



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:	LUC24/0034
Applicant's Name:	Housing New Zealand Limited
Street Address:	6, 8 and 10 Orr Street ASHBURTON
Legal Description of Site:	Lot 5 DP 18886 Lot 4 DP 18886 LOT 3 DP 18886
Zone:	Residential C
Application summary:	Land use consent at 6, 8 & 10 Orr Street to address the non-compliances associated with the construction of nine residential units on three allotments, zoned Residential C, and consent under the NES Contaminated Soil.

1.0 DESCRIPTION OF THE PROPOSAL

The proposal is to redevelop the site by constructing nine residential units for social housing.

This application replaces the previous applications LUC23.0100 and SUB23.0054 which were progressed to s88E (applicant seeking written approvals) stage before being withdrawn. The main reasoning for being withdrawn was a change in consultants completing the project works. However, some layout changes to the development are proposed in this replacement application¹, and the subdivision component is no longer included. It is anticipated that a subdivision application will follow at a later date.

It is proposed to redevelop the site by constructing five standalone, single storey residential units and two, two-storey duplexes, with the following sizes and typology:

- Units 1 & 9: three-bedroom, single storey with a Gross Floor Area ('GFA') of 139.5m². These are located along the road boundary. The existing Liquidambar tree in the front yard of 8 Orr Street will be removed.
- Unit 2: two-bedroom, single storey with a GFA of 76.3m². This is located centrally along the road boundary.
- Units 3 - 6: two bedroom, two-storey with a GFA of 84.6m². The outdoor living space is provided on the ground floor and the bedrooms are located on the first floor. These units are located along the north-western internal boundary at the rear of the site.
- Units 7 & 8: two-bedroom, single storey with a GFA of 80.1m². These units are located along the south-eastern internal boundary at the rear of the site.

¹ Changes in this application include: Straightening of the shared access, shifting Houses 3-4 and 5-6 back from the northern boundary, shifting the parking for Houses 7 & 8 to the side of the houses and shifting these houses back slightly, removing the existing tree at the front of House 2, and revisions to outdoor living areas.

The exterior finish of the units will feature weatherboard cladding (and board and batten cladding for Units 3 to 6), with Coloursteel roofing.

Land use consent is sought based on the following non-compliances:

Residential Zones: Residential density, and outdoor living space. Transport: Number of vehicle crossings. NES Contaminated Soil: Disturbance and off-site disposal of contaminated soil.



