



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

Consent number:	LUC23/0033
Applicant's Name:	Graham Donald Tamati Osborne Jennifer Ruth Osborne
Street Address:	798 Longbeach Road ASHBURTON DISTRICT
Legal Description of Site:	Lot 1 DP 23186
Zone:	Rural B
Application summary:	Land use consent at 798 Longbeach Rd to renovate and convert the former Scout Hall on site into a dwelling , zoned Rural B.

1.0 DESCRIPTION OF THE PROPOSAL

The proposal is to convert the existing and currently disused Longbeach Scout Hall into a dwelling. The site area is 1,667m², and is zoned Rural B.

The only external alterations proposed are to replace existing windows with modern joinery and repair or replace any existing building fabric as required. There will be no external extensions. Internally, the existing hall is proposed to be converted into a 2 bedroom dwelling. An existing attached double garage building is to be retained. Shelter belts and mature vegetation on all four sides of the property (where it is located on the subject site) will be retained. A survey plan has been provided to identify the vegetation that is located within the boundaries of the subject site.

The building is 9.5m from the southern internal (side) boundary, and 15m from the eastern internal (rear) boundary. The site coverage is 10.5% (111m²) on the 1,667m² site.

Servicing will be provided by retaining the existing septic tank and providing onsite water supply.

The application volunteers the following conditions and advice note:

- 1. The activity shall be conducted in accordance with the information submitted with the application.*
- 2. All windows and any glazed doors on the dwelling shall be double glazed to mitigate noise.*
- 3. The owners and occupiers of the site must not complain to the Ashburton District Council, the Canterbury Regional Council or any other authority regarding adverse effects arising from grazing, cropping, cultivation, crop spraying, harvesting burning of crop residues or irrigation operations on nearby farm properties. A covenant shall be registered against the*

record of title for the site pursuant to section 108(2)(d) of the Resource Management Act 1990 to secure performance of this condition. Such covenant shall be prepared by the applicant's solicitor on terms and conditions acceptable to the Council, acting reasonably.

Advice note:

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

The following minimum specifications should be applied:

Minimum Height: 2 metres

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

1.1 DESCRIPTION OF THE EXISTING ENVIRONMENT

The Scout Hall is on a very small Rural B site at 1,667m². The main building is old and is in a dilapidated state. The surrounding area is almost entirely actively farmed, mostly in very large farms up to 200ha which are grazed or cropped. The closest dwellings are across the road at 12 Bells Road at approximately 120m distant, and 19 Bells Road at 160m. There are other well-spaced dwellings along Longbeach Road.

2.0 PLANNING FRAMEWORK

2.1 RELEVANT RULES

Section 3: Rural Zones

Relevant Rule Rural Zone Activity Status and Site Standards	Compliance of proposed land use
<p>3.8.6 Non-complying activities Any activity which does not comply with one or more zone standards.</p>	<p>Non-complying activity</p>
<p>3.9.2 (a) Site Standard– (Site coverage)- Maximum percentage/area of net area of any site covered by buildings and impervious surfaces shall be Rural B 5% of net site area.</p>	<p>Does not comply: The site coverage will be 10.5%.</p>
<p>3.9.3 (a) Site standard (Height of Buildings)-</p>	<p>Complies</p>
<p>3.9.4 –Site Standard (Setback from Roads) - this rule specifies that residential units shall be setback at least 10m from the road boundary.</p>	<p>Complies</p>
<p>3.9.5 (a) Site Standard (Setback from the neighbours)- this rule specifies that residential units shall be setback a minimum of 20m from internal boundaries.</p>	<p>Does not comply: The building is 9.5m from the southern side boundary and 15m from the eastern rear boundary.</p>
<p>3.9.10 Site Standard– (Retail Sales and Commercial Activities) - this rule specifies that (a) Retail display and sales are limited to single retail outlets, not exceeding a gross floor area of 40m² and located within buildings; (c) There shall be no lighting from external light sources at night (between one hour after sunset and one hour before sunrise) of any retail sales or commercial activity.</p>	<p>Complies No retail sales occur onsite.</p>
<p>3.9.13 (b) Site Standard Earthworks in the Rural A and B zone shall not exceed a maximum volume of 5000m³ over an area greater than 2000m²</p>	<p>Complies</p>
<p>3.10.2 Setback of residential units from intensive farming activities and similar activities. The minimum setback for new residential units from the following activities shall be 400m: - existing feedpads; - existing dairy/milking sheds;</p>	<p>Complies</p>

<p>- existing buildings designed and/or used for the housing and/or shelter stock;</p> <p>- existing buildings designed and/or used for any intensive farming activity; and</p> <p>- existing areas used for farm-related effluent storage or disposal.</p> <p>Note: The standard does not apply to buildings on the same site.</p>	
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Section 10 Transport

Relevant Rule	Compliance of proposed development
<p>Site Standard 10.8.6 On site Manoeuvring</p> <p>(a) The manoeuvring area from the road to any parking space shall accommodate a 90% car.</p>	<p>Complies</p> <p>The vehicle crossing will be required to be upgraded as part of the building consent.</p>
<p>Site Standard 10.8.11 Queuing Length</p> <p>(a) 6m queuing length is required.</p>	<p>Does not comply:</p> <ul style="list-style-type: none"> There is a gate at the entrance to the site that prevents queuing within the site.

