

Report on an application for resource consent
under Section 88 of the Resource Management Act 1991



TO: Resource Consent Hearing Commissioner

FROM: Lauren Wright

DATE: 08/08/2024

NOTE: This report sets out the advice of the Reporting Planner. This report has yet to be considered by the Commissioner delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the Commissioner has considered the application and heard the Applicant and any Submitters.

1.0 APPLICATION DESCRIPTION

1.1 Application and Property Details

Application number(s):	LUC23/0033
Reporting officer:	Lauren Wright
Site address:	798 Longbeach Road, ASHBURTON DISTRICT
Applicant's name:	Graham Donald Tamati Osborne, Jennifer Ruth Osborne
Lodgement date:	2 May 2023
Notification date:	16 November 2023
Submissions closed date:	15 December 2023
Number of submissions received:	0 in support. 0 neutral. 1 in opposition.

1.2 Locality Plan



Figure 1. Aerial View of Application Site



Figure 2. Aerial View of Application Site with District Planning Map Overlay

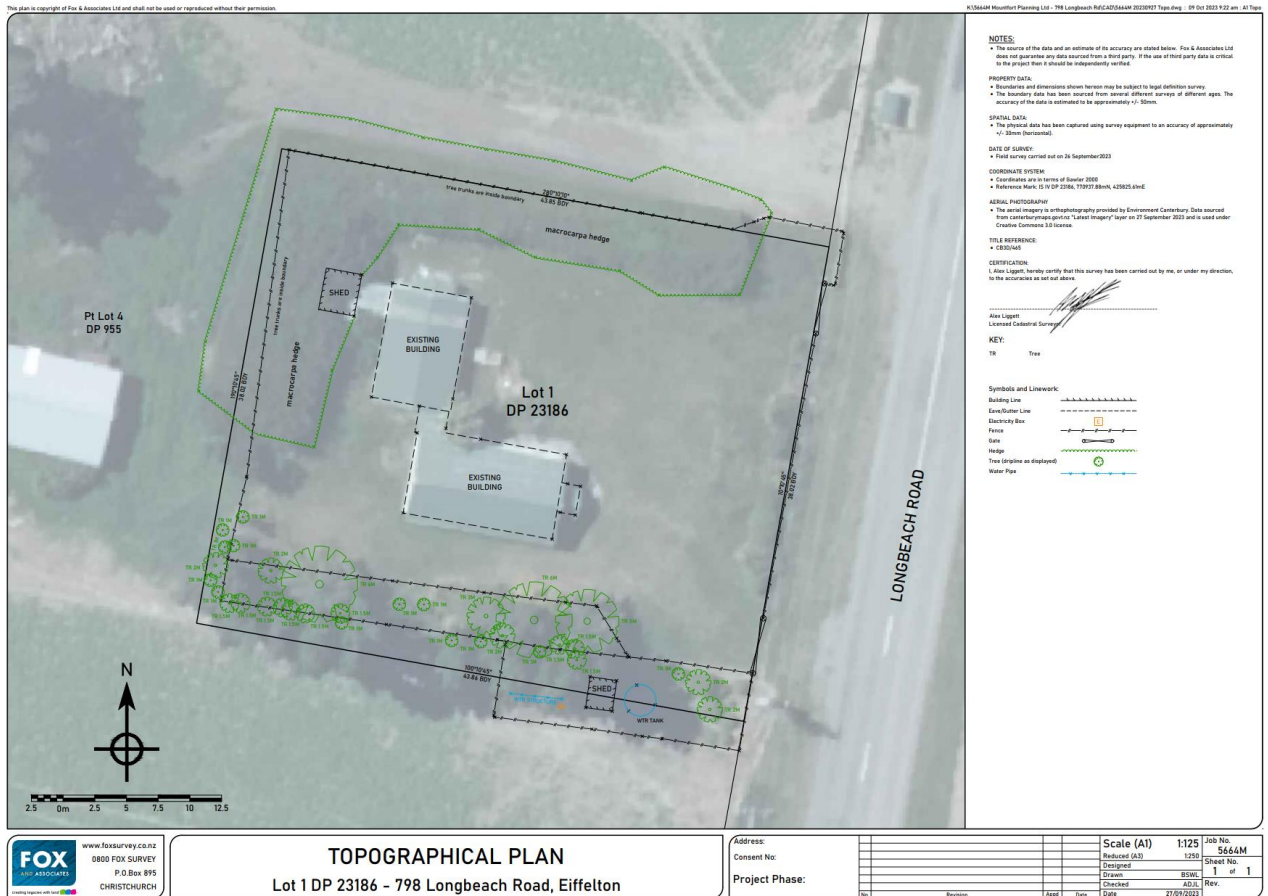


Figure 3. Topographical Plan of Application Site

1.3 Application Documents (Plans and Reference Documents)

The list of application documents and plans is set out in Appendix 1 of this report.

1.4 Adequacy of Information

It is considered that the information submitted by the applicant is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- The nature and scope of the proposed activity as it relates to the Ashburton District Plan, National Environmental Standards and Regional Plans.
- The extent and scale of any adverse effects on the environment.
- Persons who may be adversely affected.
- The requirements of the relevant legislation.
- A request for further information under s92 of the RMA was made on (25/07/23). The applicant provided all of the information requested on (20/10/23) and (01/11/23). The Application has been intermittently placed on hold at the request of the Applicant.

2.0 EXECUTIVE SUMMARY

Graham Donald Tamati Osborne and Jennifer Ruth Osborne have applied to the Ashburton District Council for resource consent to convert what was historically the Longbeach Scout Hall into a single residential unit.

Resource consent for a Non-Complying Activity is required under the Ashburton District Plan as the proposal is unable to meet all relevant Site and Zone Standards. On balance, the effects on the environment are considered to be no more than minor. The proposal is considered consistent with the majority of relevant objectives and policies of the Ashburton District Plan. It is the recommendation of the Reporting Officer that the application for resource consent be granted, subject to conditions.