Figure 1: Site Plan

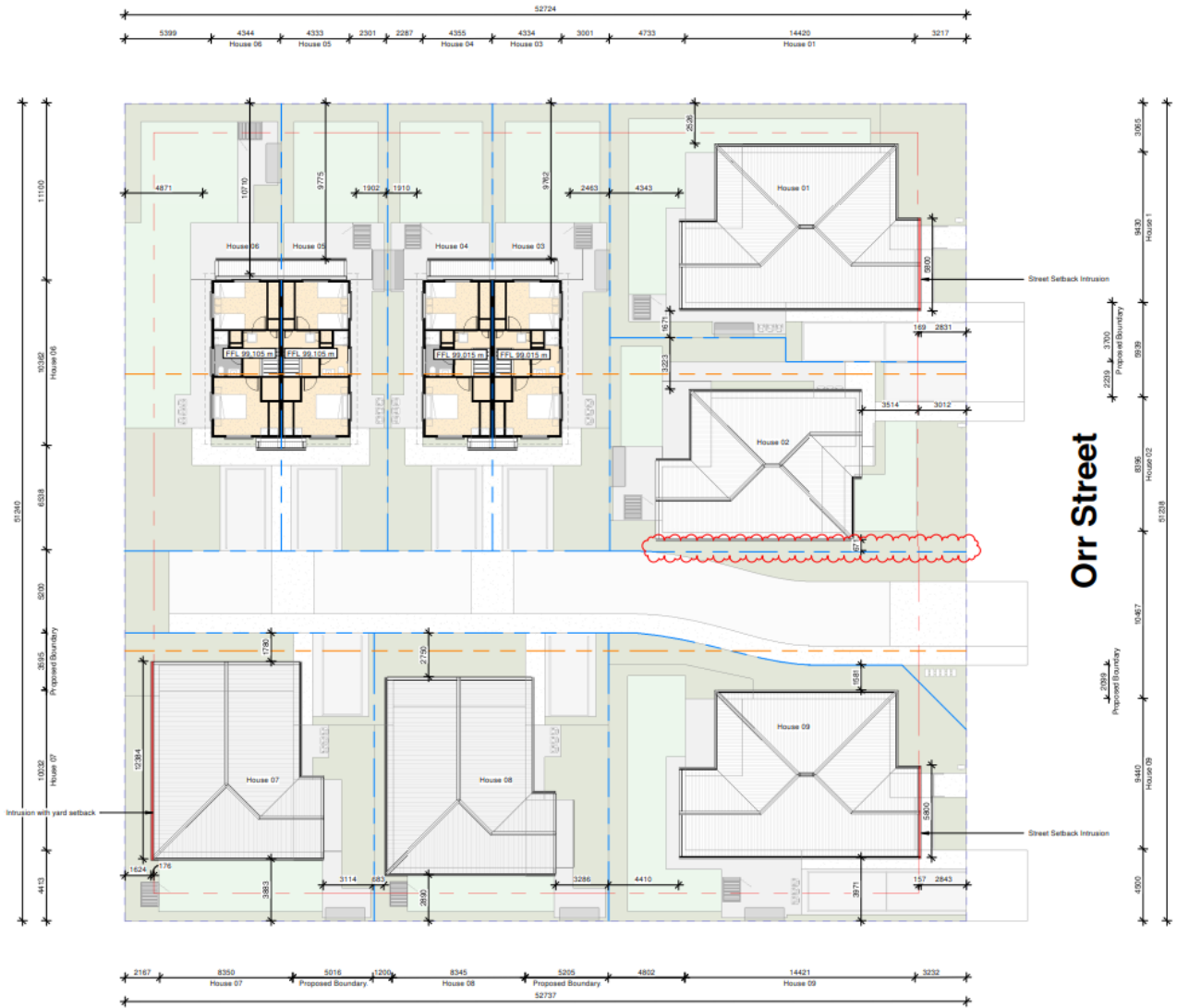


Figure 2: Site Plan – First floor



Figure 3: External Elevations



Figure 4: Internal Elevations

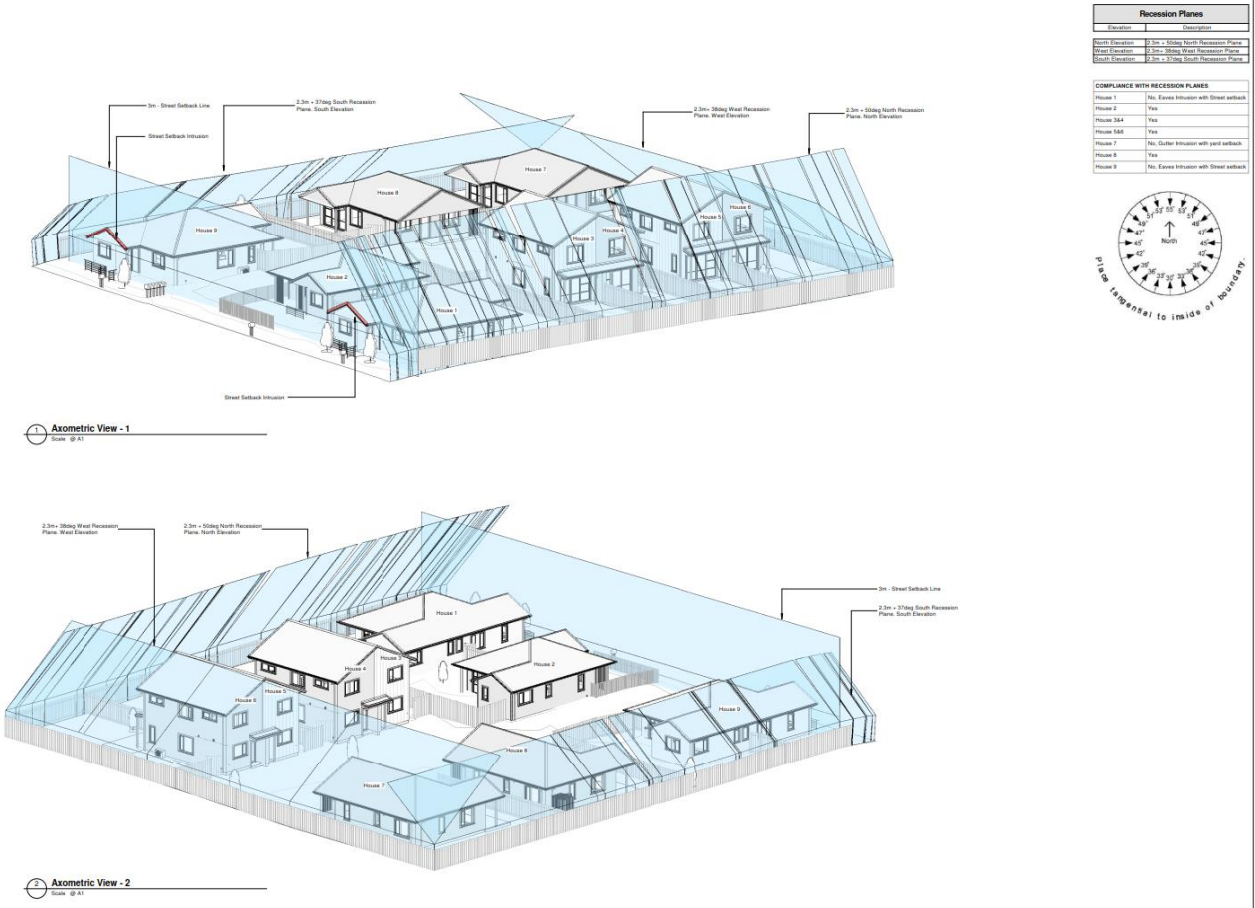


Figure 5: Axonometric View

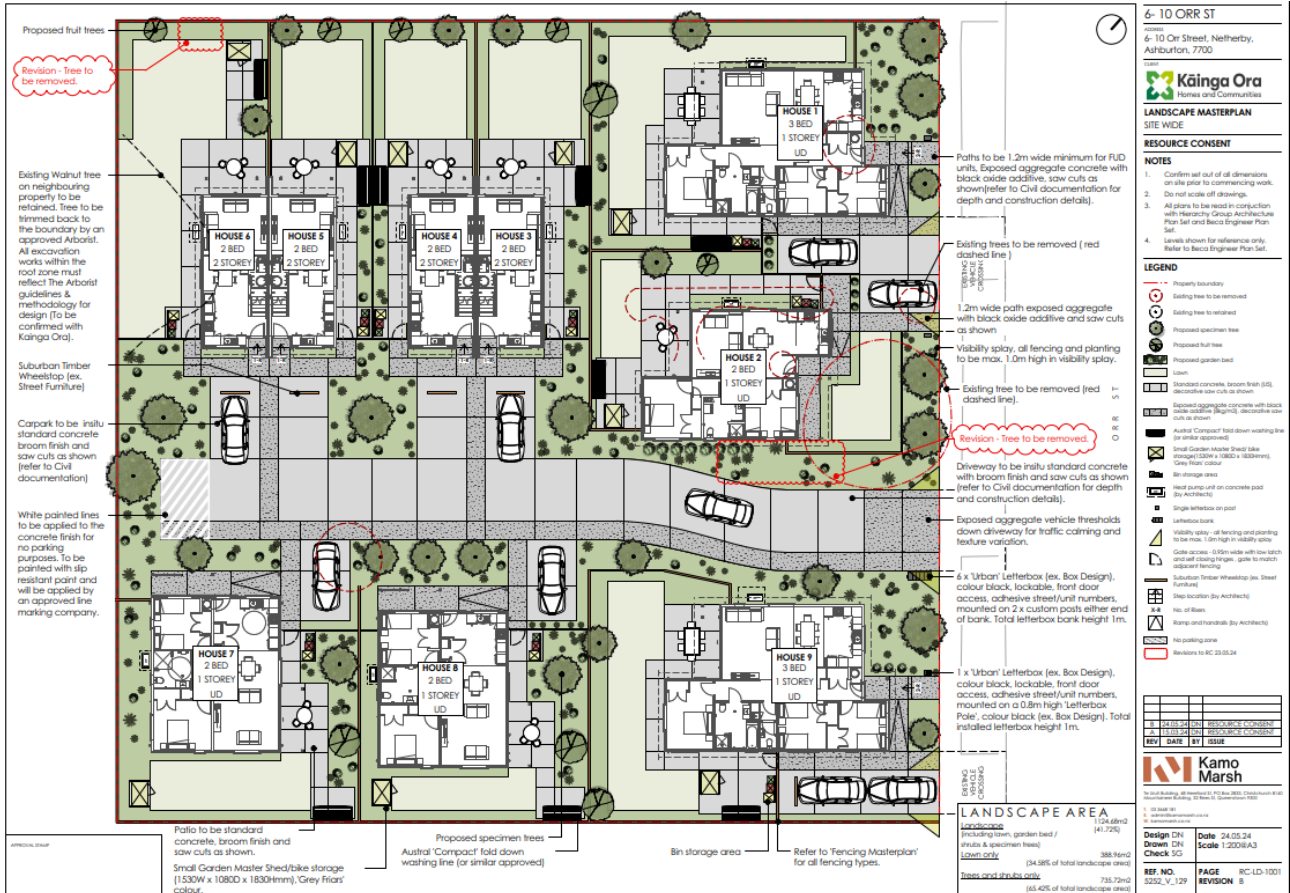


Figure 6: Landscape Master Plan

1.1 DESCRIPTION OF THE EXISTING ENVIRONMENT

The site is located at 6, 8, 10 Orr Street. The total site area is 2,697m². There is an existing single storey dwelling on each property that will be removed to allow for the redevelopment. The surrounding residential area is characterised by predominantly single-storey residential homes of a typically modest scale. Two infill developments have recently been completed by the applicant at 2 and 9 Orr Street. 2 Orr Street is one site down from this development. At 2 and 9 Orr Street there are three single level one-bedroom units on individual sites.

