



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

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

<b>Consent number:</b>	<b>LUC24/0113</b>
<b>Applicant's Name:</b>	<b>Haven Housing</b>
<b>Street Address:</b>	10 Cambridge Street ASHBURTON
<b>Legal Description of Site:</b>	Lot 3 DP 24021
<b>Zone:</b>	Open Space A
<b>Application summary:</b>	Land use consent at 10 Cambridge Street to address the non-compliances associated with the construction of ten single residential buildings (five conjoined dwellings), Zoned Open Space A.

**1.0 DESCRIPTION OF THE PROPOSAL**

The applicant has applied for land use consent to construct ten residential units on a site zoned Open Space A, at 10 Cambridge Street, Ashburton.

The ten units will consist of five conjoined dwellings. Each unit will have a bedroom, bathroom / laundry, open plan kitchen/lounge, and a porch. The units will have a maximum height of approximately 5.27m and will be a total of 621.3m<sup>2</sup> overall (124.3m<sup>2</sup> for each 2-unit block). Onsite parking spaces are to be provided (230m<sup>2</sup>), and the site is to have vehicle access from Cambridge Street. The applicant, Haven Housing Mid Canterbury is a provider of rental accommodation for people over 60.

Figures 1 -3 demonstrate the proposed site plan, the layout of the units, and the proposed elevations.



Figure 1: Proposed Site Plan

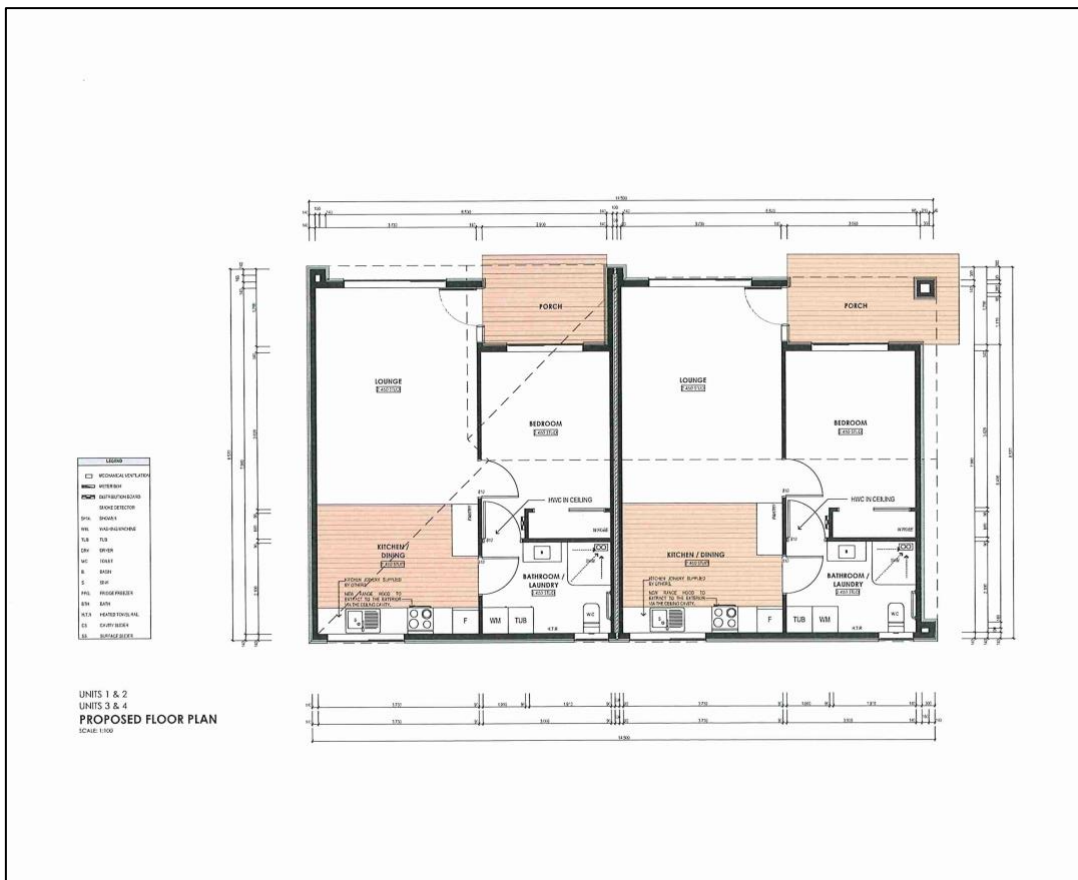


Figure 2: Proposed layout of the units



Figure 3: Proposed Elevations

### 1.1 DESCRIPTION OF THE EXISTING ENVIRONMENT

The site is zoned Open Space A under the Ashburton District Plan and is 1715m<sup>2</sup>. The site is held in record of title CB32B/810 and is legally described as Lot 3 DP 24021. While the site is zoned Open Space A, it has never been the site of a formal recreation area and currently contains a weather station. In the past the site was the site of the Hampstead School Principal's House. The surrounding properties are zoned Residential C. Figures 4-7 show historical imagery of the site with the subject site highlighted in red.