3.0 THE PROPOSAL, SITE AND LOCALITY DESCRIPTION

3.1 Proposal

The Applicant seeks to convert the disused Longbeach Scout Hall (the Hall) into a residential dwelling. Resource consent is required as the Hall is situated on a 1,667m² parcel of Rural B zoned land, incapable of meeting the following Standards of the Ashburton District Plan:

- **Zone Standard 3.10.1 Residential Density**

While the “Grandfather Clause” (Section 3.10.1a) allows for a singular residential unit be built on 2Ha rural zoned properties provided that the certificate of title pre-dates the Operative District Plan and the remaining rules and standards can be met, at 1,667m² or, 0.1667Ha, the Application Site falls 1.83Ha short of this prerequisite.

In lieu of the “Grandfather Clause”, the minimum net area for a single residential unit in the Rural B zone is currently 50Ha.

- **Site Standard 3.9.5 Setback from Neighbours**

Where the minimum setback distance is 20m in the Rural B Zone, the existing structure is set back 9.5m from the southern (internal) boundary and 15m from western (rear internal) boundary.

- **Site Standard 3.9.12 Site Coverage**

The Applicant has stated that the existing building platform amounts to 111m² or, 10.5% of the 1,667m² site. This would mean the structure exceeds the 5% maximum by 5.5% or, 91.7m². The Reporting Officer notes that there may be some discrepancy between the site coverage figures supplied and the situation onsite as $111\text{m}^2/1667\text{m}^2 = 0.6658$ or 6.7%. The Site Plan provided suggests a combined building area of 170m² which would better align with the cited 10%. Clarification from the Applicant would be appreciated on the exact nature of existing site coverage.

- **General Standard 10.8.11 Queuing Length**

A minimum space of 6m for vehicle queuing is required however gates at both entrances to the site currently restrict the space available for vehicle queuing while waiting for manoeuvring vehicles or for a parking space. There is a substantial road berm to the north and opposite the Site, however the presence of a power pole was noted to the south.

As part of the Hall conversion, the Applicant intends to replace the existing windows with modern joinery and to repair or replace the remaining building fabric as required. While there would be no external extensions, the Hall would undergo internal alterations to be converted into a 2-bedroom dwelling. The existing double garage as well as the shelter belt/ mature vegetation established along each property boundary would be retained. Servicing would be provided for by way of the existing septic tank and a new onsite potable water supply. The Applicant currently holds an ECan consent (CRC212067) for a wastewater system.

The Applicant has volunteered the following conditions and advice note in the event of consent being granted:

- 1. The activity shall be conducted in accordance with the information submitted with the application.*
- 2. All windows and any glazed doors on the dwelling shall be double glazed to mitigate noise.*
- 3. The owners and occupiers of the site must not complain to the Ashburton District Council, the Canterbury Regional Council or any other authority regarding adverse effects arising from grazing, cropping, cultivation, crop spraying, harvesting, burning of crop residues, irrigation operations or any other land based primary production activity as defined by the National Policy Statement for Highly Productive Land on nearby farm properties. A covenant shall be registered against the record of title for the site pursuant to section 108(2)(d) of the Resource Management Act 1990 to secure performance of this condition. Such covenant shall be prepared by the applicant's solicitor on terms and conditions acceptable to the Council, acting reasonably.*
- 4. All shelterbelts within the Application Site shall be retained, and if any shelter belt trees that were planted on the neighbouring property are removed by the owners of that property, then they are to be replaced with similar plantings within the boundaries.*

Advice note:

The consent holder is recommended to erect an acoustic fence the southern boundary of the site from the road boundary to the point on the dwelling furthest from the road, to mitigate the effects of noise from the adjacent pumping station.

The following minimum specifications should be applied:

Minimum Height: 2 metres

Surface Mass: at least 10 kg/m² (20mm pine or 18mm plywood) with no gaps between or below component boards or panels or between the fence and the ground.

3.2 Site, Locality, Catchment and Environs Description

At 1,667m², the Application Site can be considered small for a Rural B zoned property in terms of the Operative District Plan given the current 50Ha minimum area required for subdivision

in this zone. The Hall itself, when viewed from Longbeach Road, is in a noticeably dilapidated state and the perimeter plantings are well-established.

The surrounding area consists predominantly of large-scale arable and pastoral farms (circa 200Ha). Despite this, there is a 2Ha property located immediately opposite the Application Site which features the closest residential dwelling (~120m away at 12 Bells Road). There is a privately owned water pump station located on the neighbouring property, immediately adjacent to the Site on the southern boundary.

Longbeach Road is a listed Collector Road from SH1 to Grahams Road in the Operative Roading Hierarchy (Transport Chapter 10, Ashburton District Plan). Typical daily traffic flows for a rural Collector Road are defined as being between 150 and 800 vehicle movements.

The Application Site is not located within an identified flood risk area, nor does it feature any of the Heritage items listed in the Operative District Plan. There are no other Ashburton District Council resource consents related to this site.

In terms of the National Environmental Standard for Contaminated Soil (NES-CS), Environment Canterbury's Listed Land Use Register does not contain any records for the land and there are no known previous HAIL uses of the Site. The NES-CS is therefore not applicable to this application.

In accordance with the National Policy Statement for Highly Productive Land (NPS-HPL), the Site has been identified as being located within an area of Class 2, Highly Productive Soil.



Figure 4. Streetview of the Longbeach Scout Hall looking south



Figure 5. Streetview of the Longbeach Scout Hall and berm looking north



Figure 6. Pump station located at 902 Longbeach Road, southern boundary of Application Site

3.3 Background

The Site has operated as the *Longbeach Scout Hall* since its establishment in the 1960s.

3.4 Other Consents

The Applicant is aware that building consent would be required for the proposed change of use and has already acquired consent from Canterbury Regional Council for an onsite wastewater treatment system (CRC212067).

4.0 REASONS FOR THE APPLICATION

Resource consent is required under the provisions of the following District Plan:

4.1 Ashburton Operative District Plan 2014

Rule 3 .8.6 Non-Complying Activities

The following activities shall be Non-Complying Activities, provided that they are not listed as a Prohibited Activity:

a) Any Activity which does not comply with any one or more of the relevant Zone Standards.

