

Before the Hearing Commissioner  
Appointed by Ashburton District  
Council

Under the Resource Management Act 1991

In the matter of an application by GDT and JR Osborne at 798  
Longbeach Road to renovate and convert a former Scout  
Hall to a dwelling within the Rural B zone (LUC23/0033)

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**Statement of Evidence of David Laurence Mountfort (Planning)**

30 August 2024

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**Applicant's solicitors:**

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**anderson  
lloyd.**

## Qualifications and experience

- 1 My full name is David Laurence Mountfort.
- 2 My qualifications are LLB (HONS) Canterbury University 1977, and Diploma of Town Planning, Auckland University 1978.
- 3 I have practiced consistently in the fields of town and country planning, and resource management since December 1978, working in central and local government, and since July 2009 as a self-employed planning consultant. I am a member of the New Zealand Planning Institute.
- 4 My role in relation to this application to renovate and convert a former Scout Hall to a dwelling at 798 Longbeach Road, Eiffelton<sup>1</sup> (**Application and Site**) has been to provide planning advice, prepare and lodge a resource consent application and provide further information in response to s92 requests.
- 5 In preparing this statement of evidence I have considered the following documents:
  - (a) the Assessment of Environmental Effects forming the Application (including responses to s92 further information request);
  - (b) the submission made on the application;
  - (c) the Statement of Evidence of Ms. Jenny Osborne;
  - (d) the National Policy Statement on Highly Productive Land (**NPS-HPL**);
  - (e) the Canterbury Regional Policy Statement (**CRPS**);
  - (f) the Ashburton District Plan (**District Plan**); and
  - (g) the s42A Report prepared by Lauren Wright.
- 6 I am familiar with the location and immediate surroundings of the Site and visited the area specifically in relation to the Application in October 2021 and March 2023.

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<sup>1</sup> Legally described as Lot 1 Deposited Plan 23186.

## **Code of Conduct for Expert Witnesses**

- 7 While this is not an Environment Court hearing, I record that in preparing my evidence I have reviewed the code of conduct for expert witnesses contained in Part 9 of the Environment Court Practice Note 2023. I have complied with it in preparing my evidence. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

## **Scope of evidence**

- 8 I have prepared evidence in relation to:
- (a) key findings in regard to effects on the environment;
  - (b) relevant planning framework;
  - (c) matters raised by submissions;
  - (d) matters raised in the s42A Report;
  - (e) proposed mitigation; and
  - (f) conditions of consent.

## **The Application**

- 9 This is an Application to convert an existing and currently disused Scout Hall into a dwelling. An existing attached double garage building is to be retained. Shelter belts and mature vegetation on all four sides of the property will be retained.

## *Surrounding area*

- 10 The surrounding area is almost entirely actively farmed, mostly in very large farms of up to 200 ha, which are grazed or cropped. The closest dwellings are across the road at 12 Bells Rd (at approximately 120 metres distance) and 19 Bells Rd (at 160 metres). There are also other well-spaced dwellings along Longbeach Rd.



**Figure 1 – Application site and immediately surrounding area, Source Canterbury Maps**

#### *Access and Parking*

- 11 Vehicle and other access are to Longbeach Road. This road is wide and straight, with two traffic lanes and generous grassed berms, with excellent visibility in all directions. Vehicle parking will be on site.

#### *Natural Hazards*

- 12 The Site is flat and surrounded by flat farmlands. It is not close to any waterways. It is close to but not within the flood risk area associated with the Hinds River.<sup>2</sup> No natural hazards are anticipated other than those which would affect the entire district such as earthquakes or extreme weather events.

#### *Earthworks*

- 13 Earthworks will be minimal, largely for the installation of the septic tank and water tank, and possible maintenance of the driveway.

#### **Application Activity Status**

- 14 The Site is zoned Rural B in the Ashburton District Plan. The activity status is non complying under Rule 3.8.6;

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

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<sup>2</sup> As shown on Flood Map F06 of the Ashburton District Plan

- 15 The activity does not comply with Zone Standard 3.10.1 (a) as it is only 0.1666 ha:

*3.10.1 Residential Density*

*a) Minimum net area for any one residential unit shall be:*

- *8ha Rural A*
- *50ha Rural B and Rural C*

*Except that the minimum net area for one residential unit on any allotment existing at the time of decisions on this Plan shall be 2ha, subject to compliance with all the relevant rules and standards in the District Plan.*

*b) There shall be only one residential unit on any land comprised in a separate site of less than 8ha in area.*