Figure 4: 1955-1959 Aerial Imagery – site has buildings on it



Figure 5: 1980-1984 Aerial Imagery – Site has buildings on it



Figure 6: 1985-1989 Aerial Imagery – Site is now vacant



Figure 7: Latest Aerial Imagery

The site is generally flat and is not subject to any natural hazard planning notations. The site is also not listed on Environment Canterbury’s Listed Land Use Register (LLUR) as a HAIL site.

## 2.0 PLANNING FRAMEWORK

### 2.1 RELEVANT RULES

The application site is zoned Open Space A under the Ashburton District Plan.

#### Section 6 – Open Space Zones

- Section 6, Rule 6.8.2(a) stipulates that buildings limited to playground equipment in the Open Space A Zone are a permitted activity.

The application is for ten residential units and not for play equipment.

- Section 6, Rule 6.8.5(b) stipulates that any activity which is not listed as permitted or restricted discretionary activity shall be a non-complying activity.

The proposed activity is not listed as a permitted activity or restricted discretionary activity and is therefore non-complying.

For completeness, the standards of the Open Space A Zone have been assessed below.

Table 1: Assessment of all Open Space A Zone Standards

Standard	Compliance
<p><b>6.10.1 Buildings and Structures in the Open Space A Zone</b>                      Buildings in the Open Space A Zone shall:</p> <p>13) be a maximum of 5 metres in height;</p>	<p><b>Does not Comply</b> – The buildings will be approximately 5.27m in height, will be setback between 1.8m – 3.6m from internal boundaries.</p> <p>The front units will be approximately 6.25m from the road.</p>

<p>b) be setback at least 5 metres from road boundaries, except for utility buildings up to 10m<sup>2</sup> in area or 2m in height;</p> <p>c) be setback at least 5 metres from internal boundaries.</p>	
<p><b>6.10.2 Impermeable Surfaces in the Open Space A Zone</b></p> <p>Impermeable surfaces in the Open Space A Zone shall be limited to buildings, footpaths and cycle ways and cover a maximum of 5% of site area</p>	<p><b>Does not Comply</b> – The site coverage will be approximately 50% of the site. The coverage includes 230m<sup>2</sup> for the car park and 621.3m<sup>2</sup> for the buildings.</p> <p>Although not zoned Residential C, it is noted that the building coverage of the site will be 36.2% where the Residential C Zone allows for 35% building coverage. Even if the site was zoned Residential C the proposal would not comply with the standards.</p>
<p><b>6.10.3 Lighting</b></p> <p>13) All fixed exterior lighting shall be directed away from adjacent properties, roads, and railways.</p> <p>b) No activity shall result in greater than 2.5 lux spill (horizontal and vertical) of light onto any property within a Residential Zone, measured at any point more than 2m inside the boundary of the property</p>	<p><b>Will Comply</b> – No lighting will be directed to external properties or roadways (no railways in the vicinity).</p>
<p><b>6.10.4 Hours of Operation</b></p> <p>Where a site immediately adjoins or faces across a road from a Residential Zone, no activities shall be conducted on the site between the hours of midnight and 7am.</p>	<p><b>Does not Comply</b> – The site will be used for residential activity and therefore will operate 24/7.</p>
<p><b>6.10.5 Tree Removal</b></p> <p>Within the areas zoned Open Space A or Open Space B that are Reserves (as defined in section 2(1) of the Reserves Act), or are subject to a conservation management plan or conservation management strategy (under the Conservation Act 1987 or Reserves Act 1977), there shall be:</p> <p>a) no removal of any trees over 10 metres in height;</p> <p>b) no significant trimming of any tree over 10 metres in height, being the removal of any branches (other than dead or broken branches):</p> <ul style="list-style-type: none"> <li>• from the top two-thirds of the total height of the tree; and/or</li> <li>• greater than 50mm in diameter below this level (i.e. a level at one-third of the total height of the tree);</li> </ul> <p>c) no construction of any building or laying of any overhead or underground utility within 10m of the base of any tree that is over 10m in height and is located within an Open Space zone, but excluding the maintenance and replacement of existing buildings and utilities;</p>	<p><b>Not Applicable</b> – The site is not a reserve, and no trees are being removed from the site.</p>

<p>d) no paving or earthworks carried out within 5m of the base of any tree over 10 metres in height. Except that this rule shall not apply to any dead tree or any tree which is causing a public safety hazard, or to give effect to a Reserve Management Plan under the Reserves Act or a similar Management Plan that has been approved by the Council.</p>	
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Table 1 demonstrates that the proposal will not comply with Standards 6.10.1, 6.10.2, and 6.10.4 of the Open Spaces Zone Chapter.

### Section 10 – Transport

The proposed activity is providing car parking space for the ten residential units on site.