Site Standard 3.9.2 Site Coverage

- a) *Maximum percentage/area of the net area of any site covered by buildings and impervious surfaces shall be: 5% in the Rural B Zone.*

Site Standard 3.9.5 Setback from Neighbours

- a) *Minimum setback of buildings from internal boundaries of any site held in separate ownership shall be: 20m for residential units.*

Zone Standard 3.10.1 Residential Density

- a) *Minimum net area for any one residential unit shall be: 50ha Rural B
Except that the minimum net area for one residential unit on any allotment existing at the time of decisions on this Plan shall be 2Ha, subject to compliance with all the relevant rules and standards in the District Plan.*
- b) *There shall be only one residential unit on any land comprised in a separate site of less than 8ha in area.*

Site Standard 10.8.12 Queuing Length

- a) *Where car parking is provided within a site, a minimum queuing length shall be provided in accordance with Table 10-6 below for vehicles entering the site:
Where between 1 and 20 car parking spaces are provided, a minimum space of 6m for vehicles queuing to enter the site is required.*
- b) *The required queuing length shall be measured from the road boundary at the car park entrance to the nearest vehicle control point or the point where entering cars could conflict with vehicles already on the site.*

4.2 Status of the Application

Overall, the application is considered to be a Non-Complying Activity.

5.0 NOTIFICATION AND SUBMISSIONS

5.1 Notification

The resource consent application was assessed with regards to the question of notification, and it was concluded that the application did not need to be fully notified but that the written approval of all potentially affected parties had not been obtained. On this basis it was determined that the application should be processed on a limited notified basis.

Following the determination on notification in accordance with s95 of the RMA, notice of the application was served on the 16th of November 2023 to the **owner & occupiers** of 902 Longbeach Road identified as being affected by the proposal in accordance with s95E of the RMA.

All matters required to be assessed in terms of sections 95 to 95F of the RMA are considered to have been addressed in the notification determination (s95) report, which is attached as

Appendix 2. The recommendations in that report are broadly supported by this Author, principally that the proposal does not meet the requirements for public notification.

5.2 Submissions

At the close of the submission period, a total of **one** submission was received with zero submissions received after the close of submissions.

A total of zero submissions supported the application, **one** submission opposed the application, zero submissions were neutral. The submitter specified that they wished to be heard in support of their submission.

A summary of the issues raised in the submission together with the relief sought by the submitters is set out as follows:

Name	Address & Heard at Hearing	Submission Points	Relief Sought
Ian & Diana Mackenzie	902 Longbeach Road, wishes to be heard in support of their submission.	<ol style="list-style-type: none"> 1. Absence of potable water and septic tank onsite. 2. Reverse Sensitivity to their land use activities (farming). 3. Potential contamination of their groundwater bore. 4. Buildings derelict and not suitable for conversion to a residential dwelling. 5. Concerns around the CRC consent for septic tank. 	That the application be declined.

Please note that this table is only a summary of the key issues raised in submissions. Please refer to the full submission as required. This is attached in Appendix 3 of this report.

5.3 Written Approvals

The applicant has not obtained the written approval from any persons.

5.4 Location Plan and Submissions

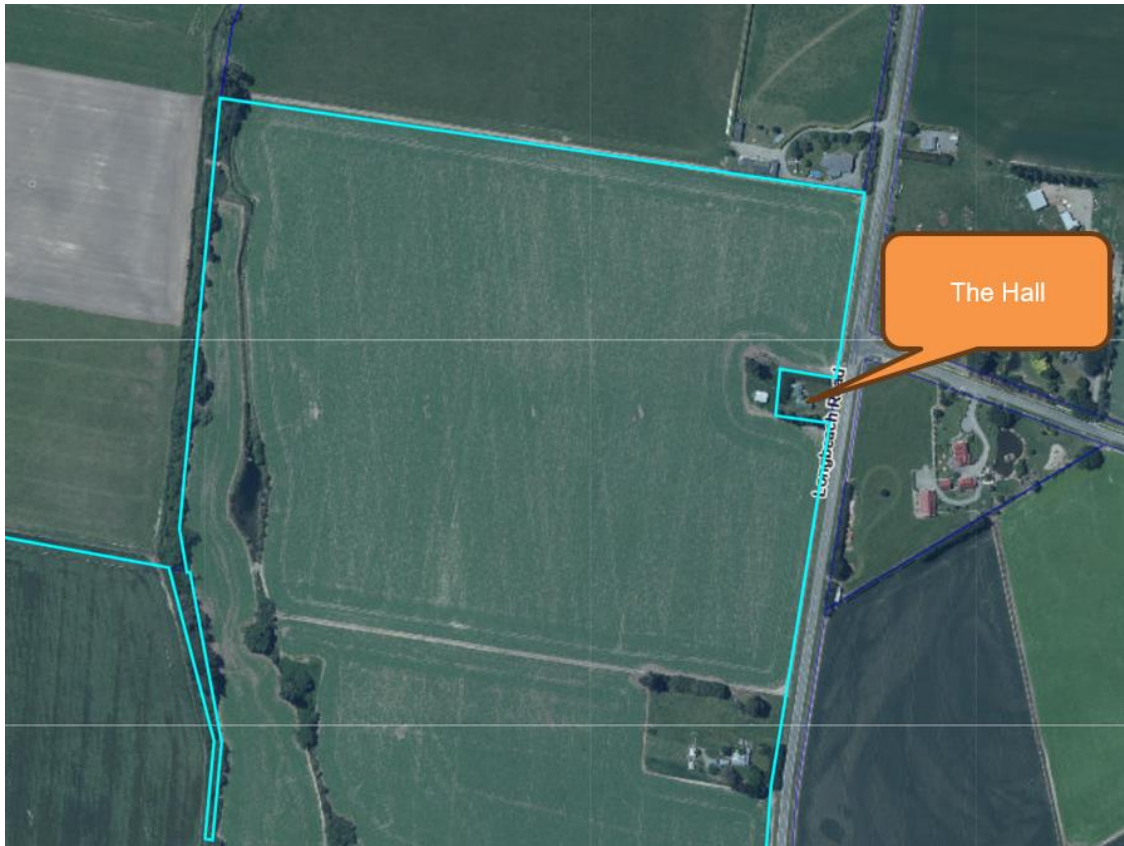


Figure 7. Property associated with the Opposing Submission (teal) in the context of the Hall (orange)

5.5 Amendments to the Application following Notification

Following notification, the Applicant submitted correspondence from ECan confirming that, in the view of that organisation, the consent for the septic tank was valid. The Applicant also submitted a summary of consultation with the submitters, quoting the submitters that the pump shed was “easy enough to move”. This information was shared with the submitters.

