

Land Use Consent Application



Kāinga Ora – Homes and Communities
7, 9, 11, 13 & 15 CHURCH STREET, ASHBURTON

ISSUE 1 – 18 October 2023

Resource Management Act 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 thirteen 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

3. The site at which the proposed activity is to occur is as follows:

Address:	7, 9, 11, 13 & 15 Church Street, Ashburton
Legal Description:	Lot 1 DP 16102 Lot 2 DP 16102 Lot 3 DP 16102 Lot 4 DP 16102
Title:	CB46C/81 CB46C/82 CB46C/83 CB46C/84
Area:	4038m ²

4. There are no other activities that are part of the proposal to which the application relates.
5. Environment Canterbury resource consents will be sought where necessary.
6. 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.
7. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
8. 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: 18 October 2023

Address for Service	Address for Invoicing
C/- Kāinga Ora PO Box 80 Christchurch 8014 Attn: Richard Williams	Kāinga Ora - Homes and Communities – Mike Kean 14 Show Place, Level 3 Addington, Christchurch 8024 Attn: Mike Kean Invoice Purchase Order Number: 6296744
E: richard.williams@inovo.nz M: 0220800209	E: invoices@kaingaora.govt.nz M: 022 039 2941

Contents

1. SITE AND SURROUNDING ENVIRONMENT	3
1.1 The Site.....	3
1.2 Surrounding Site	3
1.3 Listed Land Use Register (LLUR)	3
2. DESCRIPTION OF PROPOSAL.....	5
2.1 Overview.....	5
2.2 Transport.....	5
2.3 Landscaping	6
2.4 Earthworks	6
2.5 Geotechnical.....	6
2.6 Services	6
2.7 New Easements.....	6
2.8 Hazardous Substances.....	6
2.9 Development Contribution	6
2.10 Additional Consents	6
3. DISTRICT PLAN ASSESSMENT.....	7
3.1 Rules and Standards Assessment	7
3.2 Summary	15
4. NATIONAL ENVIRONMENTAL STANDARDS.....	16
5. ASSESSMENT OF ENVIRONMENTAL EFFECTS	18
5.1 Overview.....	18
5.2 Alternative sites/methods.....	18
5.3 Positive Effects.....	18
5.4 Assessment.....	18
5.5 Conclusion	24
6. CONSULTATION.....	25
6.1 Canterbury Regional Council.....	25
6.2 Ashburton District Council	25
6.3 Written Approvals (S95 RMA).....	25
7. OBJECTIVES AND POLICIES.....	26
7.1 Overview.....	26
7.2 Section 4 – Residential Zones	26
7.3 Section 10 – Transport	27
7.4 Conclusion	27
8. NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020	28
9. REGIONAL POLICY STATEMENT.....	29
10. RESOURCE MANAGEMENT ACT 1991	30
11. CONCLUSION.....	31

APPENDICES

APPENDIX A	APPLICATION PLANS
APPENDIX B	EARTHWORKS PLANS
APPENDIX C	GEOTECHNICAL REPORT
APPENDIX D	RECORD OF TITLE
APPENDIX E	PRELIMINARY SITE INVESTIGATION (PSI)/DETAILED SITE INVESTIGATION (DSI)



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.
4. Assumptions made in the preparation of the report are as expressly stated in the report or set out below.
5. Where information has been supplied to us for the purpose of the report by another party, this information is believed to be reliable, but we can accept no responsibility if this should prove not to be so.

DISTRIBUTION

- Ashburton District Council
- Kāinga Ora - Homes and Communities

QUALITY ASSURANCE

PREPARED BY	CLARA CASAES	RESOURCE MANAGEMENT PLANNER		18 October 2023
REVIEWED BY	RICHARD WILLIAMS	RESOURCE MANAGEMENT TEAM MANAGER		18 October 2023

1. Site and Surrounding Environment

1.1 The Site

The site is located at 7, 9, 11, 13 & 15 Church Street, legally described as Lot 1 DP 16102, Lot 2 DP 16102, Lot 3 DP 16102 (11 & 13 Church Street) & Lot 4 DP 16102. The site has a total site area of 4038m² and is held in Records of titles CB46C/81, CB46C/82, CB46C/83 & CB46C/84.

