicle crossing on the safety of road users.</i>	It is considered that there are no adverse effects to the users of the vehicle crossings.
<i>c) Whether safety and efficiency would be enhanced by the provision of acceleration and deceleration lanes.</i>	It is considered that acceleration or deceleration lanes are not required.
<i>d) Whether the geometry of the road will mitigate the adverse effects of the vehicle crossing.</i>	It is considered that there are no adverse effects, however, it is noted that the road has clear visibility in both directions.
<i>e) The extent to which the safety and efficiency of the frontage road would be affected by the creation of additional vehicle crossings.</i>	It is considered that the existing 3 crossings can be relied upon to form the permitted baseline and further assessment is not required.
<i>f) The potential for cumulative effects on the safety and efficiency of the frontage road resulting from new vehicle crossings in addition to existing crossings in the vicinity.</i>	It is considered that the existing 3 crossings can be relied upon to form the permitted baseline and further assessment is not required.
<i>g) The degree to which the location of the intersection, in combination with the position of any proposed or existing vehicular accesses or roads, will affect visibility and thereby, the safe and efficient movement of traffic using the intersection and along the adjoining road taking into account the following matters:</i> <ul style="list-style-type: none"> <i>the numbers and types of manoeuvres anticipated to be undertaken</i> <i>forms of controls at the intersection;</i> <i>functions of the intersecting roads</i> <i>the speed and volumes of traffic using the road</i> <i>the physical features of the road i.e. number of lanes, need for</i> 	N/A

*acceleration and deceleration
lanes, extent of visibility.*

6.4.3 National Environmental Standard – Contaminated Soil (Section 10)

Matters of Discretion (Section 10(3))	Assessment
<p><i>a. the adequacy of the detailed site investigation, including—</i></p> <ul style="list-style-type: none"> <i>(i) site sampling:</i> <i>(ii) laboratory analysis:</i> <i>(iii) risk assessment:</i> 	<p>The Detailed Site Investigation (DSI) is considered to provide a comprehensive analysis of soil sampling, laboratory analysis and risk assessment.</p>
<p><i>b. the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination:</i></p>	<p>The Detailed Site Investigation (DSI) does not conclude that site is not suitable for redevelopment.</p>
<p><i>c. the approach to the remediation or ongoing management of the piece of land, including—</i></p> <ul style="list-style-type: none"> <i>(i) the remediation or management methods to address the risk posed by the contaminants to human health:</i> <i>(ii) the timing of the remediation:</i> <i>(iii) the standard of the remediation on completion:</i> <i>(iv) the mitigation methods to address the risk posed by the contaminants to human health:</i> <i>(v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants</i> 	<p>The Detailed Site Investigation (DSI) addresses all matters of consideration. In addition, a Work Instruction (WI) has been prepared and include detailed health and safety and environmental controls which the earthwork contractor must implement. The WI also provides mitigation controls to manage unexpected discovery of contaminants, including asbestos containing materials (ACM).</p>
<p><i>d. the adequacy of the site management plan or the site validation report or both, as applicable:</i></p>	<p>A site work completion report showing any excavated areas and soil disposal dockets will be prepared upon completion of the earthworks. This will confirm that the remedial goals are achieved.</p>
<p><i>e. the transport, disposal, and tracking of soil and other materials taken away in the course of the activity:</i></p>	<p>The Work Instruction (WI) details the transport, disposal and tracking of soil taken away from the site.</p>
<p><i>f. the requirement for and conditions of a financial bond:</i></p>	<p>A financial bond is not considered to be required.</p>
<p><i>g. the timing and nature of the review of the conditions in the resource consent:</i></p>	<p>It is anticipated that appropriate conditions will be provided with the consents.</p>

h. the duration of the resource consent.

It is anticipated that appropriate consent duration will be provided with the consent.

6.5 Conclusion

The design of the buildings will appropriately engage with the public environment, are appropriate in the local context and enhance the amenity of the area.

The site has been designed to balance vehicle access to the site as well as amenity space for the future residents while responding local environment.

The development will not compromise the privacy of adjacent residential properties and will appropriately engage with the street and therefore, is considered to be appropriate in the local context.

Overall, the effects are considered to be less than minor, and the proposal is of benefit to the community by providing much needed housing.

7 CONSULTATION

7.1 Environment Canterbury

No consultation with Environment Canterbury has been undertaken.

7.2 Ashburton District Council

Consultation was undertaken with Council. Council's comments have been considered in the design.