6.0 CONSIDERATION OF APPLICATION

6.1 Statutory Considerations

When considering an application for a non-complying activity the consent authority must have regard to Part 2 of the RMA (“Purposes and Principles” – sections 5 to 8), sections 104, 104B, 104D, and where relevant sections 105, 106, 107, 107A – E and 108 of the RMA.

Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received a council must, in accordance with s104(1) of the RMA have regard to:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of a NES, other regulations, national policy statement, a New Zealand Coastal Policy Statement; a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- any other matter a council considers relevant and reasonably necessary to determine the application.

Section 104(2) allows any effects that may arise from permitted activities set out in a NES or a plan to be excluded from the assessment of effects related to the resource consent. This is known as the permitted baseline test. The 'baseline' constitutes the existing environment (excluding existing use rights) against which a proposed activity's degree of adverse effect is assessed. Generally, it is only the adverse effects over and above those forming the baseline that are relevant when considering whether the effects are minor. It is at the Council's discretion whether to apply the assessment of the permitted baseline to any proposal. Essentially, the consent authority may disregard an adverse effect of any activity on the environment if a NES or an operative plan (or an operative rule in a proposed plan) permits an activity with that effect.

When considering an application for resource consent, the consent authority must not have regard to trade competition or the effects of trade competition [s104(3)(a)(i)] or any effect on a person who has given their written approval to the application [s104(3)(a)(ii)].

Under s104B a consent authority may grant or refuse consent for a non-complying activity and, if it grants the application, may impose conditions under s108 of the RMA.

Section 104D sets out the 'threshold test' for non-complying activities. A consent authority may only grant consent to a non-complying activity if it is satisfied that the adverse effects on the environment are minor, or the activity will not be contrary to the objectives and policies of the relevant plan or proposed plan. If either of the limbs of the test has been passed then the application is able to be considered for approval subject to consideration under s104 of the RMA.

Section 108 provides for consent to be granted subject to conditions and sets out the kind of conditions that may be imposed.

All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation. This means the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments (e.g. regional plans) in the event of a conflict. S5 states the purpose of the RMA and sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

The application of s5 involves an overall broad judgement of whether a proposal will promote the sustainable management of natural and physical resources. The RMA's use of the terms "use, development and protection" are a general indication that all resources are to be managed in a sustainable way, or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems, and avoiding, remedying and mitigating any adverse effects of activities on the environment. The enabling and management functions found in s5(2) should be considered of equal importance and taken as a whole.

Sections 6, 7 and 8 of the RMA provide further context and guidance to the constraints found in s5(2)(a),(b) and (c). The commencing words to these sections differ, thereby laying down the relative weight to be given to each section.

Section 6 of the RMA sets out the matters of national importance which need to be recognised and provided for and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage. In the case of this particular proposal none of the matters of national importance have particular relevance to this application.

Section 7 of the RMA requires the consent authority to give particular regard to those matters listed in the section. Section 7 matters are not expressly ranked in order of priority. Therefore, all aspects of this section are to be considered equally. In the case of this particular proposal, the efficient use and development of natural and physical resources are considered relevant.

Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. This section of the RMA recognises the relationship of Tangata Whenua with natural and physical resources and encourages active participation and consultation with Tangata Whenua. In terms of this particular proposal and given the existing built form, redevelopment of the Hall to provide additional residential housing is not considered contrary to the principles of Te Tiriti o Waitangi.

6.2 Section 104(1)(a) Actual and Potential Effects on the Environment

6.2.1 Effects that must be disregarded

A. Any effect on a person who has given written approval to the application

Pursuant to section 104(3)(a)(ii), when forming an opinion for the purposes of section 104D1(a) a council must not have regard to any effect on a person who has given written approval to the proposal.

No written approvals have been provided.

6.2.2 Effects that may be disregarded – Permitted Baseline assessment

The permitted baseline refers to permitted activities on the subject site. In this case, only farming activities could occur by right as the site does not meet the minimum allotment size for a residential unit to be built as a Permitted Activity under the District Plan.

This constitutes the permitted baseline and these adverse effects may be discounted as the level of adverse effect arising from those permitted activities is deemed to be acceptable. It is only any other or further adverse effects arising from the proposal over and above the permitted baseline which are to be assessed.

In this case the nature of the effects associated with the proposed residential activity are such that the permitted baseline does not provide a useful comparison for the purpose of discounting effects.

6.2.3 Assessment of Effects

Having regard to the above and after analysis of the application, undertaking a site visit and reviewing the submission received, the effects that require specific consideration in respect to this application are considered to have been identified in Section 3.1.4 of the s95 Report prepared by Nicholas Law (Appendix 2).

In addition to the effects already addressed, the Reporting Officer acknowledges that through the proposed residential conversion, the 400m minimum setback outlined in Zone Standard 3.10.3 has the potential to impact future intensive farming activity on the adjoining site should the current cropping activity cease and the land be converted to dairy / the housing of livestock. When considering the potential impact, the Reporting Officer has noted the presence of the other residential units circa 170m to the north and 120m east of the Hall already restricts the construction of such a building within the northeastern corner of the adjacent property (902 Longbeach Road). On balance, the addition of another residential unit in this location is not expected to require any modification of the current farming activities being undertaken on the adjacent property.

The substantial berms on either side of Longbeach Road, combined with the excellent visibility in all directions and the existing informal second entrance to the site, are expected to mitigate any road safety issues arising from the restricted opportunity for onsite vehicle queuing. The potential for the entrance gate to be left open or removed, in conjunction with the low level of vehicle movements anticipated with a two-bedroom residential unit, are thought to ensure safe ingress and egress from the site will be possible in this location.