- Section 10, Rule 10.7.1 stipulates that any activity which complies with all of the following site Standards below and all relevant Zone and District-Wide Rules, shall be a permitted activity.
- Section 10, Rule 10.7.2 stipulates that any activity, which does not comply with any one or more of the following Site Standards, shall be a restricted discretionary activity, with the exercise of the Council’s discretion being restricted to the matter(s) specified in the applicable assessment matters in 10.10.

An assessment of the Transport Standards is provided in Table 2.

Table 2: Assessment of applicable Transport Standards

Standards	Compliance
<i>Site Standards – Parking and Loading</i>	
<p><b>10.8.7 On-site Manoeuvring</b></p> <p>13) 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).</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"> <li>• any activity has vehicle access and/or vehicle crossings to an arterial road;</li> <li>• any activity provides 4 or more parking spaces having vehicle access and/or vehicle crossings onto a principal or collector road;</li> <li>• any activity provides 10 or more parking spaces;</li> <li>• three or more residential units share a common vehicle access.</li> </ul>	<p><b>Complies</b> - 10 car parks are being provided on the site and no vehicle will have to reverse on to Cambridge Street which is a local road.</p>
<p><b>10.8.10 Surface of Parking and Loading Areas</b></p> <p>a) The surface of all 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</p>	<p><b>Complies</b> - The carpark and the driveway will be sealed. The site is not located in the Aquatic Park Zone.</p>

Zone), shall be formed to provide an all weather surface.

b) The first 3m of all such 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.

c) Parking and loading areas in the Recreational Area of the Aquatic Park Zone shall be formed and oversown with grass so as to maintain the character and appearance of the surrounding recreational area.

**10.8.12 Queuing Requirements**

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:

**Table 10-6: Queuing Length**

Car Parking Spaces Provided	Queuing Length (m)
less than 20	6
21-50	12
51-75	18
76-100	24
100+	30

**Does not Comply** – 4.75m is being provided.

*Site Standards – Accessibility and Safety*

**10.9.3 Distances of Vehicle Crossings from Intersections**

a) No part of any vehicle crossing shall be located closer to the intersection of any roads than the minimum distances specified in Table 10-10 below:

13) Distances shall be measured from the point at

Table 10-10: Minimum Distance of Vehicle Crossings from Intersections

Frontage Road	Intersecting Road Type (distances in metres)					
	Urban			Rural		
	Arterial	Principal / Collector	Local	Arterial	Principal / Collector	Local
Arterial	30	30	30	200	200	200
Principal / Collector	20	20	15	60	50	50
Local	20	15	10	60	50	50

which the legal boundary lines of the two road frontages intersect.

c) Where the boundaries of the site do not allow the provision of any vehicle crossing whatsoever in conformity with the above distances, a single vehicle crossing may be constructed provided it is located in

**Does not Comply** – 15m is required for the intersection of a local road with a collector road. The proposed vehicle crossing is 10m from Tancred Street which is listed as a collector road in Section 10 of the District Plan.



<p>the position which most nearly complies with the provisions of these rules.</p>																													
<p><b>10.9.4 Spacing Between Vehicle Crossings</b></p> <p>13) On Principal and Arterial Roads where the legal speed limit is 100km/hr, the minimum spacing between successive vehicle crossings (regardless of the side of the road on which they are located) shall not be less than 200m. This rule shall not apply to vehicle crossings to farming activities, which do not provide access or a driveway to buildings (other than hay sheds).</p> <p>13) On Principal and Arterial Roads where the legal speed limit is less than 100km/hr, the minimum spacing between successive vehicle crossings (either single or combined) on the same side of the road, shall not be less than 15m. This rule shall not apply to vehicle crossings which serve residential activities only.</p> <p>13) The separation distances shall be measured from the centre of one vehicle crossing to the centre of the succeeding vehicle crossing, parallel to the centreline of the transport network.</p> <p>d) Where the boundaries of the site do not allow the provision of any vehicle crossing whatsoever in conformity with the above distances a single vehicle crossing may be constructed in the position which most nearly complies with the provisions of this rule.</p>	<p><b>Complies</b> – The closest vehicle crossing to the proposed is approximately 30m away.</p>																												
<p><b>10.9.5 Maximum Number of Vehicle Crossings</b></p> <p>a) The maximum number of vehicle crossings to a site per road frontage shall be in accordance with Table 10-11 below:</p> <p style="text-align: center;">Table 10-11: Maximum Number of Vehicle Crossings</p> <table border="1" data-bbox="263 1547 715 1664"> <thead> <tr> <th rowspan="2">Road Hierarchy</th> <th rowspan="2">Legal Speed Limit for Road (km/hr)</th> <th colspan="4">Frontage Length (m)</th> </tr> <tr> <th>0-20</th> <th>21-60</th> <th>61-100</th> <th>101+</th> </tr> </thead> <tbody> <tr> <td>Local &amp; Collector</td> <td>Any</td> <td>1</td> <td>2</td> <td>2</td> <td>3</td> </tr> <tr> <td>Principal &amp; Arterial</td> <td>&lt;100</td> <td>1</td> <td>1</td> <td>2</td> <td>2</td> </tr> <tr> <td>Principal &amp; Arterial</td> <td>100</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> </tr> </tbody> </table>	Road Hierarchy	Legal Speed Limit for Road (km/hr)	Frontage Length (m)				0-20	21-60	61-100	101+	Local & Collector	Any	1	2	2	3	Principal & Arterial	<100	1	1	2	2	Principal & Arterial	100	1	1	1	1	<p><b>Complies</b> – One vehicle crossing is being provided to the site.</p>
Road Hierarchy			Legal Speed Limit for Road (km/hr)	Frontage Length (m)																									
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<p><b>13.1.3 Sight Distances from Vehicle Crossings</b></p>	<p><b>Complies</b> – A sight distance of 45m or more can be achieved in both directions.</p>																												