2.0 PLANNING FRAMEWORK

2.1 RELEVANT RULES

Section 4: Residential Zone

Relevant Rule	Compliance of proposed development
<p>Restricted Discretionary Activities 4.8.3 (b)</p>	<p>Restricted Discretionary Activity</p> <p>The proposal does not comply with one or more of the site standards for the residential zone.</p>
<p>Site Standard 4.9.1</p> <p>(a) Minimum net area for each residential unit contained within a site shall be 360m².</p> <p>(c) There shall be only one residential unit on any one site.</p> <p>(d) The minimum net area for any site in the Residential C Zone shall be able to contain a rectangle with the dimensions 15m x 13m.</p>	<p>Does not comply:</p> <p>The site is 2,702m² and 9 units are proposed. 3,240m² site area would be required to provide 9 units.</p> <p>2,702m² divided by 9 units is 300.22m² net area per house.</p> <p>On subdivision, the following residential units are unlikely to achieve the minimum density:</p> <ul style="list-style-type: none"> • Lot 2: 281.3m² • Lot 3: 205.4m² • Lot 4: 186m² • Lot 5: 186m² • Lot 6: 274.5m² • Lot 7: 280.2m² • Lot 8: 266m² • Lot 9: 317.9m² <p>Lots 3-6 would also likely not meet the minimum 15m x 13m minimum dimension on subdivision.</p>
<p>Site Standard 4.9.1 (c) There shall be only one residential unit on any land comprised in a separate site/ Computer Freehold Register (Certificate of Title)</p>	<p>Complies:</p> <p>There will only be one unit on each site.</p>
<p>Site Standard 4.9.2 (a) (Building Coverage)</p> <p>Max 35%</p>	<p>Complies:</p> <p>The site coverage over the combined development site is approximately 680.28m² over 2702m² site = 25%. (approximately 32% once the access is subdivided).</p>