Submission in Opposition

Alongside the effects detailed in the s95 report (Appendix 2), the Reporting Officer recognises that the submission received in relation to the development reiterated concerns of potential reverse sensitivity arising from the established rural environment that surrounds the

Application Site and raised points around servicing the site as well as the suitability of a derelict building for conversion to a residential unit.

The Reporting Officer is unable to speculate on the potential contamination of neighbouring water sources when forming a recommendation on whether the site should be repurposed for residential use. The Reporting Officer will therefore defer to the specialist expertise of those processing the associated septic tank application (CRC212067) at Canterbury Regional Council. In the meantime, the Officer is satisfied that the copy of correspondence (dated 08/04/24) provided by the Applicant demonstrates that the Environment Canterbury Advisory Officer Rachel Bjornsson does not share the Submitters' concerns around possible ground water contamination and that it will be possible to service the site.

In terms of reverse sensitivity, the Reporting Officer accepts that the Site is located within a Rural B zone where agricultural activities will inevitably result in noise, dust and odour effects. The Reporting Officer is comfortable that the Applicant's volunteered covenant condition will ensure that any prospective purchaser is made aware of the existing environment and will provide a mechanism to effectively manage their expectations for the area. Provided that the land covenant is considered an ongoing agreement with terms that state that it is to be registered in perpetuity so that it will be inherited by future purchasers and/or occupants of the converted Hall, the Reporting Officer is willing to accept that anyone choosing to live on an undersized allotment within the Rural B Zone has first considered the activities being undertaken in that zone.

While Building Consent would be required for the proposed conversion to residential use, the Reporting Officer notes that the Ashburton District Building Manager raised no concerns around the redevelopment during his initial review of this application. The Reporting Officer notes that the Submitter's concerns around the derelict nature of the structure may well be relieved once the proposed improvements to the structure have been made.

In summary, having assessed the adverse effects of the activity on the environment for the purposes of s104D, it is considered that the activity will overall have a less than minor adverse effect on the environment.

In addition, the following positive effects on the environment have been considered in accordance with Section 104:

- The provision of additional residential accommodation.
- Increasing the variety of housing stock in the District without relying on the subdivision of productive land.
- The suitability of the size of the site and location for residential use by those working nearby, hoping to retire in the country or with children attending Longbeach School in particular.

- Investment into the maintenance and general improvement of a structure with anecdotal historic significance to the local community after being utilised as the Longbeach Scout Hall for over 50 years.

Overall, the effects on the environment would be limited to the Application Site and immediately adjacent property and are expected to be mitigated through conditions. On balance, the Reporting Officer considers the overall adverse effects to be less than minor.

6.3 Section 104(1)(b)(i) and (ii) Relevant Provisions of National Environmental Standards and Other Regulations

There are no NES or other regulations in effect that apply to this application.

6.4 Section 104(1)(b)(iii) Relevant Provisions of National Policy Statements

The National Policy Statement on Highly Productive Land (NPS-HPL) is considered relevant to this application due to the Class Two Soil depicted in the New Zealand Land Resource Inventory.

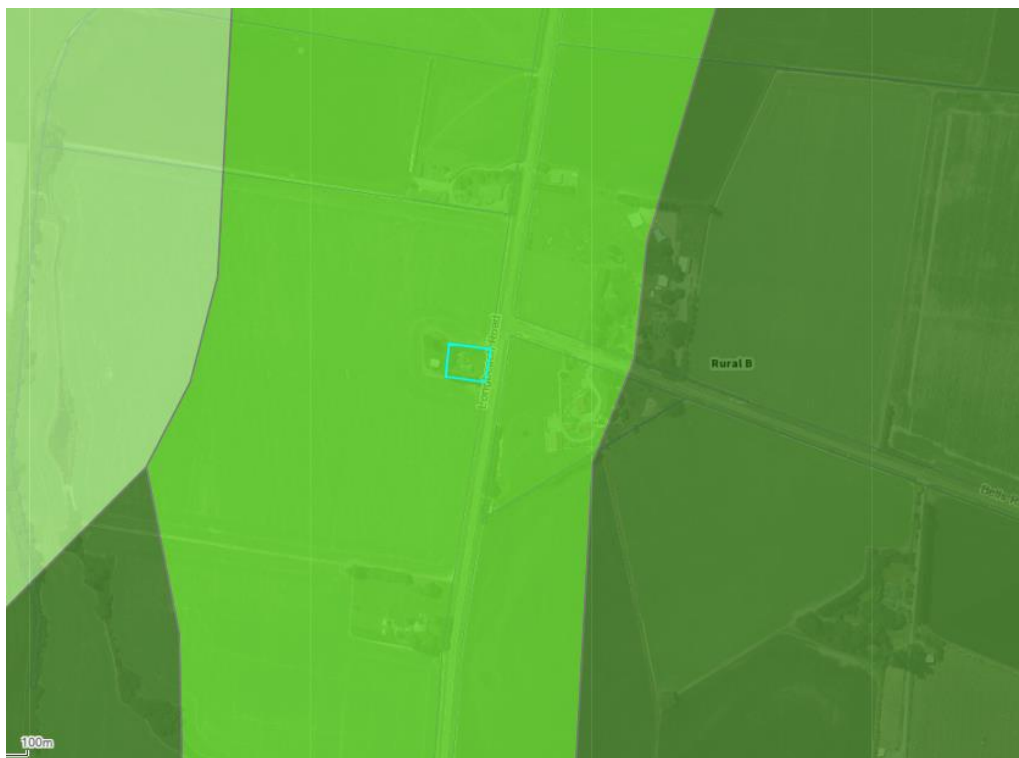


Figure 8. Application Site within Highly Productive Land NZLRI LUC Class 2

The policies considered relevant are as follows:

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

Policy 8: Highly productive land is protected from inappropriate use and development.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

Subclause 3.9 (2): A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:

(g) it is a small-scale or temporary land-use activity that has no impact on the productive capacity of the land.

Subclause 3.9 (3): Territorial authorities must take measures to ensure that any use or development on highly productive land: (a) minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and (b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development

The Reporting Officer accepts the Applicant's assertion that the proposed use of the site and existing buildings would see no physical reduction in primary production given that the site has historically been used for the purpose of community activities rather than farming.