<p>a) Unobstructed sight distances shall be available from all vehicle crossings, in accordance with the minimum sight distances specified in Table 10-12 below:</p> <p style="text-align: center;">Table 10-12: Minimum Sight Distances from Vehicle Crossings</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Legal Speed Limit for Road (km/hr)</th> <th>Minimum Sight Distance (m)</th> </tr> </thead> <tbody> <tr> <td>0-50</td> <td>45</td> </tr> <tr> <td>51-60</td> <td>65</td> </tr> <tr> <td>61-70</td> <td>85</td> </tr> <tr> <td>71-80</td> <td>105</td> </tr> <tr> <td>81-100</td> <td>160</td> </tr> </tbody> </table>	Legal Speed Limit for Road (km/hr)	Minimum Sight Distance (m)	0-50	45	51-60	65	61-70	85	71-80	105	81-100	160	
Legal Speed Limit for Road (km/hr)	Minimum Sight Distance (m)												
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51-60	65												
61-70	85												
71-80	105												
81-100	160												
<p><b>13.1.3 Design and Construction of Vehicle Crossings onto Arterial Roads</b></p> <p>a) The length of any vehicle crossing shall be in accordance with dimensions set out in Table 10-13 below:</p> <p style="text-align: center;">Table 10-13: Vehicle Crossing Length</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Minimum</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>3m</td> <td>7.5m</td> </tr> <tr> <td>Other</td> <td>4m</td> <td>9m</td> </tr> </tbody> </table> <p>13) The vehicle crossing length shall be measured along the property boundary.</p> <p>13) All vehicle crossings on to arterial and principal roads where the speed limit exceeds 50km/hr shall be designed and constructed in accordance with the diagrams included in Appendices 10-7 – 10-8, except for vehicle crossings to farming activities in Rural Zones; this standard shall only apply where a vehicle crossing provides access or a driveway to building(s).</p>		Minimum	Maximum	Residential	3m	7.5m	Other	4m	9m	<p><b>Complies</b> – The vehicle crossing will be 5m wide.</p>			
	Minimum	Maximum											
Residential	3m	7.5m											
Other	4m	9m											
<p><b>10.9.12 Tree Planting – Shading and Intersection Visibility</b></p> <p>1) No tree shall be allowed to grow such that it shades the carriageway of a road throughout the hours of 10am and 2pm on the shortest day of the year.</p> <p>b) No tree shall be planted within 30m of a road intersection, measured to the point at which the legal boundary lines of the two road frontages intersect.</p>	<p><b>Does not Comply</b> – Trees are to be planted within 30m of a road intersection. No shading will be created between 10am and 2pm on the shortest day of the year.</p> <p>No concerns have been raised from either Open Spaces or Assets on the position of the proposed trees.</p>												

Table 2 demonstrates that the proposal does not comply with standards 10.9.3 and 10.9.12. Any activity which does not comply with the transport standards under the district plan is a restricted discretionary activity.

Overall, the proposed activity is a **non-complying activity** pursuant to Section 6, Rule 6.8.5(b).

**3.0 NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C-95D)**

### 3.1 PUBLIC NOTIFICATION ASSESSMENT

#### 3.1.1 Request for public notification (Section 95A(2)(b))

The applicant has not requested that the application be publicly notified

#### 3.1.2 National Environmental Standard or District Plan rule requiring or precluding notification (Section 95A(2)(c) and Section 95A(3)(a))

In terms of s95A(2)(c) and 95A(3)(a) there are no rules in the relevant District Plan, Regional Plan or NES which require or preclude public notification of the application.

#### 3.1.3 Effects on the Environment to be disregarded (Section 95D Assessment)

##### 3.1.3.1 Effects that must be disregarded for public notification purposes

- A) Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land

In this case, it is considered that adjacent land includes the following, properties because they either directly adjoin the site or are located immediately opposite the subject site. The effects on these properties have been disregarded for the purposes of public notification assessment. Figure 8 shows the properties in Table 3 and the subject site.