	It is noted that the site coverage for house sites 8 and 9 will likely exceed 35% on subdivision as indicated on the site plan.
Site Standard 4.9.3 – (Building height) 8m	Complies A surveyors' certificate will be required to confirm houses 5 and 6 comply with the height control on construction, as they are close to the limit.
Site Standard 4.9.4 – (Recession Lines)	Complies: Although it is noted that the following internal boundary recession lines likely won't comply on subdivision: <ul style="list-style-type: none"> • Lot 3: small breach to Lots 1 and 2 along the north-eastern internal boundary. • Lot 4: breach to Lot 5 along the south-western internal boundary. • Lot 5: breach to Lot 4 along the north-eastern internal boundary. • Lot 5 and 6: breach to internal boundary with access. • Lot 7: breach to internal boundary with access. • Lot 8: breach to Lot 7 along the south-western internal boundary. The recession lines along the boundaries with surrounding sites (not in Kainga Ora ownership) are complied with.
Site Standard 4.9.5a – (Setback from the street) 3m	Complies The eaves of Units 1 and 9 intrude into the road boundary setback. However, as they project into the setback by less than 0.6m they are exempt under 4.9.5 d.
Site Standard 4.9.6a – (Setback from the neighbours) 1.8m	Complies: It is noted that on subdivision House 8 will likely intrude the internal boundary setback with Lot 7, and Houses 2 and 9 will likely intrude the internal boundary setback with the access lot. The internal boundary setbacks to surrounding sites (not in Kainga Ora ownership) are complied with, and are also likely to be complied with on subdivision. The gutter of House 7 intrudes the internal boundary to the south-west but this is covered by the exemption in Rule 4.9.6a.
Site Standard 4.9.7 – (Outdoor Living Space) 70m², min 5m dimension	Does not comply: The following units do not comply with this standard: (AL = outdoor living space less than 5m ² width) <ul style="list-style-type: none"> • Unit 1: 65m² + 56m² AL • Unit 2: 51m² + 23.4m² AL • Unit 7: 62m², 40m² AL

	<ul style="list-style-type: none"> • Unit 8: 64m², 29m² AL • Unit 9: 57m², 42m² AL <p>The following units are compliant:</p> <ul style="list-style-type: none"> • Unit 3: 81m² • Unit 4: 73m² • Unit 5: 73m² • Unit 6: 156m²
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Section 10 Transport

Relevant Rule	Compliance of proposed development
<p>Restricted Discretionary Activities 10.7.2a</p> <p>Any activity which does not comply with the site standards</p>	<p>Restricted Discretionary Activity</p>
<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>(b) Onsite manoeuvring shall be provided to ensure no vehicle is required to reverse onto or off a site:</p> <ul style="list-style-type: none"> • Three or more residential units share a common access. 	<p>Complies:</p> <p>Onsite manoeuvring space is provided, including the ability for vehicles to exit or enter the site in a forward gear when utilising the shared access.</p>
<p>Site Standard 10.8.11 Queuing Length</p> <p>(a) 6m queuing length is required.</p>	<p>Complies:</p> <p>Although on subdivision the following non-compliance is likely:</p> <ul style="list-style-type: none"> • No queuing space is proposed for the vehicle access.
<p>Site Standard 10.9.2 Vehicular Access</p> <p>(a) All vehicular access shall be in accordance with Table 10-6.</p> <p>For 3-6 sites and less than 50m length: 4m legal width, 3.5m</p>	<p>Complies:</p> <p>Although on subdivision the following non-compliance is likely:</p> <ul style="list-style-type: none"> • No passing space will be provided