The site has frontage to Church Street which is a local road. The sites contain five dwellings, being three standalone and one duplex (11 & 13), and accessory buildings. The site has four existing vehicle crossings. A 150mm diameter wastewater pipe runs along the northern boundary of the site; and a Maintenance Access Corridor offset of 1.5m is provided. An aerial photo of the site and surrounding area is shown as Figure 1.

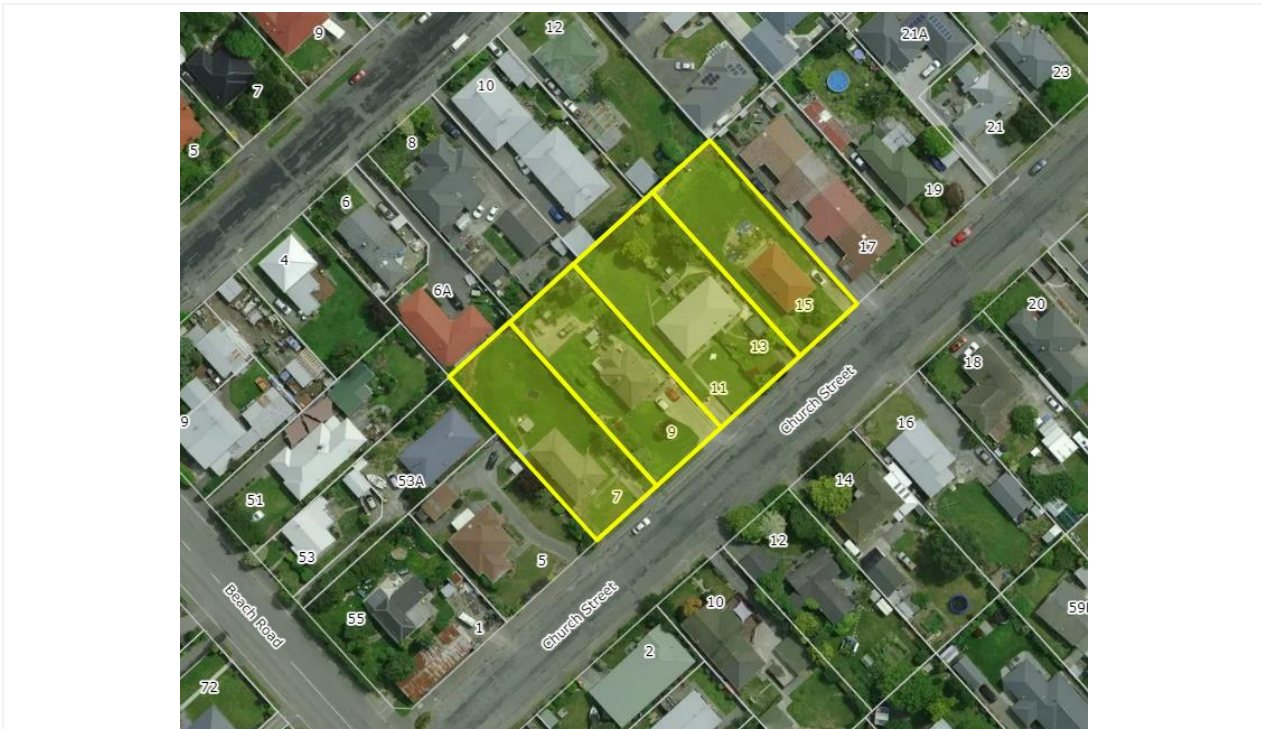


Figure 1: The site at 7, 9, 11, 13 & 15 Church Street, Ashburton in yellow and the surrounding environment. Source: GRIP MAPS

1.2 Surrounding Site

The surrounding area is predominantly single-storey detached residential homes located on allotments that range primarily between 350m² – 1080m² in size. Attached dwellings are also noted in the surrounding environment, such as 10 Oxford Street, 20 Oxford Street and 17 Church Street, which have each 4 dwellings within lots of 1012m². Infill developments and more recent redevelopments are noted in the vicinity of the site.