Table 3	
Address	Legal Description
5 Cambridge Street	Lot 7 Deposited Plan 14985
6 Cambridge Street	Lot 1 Deposited Plan 35540
7 Cambridge Street	Lot 8 Deposited Plan 14985
11 Cambridge Street	Lot 22 Deposited Plan 14981
16 Cambridge Street	Lot 2 Deposited Plan 24021
322 and 324 Tancred Street	Lot 9 Deposited Plan 14985
7 Oxford Street	Lot 70 Deposited Plan 309
9 Oxford Street	Lot 69 Deposited Plan 309
11 Oxford Street	Lot 68 Deposited Plan 309
13 Oxford Street	Lot 67 Deposited Plan 309



Figure 8: Map showing the subject site (red) and the sites termed as adjacent (blue)

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

No persons have given their written approval.

**3.1.3.2 Effects that may be disregarded – Permitted Baseline Assessment**

The permitted baseline refers to permitted activities on the subject site. In this case the following constitutes the permitted baseline:

- Playground equipment that is less than 5m in height, 5m from the road, 5m from internal boundaries and less than 5% in site coverage. Recreational Activities are also a permitted activity. The Ashburton District Plan includes the following definitions:

*“**Recreation** means all activities freely chosen by an individual, which give that person enjoyment, satisfaction and a sense of well-being. Recreation activities can be described as “active”, including group sports or activities of a less formal nature, such as jogging or cycling, community rugby and football teams or “passive”, including activities such as picnicking, nature watching or viewing the landscape.”*

*“**Recreational Activity** means the use of land and buildings for the primary purpose of recreation and entertainment by the members of more than one household unit. This does not include commercial recreational activities where a fee is paid to use facilities i.e. a commercial bowling alley but does include community sports facilities where a membership fee may be paid.”*

This constitutes the permitted baseline, and these adverse effects may be discounted entirely 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.

### **3.1.4 Adverse Effects Assessment (Section 95A(2))?**

Having regard to the above and after an analysis of the application, the following assessment addresses the adverse effects of the activity on the environment for public notification purposes.

As a non-complying activity, the full range of adverse effects must be considered.

#### **Residential Activity**

The site is zoned Open Space A Zone. However, the site is not a reserve and is freehold. No recreational activity has been undertaken on the site although the council maintains the site in respect to mowing. The zoning of the site may indicate to surrounding owners that the space is to remain open and undisturbed, although recreational use and playground equipment would be allowed on the site. No private plan change has been initiated to change the zoning of the site. Council's Open Spaces Team has been approached for comment and no concern has been raised regarding the use of an Open Space A zoned site for residential development. This is likely because the site is not used as a recreation reserve or any formal recreation activity and is only maintained by the Council's Open Spaces Team. The establishment of residential units on the site would remove this responsibility from the Open Spaces Team.

Although not zoned Residential C, the proposed activity has been designed with the standards of the Residential C Zone in mind (with the exception of residential density and building coverage). For example, the setbacks proposed for neighbouring boundaries range from 1.8m to 3.60m, with a road setback of 6.25m and no recession planes will be breached. The site will have a building coverage of 36.2% (35% allowed in Residential C Zone) and will have nine more residential units than allowed in the Residential C Zone. The proposal is also not able to provide Outdoor Living Space that is 70m<sup>2</sup> with a 5m x 5m dimension. The assessment matters for the Residential Zones do include the provision for elderly persons housing as a possible reason for reducing the provision of Outdoor Living Space, provided that the needs of the residents can be met with the space that is being provided. The reduced outdoor living space means there is little garden space for the residents to maintain. The proposal will provide rental accommodation for those in Ashburton over 60. Haven Housing, the applicant, has been responsible for other similar developments within Ashburton including on Mona Square (Council Reference LUC21/0083).

The proposal represents a significant increase in density for Cambridge Street with ten additional units on a site that is zoned Open Space A, while maintaining appropriate distances from neighbours within a Residential C Zone context. The applicant has indicated that the units are likely to only be occupied by a single person. It is noted that there could be couples occupying the units, although this is not the intention of the development at present. The reporting officer has no concerns in relation to the noise standards of the District Plan because of the nature of the proposal and the intended use as elderly persons housing. If any other persons were to occupy the 10 residential units there may be concerns about the amount of noise generated by the proposed density.

The Plan also provides some guidance on the conflict between Open Space and Recreational Activities (6.2.4). While this has no statutory weight it provides an important guide for assessment:

*“Within the District, there needs to be a separation of areas used for passive open space and those used for recreational activities. Recreational activities often require large sites that can accommodate buildings that may in some cases be substantial in scale to provide for changing facilities and even to provide for activities such as squash. Such buildings can reduce the feeling of openness on a site and with additional facilities such as rugby fields can leave little room for passive activities and plantings. In addition, those using these spaces for walking can often be restricted as to where they can walk and can come into conflict with other users.*

*Conversely, neighbourhood reserves are often limited in size and are unable to accommodate recreational activities such as sports fields. As such these areas are intended to provide for passive activities such as walking and children's play areas. There is also anticipated to be large areas of landscaping and a high level of openness. There is however, the possibility for informal recreational activities."*

The subject site is 1714m<sup>2</sup> and could be described as a neighbourhood reserve because of the limited size. Rugby fields in New Zealand typically range from 60m x 35m to 100m x 70m.<sup>1</sup> Because of its size the site would be unable to accommodate traditional sports fields and the required infrastructure. The site could reasonably accommodate children's areas, landscaping and a high level of openness. The proposal will not retain a high level of openness and will not be retained for recreational activities.