- 16 The Application also does not comply with the following site standards under Rule 3.9:

- (a) Under Rule 3.9.2, site coverage in the Rural B zone is limited to 5%. The Application stated in error that the buildings comprise 111m<sup>2</sup>, which amounts to 10.5% of the 1667m<sup>2</sup> Site. The s42A Report questioned this calculation and requested clarification. I have reviewed this. In fact, the Scout Hall and the garage building area are 170m<sup>2</sup> in area which amounts to 10.21% site coverage.
- (b) Under Rule 3.9.5, separation from neighbours is to be not less than 20 metres. The existing Scout Hall building is 9.5 metres from the southern side boundary, and 15 metres from the eastern rear boundary. The garage building is approximately 7 metres from the northern side boundary and 12 metres from the eastern side boundary.
- (c) Under Rule 10.8.12, a minimum queuing length of 6 metres from the road boundary is required and is not provided.

**Assessment of environmental effects**

- 17 It is considered that there are only negligible adverse effects arising directly from the proposed conversion and restoration of the buildings.

### *Existing Environment – Character and Amenity*

- 18 The existing Site has a character that includes buildings, open space significant plantings of trees and shrubs, set in a very wide open rural landscape. If the buildings are renovated, the shelter belts trimmed and the grassed areas maintained, I consider the Site would exhibit a pleasant and appropriate appearance similar to the built portions of other rural buildings in the vicinity.

### *Servicing*

- 19 The dwelling is proposed to be serviced with a water tank and a septic tank. Both are standard features at rural dwellings and are completely compatible with and appropriate in this rural environment in my opinion.

### *Visual and landscape.*

- 20 The visual appearance of the Site will be enhanced by the restoration and repair of the dilapidated buildings on the Site. The boundary plantings are attractive and fully compatible with the surrounding rural area, which is mostly held in large, open agricultural and cropping farms. Shelter belts are a common and accepted feature in the Rural B zone.
- 21 There is an existing small rural cottage with a similar appearance to the subject site approximately 500 metres to the south on Longbeach Road which appears to be on part of the surrounding large farm. There is a dwelling almost opposite at the intersection of Longbeach Road and Bells Road from which the Site is visible, although the buildings and any activities on the Site are partially screened from this dwelling by the frontage planting on the Site.

### *Site coverage*

- 22 Although the 10.21% site coverage exceeds the District Plan standard of 5%, I do not regard this as significant in this setting. The buildings are small, are substantially screened by boundary plantings except from the road and are located in a very wide open landscape. I consider the effects of this exceedance to be less than minor.

### *Transport*

- 23 Access to the Site will be almost exclusively by vehicle due to the distance from any other options. Longbeach Road is sealed with two lanes and wide grass verges and a speed limit of 100km/hour. The road is straight for almost 2 kilometres to the north and 0.5km to the south. There is an intersection to the north with Bells Road, on the opposite side approximately

65 metres from the accessway. The land is flat all around and visibility is excellent in all directions for drivers on Longbeach Road and Bells Road and for drivers entering and leaving the Site. Traffic levels on Longbeach Road are light. Traffic safety issues are expected to be negligible and similar to those arising from existing dwellings along this road and in similar situations all over the rural plains.

- 24 I accept the comment by the reporting officer that there is insufficient space for a compliant queuing space to be provided at the principal vehicle access to the property. I also note her conclusion that this is not an important issue, due to the wide grassed berm between the road carriageway and the gate, the excellent visibility and the relatively low traffic levels. This is a technical non-compliance only with no corresponding adverse effects.

#### *Reverse Sensitivity*

- 25 The potential for reverse sensitivity on surrounding rural operations is expected to be the only potential effect of concern related to the Application. Reverse Sensitivity has been defined as:

*A key consideration when preparing a plan is reverse sensitivity: the introduction of sensitive activities (e.g. residential activities) within the vicinity of existing activities (e.g. rural or industrial sites) which may lead to restraints or demands for restraints on those existing activities.<sup>3</sup>*

- 26 The Application documents acknowledge that reverse sensitivity is the only relevant adverse effect of the Application. The AEE states that:

*The surrounding rural area is extensively used for agriculture in the form of large scale pastoral farming and cropping. There is the potential for adverse effects to arise at the application site from these activities, particularly from cropping and harvesting, including noise and dust, as well as odours from farmed animals, the production and storage of silage, and from spray drift. Operations such as harvesting may occur during very early or during night time hours.*

- 27 There is a large pump station on the road frontage of the neighbouring property immediately adjacent to the southern boundary to the site. This has the potential to result in noise issues on the subject Site.

