

Gore District Council Decisions



NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104

Resource Management Act 1991

Application reference	LU 24012
Proposal	Application under Section 88 of the Resource Management Act 1991 (RMA) to: <ul style="list-style-type: none">• convert an existing building from a church into a residential dwelling on a site that is less than 2,000m² in area in the Rural Zone under the Operative District Plan; and• to undertake alterations and additions, and for works, buildings and structures within the setting of a heritage item HH-57 under the Proposed District Plan.• To place a water tank 1.6m from the western boundary with Glendhu Road.
Applicant	Lana McMillan
Location	900 Glendhu Road, Waimumu
Legal Description	Lot 1 Deposited Plan 4176 held in record of title SL172/128
Activity Status	Restricted Discretionary
Decision Date	20 June 2024

SUMMARY OF DECISIONS

- 1 Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**), the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Werner Murray, on 26 June 2024 under delegated authority pursuant to Section 34A of the RMA.

2 Pursuant to Section 104 and Section 104C of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in this report of the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in this report are complied with by the consent holder. The decision to grant consent was considered by Werner Murray, on 26 June 2024 under delegated authority pursuant to Section 34A of the RMA.

1. THE PROPOSAL

The site at 900 Glendhu Road, Waimumu is 1,586m² in area. The Applicant proposes to convert the 110.65m² building on the site, which was formerly used as a church, into a residential dwelling.

The existing building contains a kitchen, an office, a stage, a church hall and a vestibule. Internal alterations are proposed to create three bedrooms, a bathroom, a kitchen, a living room, a laundry, a craft room, and a service room. It is intended that one resident (the owner) will live in the dwelling permanently. Up to four short-term visitors (i.e. family, grandchildren) will stay occasionally.

External physical changes to the building include:

- the construction of a new 2.4m² deck to northern side of the building, which will be 450mm above FGL.
- the installation of French doors (with double glazing and aluminium joinery) to the living room to replace the existing windows,
- the removal of the existing concrete steps and block in the existing entry door with Hardie Flex.
- the installation of a new door to the laundry to replace the existing windows,
- the construction of a 1.4m² timber landing and steps from the laundry, which will be 545mm above FGL.
- the installation of a gas califont to the rear elevation.

The 68m² separate building will be used for storage purposes and will not be used as a separate residence nor rented out to any group. No changes are proposed to this building.

The existing timber picket fence that faces the intersection will remain unaltered, it is considered that the issue of the timber picket fence can be dealt with through a right to occupy, this will be included as a condition of the consent.

The existing vehicle crossing of Glendhu Road will continue to be used for access to the site, no other vehicle crossings are proposed.

The existing gravel parking area at the south-eastern end of the site will be converted into gardens and a chicken run.

In terms of the services, water supply for potable and firefighting purposes is proposed to be supplied via onsite rainwater collection, specifically, two x 30,000L water tanks, the tanks will be half buried and therefore will be 1.8m above the ground, the applicant intends to fence around these and plant around them to camouflage these from the road. The site has an existing on-site septic tank and drainage field for domestic wastewater disposal. Stormwater runoff will continue to be disposed of to the ground and to the water tanks.

The dwelling has an existing electricity supply and an existing telecommunications connection.

The existing and proposed drawings supplied with the application are included as Appendix A.

Building consent application BC211183 is currently in progress and has a s37 notice, pending the resource consent decision for the proposal sought under this application.

2. SITE DESCRIPTION

Physical context

The 1,586m² subject site is legally described as Lot 1 Deposited Plan 4176 and held in Record of Title SL172/128. There are no interests registered on the record of title, SL172/128, dated 28 February 1951.

The site is a corner site with frontage to Waimumu Road to the north-west and Glendhu Road to the south-east. The site is flat in topography and is shown in Figure 1.



Figure 1: Subject site in red (source: GoreDC Maps)

The site contains an existing single storey building orientated towards the Waimumu Road-Glendhu Road intersection. This 110.65m² building was constructed in 1952-53 and formerly used as the Waimumu Memorial Church by approximately 25 people each Sunday. The Applicant states that this use has ceased for a number of years now.

A separate 68m² building with playground structures is located to the rear (south) of the church. This building was formerly used as a Sunday School and by the Waitea Playgroup. This building is used for storage purposes.

The church has a gabled roof with hipped ends and an entrance porch at the west end has two sets of concrete steps on the west and north sides. This front elevation contains small plaques attached to the wall to commemorate local servicemen who served in World Wars I and II, and an ANZAC memorial has recently been painted for the local community. The building has been constructed of timber, roughcast plaster and roofing tiles.