There is a streetlight pole located in front of 15 Church Street, approximately 2.2m from the existing vehicle crossing.

Church Street is provided with traffic calming treatment (gateway/narrow corner) at the intersections with Beach Road and Wellington Street.

Hampstead Primary School is located approximately 290m to the west of the subject site.

1.3 Listed Land Use Register (LLUR)

The site is not identified on Environment Canterbury's Listed Land Use Register (LLUR) as having or previously having a Hazardous Activities and Industries List (HAIL) activity undertaken on site. An assessment against

the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) has been undertaken in section 4 of this report.

2. Description of Proposal

2.1 Overview

Land Use Consent is sought to construct thirteen residential units. A copy of the proposed plans are attached in Appendix A.

A summary of the proposed typologies are 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 (m ²)	Outdoor Living Area (m ²)
1	2	Detached	4	84.0m ²	135.0m ²	125.3m ²
2	1	Detached	3	113.8m ²	106.4m ²	122.0m ²
3	2	Detached	3	60.7m ²	112.97m ²	107.8m ²
4	1	Detached	2	98.0m ²	81.5m ²	118.2m ²
5	1	Detached	2	98.0m ²	81.5m ²	228m ²
6	2	Detached	4	70.0m ²	131.16m ²	112.0m ²
7	1	Detached	2	98.0m ²	81.5m ²	122.6m ²
8	1	Detached	2	98.0m ²	81.5m ²	125.7m ²
9	2	Detached	4	70.0m ²	131.16m ²	122.0m ²
10	2	Semi-detached	2	43.2m ²	79.25m ²	70.8m ²
11	2	Semi-detached	2	43.2m ²	79.25m ²	70.8m ²
12	2	Semi-detached	2	43.2m ²	79.25m ²	70.8m ²
13	2	Semi-detached	2	43.2m ²	79.25m ²	102.0m ²

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

2.2 Transport

2.2.1 Vehicle Access

Two new vehicle crossings will provide dedicated access to Houses 1 & 3. Two new vehicle crossings will be constructed to provide access to Houses 2, 4 & 5 and Houses 6-8 & 10-13 through two 5.2m wide shared accesses; both will include a 1.2m wide trafficable pedestrian path. The existing vehicle crossing currently serving 15 Church Street will be upgraded and widened to 5.0m to provide dedicated access to House 9. The other three existing crossings will be reinstated to kerb and footpath.

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

2.2.2 Parking

At least one vehicle parking space is provided for each home. There will be two parking spaces provided for Houses 1, 2, 3, 6 & 9, bringing the total number of parking spaces onsite to 18. Vehicles using the parking spaces for Dwellings 1, 3 & 9 are required to reverse onto the local road network. Vehicles using the parking spaces of the remaining units (Houses 2, 4-8 & 10-13) are able to manoeuvre within the site to exit in a forward gear.

2.2.3 Visibility Splays

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

2.3 Landscaping

- 1662m² (41%) of landscaping is provided.
- 1096m² (66%) of the landscaping is trees/shrubs.
- 566m² (34%) of the landscaping is lawn.
- 42 trees with a height of 1.5m are provided within the site, being 6 within the 3m road setback.

2.4 Earthworks

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:

- 0.3m maximum cut overall site
- 0.71m maximum cut for building foundations

The maximum fill height for earthworks is:

- 0.6m fill

The total volume of earthworks for the entire site is 3791m³. All earthworks will be carried out in accordance with the Earthworks Plans in Appendix C.

2.5 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 designed for 100kPa geotechnical ultimate bearing capacity is recommended.

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

2.6 Services

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

2.7 New Easements

No easements are proposed at this time.

2.8 Hazardous Substances

No hazardous substances stored on site.

2.9 Development Contribution

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

2.10 Additional Consents

Additional consents will be applied for where necessary.