The Applicant's volunteered conditions of consent (listed in Section 3.1) are considered sufficient for addressing potential reverse sensitivity effects resulting from the land-based primary production occurring on the adjacent property.

If the alternative to residential conversion of the Hall were demolition and the use of the site for primary production, the Reporting Officer concedes that the proposal would be in greater alignment with the NPS-HPL. However, in light of Subclause 3.9.2.g and the fact this application involves a very small-scale or temporary land-use activity that has no impact on the productive capacity of the Application Site, this proposal is considered consistent with the relevant provisions of the NPS-HPL.

6.5 Section 104(1)(b)(iv) Relevant Provisions of the New Zealand Coastal Policy Statement (NZCPS)

The NZCPS is not applicable to this application.

6.6 Section 104(1)(b)(v) Relevant Provisions of the Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement ("**CRPS**") is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resources of the Canterbury region. This document became operative in 2013.

The strategic objectives and policies of the CRPS provide a framework to achieve the integrated, consistent and co-ordinated management of the Region's resources.

Under the CRPS, matters related to environmental protection, such as the coastal environment, water quality, water conservation and allocation and air quality have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region.

The subject application is not considered to be of a nature or scale that it challenges any of the policies therein on an individual nor cumulative basis. The unique nature of a 1,667m² freehold title with an existing building that the Applicant intends to retain and repurpose, screened largely from view by extensive shelterbelt plantings is not thought to be easily replicated elsewhere in the Region.

6.7 Section 104(1)(b)(vi) Relevant Provisions of the District Plan Objectives, Policies and Rules

The Plans applying to this proposal are set out in Section 4 above.

6.7.1 Relevant Objectives and Policies

The following objectives and policies of the Ashburton Operative District Plan 2014 are considered relevant.

Objective 3.1: Rural Primary Production

To enable primary production to function efficiently and effectively in the Rural A and B Zones, through the protection and use of highly versatile and/or productive soils and the management of potential adverse effects.

Policy 3.1A

Provide for the continued productive use through farming activities and protection of highly productive and/or versatile soils, and their associated irrigation resources, by ensuring that such land is not developed for intensive residential activity and/or non-rural activities and the extent of coverage by structures or hard surfaces is limited.

Policy 3.1D

Avoid the establishment of residential activities or the expansion of urban boundaries in close proximity to intensive farming or other rural activities, to manage reverse sensitivity effects that can be created by such activities i.e. noise, odour and dust.

Policy 3.1E *Protect highly productive and/or versatile soils by discouraging activities such as earthworks and extractive processes that significantly deplete the topsoil or the subsoil.*

The Reporting Officer accepts the Applicant's assertion that minimal earthworks and impervious surfaces would be required to provide water/septic tanks and a compliant vehicle crossing on this site. Internal alterations are also considered unlikely to affect the versatility of the soil however the Reporting Officer would prefer to defer to a Building Official or other SQEP at the Building Consent stage regarding the likelihood of asbestos and/or lead paint being removed from a structure of this age, as well as the appropriate method of transport and disposal of these materials to avoid any potential soil contamination if and as required.

The Applicant's volunteering of a covenant condition, as discussed in Section 6.2.3, is expected to ensure that prospective purchasers are aware of the potential noise, dust, odour and amenity effects associated with the rural environment they would be moving into. Provided that the land covenant has terms that state that it is to be registered in perpetuity so that it will be inherited by future purchasers and/or occupants of the converted Hall, the Reporting Officer is willing to accept that anyone choosing to live on an undersized allotment within the Rural B Zone has first considered the activities that will be undertaken around them.

The volunteered conditional retention of established shelterbelt plantings and double-glazing proposed by the Applicant are expected to physically mitigate potential noise and dust effects for the occupants.

The proposed two-bedroom dwelling is not considered to represent "intensive residential development" given that the structure already exists, would not be increasing in floor area and would not involve the creation of any new undersized rural zoned allotments through the subdivision of larger, more viable, farmland.

The proposal is inconsistent to a minor extent with the abovementioned objectives and policies.

Objective 3.5: Rural Character and Amenity

To protect and maintain the character and amenity values of the District's rural areas, considering its productive uses whilst providing for non-rural activities that meet the needs of local and regional communities and the nation.

Policy 3.5A

Maintain clear distinctions between the urban and rural areas and avoid the dispersal of residential activities throughout the rural areas that anticipate a higher standard of amenity than rural activities.

Policy 3.5B

Provide for the establishment of non-rural activities in the rural areas, whilst managing any potential adverse effects on the character and amenity of the rural environment and rural productive activities.

The Reporting Officer acknowledges that the existing building is well-established in this location and considers the proposed change of use, including the proposed double-glazing and joinery modifications, unlikely to be discernible to passers-by. The Hall is situated between well-established perimeter vegetation/shelterbelts and when viewed in the context of Longbeach Road, does not appear dissimilar to farm workers' accommodation. Given the open nature of the adjoining property and reality that a 1,667m² allotment is considered highly unusual in this area, the Reporting Officer considers road users travelling at the 100km/hr speed limit highly unlikely to be affected by the residential use of the site.

Given the availability of key services to this site, the Reporting Officer considers there to be a suitable standard of amenity available in this area. Noting the Collector Road status of Longbeach Road in the ADC Roding Hierarchy and nearby facilities such as Longbeach School.

While not a formally listed Heritage building, the Reporting Officer accepts that there is likely to be a degree of history associated with a community hall that has served the community since the 1960s. Rather than demolition and conversion to farmland, the proposed investment required to repurpose the structure is considered likely to have a positive social impact through the retention of a locally recognisable building and provision of additional residential accommodation.

The proposal is generally consistent with the abovementioned objectives and policies.

Objective 3.7: Natural Hazards in Rural Areas

Minimise loss of life or serious injury, damage to assets or infrastructure, or disruption to the community from natural hazards.

Policy 3.7A

Ensure that buildings are located and constructed to avoid or mitigate the risks associated with flooding.

The Reporting Officer acknowledges that the provision of additional residential accommodation within an area of the District that is not prone to flooding can be considered a positive outcome.

The proposal is considered to be consistent with the abovementioned objective and policy.