carriageway. Turning area and passing bay required. Footpath is optional.	
<p>Site Standard 10.9.5a Maximum Number of vehicle crossings</p> Frontage length 21-60m: 2 crossings permitted	<p>Does not comply:</p> The three existing titles will be held together under s75/77 under the Building Act, which will result in three vehicle crossings on the one frontage. Only two crossings are permitted based on the frontage length.

NES CS:

- A DSI and work instruction was provided with the application. Heavy metals (arsenic and lead) were detected above the reported background concentrations and above the the applicable NES CS criteria.
- One fragment of asbestos containing material was found (site 6HA2) and removed from the site by sampling. However, testing did not detect further asbestos.
- The contamination is generally considered to be low risk, and standard earthworks health and safety controls are suitable for workers involved in soil disturbance outside of 6HA2. Asbestos controls will be followed within site 6HA2.
- The site will be scraped to 0.4m below existing ground level, and this is anticipated to remove all contaminants identified.
- Resource consent under the NES Contaminated Soil is required as a restricted discretionary activity under Regulation 10.
- Appropriate conditions have been volunteered by the applicant to manage the soil contamination hazard.

Overall, the activity falls to be assessed as a restricted discretionary activity under Rules 4.8.3 and 10.7.2 of the Ashburton District Plan, and a restricted discretionary activity under Regulation 10 of the NES CS.

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.

Kainga Ora is the applicant and owner of the proposed allotments. Any adverse effects internal to the proposed allotments can be disregarded for notification purposes as it is assumed that the applicant has provided written approval in making the application.

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:

- One residential per existing title.

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 restricted discretionary activity only those adverse effects included in the relevant matters of discretion in the District Plan and NES CS can be considered.

The applicant has volunteered to include servicing conditions on the land use consent to streamline the servicing design with building consents, and future subdivision of the site.

3.1.4.1 Ashburton District Plan

The residential units will be serviced appropriately. The applicant has volunteered to include servicing conditions on this land use consent to ensure consistency with the Council's Water & Wastewater Bylaws.

There will be a sense of open space and the opportunity for garden and tree planting as discussed under residential density below.

Setbacks and recession lines are met on all 'external' site boundaries (those adjoining land that isn't subject to this application).

Anticipated density

Net sizes of the allotments will be small-medium for the Residential C Zone ranging from 186m² (Lots 4 & 5) – 360+m² (Lot 1).

The applicant notes that 7 lots could be achieved for the total site at complying site areas. The total net site area of the site is 2,697m² divided by 360m² which equates to 7 lots and approximately 177m² for access/shared use.

The neighbour(s) at 12 Orr Street have a single residential unit that shares a Title boundary to the north west of the Kainga Ora development site. There will be five Kainga Ora units fronting the boundary with 12 Orr Street.

Transport

The number of vehicle crossings is appropriate, as there is not a proliferation of crossings overall on Orr Street, sight lines are appropriate, and the crossings will be on separate sites following future subdivision.

3.1.4.2 NES Contaminated Soil

Appropriate conditions will be in place for the removal and disposal of soil, and to protect the health of workers. Once complete, the site will be appropriate for the proposed residential use.