The effects of Residential Activity on the environment are considered to be more than minor.

### **Visual Amenity – Building and Structures**

The applicant's agent has assessed the design and appearance of the buildings against the assessment matters for design and appearance because of the density of the proposal being similar to the Residential A Zone. The design and appearance assessment matters appear in the plan because of a requirement for all buildings over 40m<sup>2</sup> in the Residential A Zone to have a land use consent for design and appearance. In relation to this proposal, it is not considered appropriate to consider the design and appearance assessment matters as neither the site nor the surrounding sites are zoned Residential A. Below is an assessment of the assessment matters of the Open Space Zone Chapter which appropriately consider the surrounding environment which is zoned Residential C.

The Open Space A Zone is described in the plan as follows (6.3.1). As above this has no statutory weight and provides a useful assessment tool:

*"The Open Space A Zone is intended to provide for areas such as neighbourhood reserves, and the Ashburton Domain. These areas provide relief from the built environment and a space for people to undertake passive activities such as walking within close proximity of their place of residence. The zone also includes the range of green strips of land which are valued for their contribution to landscaping for example the central area within Ashburton (Kapuka).*

*Activities within the zone are strictly controlled to ensure limited building development occurs and the openness of the area is retained. The enhancement of visual amenity is of importance within the zone, in particular where it is directly visible from the main thoroughfares through Ashburton (State Highway 1, the Main Trunk Railway and East Street) and Rakaia (State Highway 1). This also provides a visual relief to the building developments established in Business Zones along East Street and State Highway 1."*

The proposal of five conjoined, single bedroom flats does not provide relief from built environment. This is discussed more below in the assessment of the Building and Structure assessment matters. The presence of buildings in the Open Space A Zone are intended to be extremely limited. The use of the site for residential buildings will remove the ability for the surrounding residential units to enjoy a visual break in the built environment and remove any potential for recreational use of the site.

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<sup>1</sup> 'How Long is a Rugby Field?' Rugby Union NZ, Published April 19, 2023 <https://rugbyunion.nz/how-long-is-a-rugby-field/#:~:text=The%20standard%20dimensions%20of%20a%20rugby%20field%20in%20New%20Zealand,which%20are%205.6%20meters%20apart>. Accessed 16 December 2024.

## **Section 6, Assessment Matters - 6.11.1 Buildings and Structures**

*a) The extent of any adverse effects on the environment from exceeding maximum height and in particular the effect of any increased building height on the visual character of the area and its compatibility with the scale of adjoining buildings.*

**Comment:** The units will have a maximum height of 5.27m. This is compatible with the scale of buildings in the surrounding area which is zoned Residential C and has a maximum height of 8m. The 27cm breach is not considered to be of consequence and will not have an adverse effect on the visual character of the area.

*b) The degree to which the increased building height may result in decreased opportunities for views from properties or from roads in the general vicinity.*

*c) The potential for any adverse effects created through increased height to be mitigated through site layout, separation distances or the provision of landscaping or any other form of screening.*

**Comment:** The additional 27cm will not result in decreased opportunities for views from properties or from roads in the general vicinity. The buildings will be separated from each other and will not be grouped together, and landscaping will be provided to soften the appearance of the development.

*d) The degree to which the building or structure will be visible from the road and its effect on the open space character and amenity of the recreation ground.*

*e) The design and appearance of the building and its compatibility with the surrounding environment in terms of design, height, length and scale.*

**Comment:** The proposed units will be visible from the road, in particular units 1, 2, 9 and 10. These are the front units of the development. Units 5 and 6 are also potentially visible from the road as they are off of the car parking area. The units will be setback approximately 6.25m from the road which is double the 3m setback required in the Open Space A Zone. The provision of the units on the site will affect the open character of the site. As the site is vacant and has not been used as a site for recreation purposes, the effect on the amenity of the site is not considered to be negative. The design and appearance of the buildings is considered to be compatible with the surrounding environment. The buildings have been designed to present an attractive frontage with a variety of materials being utilised. The buildings will respect the Residential C Zones recession plane, setback, and height requirements. The number of units is not considered to be compatible with the surrounding area which allows for one residential unit per site. There are instances of where higher density has been allowed in the Residential C Zone. This has been for the creation of social housing and this proposal is considered to be very similar in nature as the intention is to provide affordable rental accommodation to those in the community over 60 years old. Figure 9 shows the proposed elevations.