Objective 3.2: Biodiversity

Protect, maintain and/or enhance indigenous biodiversity and ecosystems by controlling and managing activities that have the potential to affect the life supporting capacity of soils, and water quality in the lakes, rivers and wetlands and significant nature conservation values.

Policy 3.2A

To protect, maintain and enhance indigenous biodiversity and ecosystems, in particular areas of significant nature conservation values or land above the altitudinal land use line shown on the Planning Maps, by controlling vegetation clearance, the establishment of buildings, planting of trees, earthworks, and subdivision and development.

With no plans to extend the building platform and the Applicant stating their intention to retain all existing vegetation onsite, replacing any shelterbelts that the adjoining landowner may remove, the Reporting Officer notes that there would be no loss of indigenous biodiversity through the conversion of the Hall to residential use. The Reporting Officer notes that there is sufficient open space onsite for additional indigenous planting which has the potential to enhance biodiversity in this location and that the Site itself is not located within an area of significant nature conservation value. The installation of a new septic tank as part of the redevelopment is expected to prevent any contamination stemming from wastewater produced onsite.

The proposal is consistent with the abovementioned objectives and policies.

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, manoeuvring, parking for people with limited mobility and cycle parking are related to the 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.

The vehicle crossing upgrade that would be required at the building consent stage should improve safety and accessibility to the site while also ensuring no unconsolidated material is transported into the road corridor by more frequent vehicle movements associated with residential activity. The Reporting Officer does not consider the proposed residential use of the Hall to have an adverse effect on road user safety despite the shortfall in onsite vehicle queuing for the reasons discussed in Section 6.2.3 above.

The proposal is inconsistent to a less than minor extent with the abovementioned objectives and policies.

Overall, the application to convert the Longbeach Scout Hall into a residential unit is considered to be consistent with the majority of the relevant objectives and policies of the Ashburton District Plan and not contrary to the relevant provisions.

6.8 Section 104(1)(c): Any Other Matters Considered Relevant and Reasonably Necessary to Determine the ApplicationPrecedent

It is recognised that every resource consent must be assessed on its' own merits but that how one resource consent is processed has the potential to influence how other resource consents are processed in the future. Consideration has been given to whether the potential approval of this resource consent application may establish a precedent for other potential applications for similar development.

In this instance, the unique nature of a 1,667m² freehold title where the Applicant seeks to repurpose an existing community facility, screened largely from view by extensive shelterbelt plantings, is not thought to be easily replicated elsewhere in the Region. The Reporting Officer acknowledges that there are a limited number of historic smaller (circa 2Ha) allotments within the Rural Zones of the District but notes that the current density standards prevent subdivision down to this level, it is highly unlikely that this number will increase in future.

In conclusion, the Reporting Officer considers the risk of a precedent for new residential activity being established in rural areas on undersized allotments to be very low.

Integrity of the Ashburton District Plan

Plan Integrity focuses on whether the approval of a resource consent may in some way weaken or effect the provisions of the Ashburton District Plan. For example, would a proposal result in less weight being given to the application of a particular rule.

It has previously been identified that the proposed activity is considered to be unique and for those reasons it is not considered that the proposal will result in the application of the following Standards being in some way weakened:

Zone Standard 3.10.1 Residential Density

Site Standard 3.9.5 Setback from Neighbours

Site Standard 3.9.12 Site Coverage

General Standard 10.8.11 Queuing Length

Further to the above, it is not considered that the proposed residential use of the Hall will establish any permanent limitations that would prevent the future use of the site for arable or pastoral farming should the existing buildings be removed, and the site amalgamated with the surrounding farmland.

Overall, the Reporting Officer is of the opinion that the proposal will not adversely impact the integrity of the District Plan.

6.8.1 Submissions

The submission received by Council in the processing of this application has been reviewed and considered in the overall assessment of effects in this report. The submission raised issues which are considered to have been specifically addressed in the assessment of actual and potential effects contained in section 6.2 above of this report.

6.9 Section 104D Particular restrictions for Non-Complying Activities

Pursuant to s104D of the RMA if a proposal is a non-complying activity, then it must pass at least one of the tests of either s104D(1)(a) or s104D(1)(b) before an application can be assessed to make a decision under s104B of the RMA. If the application fails both tests of s104D then the application must be declined.

It is considered that subject to appropriate conditions of consent, the proposal satisfies the threshold test of s104D because as demonstrated in section(s) 6.2 above of this report the adverse effects on the environment will be no more than minor. From the above section 104D assessment it can be concluded that the application meets at least one of the tests of s104D of the RMA. Therefore, the application can be assessed against the provisions of s104B of the RMA and a substantive decision made.

6.10 Lapsing of Consent

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this case, it is considered five

years is an appropriate period for the consent holder to implement the consent due to the nature and scale of the proposal.

6.11 Review of Consent Conditions

Section 128 of the RMA provides for the Council to review the conditions of a resource consent at any time specified for that purpose in the consent. A consent may specify a time for review of the conditions of a consent for the following purposes.

- to deal with any adverse effects on the environment which may arise from the exercise of consent and which are appropriate to deal with at a later stage, or
- to require holders of discharge permits or coastal permits which could otherwise contravene s15 or 15B of the Act to adopt the best practicable option to remove or reduce any adverse effect on the environment, or
- for any other purpose

The consent authority may review the conditions of this resource consent during annual consent monitoring or in the event of any complaints.

6.12 Conclusion

Overall, resource consent is sought to convert the Longbeach Scout Hall into a residential unit on an undersized Rural B zoned site. It is considered that any potential effects from the proposed activity will be no more than minor, and that the proposal is consistent with the majority of the Objectives and Policies within the Ashburton District Plan. After assessing the proposal, it is considered that the residential conversion of the Hall would represent sustainable resource management and would align with the purpose of the Resource Management Act 1991 provided that consent was granted with conditions.

7.0 RECOMMENDATION AND CONDITIONS

7.1 Recommendation

Subject to new or contrary evidence being presented at the hearing, it is recommended that under sections 104, 104B, 104D, and 108 of the RMA, consent is **granted** to the non-complying activity application (LUC23/0033) to renovate and convert the former Longbeach Scout Hall into a residential unit at 789 Longbeach Road being LOT 1 DP 23186 BLK VIII HINDS SD.