3. District Plan Assessment

This site is located within the Residential C (Medium - Low Density) Zone in the Ashburton District Plan. The site is subject to the following overlays:

- Ashburton/Hakatere Clean Air Zone

3.1 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) 13 dwellings over 4038m ² equates to 310.62m ² per dwelling, therefore does not meet the 360m ² required per dwelling. b) N/A c) 13 dwellings are proposed over 4 existing sites/titles which does not comply with the 1 unit per site.	Restricted Discretionary
Standard 4.9.2 – Building coverage	a) Maximum building coverage shall be: Residential B 45% Residential C 35% Residential D 15%	The building coverage is 23.83%.	Permitted
Standard 4.9.3 – Height of buildings	a) Maximum height of any building shall be: Residential A 10m Residential B and C 8m Residential D 10m except that: • 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

<p>Standard 4.9.4 – Recession Lines</p>	<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: – 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>	<p>All buildings are within the recession lines.</p>	<p>Permitted</p>
<p>Standard 4.9.5 – Setback from streets</p>	<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>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>	<p>All dwellings are setback more than 3m from the road boundary.</p>	<p>Permitted</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. 		
<p>Standard 4.96 – Setback from neighbours</p>	<p>a) Minimum setback of buildings from internal boundaries shall be:</p> <p>Residential A and B - 1.5m Residential C - 1.8m Residential D (residential units) - 6m Residential D (non-residential buildings greater than 5m² in gross floor area) - 3m 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; – 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 	<p>All buildings are setback 1.8m from all internal boundaries.</p> <p>The garden sheds provided for Houses 2, 9 & 13 is located within the internal boundary setback; however, it is considered under the exceptions set out by this standard.</p>	<p>Permitted</p>

	<p>by no more than 0.9m provided that such porches and windbreaks are no longer than 1.8m parallel to the boundary;</p> <ul style="list-style-type: none"> – 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>		
<p>Standard 4.97 – Outdoor living space</p>	<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. 	<p>The outdoor living space ranges between 70.8m² to 228m² and can achieve a minimum dimension of 5m. The outdoor living spaces are designed to receive sunshine in mid-winter and are directly accessible from a living area.</p>	<p>Permitted</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, or a maximum of 20% of the required area may be directly accessible from bedrooms. <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. 		
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; - 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>	According to Flood Map-F05, the site is not subject to flooding.	Permitted
----------------------------------	--	--	------------------

Section 4.10 – Zone Standards

Standard(s)/Rule(s)		Compliance Comment	Status
Standard 4.10.4 - Lighting	<p>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.</p> <p>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>	<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	<p>a) Where residential car parking spaces are provided within a garage, the minimum internal dimensions shall be as set out in Table 10-2:</p> <p>b) The minimum width of the entrance to a single garage shall be no less than 2.4 m</p>	N/A - No garages provided.	Permitted

<p>Standard 10.8.5 – Cycle Parking</p>	<p>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.</p> <p>b) All required cycle parking shall be provided in cycle stands and laid out in accordance with Appendix 10-3.</p>	<p>N/A - Residential.</p>	<p>Permitted</p>
<p>Standard 10.8.6 – On-site Manoeuvring</p>	<p>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 – 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>18 carparking spaces are provided. Each carparking space provided is at least 2.5m in width and 5m in length.</p> <p>Vehicles from Houses 2, 4-8 & 10-13 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 Dwellings 1, 3 & 9 are required to reverse onto Church Street (local road).</p>	<p>Permitted</p>
<p>Standard 10.8.9 – Surface of parking and Loading areas</p>	<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</p>	<p>All parking will be formed to comply with the required weather surface council standards.</p>	<p>Permitted</p>

	grass so as to maintain the character and appearance of the surrounding recreational area.		
Standard 10.8.10 – Tree planting within Car Parking Areas	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	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 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>	Queuing space provided on the shared accesses.	Permitted
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>	Church Street (Local) and Beach Road (Principal) intersection is located at least 55m 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 21-60m; 61-100m: 2 vehicle crossings.</p>	Church Street is a local road, and the sites have a frontage length of 80.388m. 5 vehicle crossings are proposed.	Restricted Discretionary
Standard 10.9.6 – Site Distances from Vehicle Crossings	a) Unobstructed sight distances shall be available from all vehicle crossings, in accordance with the minimum sight distances specified in Table 10-8: Legal Speed limit of 0-50km/hr has a minimum site distance of 45m.	Complies	Permitted