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<sup>3</sup> In the Environment Guide, an online publication of the Environment Foundation, at [Resource Management Act 1991 • Environment Guide](#)

- 28 There is therefore the potential for occupants of the proposed dwelling to be adversely affected by adjacent rural activities.
- 29 Most of these effects would be relatively short term, intermittent or occasional, and seasonal, lasting for a few days or less on each occasion. The majority of time, such effects would not occur at all, although it is possible that the pump station would operate more regularly for irrigation and other purposes. The effects of this could be mitigated by the construction of an acoustic fence, although I note that the noise output of this pump has not been measured, so I am unable to comment with certainty whether the acoustic fence would be necessary.
- 30 More specifically, I acknowledge that noise, dust and smoke could be produced by cultivation, planting, harvesting, and burning of crop residues. Spray drift could also occur. Noise from the pump station may occur.
- 31 Other than the pump station, such events would be seasonal, very occasional and brief in the vicinity of the Site. Such activities would typically be completed within a day or two. They would not even occur in seasons when the adjacent land continues to be grazed rather than cropped.
- 32 Noise and dust would be reduced by the dense shelter belts around the site, and by the required double glazing proposed in the conditions.
- 33 Production and storage of silage would have more persistent effects, as would intensive farming such as housing of animals close to the boundary. There would be ample opportunity to carry out these activities in other parts of the neighbouring property, away from any inhabited dwellings. The district plan requires a minimum setback of 400 metres for such activities from any residential unit.<sup>4</sup> I would not expect this to be a problem for the submitters to arrange on their very large farm. Therefore, I do not consider the proposed no complaints covenant should refer to these types of activities.
- 34 I believe that that people who choose to live in this very rural environment would be aware that this sort of activity can be expected in the vicinity and tolerant of it. In any case they would be aware of the no complaints condition and covenant before coming to the Site.
- 35 Therefore, I consider that reverse sensitivity would be no more than a minor effect at most, and that the proposed covenant would ensure that on farm

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<sup>4</sup> Rural Zone Standard 3.10.3



activities on the neighbouring property would not be restricted by the establishment of the residential dwelling on the property.

*Positive effects*

- 36 A positive effect of the proposal would be the restoration of the Scout Hall building which is becoming dilapidated and unsightly, and the property which, is becoming overgrown.
- 37 Another positive effect would be the restoration of a building with some heritage value, being a longstanding community building in the area, although not listed in the District Plan. There is another more significant heritage site, Longbeach Estate, at the far end of Longbeach Rd, which originally stretched from the coast to State Highway 1 and from the Ashburton to the Hinds Rivers.
- 38 Other positive effects that are discussed in the s42A Report<sup>5</sup> include:
- (a) The provision of additional residential accommodation.
  - (b) Increasing the variety of housing stock in the District without relying on the subdivision of productive land.
  - (c) The suitability of the size of the site and location for residential use by those working nearby, hoping to retire in the country or with children attending Longbeach School in particular.
  - (d) Investment into the maintenance and general improvement of a structure with anecdotal historic significance to the local community after being utilised as the Longbeach Scout Hall for over 50 years.
- 39 I agree that these are all positive effects of the proposal which should be considered under section 104.

*Assessment Matters of the District Plan*

- 40 The relevant assessment matters in the District Plan were fully discussed in the Application, and this is included in **Appendix 1** of this evidence.

*Conclusion*

- 41 It is considered that there are only negligible direct adverse effects arising from the proposed conversion and restoration of the buildings. Positive

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<sup>5</sup> At page 16 of the s42A report

effects will include restoration of a community building with some heritage value and visual improvement of an unkempt site.

- 42 The only potential adverse effect is reverse sensitivity. Because of the very limited amount of time, when most potential adverse effects can be expected to occur, and the mitigation proposed, I consider that the effects of this Application will be less than minor.

### **The National Policy Statement for Highly Productive land (the NPS-HPL).**

- 43 The NPS-HPL contains policies that are very similar to the District Plan provisions, although it is noted that this was prepared after the District Plan.