7.3 Written Approvals (S95 RMA)

No written approvals are required from adjacent property owners as it is considered that there are no affected parties.

8 OBJECTIVES AND POLICIES

8.1 Overview

The proposal has been reviewed with reference to the applicable Objectives and Policies of the Ashburton District Plan.

8.2 Chapter 4 – Residential Zones

Objective 4.1: Residential Amenity Values and Character

To protect and enhance the amenity values and character of residential areas, recognising the potential for some growth, whilst considering the particular characteristics of each residential area, the need to provide for a diversity of residential lifestyles, and making provision for non-residential services and activities that meet community needs.

Policy 4.1A

Manage the different residential areas located within the Ashburton District, whilst considering: existing character, any anticipated change in character, the need for diversity of residential lifestyles & a demand for growth over time.

Policy 4.1B

Impose environmental standards on development and land use in the Residential Zones that provide the community with a level of certainty, and protect and enhance residential character and amenity values.

Policy 4.1C Apply specific management requirements to maintain and enhance the special character and amenity values, including consideration of development design and appearance, of those residential areas with identified special characteristics.

Policy 4.1D Promote variety and innovation in residential development to meet the changing needs of current and future generations, including opportunities to incorporate sustainable practices in housing design and siting that result in enhanced amenity, sustainable energy use and increased efficiency of site utilisation.

Policy 4.1F Provide for appropriate community based facilities to locate within residential areas where they meet a community need and are in keeping with the expected character and amenity values of residential areas.

Comment:

The larger 2-story duplexes (houses 3 to 6) are located behind the three single-story houses (houses 1, 2 and 9) on the street, which fits well with the existing dwellings on the street.

Varied quality dwelling design and coherence with differing colours will provide a pleasant place to live. Specimen trees are placed in front of each street-facing house, providing a further buffer to the street. Houses 1, 2 and 9 have gables that face the street.

The enhanced residential amenity will have a positive effect on a community's perception of well-being. Usually detached family homes will be the predominant residential property, however this development will provide for diversity in living environments consistent with differing households. The differing residential needs of the population will be met through the provision of different densities of housing.

Objective 4.2: Residential Growth

To provide areas of growth and expansion of different forms of residential development, in a range of areas around the District that meet the needs of the community and promote the efficient use of energy and services, whilst also protecting the productive potential of the rural area.

Policy 4.2A Provide for some growth of residential areas, whilst continuing a policy of consolidation to avoid sprawl and unnecessary extension of urban areas.

Policy 4.2C Avoid urban growth in areas where there would be significant adverse effects on infrastructure services, that cannot be avoided, remedied or mitigated.

Objective 4.3: Natural Hazards

To avoid or mitigate potential effects of natural hazards on residential areas and development.

Policy 4.3A Consideration of risk from natural hazards when managing growth and development of residential areas, including avoidance of residential development in areas of high natural hazard risk.

The proposed development is an existing residential area, therefore no additional urban sprawl will occur. The development will provide much needed extra housing for the community.

Overall, the development is considered to be consistent with the Residential Zones section as it will maintain the residential character and amenity of the subject sites and surrounding environment through providing for the construction of new housing.

8.3 Chapter 10 – Transport

Objective 10.3: Transport Safety and Accessibility

The maintenance and improvement of the safety and ease of pedestrian, cyclist and vehicle movement throughout the District.

Policy 10.3B To preserve road safety and accessibility by ensuring that standards of road design, vehicle access, vehicle crossings, loading, parking for people with disabilities and cycle parking are related to intended use of each site and the relationship to the adjoining road classification, and that visual distractions that may affect the safety of road users are avoided or mitigated e.g. lighting and advertising.

Policy 10.3E To ensure that the number, location and design of vehicle crossings and the intensity and nature of activities along roads is compatible with road capacity and function, in order to ensure vehicle, cyclist and pedestrian safety, and to strictly limit the establishment of high traffic generating activities with vehicle crossings to State Highways 1 and 77.

Policy 10.3F To ensure that convenient and accessible car parking for people with disabilities and cycle parking is available for both staff and visitors for all activities.

Overall, the development is considered to be consistent with the Transport section as it provides for active transportation through incorporating adequate cycle parking and appropriate levels of vehicle parking for future occupants. The design of the vehicle crossings has further considered the safety of road users through providing appropriate visibility splays and appropriate separation between crossings. Fence, gates and clear sight lines remove entrapment spaces. Sensor lighting at the entrances to each home and bollard lights provide safety lighting to the common semi-public access and parking space.

8.4 Conclusion

It is considered that the proposal is consistent with the Objectives and Policies of the District Plan.