Section 11 – Noise

Standard(s)/Rule(s)	Compliance Comment	Status	
<p>Standard 11.8.1 – Noise standards for zones</p>	<p>a) The noise level from activities within any other site shall not exceed the limits set out in Table 11-1: Residential A, B, C and D daytime (0700-2200 inclusive 50dB-75dB and all other times 40-65dB.</p> <p>Exemptions: 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>	<p>The dwellings are designed to comply with the noise standards.</p>	<p>Permitted</p>
<p>Standard 11.8.3 – Construction noise</p>	<p>a) Construction noise shall comply with NZS 6803:1999 Acoustics – Construction Noise</p>	<p>All construction will comply with these standards.</p>	<p>Permitted</p>

3.2 Summary

Land Use Consent is sought under the following rules:

- Rule 4.8.3 – Minimum net area in the Residential C zone.
- Rule 4.8.3 – Residential density – 13 dwellings over 4 existing sites.
- Rule 10.7.2 – Maximum number of vehicle crossings.

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

4. 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 in the Hazardous Activities and Industry List (HAIL), which searches in the Environment Canterbury Listed Land Use Register (LLUR). At one of the sampling locations (15 Church Street, cell HA5) arsenic was recorded above its high-density residential land use criteria. Therefore, the impacted material is proposed to be removed from the site in accordance with a Work Instruction (WI) prepared for the redevelopment, which is attached in Appendix E.

It is our understanding that the required 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) and, therefore, an assessment in relation to Part 8 (3) is provided further below.

Rule	Requirements	Compliance Comment	Activity Status
Section 8(3) – Disturbing Soil	controls to minimise the exposure of humans to mobilised contaminants must—	The land disturbance works will follow the recommendations of the Detailed Site Investigation (DSI) and the Work Instruction (WI), which are attached in Appendix E. The WI details health	Permitted Activity

	<p>(i) be in place when the activity begins:</p> <p>(ii) be effective while the activity is done:</p> <p>(iii) be effective until the soil is reinstated to an erosion-resistant state:</p>	and safety and environmental controls and offsite disposal options which the earthwork contractor must implement. The WI will also provide mitigation controls to manage unexpected discovery of contamination, including asbestos containing materials (ACM).	
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 Activity
Section 8(3) – Disturbing Soil	(c) the volume of the disturbance of the soil of the piece of land must be no more than 25 m ³ per 500 m ² :	The site has an area of 4038m ² and the total volume of earthworks for the entire site is 3791m ³ , therefore, the works will not comply with the volume to land ratio.	Restricted Discretionary
Section 8(3) – Disturbing Soil	<p>(d) soil must not be taken away in the course of the activity, except that,—</p> <p>(i) for the purpose of laboratory analysis, any amount of soil may be taken away as samples:</p> <p>(ii) for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:</p>	Approximately 1746m ³ of soil will be removed from the site, therefore, the works will not comply with the permitted threshold.	Restricted Discretionary
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.	Permitted Activity
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 Activity
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 Activity

It is therefore considered that the proposal will require consent under the NES-CS as a **Restricted Discretionary Activity**.

5. Assessment of Environmental Effects

5.1 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.

5.2 Alternative sites/methods

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

5.3 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 occupants.

5.4 Assessment

5.4.1 Residential Zones

Residential Density and Building Coverage	
Matters of Discretion 4.11.1	Assessment
The Council's discretion is limited to the following matters:	
<i>a) 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.
<i>b) The ability to provide adequate opportunity for garden and tree planting around buildings.</i>	Extensive garden and tree planting provided around the buildings, towards the street and throughout the site. 41% of the site is landscaping; 66% of the landscaping is trees and shrubs. 42 trees with a height of 1.5m are proposed, with 6 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.