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

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

- 44 NPS-HPL is a relevant national policy statement to consider under s104(1)(b)(iii). The interim definition of 'highly productive land' currently applies pursuant to cl. 3.5(7), as the Canterbury Regional Policy Statement does not yet map highly productive land in accordance with the NPS-HPL. The Site is zoned in a general rural zone (Rural B), is entirely LUC Class 2 land and is not subject to the exemptions in cl. 3.5(7)(b). However, cl. 3.9(2) of the NPS-HPL allows for appropriate use and this includes use for a small-scale activity that has no impact on the productive capacity of the land (cl. 3.9(2)(g)). Given the proposal will result only in the change in use of an existing building on a 1667m<sup>2</sup> site already used for non-rural purposes, there will be no loss of highly productive land. On this basis, the proposal is considered to be consistent with the objectives and policies of the NPS-HPL.

### **The Canterbury Regional Policy Statement (the CRPS)**

- 45 Chapter 15 of the CRPS deals with soils. However, the only issues discussed are Soil Degradation and Soil Erosion, and there is nothing specific in relation to protection of highly productive land. That is likely to change if or when the Regional Council acts to implement the NPS- HPL but at present the CRPS appears to contain nothing of direct relevance to this application, and the topic is dealt with more specifically in the NPS and the District Plan. In addition, the Application Site is insignificant in a regional context. Therefore, there is no need to consider the CRPS any further.

## Assessment of relevant objectives and policies of the District Plan

46 The zone statement for the Rural B zone sets out that the main purpose of the Rural B zone is to provide for agricultural and horticultural activities. It recognises that adverse effects can arise from this, such as noise, dust and odours, including at night and early in the morning, and that there are likely to be large vehicles on the roads.<sup>6</sup>

47 Relevant objectives and policies of the District Plan that address this purpose include the following:

### **Objective 3.1:**

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

48 Under Objective 3.1, although the Site is located on potentially productive soils, it is a very small property and could not practically be used productively except together with the adjacent property. The cost of acquiring and clearing the property may make this uneconomic or unviable. Even if acquired and converted in this way, its economic return would likely be negligible.

### **Policy 3.1A**

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

49 The Site is already developed for non-residential activities and there would be a cost to converting it back. The extent of structures and hard surfaces is very small.

### **Policy 3.1D**

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

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<sup>6</sup> At Clause 3.3.2

50 Policy 3.1D is particularly relevant to this Application in regard to reverse sensitivity and is discussed below.

51 In addition to the above, I have reviewed the Reporting Officer's assessment of the objective and policies of the District Plan at pages 19 to 22 of the s42A Report, and concur with her conclusions.

*Overall Conclusion on the Objectives and Policies*

52 I agree with the Reporting Officer's assessment of these provisions, and consider the Application is consistent with the majority of the objective and policies of the District Plan, and is not contrary to the provisions relevant to this Application.

**Statutory Framework**

*Part 2 of the Resource Management Act (the RMA)*

53 Taking guidance from recent case law<sup>7</sup>, 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. It was competently prepared in a manner that appropriately reflects the provisions of Part 2. In particular the objectives and policies discussed above clearly reflect and give effect to Part 2. Considering the significance of this application in the context of the Ashburton District and in particular the Rural B zone, accordingly no further assessment against Part 2 is considered necessary.

54 Section 104 of the RMA sets out the requirements for considering a resource consent application. Relevant provisions include:

*(a) any actual and potential effects on the environment of allowing the activity; and.....*

*(b) any relevant provisions of—*

*.....*

*(iii) a national policy statement:.....*

*(v) a regional policy statement or proposed regional policy statement:*

*(vi) a plan or proposed plan; and*

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<sup>7</sup> *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

*(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

- 55 Of these matters for consideration, the effects on the environment have been considered above, as have the relevant provisions of the District Plan. The Canterbury Regional Policy Statement and the National Policy Statement for Highly Productive Land are also relevant.

*Section 104D of the Resource Management Act 1991*

- 56 This section provides that:

***104D Particular restrictions for non-complying activities***

*(1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*

*(a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*

*(b) the application is for an activity that will not be contrary to the objectives and policies of—*

*(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*

*(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*

*(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

- 57 Subclauses (a) and (b) contain alternative preliminary tests. If the application passes either, it may proceed and be considered on its merits. If it passes neither it cannot proceed. In this case, as discussed above, the effects of the proposal would be minor or less, so subclause (a) is satisfied and the Application can proceed.

**Precedent**

- 58 Because this is a non-complying activity, it is appropriate to consider precedent. Situations similar to this are likely to be rare. For precedent to be relevant there would have to be a small, disused former community

building, on its own separate small title, in an expansive Rural B or C zoned area, relatively distanced from any settlement, surrounded by large farms and on a lightly travelled local road. Such examples are likely to be rare and could legitimately be considered on their own merits. I do not consider precedent to be an issue in this case.