NES CS: The LLUR does not contain any records for the land where the barns are proposed. There are no known previous HAIL uses of the land. The land is therefore not covered by the NES CS.

Overall, the activity falls to be assessed as a non-complying activity under Rule 3.8.6.

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

- Farming activities are permitted on this small Rural B site.

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 on the environment must be considered.

Visual

The building will be similar to the existing, with some modernisation of the window fittings etc. No external expansion is proposed. Existing landscaping within the site will be retained, which largely screen the site from all angles apart from the road frontage.

Character/Amenity

As described above, the buildings will appear visually similar to their existing form. The proposed residential use will result in a change in the usage patterns, with a shift to permanent occupation of the buildings. The site already is inconsistent with the majority character of the Rural B Zone of large rural production sites. The site represents a character of the historic smaller sites in the zone. This character will not change as part of this proposal, as the built form and much of the landscaping will not be changing.

Servicing

The dwelling will be serviced by the existing septic tank and an onsite water supply. Evidence of a wholesome potable water supply will be provided at the time of building consent. (A building consent will be required for the change in use to a dwelling).

Traffic

There is sufficient manoeuvring space clear of the road for vehicles within the site. The minimum queuing space of 6m will not be met due to the location of the gate. However, the low traffic generation for the site and the relatively wide road berm means that this is unlikely to result in adverse safety or efficiency effects for the users of Longbeach Road.

Reverse sensitivity

Adverse reverse sensitivity effects are unlikely to extend beyond persons who own and occupy the land adjacent to the application site, and if they do, they are likely to be less than minor due to the separation distance.

Summary

In summary, having assessed the adverse effects of the activity on the environment, I consider that the activity will overall have less than minor adverse effects on the environment under s95A as discussed in section 3.1.4.

3.1.5 Do special circumstances exist (Section 95A(4))?

It is considered that no special circumstances exist in relation to the application.

LIMITED NOTIFICATION ASSESSMENT

4.1.1 Is there an NES or District Plan rule requiring limited notification?

There are no rules in the relevant District Plan/ Regional Plan/NES that would require or preclude limited notification of the application.

4.1.2 Are there holder(s) of customary rights order who may be adversely affected by the activity? (s 95(f))?

No

4.1.3 Are there affected persons who the activity will have a minor or more than minor adverse effects on (s 95 (e))?

No persons have provided their written approval to the activity.

Adverse effects on persons under s95(e) are considered as follows:

Reverse sensitivity

I consider that limited weight can be placed on the no complaints covenant as the Council (and other authorities) cannot contract out of their enforcement obligations under the RMA or any other Act. Complaints could also still be made directly to the farmer (902 Longbeach Road), or the farmer may feel obligated to act differently even if no complaints were received. The covenant would form a contract, but it is not clear who the parties to the contract would be or who would be responsible for taking action to enforce the contract.

In assessing the proposal – the change in use to a dwelling and its proximity to the farming activity - I consider that there are potentially minor adverse effects on the farmer (landowner and any farming operators at the site) due to potential reverse sensitivity effects, even with the proposed conditions and advice note.

The application notes the proximity of the pump shed for 902 Longbeach Road to the proposed dwelling, and the potential for noise disturbance. The application proposes an advice note about the situation, and proposes that the site occupants could install an acoustic fence if the noise becomes an issue for them. This may also contribute to reverse sensitivity effects on the farmer, and they may wish to comment on this.

Adverse reverse sensitivity effects on other persons are considered to be less than minor due to the proximity to the proposed dwelling and the types of activities on surrounding sites.

Other effects

The adverse visual, character/amenity, servicing, and traffic effects on persons are considered to be less than minor.

4.1.4 Limited Notification Assessment Conclusion

It is considered that this application should be processed with service of notice to the adversely affected persons:

Table 1: Adversely affected persons	
Person/Organisation & identifying features	Address for service
Landowner(s) of the adjoining farm at 902 Longbeach Road (Property number 23086)	Mr R I C MacKenzie, 902 Longbeach Road, Ashburton District.
Any other persons who are leaseholders or managers of the adjoining farm at 902 Longbeach Road (Property number 23086)	902 Longbeach Road, Ashburton District.

6.0 Conclusion

Limited Notification

- The applicant has not requested public notification.
- Pursuant to section 95B of the RMA, this application must be processed with limited notification because there are adversely affected persons. Notice of the application shall be served on those persons who have been identified as being adversely affected (and who have not provided their written approval), as identified in Sections 4.1.3 and 4.1.4.
- Special circumstances requiring public notification do not exist.

7.0 Recommendation

Limited Notification

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

- i) The applicant has not requested public notification [s.95A(2)(B)]; and
- ii) The adverse effects on the environment are no more than minor (s.95D)
- iii) There are no special circumstances [s95a(4)]; and
- iv) There are persons considered adversely affected by this proposal (s95e & s95F); and
- v) Request for further information has not been sought or for the commissioning of a report.



Signed:

Nicholas Law
Reporting Planner

Date: 08/11/2023

Decision:

The above application LUC23/0033 has been considered under delegated authority and has been determined to be processed with service of notice pursuant to sections 95A-95F of the Resource Management Act 1991.



Signed: _____

Ian Hyde
District Planning Manager

Date: 08/11/2023



Signed: _____

Jane Donaldson
Group Manager Compliance & Development

Date: 08/11/2023