Cumulative effects

I have paid particular attention to potential cumulative effects from this proposed development in combination with the existing environment, including the existing undersize allotments at 2 and 9 Orr Street. The adverse cumulative effects on the character of the zone are considered to be less than minor due to the size of the dwellings proposed, the compliance with external boundary rules (recession planes and setbacks), and the provision of open space and landscape planting within the Kainga Ora developments at the subject site, and the already developed sites at 2 and 9 Orr Street.

Summary

In summary, having assessed the adverse effects of the activity on the environment, I consider that the activity will overall have a less than minor adverse effects on the environment 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:

Anticipated density

In assessing the proposal I have considered the density of development that might be anticipated under the restricted-discretionary subdivision and permitted residential zone standards. I have focussed on the two-storey duplexes at the rear of 10 Orr Street, as these present the likely greatest level of effects.

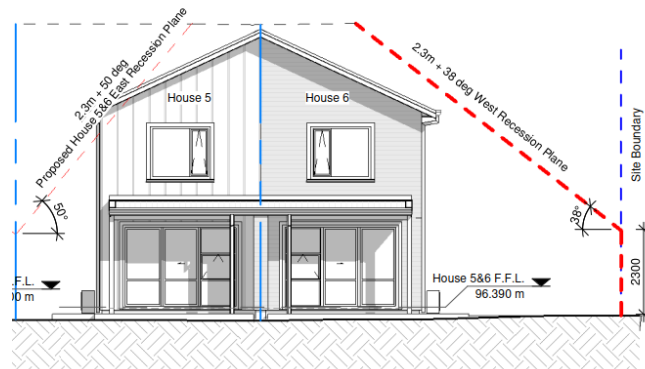
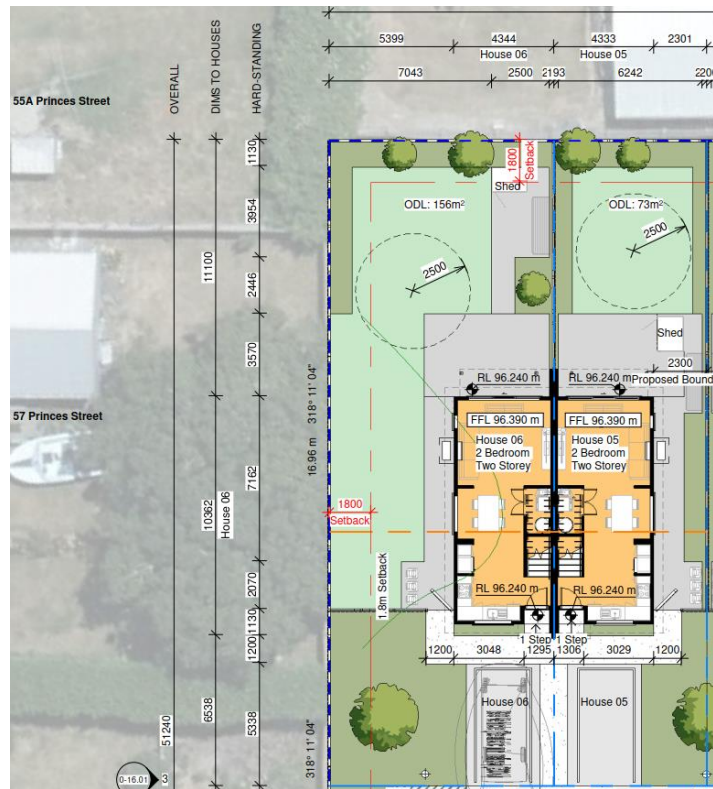
In the anticipated density scenario the site at 10 Orr Street could be subdivided to have an infill allotment at the rear. A dwelling could be sited on this allotment subject to compliance with setbacks and recession lines. The dwelling could be two storeys in height and could reasonably have 4 bedrooms. Refer Figure 6 below.