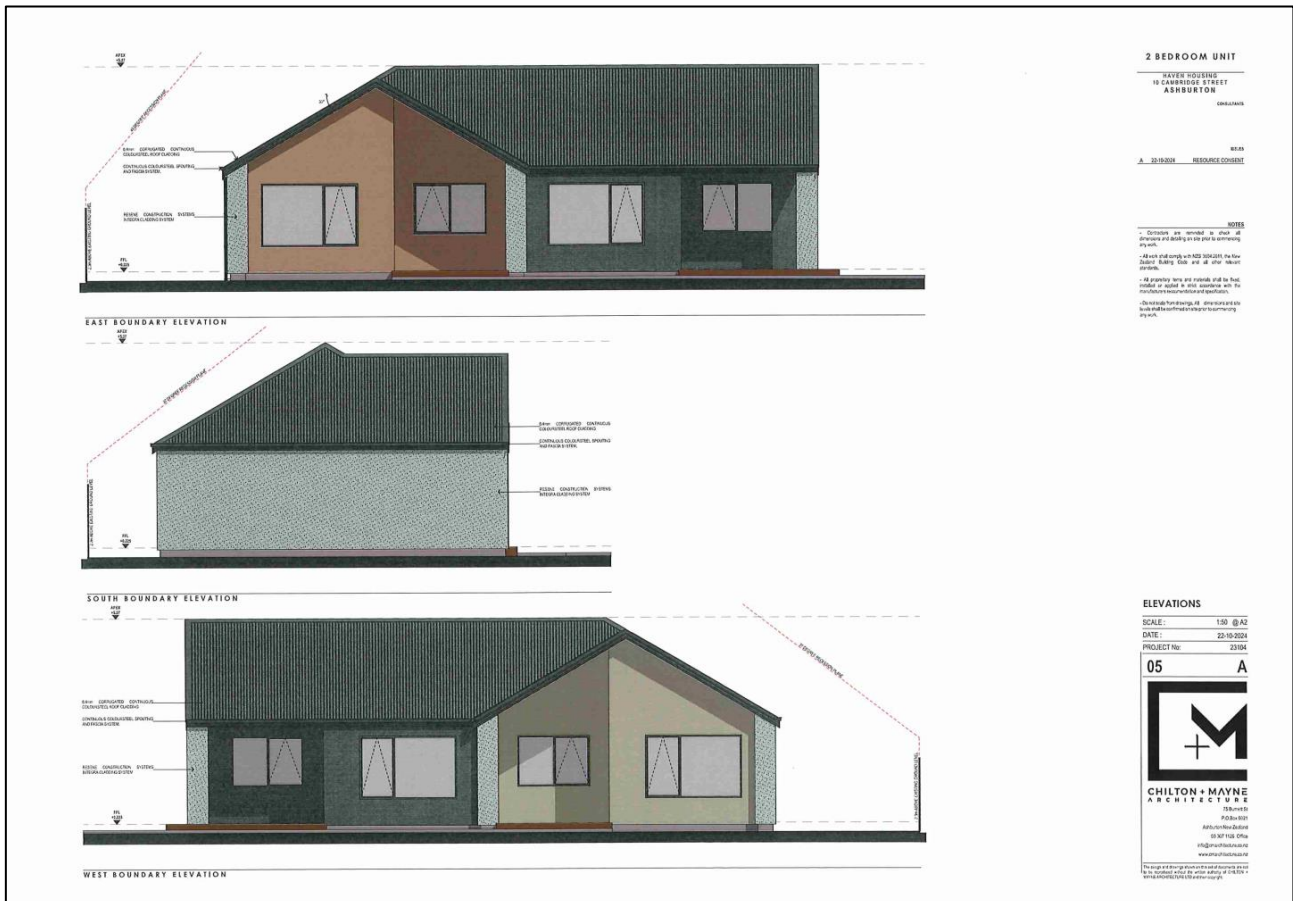


Figure 9: Proposed External Appearance of Units

- f) The necessity for a reduced setback to enable more efficient or practical use of the site.
- g) The potential for the privacy of adjoining sites to be adversely affected from buildings and structures erected at a reduced setback.
- h) The potential for any landscaping to mitigate any increased visual impact created from a reduced setback.

**Comment:** The Open Space A Zone requires a 5m setback from all boundaries. The site will be used for elderly persons housing and the proposed setbacks make practical use of the site. The proposal's smallest setback will be 1.8m. This is considered to be consistent with the setback of the surrounding area which has a minimum setback of 1.8m. The setback 'breach' will not be obvious as the site will not be used for recreational purposes and aligns with the expectations of the Residential C Zone. It is not considered that the reduced setback will have adverse effects on the privacy of surrounding sites. It is not considered necessary to provide any landscaping as the setback is at the rear of the site and landscaping is unlikely to mitigate the reduced setback. An existing fence is on the site and the 1.8m setback is what is expected on all of the surrounding Residential C Zoned sites.

- i) The nature of activities able to be undertaken from within the building and their compatibility with activities on adjoining sites (and in particular residential activities) and the extent to which they should be separated from adjoining sites to maintain amenity values and the quality of the environment.