A footpath off Glendhu Road provides pedestrian access to the church. There is a gravel area for parking at the south-eastern end of the site that is accessed off Glendhu Road.

There is an accessory shed on the site.

There is a low timber picket fence on the road boundaries by the church; wire fencing on the side boundaries, and mesh fencing adjacent to the playground.

Planning context

The site is not identified in Environment Southland's Selected Land Use Sites Register ('SLUS') as an actual or potentially contaminated site.

The Gore District Council's mapping system does not identify the site as being subject to any risk of inundation. It identifies the liquefaction risk across the site as 'negligible'. The site comprises Land Use Capability Class 3 soils.

The site is located in the Rural zone, as shown on Planning Map DST 19 of the Operative District Plan.

Under the Operative District Plan, there are no known historic heritage features or natural features and landscapes on the site. However, under the Proposed District Plan, the Waimumu Memorial Church and its setting are recorded as a historic heritage item (identifier HH-57) with the entire external envelope being protected. The following extract is from the Council's Historic Heritage Item Record Form for the Waimumu Memorial Church:

Waimumu Memorial Church has overall heritage significance to Waimumu and to the district of Gore as a whole. The building has historical and social significance for its association with community efforts to commemorate the local men who served in both world wars and cultural and spiritual significance given its ecclesiastical and commemorative functions. Waimumu Memorial Church has architectural significance as a mid-century church that shows the persistence of earlier forms of church design and craftsmanship value for the quality and integrity of its construction and detailing. Waimumu Memorial Church has contextual significance as a local landmark and in relation to the hall and former school that together mark the heart of the rural community. The property may have limited potential archaeological value.

(Source: <https://lets.talk.goredc.govt.nz/88245/widgets/414396/documents/266423>)

The Council's Roading Asset Manager, Murray Hasler, notes that Glendhu Road is a local access road and Waimumu Road is a local collector road. Both roads have gravel shoulders and a grass verge. Glendhu Road is straight and flat with compulsory stops controlling both approaches to Waimumu Road intersection. The section of Waimumu Road approaching the intersection is also relatively straight and flat. A 100kph speed restriction applies to both roads.

Surrounding area

The site is located approximately 10km to the south of Gore and approximately 1.3km from the boundary with Southland District to the north-west. The properties near the Waimumu Road-Glendhu Road intersection are smaller rural residential properties, except for 899 Glendhu Road (Part Lot 67 DP 178), which contains the Waimumu Te Tipua Hall. The property further beyond are larger rural lots used for farming.

3. ACTIVITY STATUS

3.1 Operative Gore District Plan

The site is zoned Rural in the Gore District Plan. The proposed change of use of the building of a church (a communal activity) to a dwelling (a residential activity) requires resource consent under the District Plan for the following reasons:

- A **restricted discretionary** activity resource consent pursuant to Rule 4.2.3(1) for a Residential Activity on a site in the Rural Zone that is less than 2,000m² and existing prior to 27 March 2014.

The Council's discretion is restricted to the following matters:

- (a) The suitability of the site for the treatment and disposal of sewerage and stormwater;
- (b) The adverse environmental effects that can arise from treatment and disposal of sewerage and storm water from that site, including any impacts on any reticulated infrastructure of Council.

- A **restricted discretionary** activity resource consent pursuant to Rule 4.7A.1(b) for one of the proposed tanks as it will be setback 1.6m from the boundary with Glendhu Road.

The Council's discretion is restricted to the following matters:

- (a) The adverse environmental effects of the matters with which there is non-compliance.

The proposal requires consent as a **restricted discretionary** activity under the Operative District Plan.

3.2 Proposed Gore District Plan

The site is proposed to be zoned as General Rural Zone in the Proposed District Plan. There are no rules in the General Rural Zone chapter with immediate legal effect that impact this application.

The Waimumu Memorial Church and its setting are recorded as a historic heritage item (identifier HH-57) with the entire external envelope being protected. The rules in the Historic Heritage chapter have immediate legal effect, in accordance with section 86B(3) of the RMA.

The following definitions are relevant:

Building: means a temporary or permanent movable or immovable physical construction that is: (a) partially or fully roofed; and (b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

Structure: Has the same meaning as per the Resource Management Act – means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.

Additions: In relation to an historic heritage item, it means an extension or increase in floor area, number of stories, or height of a scheduled building or structure. It includes the construction of new floors, walls, ceilings, and roofs.

Alterations: In relation to an historic heritage item, it means any changes to the fabric or characteristics of a building involving, but not limited to, the removal and replacement of walls, windows, ceilings, floors or roofs, and foundations, and includes the addition of any signs to a building. It does not include repair or maintenance.