9 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020

The National Policy Statement on Urban Development 2020 (NPS-UD) came into effect 20 August 2020.

The proposal is considered to contribute to the well-functioning environment of the Ashburton District as it will create additional housing in close proximity to commercial areas, open space reserves and education facilities. It is considered that the proposal is consistent with the Objectives and Policies of the NPS-UD.

It is noted that the District Plan was made fully operative in August 2014, and therefore does not give full effect to NPS-UD.

10 REGIONAL POLICY STATEMENT

The Canterbury Regional Policy Statement (CRPS) became operative on 15th January 2013. The Canterbury Regional Policy Statement provides an overview of the resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources.

The proposal is considered to be consistent with the provisions of the Canterbury Regional Policy Statement.

11 RESOURCE MANAGEMENT ACT 1991

Part 2 – Purpose and Principles

Taking guidance from the most recent case law¹, the District Plan is considered to be the mechanism by which the purpose and principles of the Act are given effect to in the Ashburton District.

Based on the above, we consider the proposal is not contrary to section 5(2)(b) and is in accordance with sections 5-8 of the Resource Management Act 1991.

Sections 95-95E – Notification

Sections 95A-E of the Resource Management Act set out the process for determining whether an application should be processed on a notified, limited notified or non-notified basis. The following assessment considers whether public or limited notification is required or precluded.

Public Notification: It is considered that the proposal is not subject to mandatory notification because, we do not request public notification and the application is not being made jointly with an application to exchange recreational reserve land.

It is considered that public notification is not required because, the proposal is not subject to any rules or national environmental standards that require public notification and for the reasons outlined in the AEE of this report, where it has been determined that the adverse effects on the wider environment will not have adverse effects that are more than minor. We also consider that there are no special circumstances that would warrant public notification.

Limited Notification: It is noted that there are no affected protected customary rights groups of affected customary marine title groups in relation to this proposal. Furthermore, the proposal is not on or adjacent to that is subject to a statutory acknowledgment made in accordance with the Ngai Tahu Claims Settlement Act 1998.

Further as discussed in the AEE, the proposal is considered to have less than minor adverse effects on any party and there are no special circumstances that warrant limited notification or any persons.

Section 104 – Consideration of Applications

For any resource consent application, section 104 of the Act requires the consent authority, in making a decision on a resource consent application, to have regard to:

- The actual and potential effects on the environment of allowing the activity (Section 104(1)(a)).
- The relevant provisions of any national environmental standard, other regulation, national policy

¹ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

statement, coastal policy statement, regional policy statement or proposed regional policy statement, plan or proposed plan (section 104(1)(b)).

- Any other matters considered relevant or necessary to consider (section 104(1)(c)).

The actual and potential effects associated with the proposal have been assessed in Section 6 of this report and an assessment of the proposal against the relevant provisions of the District Plan is provided in Section 8.

12 CONCLUSION

Kainga Ora - Homes and Communities is seeking Land Use Consent under Rules 4.8.3 and 10.7.2 to construct nine residential units. Overall, the development will create the following non-compliances:

Residential

- Standard 4.9.1 – Minimum net area in the Residential C zone.
- Standard 4.9.1 – Residential density – 9 dwellings over 3 existing sites.
- Standard 4.9.7 – Outdoor living space (Houses 1-2 & 7-9)

Transport

- Standard 10.9.5 – Maximum number of vehicle crossings

In addition, resource consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) is sought for the required soil disturbance.

The proposal has been assessed as a **Restricted Discretionary Activity** and the Assessment of Environmental Effects has determined that the effects can be considered less than minor. The proposal is in accordance with the outcomes anticipated in the District Plan, provides a positive benefit for the community, and therefore, it is concluded that Council can approve the consent subject to relevant conditions.

APPENDIX A

Application Plans

APPENDIX B

Civil Detailed Design Report and Engineering Plans

APPENDIX C

Geotechnical

Report

APPENDIX D Record of Title

APPENDIX E

Preliminary and Detailed Site Investigation (PSI/DSI) & Work Instruction (WI)

APPENDIX F

Statement of General Reporting Policies

- 1 Our responsibility in connection with this report is limited to the person or party to whom the report is addressed and we disclaim all responsibility to any other party without reference to us.
- 2 This report may not be reproduced, in whole or in part, without our prior written approval.
- 3 This report has been prepared for the purpose stated in the report and may be relied upon for that purpose only. Assumptions made in the preparation of the report are as expressly stated in the report or set out below.
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