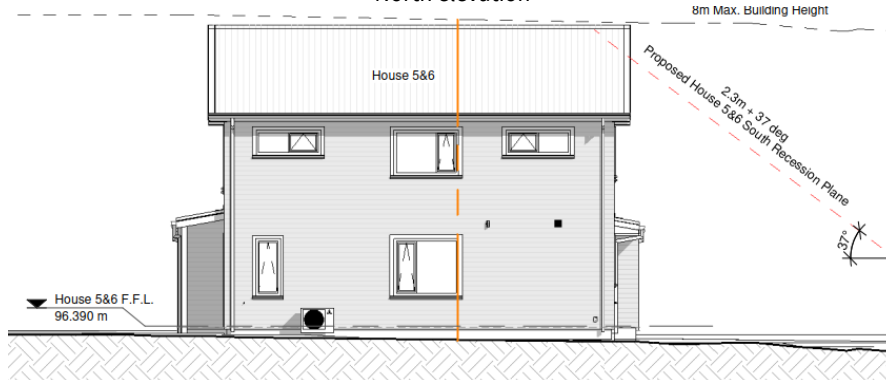
Figure 6: Anticipated development scenario

The occupants of the dwellings adjoining to the south west (55A Princes Street and 57 Princes Street), will experience a built form density similar to the anticipated scenario as Houses 5 and 6 will be sited setback against the recession line on the south west boundary and providing a front yard to the north west. The second floor windows facing west are also high level/dormer windows that will minimise overlooking towards 55A and 57 Princes Street.

See figures 7, 8 and 9 below.



North elevation



West elevation

Figures 7, 8 & 9: Duplex houses 5 and 6

The neighbour(s) at 12 Orr Street have a single residential unit that shares a Title boundary to the north west of the Kainga Ora development site. There will be five Kainga Ora units fronting the boundary with 12 Orr Street. I consider that they would not reasonably expect to have five allotments/households sharing a boundary with them on their south eastern boundary and the level of activity that may come with that. I

therefore consider that there may be minor adverse effects on the owners and occupants of the dwelling at 12 Orr Street.

The other area of particular attention is the potential effects on the owners and occupants of the dwelling at 4 Orr Street which adjoins the southeast boundary of the proposed development. Houses 7, 8 and 9 will be adjacent to this boundary. These dwellings will be modestly sized, single storey, and will be setback approximately 4m from the boundary and either landscaped or forming a carpark (Unit 9)². With the combined development of 6 and 8 Orr Street, three compliant lot sizes could be anticipated along this boundary. In the compliant 7 lot development scenario described in section 3.1.4 above, there could be three compliant 360m² allotments along this boundary, with the same number of dwellings and the same bulk and location and outdoor living locations as proposed here. There is tree planting on each lot (at least 3) and a substantial amount of other landscape planting. I consider therefore that the adverse effects from the proposed development on these persons will be less than minor.

The removal of the tree in front of House 2 is unfortunate, but as the tree is not a protected tree, there is no evidence on it's wider value to the surrounding environment and on persons to support a conclusion on adverse effects beyond de minimis. New trees are proposed within the site being a mix of specimen and fruit trees.

I consider that the adverse effects on any other persons will be less than minor for the same reasons as outlined above and in section 3.1.4.

4.1.4 Limited Notification Assessment Conclusion

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

Table 1: Adversely affected persons	
Person/Organisation & identifying features	Address for service
Owners and occupants of the dwelling at 12 Orr Street	12 Orr Street, Ashburton

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.

² Despite being shifted back slightly in this revised proposal, the effects consideration for the owners/occupants of 4 Orr Street reaches the same conclusion as under the previous proposal. Setbacks and landscaping will be more than met on this boundary, and factoring in the anticipated development scenario, adverse effects on these persons will be less than minor.

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: 01/07/2024

Decision:

The above LUC24/0034 has been considered under delegated authority and has been determined to be processed with service of notice pursuant to sections 95B and 95E of the Resource Management Act 1991.

Signed: _____
Ian Hyde
District Planning Manager

Date: _____

Signed: _____
Jane Donaldson
Group Manager Compliance & Development

Date: _____