External physical changes to the building include:

- the construction of a new 2.4m² deck to northern side of the building.
- the installation of French doors (with double glazing and aluminium joinery) to the living room to replace the existing windows. The doors are considered to be an alteration.
- the removal of the existing concrete steps and block in the existing entry door with Hardie Flex. The removal of the steps is not considered to be an addition or alteration. The new wall to block in the existing entry door is considered to be an addition.
- the installation of a new door to the laundry to replace the existing windows. This is considered to be an alteration.
- the construction of a timber landing and steps from the laundry. This is considered to be a new structure.
- the installation of a gas califont to the rear elevation. The califont is considered to be a new structure.

Physical changes to the site include:

- A new gravel driveway and parking area will be created to the southern side of the dwelling. This is considered to be new works.
- The existing gravel parking area will be converted into gardens. This is considered to be new works.
- Two x 30,000L water tanks (partially submerged) will be established. These are considered to be new buildings.

Rule HH-R4.2 states that alterations and additions are a Permitted Activity where:

1. Alterations to a heritage item listed in HH-SCHED2 do not alter the protected elements; or

2. Alterations to a heritage item listed in HH-SCHED2 replace:

(a) masonry roofing tiles with lightweight material of the same or closely similar appearance; or

(b) wooden windows are retrofitted with double glazed units into the existing timber joinery; or

(c) an unreinforced masonry chimney with a lightweight structure to the same size, scale, detail and texture; or

3. Additions to a heritage item listed in HH-SCHED2 are limited to solar panels or aerials that are not visible from a public place.

- A **restricted discretionary** activity resource consent pursuant to Rule HH-R2 for alterations and additions to a heritage item that do not qualify as a permitted activity. The following alterations and additions require consent:
 - the installation of French doors (with double glazing and aluminium joinery) to the living room to replace the existing windows,
 - the new wall to block in the existing entry door, and
 - the installation of a new door to the laundry to replace the existing windows.

The Council's discretion is restricted to the following matters in 1 to 9, under Rule HH-R2.

Rule HH-R4.1 states that works, buildings, and structures within a heritage setting of a heritage item listed in HH-SCHED2 are a Permitted Activity where these are limited to:

- (a) any non-habitable building or structure less than 10 square metres in area and 2 metres in height that is not visible from a public place;*
- (d) gardening; and*
- (f) the maintenance, repair and replacement of existing carpark areas, accessways, driveways, or paved areas.*

- A **restricted discretionary** activity resource consent pursuant to Rule HH-R4 for works, buildings, and structures within a heritage setting of heritage item HH-57 that do not qualify as a permitted activity. The following works, buildings, and structures require consent:
 - the construction of a new 2.4m² deck to northern side of the building.
 - the construction of a timber landing and steps from the laundry,
 - the installation of a gas califont to the rear elevation,
 - the creation of a new gravel driveway and parking area will be created to the southern side of the dwelling,
 - the existing gravel parking area will be converted into gardens.
 - Two x 30,000L water tanks (partially submerged) will be established.

The Council's discretion is restricted to the following matters in 1 to 7, under Rule HH-R4.

The proposal requires consent as a **restricted discretionary** activity under the Proposed District Plan.

3.3 National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health 2011 ("NES-CS")

Based on a review of local and regional Council records, the piece of land to which this application relates is not identified as an actual or potentially contaminated site and the NES-CS does not apply.

4. NOTIFICATION ASSESSMENT

Sections 95A – 95F (inclusive) of the Resource Management Act 1991 ('RMA') set out the steps the Council is required to take in determining whether or not to publicly notify an application or notify on a limited basis.

4.1 Public notification – Section 95A

In accordance with section 95A, the following steps have been followed to determine whether to publicly notify the resource consent application:

Step 1 – Mandatory public notification

Mandatory public notification, is not required because:

- The applicant has not requested public notification.
- Public notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA.

- The application does not involve exchange to recreational reserve land under section 15AA of the Reserves Act 1977.

Step 2 – Public notification is precluded

Public notification is not precluded as follows:

- There are no rules in a plan or National Environmental Standard that preclude notification.
- The application is not:
 - a controlled activity; or
 - a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Step 3 – Public notification is required in certain circumstances

- There are no rules in a plan or National Environmental Standard that require notification.
- A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor. An assessment in this respect is undertaken as follows:

The following effects must be disregarded:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land.
- Trade competition and the effects of trade competition.
- Any persons that have provided their written approval and as such adverse effects on these parties have been disregarded.

Written Approval/s

No written approvals have been given.

Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In this case, a Residential Activity on a site in the Rural Zone under the Operative District Plan that is greater than 2,000m² and less than 2 hectares in area, and existing prior to 27 March 2014 is a permitted activity. As the site at 1,586m² is under 2,000m² in area, the permitted baseline does not apply. However, the site contains an existing building to be converted into a residential dwelling.

Furthermore, the Proposed District Plan prescribes certain types of alterations and additions and works, buildings, and structures within a heritage setting of heritage item as permitted activity. As the proposal includes multiple elements that are not a permitted activity, the permitted baseline is not useful in this instance.

Residential activity on a site in the Rural Zone that is less than 2,000m²

As a restricted discretionary activity, the Council's discretion is restricted to the following matters, which have been assessed accordingly.

- ***The suitability of the site for the treatment and disposal of sewerage and stormwater;***

There are no Council reticulated wastewater and stormwater services within Waimumu Road or Glendhu Road.

There is existing on site servicing, which includes a septic tank and effluent field that is located to the south of the building. The applicant has had the septic tank inspected by RDA Consulting, given it has been existing on site since 1950, RDA provided a letter dated 29 May 2023 that stated that the system is suitable for use. Stormwater will be disposed off to the proposed tanks which are located to the west of the building.

Therefore, as the site has existing services all of which are within the property boundaries. It is considered that the any effects will be less than minor.

- ***The adverse environmental effects that can arise from treatment and disposal of sewerage and storm water from that site, including any impacts on any reticulated infrastructure of Council.***

The building has existing services that the applicant will continue to utilise, stormwater is proposed to be disposed off to the two new tanks.

The Council's Building Control Manager Russell Paterson has reviewed the application and did not have any comments on the proposal noting that the applicant has applied for a change of use building consent.

Overall, the building can be feasibly serviced at the time of development. Any adverse effects on the wider environment with respect to servicing will be less than minor.

Alterations and additions to a heritage item

As a restricted discretionary activity, the Council's discretion is restricted to the matters 1-9 under Rule HH-R2, which have been assessed accordingly.

1. ***The level of intervention necessary to carry out the works, including to meet the requirements of the Building Act 2004 and Building Code, and alternative solutions considered.***

The applicant has applied for a building consent for a change of use from a church to a residential unit. The building consent is currently on hold pursuant to s37, given the requirement for resource consent. The Council's Building Control Manager has reviewed the application and has raised no concerns and has noted that the proposal is subject to a building consent.

2. ***The extent to which the heritage fabric has been damaged by natural events, weather and environmental factors and the necessity of work to prevent further deterioration.***

The heritage fabric of the building has not been damaged by weather events, although there has been general deterioration from weather events such as paint fading etc. There is internal cracking from past earthworks. The applicant wishes to repair these cracks.

The proposed alterations will help to enhance the building but are not required to prevent deterioration as such.

3. *Whether the proposal will provide for ongoing and viable uses, including adaptive reuse, of the heritage item.*

As discussed above.

4. *Whether the proposal, including materials, design and methodology is consistent with protecting the heritage values of heritage items and heritage settings; where mitigation measures are proposed to be implemented to protect the heritage item and the anticipated effectiveness of such mitigation measures.*

The applicant proposes to undertake limited alterations to the exterior of the building to ensure that the heritage values are protected therefore the materials and design will be consistent with protecting the heritage values of heritage items. It is considered that the applicant has considered the heritage values in part of their design by only undertaking required alterations and ensuring that these alterations are designed to be of the same character and colour to what is existing.

5. *Whether any adverse effects on heritage fabric, layout, form or heritage values are temporary or permanent.*

The proposed alterations to the building will be permanent and will allow for the building to be utilised by the owner for residential purposes. There will be minimal alterations to the exterior of the building.

The internal layout of the building will change, to be used for residential purposes and there will only be alterations to the exterior of the building such as a new deck, a landing, steps and the replacement of the existing windows with French doors. The applicant has utilised materials for the exterior which are not out of character for the existing building, such as windows which are similar to what is existing, and using colours that match the building. Additionally, there will be two water tanks placed 1.6m from the western boundary which will be partially submerged

6. *The compatibility of the proposal with heritage values with consideration of:*
(a) the form, scale, mass, materials, colour, design, detailing, and location of the heritage item;
(b) the use of existing heritage fabric;
(c) the extent of earthworks necessary as part of the proposal; and
d) within a heritage setting, the relationship between elements, such as layout and orientation, form, and materials.

Although the applicant wishes to undertake alterations to the proposed building which include internal alterations to convert the church into a residential unit. Exterior alterations including the replacement of windows with French doors, the construction of a deck and timber landing and two water tanks, the applicant has designed the alterations, so they fit into the existing site appropriately. For example, the front steps will be painted to match the existing building colour and the French doors joinery will be the same colour as what is existing, and the height of the doors will be consistent with existing doors.