**Comment:** The site is to be used for permanent residential accommodation for people over 60 years old. This is considered to be compatible with the activities on the adjoining sites which are used for residential activities. The proposed buildings will be separated appropriately from boundaries and will maintain the quality of the environment with landscaping and other design features presenting an appealing view from all sides of the development.

*j) The extent to which any increase in floor area will result in a building that dominates or is incompatible with the open space character of the recreation ground.*

**Comment:** The site is not used as a recreation ground. The total allowable coverage for an Open Space A Zoned site is 5%. Although the building and coverage area of the site do not comply with the requirements of the Open Space A Zone, they are broadly consistent with requirements of the Residential C Zone with 1.2% over the anticipated building coverage. The buildings will dominate the site, however the site is not currently being used for recreation purposes, nor has there been any use of the site for formal recreation purposes on record with the Council. Because of the disuse of the site, and the absence of any structures, the site is characterised by being open and spacious, the proposal will dominate the site and will not retain a sense of openness.

*k) The extent to which the recreation ground will become covered by buildings and the degree to which this will affect the amenity of the recreation ground or the ability for it to be used for its intended function.*

**Comment:** The site is to be used for elderly persons rental accommodation and will have a building coverage of 36.2%. The total allowable coverage for an Open Space A Zoned site is 5%. The proposal will dramatically increase the building coverage of the site. A minimal amount of outdoor living space is being provided which for elderly residents with limited mobility may be both practical and positive. Each unit will have a porch and will receive sunlight and daylight into their living areas. There is approximately 6m between the front and rear units of the site, as well as 6.25m from the front units to the road. The site will serve the needs of the proposed residents, however, will be no longer available for any informal recreational activities for the wider public (although not currently used to any discernible extent).

Overall, the buildings present breaches of the Open Space A Zone standard for buildings, although their design and appearance are considered to be consistent with (although at a much higher density) the surrounding environment. The effects buildings and structures on the environment are considered to be more than minor.

### **Transport**

The proposal will include 10 car parking spaces for the residential units (5m x 2.5m). Three non-compliances with the transport standards of the District Plan have been identified; queuing length, distance of vehicle entrances from intersections, and planting of trees close to intersections. Council's Development Engineer has been approached for comment on these non-compliances and the impacts on Council's Roading network. No concerns have been raised in relation to these non-compliances and no additional conditions have been proposed by Council's Development Engineer.

The effects of transport on the environment are considered to be less than minor.

### **Infrastructure**

The site is to be fully serviced by Council's reticulated water and wastewater services. The effects of servicing on the environment are considered to be less than minor.

### **Summary**

In summary, having assessed the adverse effects of the activity on the environment, I consider that the activity will overall have adverse effects on the environment as discussed in section 3.1.4. The loss of this piece of recreationally zoned land will not be mitigated by the provision of an additional parcel for recreational purposes (although it is noted that a park is located nearby on the corner of Cambridge and Nelson Streets). Once used for residential purposes it is highly unlikely that the land will ever be used for a playground or other recreational purposes as the zoning would indicate is a possibility. The above assessment makes reference to both the Open Space A zoning of the site and the surrounding Residential C zoning. The effects have been considered based on what is permitted in the Open Space A zone, had a different zoning applied to the site the assessment of effects would reflect this.

### 3.1.5 Do special circumstances exist (Section 95A(9))?

‘Special circumstances’ are circumstances that are unusual or exceptional but may be less than extraordinary or unique as determined in *Peninsula Watchdog Group Inc v Minister of Energy* [1996] 2 NZLR 529.<sup>2</sup>

Special circumstances can be utilised where there is no requirement to notify under the Act, but circumstances are such that may call for notification to the public, such as public opinion. It is noted that in this case, because the effects are more than minor that no assessment of special circumstances is required. The application is to be publicly notified due to the effects on the environment.

## 6.0 Conclusion

### Public Notification

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

## 7.0 Recommendation

### Public Notification

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

- i) The effects are more than minor (s.95D)

**Signed:**



\_\_\_\_\_  
Rachel Hickling  
Reporting Planner

**Date:** 16.12.2024

**Decision:**

<sup>2</sup> ‘What are special circumstances?’ Environment Guide <https://www.environmentguide.org.nz/rma/resource-consents-and-processes/notification-of-resource-consent-applications/what-are-special-circumstances/> last updated 10:39am January 5 2018. Accessed 10 December 2024.

LUC24/0113  
10 Cambridge Street, Ashburton  
Notification Report

The above application LUC24/0113 has been considered under delegated authority and has been determined to be processed with public notice pursuant to sections 95A-95F of the Resource Management Act 1991.



**Signed:** \_\_\_\_\_  
Brad Thomson  
District Planning Manager

**Date:** 16.12.2024



**Signed:** \_\_\_\_\_  
Ian Hyde  
Group Manager Compliance & Development

**Date:** 16.12.2024