### **Matters raised by submissions**

59 One submission was received from Mr and Mrs MacKenzie, who are an adjoining neighbour to the Site. Their submission raised the following points.

#### *Land Gifting*

60 The Submission notes that the land for the Scout Hall was gifted by Mr McKenzie's grandfather to the local Scouts and Guides and was used once or twice per month by local children.

61 This is interesting background showing how the Scout Hall came to be erected on this Site but is simply irrelevant to the present Application.

#### *Reverse Sensitivity*

62 This is discussed earlier in this evidence from paragraph [25].

#### *Contamination of Water Bore*

63 This is discussed below at paragraph [66].

#### *Buildings are derelict/Not suitable for conversion.*

64 The buildings are certainly dated and dilapidated. Whether they are derelict is probably a matter of opinion. The applicants believe the building to be capable of restoration, with conversion of the interior into a small self-contained dwelling. I know from experience with another case that Mr Osborne is a very competent amateur builder and I rely on his judgement on this. Replacement of the windows, repair of any other building fabric that requires it, and painting will deal with this concern.

#### *No water or septic tank*

65 The applicant holds resource consent No CRC212067 from Environment Canterbury to install a septic tank and intends to install a rainwater tank. This will enable these important utilities to be provided. I discuss the septic tank issues raised by Mr MacKenzie below.

*Deficiencies in Ecan Consent for Septic tank/acknowledged incompetence in not knowing there was an existing bore on site/ consent is being reviewed.*

66 On receipt of the MacKenzie's submission, I made enquiries with Environment Canterbury and received the response contained in **Appendix 2**. This confirms that the MacKenzie's bore is very deep and will not be affected by the proposed septic tank system. As a result of this enquiry the resource consent was informally reviewed by Environment Canterbury officers. The consent is not currently under review. The allegation of incompetence in the submission is not understood.

### **Proposed Mitigation**

67 The applicant proposes that a restrictive covenant be placed on the record of title for the property preventing the owners and occupiers of the dwelling from lodging complaints to the Council or Environment Canterbury about effects arising from grazing or cropping activities at adjacent or nearby sites.

68 It is not considered that this covenant should refer to intensive farming activities such as pig or poultry farming as there are no such operations currently close to the Site and ample room on the surrounding sites for such operations to be established sufficiently away from the Site to preclude or reduce odours at the Site. The District Plan requires a 400m setback from the boundaries for any new such activities.

69 Windows and any glazed doors should also be double-glazed to reduce noise transmission.

70 Conditions of consent should be imposed for these matters.

71 If necessary, an acoustic fence could be constructed along the southern boundary of the site to reduce the noise levels from the pump. The original application suggested an advice note recommending such an acoustic fence be constructed. This was based on an estimate of the noise output, which may not be accurate. The actual noise output of this system is not known. This could be the subject of a condition of consent, although it could also be left to the discretion of the owners should they consider it necessary. An advice note to this effect has been included in the suggested conditions below and is also recommended in the officer's report.

72 Noise and dust would also be reduced at the subject site by the shelter belts, particularly when these are in leaf, which is when most of the activities of concern would be taking place.

### **Proposed Conditions**

73 The reporting officer has recommended a set of conditions and advice notes. These adopt the proposed conditions of the Application that give effect to the proposed mitigation and include additional conditions. The additional conditions relate to construction, and investigation of any contaminated materials on the Site caused by the age and weathering of the building, and the upgrading of the accessway. I accept that the recommended conditions are appropriate.

### **Conclusion**

74 With the proposed mitigation, and the recommended conditions, the effects of the Application, I would be less than minor.

75 The Application satisfies the requirements of the Resource Management Act, the National Policy Statement for Highly Productive Land and is consistent with the objectives and policies of the District Plan.

76 It is considered that the Application can be considered and granted subject to the conditions set out in the s42A Report of Lauren Wright.

**David Laurence Mountfort**

30 August 2024



## Appendix 1

### Discussion of the Assessment Matters in the District Plan

- 1 Rule 3.11 contains assessment matters which are to be considered for all resource consents. The following matters are relevant and briefly discussed.

