

17 October 2024

Mountfort Planning Ltd
259A Ashgrove Terrace
CHRISTCHURCH 8024

Dear Sir

RESOURCE CONSENT APPLICATION – ADVICE OF DECISION

Applicant:	GrahamDonald Tamati Osborne Jennifer Ruth Osborne
Reference:	LUC23/0033
Site location:	798 Longbeach Road ASHBURTON DISTRICT
Legal description:	Lot 1 DP 23186
Description of application:	Land use consent at 798 Longbeach Rd to renovate and convert the former Scout Hall on site into a dwelling , zoned Rural B.
Zoning:	Rural B
Status of activity:	Non-complying

This application was lodged and formally received with the Ashburton District Council on 2 May 2023.

The above application was heard by independent Hearing Commissioner Matt Bonis on Friday 13th September 2024. After consideration of the planning officers' report and the evidence of the applicants and submitters, the commissioner has resolved that this application be **granted with conditions**.

For your reference a copy of the Commissioner's Decision Report is attached. It outlines the basis for the decision and any associated conditions. A copy of the decision has been forwarded to every person who made a submission.

If you are the applicant or a submitter, and you disagree with the decision, or parts of it, you can file an appeal with the Environment Court within 15 working days of receiving this decision.

ASHBURTON DISTRICT COUNCIL

Objections under section 357 of the Resource Management Act 1991 should be addressed to the Planning Manager, Ashburton District Council - within 15 working days of the receipt of the decision. Any objection to additional charges relating to the processing of the application, made under section 357B, shall be made in writing to council (the last mentioned address) within 15 working days of receipt of the invoice.

The applicant and/or any submitter may appeal the council decision under section 120 of the Resource Management Act 1991 to the Environment Court. If an appeal is lodged, any person who made a submission on the application may become a party to the proceedings by lodging a notice under section 274 of the Resource Management Act 1991. The information on objections and appeals in this letter is provided as a guide only and does not constitute legal advice. Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/courts/environment-court.

A copy of the appeal must be served on the council (PO Box 94 Ashburton 74) within 15 working days of the receipt of the decision and on all submitters within 5 working days of lodging the appeal with the Environment Court. Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/courts/environment-court.

If you have any queries, please contact Nicholas Law at planning@adc.govt.nz and quote the application number above.

Decision

That under sections 104, 104B, and 104D of the Resource Management Act, consent is **granted** for the non-complying activity application LUC23/0033 by Graham Donald Tamati Osborne and Jennifer Ruth Osborne to renovate and convert a former Scout Hall to a dwelling within the Rural B zone as located at 798 Longbeach Road, Ashburton District being Lot 1 DP 23186.

The reasons for this decision are set out in the Commissioner's Decision Report.

Conditions

Under section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

General

1. Except to the extent provided for by these conditions the activity shall be conducted in accordance with the plans and all information submitted with the application being:

- (i). Application Form and Assessment of Effects prepared by David Mountfort, Mountfort Planning Ltd. on behalf of Jenny and Graham Osborne, dated 19/04/23.
- (ii). Further Information received from David Mountfort dated 20/10/23 and 01/11/23.
- (iii). The Plans submitted with the application and referenced by Council as "LUC23/0033 Approved Plans Sheets 1-2".

Reverse Sensitivity

- 2. All windows and any glazed doors on the residential unit shall be double-glazed to mitigate noise disturbance, prior to first residential occupation.
- 3. A land covenant as pursuant to Section 108(2)(d) of the Resource Management Act 1991 shall be registered on the record of title of Lot 1 DP 23186 in perpetuity to secure performance of the below requirements. The covenant shall be prepared by the applicant's solicitor on terms and conditions acceptable to the Ashburton District Council, acting reasonably and registered prior to the first occupation of the dwelling. The requirements to be registered on the record of title are the following:
 - (i) The owners and occupiers of the site must not complain, either directly or indirectly, 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.
- 4. All occupants of the property are to be made aware of Condition 3 above, and the no-complaints covenant, in any letting or leasing arrangements entered into by the owners.

Vehicle Access

- 5. 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 Roading Team.

Landscaping

6. All vegetation currently serving as a shelterbelt or as located along the frontage with Longbeach Road located within the Application Site shall be retained, and any trees which die are to be replaced with similar trees at the next planting season (extending from 1 April to 30 September) at a minimum height at planting of 1.8m.

Contaminated Material Discovery Protocol

7. A refurbishment survey (sometimes referred to as an intrusive survey) shall be carried out to identify asbestos and lead 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. The consent holders are to undertake any of the recommended actions within the refurbishment survey, which may include appropriate removal and disposal techniques.
8. In the event that the refurbishment survey pursuant to Condition 7, and / or where evidence of unidentified contamination is discovered as associated with building alterations or any associated earthworks such as stained or odorous soil, ash or charcoal, rubbish or hardfill, or asbestos containing material, then the following steps shall be implemented:
 - (i). Excavation, earthworks and/or building works to cease immediately, the area to be secured to stop people entering where potential contamination was encountered;
 - (ii). Contact a Suitably Qualified and Experienced Practitioner (contaminated land specialist) for further advice on how to proceed, including whether any additional authorisations under the National Environmental Standard

for Assessing and Managing Contaminants in Soil to Protect Human Health are required before continuing with works.

(iii). The consent holder must immediately notify the Planning Manager, Ashburton District Council, by way of email to info@adc.govt.nz. Works are not to recommence until:

(a) Any measures to manage the risk from potential soil contamination are communicated to the Council prior to work re-commencing; and as necessary

(b) Authorisations under the *National environmental standard for assessing and managing contaminants in soil to protect human health* are obtained and implemented.

9. Prior to residential occupation of the dwelling an acoustic fence shall be erected, and maintained, as close to the southern boundary of the site as practical, extending from the road boundary to the rear wall, to mitigate the effects of noise from the adjacent pumping station on Part Lot 4 DP 955. The following minimum specifications should be applied:

(i). Minimum Height: 2 metres

(ii). 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.

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) 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.
- 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 residential 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 five (5) working 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.

Yours faithfully,

Ian Hyde
Group Manager Compliance & Development