<p><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></p>	<p>There is high demand for housing in the community and the development is in accordance with the standards of the District Plan.</p>
<p><i>h) The ability of the residential unit to gain greater access to sunlight and/or daylight and to provide for solar heating.</i></p>	<p>The dwellings are orientated to achieve ample sunlight and daylight to provide for solar heating.</p>
<p><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>	<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 surrounding area includes developments with similar density as the proposal (e.g. 10 Oxford Street, 20 Oxford Street and 17 Church Street, which present a density of approximately 253m²/unit). These neighbouring developments are comprised by attached residential units with a building coverage that ranges between approximately 46.05% to 47.92%.</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 4038m², and will comfortably comply with the maximum building coverage standard (23.83% 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 development includes two shared accesses which helps to provide ample separation between buildings and views through the site. Single storey units have been positioned to the rear of the site to minimise visual dominance effects on adjoining persons. It is noted that the two storey dwellings will be a change within the broader residential context, however are considered to be purposefully incorporated into the site and create visual interest in the wider residential environment.</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 parking stalls of Houses 1, 3 & 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 primarily orientated to the street to actively engage with the public realm. Passive surveillance over the street is provided through the kitchen windows.</p>

	<p>House 6 has been positioned towards the eastern accessway to provide a sense of place and 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.</p>
<i>j) The ability to provide adequate vehicle manoeuvring space on site.</i>	Vehicle manoeuvring is provided within the shared access 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.</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 accesses. The façades of the two-storey units facing adjoining properties have reduced glazing. The first floor of these dwellings mostly includes obscure windows (for bathrooms) or clerestory windows, which sill is more than 1.6m high from the floor. 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>
<i>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.</i>	<p>The development includes ample outdoor living space for each residential unit, which ranges between 70.8m² to 228m². The outdoor living spaces are considered to provide ample amenity and are appropriately sized for the size of the homes.</p> <p>The private outdoor living spaces are directly accessed from internal living areas and purposefully orientated to the north to receive ample sunlight per day. The spaces are enhanced with exposed aggregate concrete patios to provide space for entertaining and socialisation.</p>
<i>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.</i>	The dwellings are designed to accommodate a diverse range of future residents and outdoor needs.
<i>n) The ability to mitigate any adverse effects of increased coverage or site density.</i>	There are no anticipated adverse effects that require mitigation.

5.4.2 Transport

Parking and Loading Space Requirements and Design, and On-Site Manoeuvring

Matters of Discretion 10.10.1

Assessment

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

g) The extent to which the safety of pedestrians, both on and off the site will be affected.

The shared accesses for Houses 2, 4 & 5 and Houses 6-8 & 10-13 are provided with sufficient width to enable vehicles to manoeuvre onsite to exit in a forward gear. Dedicated pedestrian pathways are provided adjacent to the driving aisles to encourage pedestrian safety within the site. As shown on the landscape plans (Appendix A), the shared accesses include traffic calming treatment (precast concrete paver), which will help to mitigate any adverse effects on pedestrians on the frontage footpath. There are clear visibility splays provided at the interface with the street to encourage vehicles that may be reversing to be aware of pedestrians. The three vehicle crossings for Dwellings 1, 3 & 9 will reverse onto Church Street, which is a local road. Vehicles exiting the parking spaces associated to these crossings are expected to be at low speed.

Overall, it is considered that any effects to pedestrians can be considered less than minor.

j) Any potential adverse effects on the safety and security of people and vehicles using the facility.

Onsite manoeuvring for the shared accesses is provided to enable vehicles to leave in a forward gear and internal lighting is provided to maintain the safety and security of people within the site.

k) The extent to which there will be any adverse effect on the safety and efficiency of the frontage road.

There are no anticipated adverse effects on the safety and efficiency of Church Street.

l) The extent to which any reduction in the design characteristics will result in the parking and loading area and/or access/driveways and manoeuvring areas being impractical, inconvenient or unsafe to be used by vehicles, cyclists or pedestrians.