#### *3.11.1 Residential Density and Building Coverage*

*a) The degree to which the residential density or building coverage has an adverse effect on the open character of the site and the surrounding area, in particular:*

- *in the Rural A and B Zones the extent to which building coverage on the site would visually dominate a site which would be out of character with the local environment*

*b) The degree to which residential density or building coverage shall compromise the productivity of Land Capability Classes I and II (New Zealand Land Resource Inventory) in the Rural A and B Zones.*

*c) The necessity for a residential unit on a site with a smaller area in order to provide management, supervision or security for a permitted rural activity.*

- 2 At 10.21% site coverage and with the wide open nature of all the surrounding properties, there is minimal effect on the open space character of the surrounding area and no visual domination. The appearance of the site is little or no different from the appearance of the built sections of surrounding farms.
- 3 Because of the small size of the Site in comparison with the whole Rural B zone, and because it is already not in production there would be only minimal effect on the overall productive value of the surrounding area.
- 4 The proposal is not necessary to provide management, supervision or security for a permitted rural activity.

#### *3.11.2 Building Height and 3.11.3 Road Boundary setback*

- 5 As the buildings are compliant for height and road boundary setback these assessment matters are not applicable.

#### *3.11.4 Setback from Neighbours*

*a) The extent to which the intrusion towards the internal boundary is necessary to enable more efficient, practical and/or pleasant use of the remainder of the site.*

- 6 The buildings are existing. Their location does provide a wide central area of open space on the Site for the use and enjoyment of the Site.

*b) The extent to which alternative practical locations are available for the building.*

- 7 The buildings are existing and are not proposed to be relocated, so the question of alternative siting is not applicable.

*c) Any adverse effects of the proximity or bulk of the building, in terms of visual dominance by buildings of the outlook from adjoining sites and buildings, which is out of character with the local environment.*

- 8 The distance of the buildings from buildings on adjoining sites means there is no visual dominance.

*d) Any adverse effects on adjoining sites of the proximity of the building, in terms of reduced privacy through being overlooked from or being in close proximity to neighbouring buildings, to an extent which is inconsistent with the surrounding environment.*

- 9 The distance of the buildings from buildings on adjoining sites means there is no reduction in privacy due to proximity of neighbouring buildings.

*e) Any adverse effects of the proximity or bulk of the building in terms of loss of access to daylight on adjoining sites.*

- 10 There would be no shading cast by the buildings on adjoining sites because the existing shelter belts, which are a permitted activity, would cast longer shadows.

*f) The ability to provide adequate opportunities for garden and tree plantings around buildings.*

- 11 There are already ample tree and shrub plantings along all the boundaries of the Site and more opportunity for more if the owners wish to provide them.

*g) Any adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.*

- 12 There are no difficulties with access and no adjoining rear sites requiring access.

*h) The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of such matters as noise, smell, dust, glare or vibration.*

- 13 The small scale residential use of the Site and distance to other dwellings means there will be little or no such effects.

*i) Any adverse effects of the proximity of buildings housing animals in terms of noise, smell, flies or vermin on adjoining sites.*

- 14 There are no housed animals in the vicinity on surrounding sites and any proposal to create such buildings would be subject to the District Plan which require generous 80 metre setbacks to avoid such effects under site standard 3.9.5.

*j) The ability to mitigate any adverse effects of the proposal on adjoining sites, including through the provision of landscape plantings.*

- 15 The existing boundary plantings already mitigate any effects of the proposal on adjoining sites. If considered necessary a condition of consent could be included to this effect.

- 16 The remaining assessment matters are not relevant to this proposal.

## Appendix 2

### Correspondence From Canterbury Regional Council about Resource consent for Septic Tank

**To:** [David Mountfort](#)

**Subject:** CRC212067 - Mr G D T & Mrs J R Osborne

**Date:** Monday, 8 April 2024 11:12:16 AM

Kia ora David

Thank you for your call last week, and for your time this morning.

As discussed, I have heard back from our consents team who confirmed this consent was investigated following concerns expressed that it was close to a water supply bore that was not identified in the application (a mistake by the applicant). Our groundwater scientist concluded in the investigation that due to the bore being very deep, and provided it has the correct well head protection that all bores are required to have, then the onsite wastewater consent would not impact it. Hence Environment Canterbury consider it would have made no material difference to the consent decision and the consent is fine. As far as Environment Canterbury are concerned the system can be installed as per the conditions contained within it.

This has also been communicated to the owner of the bore.

If you have any further questions regarding this please do let me know.

Kind regards,

Rachel

**Rachel Bjornsson**

Advisory Officer Kaikoura

Environment Canterbury

Customer Services: 0800 324 636

24 Hours: 0800 76 55 88

PO Box 345, Christchurch 8140

[ecan.govt.nz](http://ecan.govt.nz)