The reasons for this recommendation are as follows:

- a) The application merits granting of a resource consent pursuant to Sections 104, 104B, 104D and 108 of the Resource Management Act 1991.
- b) The proposed redevelopment will not alter the existing building platform and does not take away from the established environment.

- c) The application qualified for consideration on a limited-notified basis, as the adverse effects on the environment were deemed to be no more than minor and only the immediately adjacent property owners/occupiers were deemed to be potentially affected by the proposal.

7.2 Conditions

For the assistance of the Commissioner, I have prepared the following conditions based on those which were originally volunteered by the Applicant which I believe would adequately address any potential adverse effects of this proposal:

General

1. The activity shall be conducted in accordance with the plans and all information submitted with the application being:
 - Application Form and Assessment of Effects prepared by David Mountfort, Mountfort Planning Ltd. on behalf of Jenny and Graham Osborne, dated 19/04/23.
 - Further Information received from David Mountfort dated 20/10/23 and 01/11/23.
 - The Plans submitted with the application and referenced by Council as "LUC23/0033 Approved Plans Sheets 1-2".

Reverse Sensitivity

2. This allotment is located within the Rural B Zone. Farming activities are provided for by the Ashburton District Plan and may occur on adjoining or nearby properties. The usual incidence of these activities may have amenity impacts beyond the boundaries of those properties. All windows and any glazed doors on the residential unit shall be double-glazed to mitigate noise disturbance.
3. The owners and occupiers of the site must not complain to the Ashburton District Council, the Canterbury Regional Council or any other authority regarding adverse effects arising from grazing, cropping, cultivation, crop spraying, harvesting, burning of crop residues, irrigation operations or any other land based primary production activity as defined by the National Policy Statement for Highly Productive Land on nearby farmland. Pursuant to Section 108(2)(d) of the Resource Management Act 1991, a land covenant shall be registered on the record of title of Lot 1 DP 23186 in perpetuity to secure performance of this condition. Such covenant shall be prepared by the applicant's solicitor on terms and conditions acceptable to the Council, acting reasonably and signed prior to the first occupation of the dwelling.

Vehicle Access

4. Prior to first occupation of the residential unit, the existing vehicle crossing to Lot 1 DP 23186 shall be upgraded and sealed for the full width of the crossing from the edge of the road seal to the boundary to the satisfaction of Council's Roding Team.

Landscaping

5. All vegetation currently serving as a shelterbelt located within the Application Site shall be retained, and in the event that any shelterbelt trees along the perimeter of Lot 1 DP 23186 but planted on the adjacent property are removed by the owners of that property, then they are to be replaced with similar plantings within the boundaries of the Application Site.

Contaminated Material Discovery Protocol

6. A refurbishment survey (sometimes referred to as an intrusive survey) shall be carried out to identify asbestos containing materials that would be affected by this project prior to building works commencing. It should identify asbestos containing materials over and above those that would be discovered in a management survey by means of destructive access where necessary to locate asbestos that would normally remain hidden behind other building materials. It is important that the scope of the works to be undertaken is defined and discussed with Council prior to the survey to ensure that the survey covers all areas that will be disturbed by the planned works.
7. If evidence of unidentified contamination is discovered during earthworks or building alteration such as stained or odorous soil, ash or charcoal, rubbish or hardfill, or asbestos containing material, then the following steps shall be implemented:
 - Excavation, earthworks and/or building works to cease, the area to be secured to stop people entering where potential contamination was encountered;
 - Contact a contaminated land specialist for further advice.

Advice Notes:

- 1) Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.
- 2) The consent holder is recommended to erect an acoustic fence the southern boundary of the site from the road boundary to the point on the dwelling furthest from the road, to mitigate the effects of noise from the adjacent pumping station. The following minimum specifications should be applied:
 - Minimum Height: 2 metres
 - Surface Mass: at least 10 kg/m² (20mm pine or 18mm plywood) with no gaps between or below component boards or panels or between the fence and the ground.
- 3) As the water supply is not sourced from Council reticulation, the proposed dwelling must be provided with an adequate potable and wholesome drinking water supply. This shall be in accordance with Council minimum water quality standards and as identified in the Long-Term Community Plan (Drinking Water Standards 2008 levels). A certification in this regard is to be submitted to Council prior to first occupation of the Site.
- 4) This application has been assessed in terms of long-term residential use. Commercial Visitor Accommodation is not permitted in this zone (Section 3.8.6c, Ashburton District Plan) and would require a separate resource consent application.
- 5) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under Section 125 of the Act.
- 6) This consent does not constitute authority to build or undertake private drainage works and it may be necessary for you to apply for a Project Information Memorandum and Building Consent if you have not already done so.

- 7) A copy of this consent and the associated approved drawings should accompany your application for a Project Information Memorandum and Building Consent. If not supplied unnecessary delay may occur in the processing of your application.
- 8) If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have the right of objection under sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to Council within 15 working days of notification of the decision.
- 9) The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to info@adc.govt.nz and include the following details:
 - i. Name and telephone number of the project manager and the site owner;
 - ii. Site address to which the consent relates;
 - iii. Activity to which the consent relates; and
 - iv. Expected duration of works
- 10) The consent holder is requested to notify Council, in writing, once they have completed the works authorised by this resource consent. Such notification should be sent to info@adc.govt.nz including the following details:
 - i. Resource consent number
 - ii. Site address to which the consent relates
 - iii. Statement outlining how the applicant has complied with each of the conditions

Report prepared by:

Lauren Wright

Planning Officer

Signed:

Date: 21/08/24

Report reviewed, and approved for release by:

Stewart Fletcher

Consultant Planner
Ashburton District Council

Signed:

Date: 22/08/24

Section E Definitions

COUNCIL:	means The Ashburton District Council
DISTRICT PLAN:	means the Ashburton Operative District Plan 2014.
CRPS:	means Canterbury Regional Policy Statement
Manager:	means an Ashburton District Council Manager or nominated Ashburton District Council staff acting on the Manager's behalf
RMA:	means Resource Management Act 1991 and all amendments