There is no onsite manoeuvring provided for Dwellings 1, 3 & 9, however is not considered to result in any inconvenience or safety concern when being used by vehicles, cyclists or pedestrians.

Roading, Access, Vehicle Crossings and Intersections

Matters of Discretion 10.10.3

Assessment

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

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

The site currently has 4 vehicle crossings, and the development requires an additional crossing, bringing the total number of vehicle crossings to 5.

<p><i>sight distance or intersection visibility, than is permitted by the Plan.</i></p>	<p>The closest intersection (Beach Street) is located approximately 55m from the site. The crossings adjoin the local road network and are sufficiently separated so that clear sightlines and visibility can be achieved, which helps to mitigate any adverse effects on the efficient and safe operation of the road.</p>
<p><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></p>	<p>Church Street is a local road with approximately 340m in length. Church Street is provided with traffic calming treatment (gateway/narrow corner) at the intersections with Beach Road and Wellington Street, which helps to indicate to drivers the transition to a slower speed street.</p> <p>Overall, it is considered that there are no adverse effects to the users of the vehicle crossings.</p>
<p><i>c) Whether safety and efficiency would be enhanced by the provision of acceleration and deceleration lanes.</i></p>	<p>It is considered that acceleration or deceleration lanes are not required.</p>
<p><i>d) Whether the geometry of the road will mitigate the adverse effects of the vehicle crossing.</i></p>	<p>Church Street is a straight road with clear visibility in both directions.</p>
<p><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></p>	<p>There are no anticipated adverse effects on the safety and efficiency of Church Street.</p>
<p><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></p>	<p>It is not expected that there will be any cumulative effects of the additional vehicle crossing in the local roading context.</p>
<p><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></p> <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 acceleration and deceleration lanes, extent of visibility.</i> 	<p>Not applicable.</p>

5.4.3 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) and the Work Instruction (WI) address all matters of consideration.</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 excavated areas and soil disposal dockets should be prepared upon completion of the earthwork. 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 Detailed Site Investigation (DSI) 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 consent.</p>
<p><i>h. the duration of the resource consent.</i></p>	<p>It is anticipated that appropriate consent duration will be provided with the consent.</p>

5.5 Conclusion

The site has been designed to balance access to the site alongside providing amenity space for the future occupants.

The design of the buildings will appropriately engage with the public environment and are appropriate in the local context. The effects on adjoining neighbours will be negligible and the redevelopment of the site will benefit the wider community.

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

6. Consultation

6.1 Canterbury Regional Council

No consultation with Environment Canterbury has been undertaken.

6.2 Ashburton District Council

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

6.3 Written Approvals (S95 RMA)

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

7. Objectives and Policies

7.1 Overview

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

7.2 Section 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 Residential C zone provides principally for moderate to low density, with the overall purpose to maintain residential areas with open space for tree and garden plantings and with minimal adverse environmental effects experienced by residents.

The enhanced residential amenity will have a positive effect on a community's perception of well-being.

Varied quality dwelling design and coherence with differing cladding and colours will provide a pleasant place to live.

The 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 on a site of low natural hazard risk.

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.

7.3 Section 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.

7.4 Conclusion

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

8. 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 May 2014, and therefore does not give full effect to NPS-UD.

9. 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.

10. 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 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 5 of this report and an assessment of the proposal against the relevant provisions of the District Plan is provided in Section 7.

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

11. Conclusion

Kainga Ora - Homes and Communities is seeking Land Use Consent to construct thirteen residential units which create the following non-compliances:

Land Use Consent is sought under the following rules:

- Rule 4.8.3 – Minimum net area in the Residential C zone
- Rule 4.8.3 – Residential density – 13 dwellings over 4 existing sites.
- Rule 10.7.2 – Maximum number of vehicle crossings

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 | EARTHWORKS PLANS AND SERVICING PLANS

APPENDIX C | GEOTECHNICAL REPORT

APPENDIX D | RECORD OF TITLE

APPENDIX E | PRELIMINARY SITE INVESTIGATION
(PSI)/DETAILED SITE INVESTIGATION (DSI)