Whilst the proposed tanks may be noticeable for the public, the applicant has undertaken mitigation methods to ensure these are not visually obstructive such as partially submerging them, so they are a reduced height of 1.8 metres and are of a pale green colour with planting and fencing around them to help to camouflage them.

In terms of earthworks, these will only be undertaken as necessary such as for the water tanks and drains. The applicant has confirmed that these will be completed will not exceed a period of more than 12 month period. Additionally, the soil will be returned to the original ground level. There are no known archaeological sites on the subject site.

Whilst there will be additions to the site, the site will still provide for openness when viewed from Glendhu Road.

7. Whether the proposal:

(a) is supported by a conservation plan or expert heritage report;

(b) the oversight of the works and if they are undertaken in consultation with a suitably qualified and experienced heritage expert and/or Heritage New Zealand Pouhere Taonga; and

(c) the extent to which the proposal is consistent with the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand Charter 2010).

The applicant has not provided a supporting expert heritage report nor a conservation plan. The site is not listed on the Heritage New Zealand Pouhere Taonga list, thus they have not been contacted in regard to the proposal. In regard to the ICOMOS, the proposal is consistent given the applicant has tried to conserve as much as the existing building as possible, by undertaking only necessary works.

8. The extent of photographic recording proposed to document changes to the heritage item and setting, including prior to, during the course of and on completion of the works.

The applicant has existing photos of the site and will take further photos of the heritage building prior to the works and following the completion of the works. This will be included as a condition of the consent and the photos will be available, should the Gore District Council wish to view these.

9. Whether the works will continue to provide customary access to an identified culturally significant mahinga kai site, or ongoing Māori cultural or Māori customary activities on site.

As discussed above, the site is not identified culturally significant mahinga kai site, currently there are no Māori cultural activities occurring on site.

Works, buildings, and structures within a heritage setting of heritage item

As a restricted discretionary activity, the Council's discretion is restricted to the matters 1-7 under Rule HH-R4, which have been assessed accordingly.

1. Whether the new building, structure, or works will be compatible with the heritage fabric, values, and significance of the heritage item including design, layout, form, detailing, and location of heritage items.

The proposed alterations will allow for the site to be better utilised by the owners for residential purposes. The owner of the site seeks to ensure the alterations will be of the same / similar character of the building. In terms of the alterations, they have used colours which are similar to the existing colours of the building and the applicant has ensured that all alterations are minimal.

It is noted that majority of the proposed external alterations are located on the southern side of the building, which will ensure that during the ANZAC day services these are not visible given the service is held on the northern side of the building.

2. *Whether the proposal and methodologies are consistent with protecting the heritage values of heritage items and heritage setting, and whether the proposal will have a temporary or permanent adverse effect on heritage values, and the scale of that effect.*

The proposal will not have a permanent adverse effect on the heritage values. The proposed alterations to the building will majority be located within the building which is not accessible to the public and therefore will be unnoticeable to people passing by. The proposed alterations to the exterior of the building are largely on the southern side of the building (apart from the proposed steps on the northern side), during construction of the alteration there may be a temporary effect, however, following construction and the alterations it is not considered that there would be a permanent effect of the heritage values as discussed below, the ANZAC memorial that is undertaken on the site can continue to occur without being impacted.

3. *The relationship between elements, such as the layout and orientation, form, and materials within the setting.*

The proposed alterations will not significantly change the existing layout of the building, there will be minor additions such as the deck and timber landing at the rear of the building which will make it more accessible for when it becomes used for residential purposes. The materials used for the alterations will fit into the existing building as they will be of similar color to what is existing on site.

4. *Whether the proposal will provide for ongoing and viable uses, including adaptive reuse, of the heritage item.*

The site annually holds an ANZAC service, as identified in the summary of the Historic Heritage Item Record Form (a technical report provided with the Proposed District Plan) .

The building has historical and social significance for its association with community efforts to commemorate the local men who served in both world wars.

The applicant proposes to continue holding annual ANZAC day services and the proposed alterations are not expected to impact the site's ability to continue hosting these events as they are located on the grassed area north of the building as shown on the image below.

Additionally, the proposed internal alterations will allow the owner to use the site for residential purposes which is considered an adaptive reuse, as the building is not currently occupied.



Figure 2: Photo of the recent ANZAC service held on northern portion of the site.

5. ***The extent of any earthworks or land disturbance and:***
- (a) ***Whether the works are undertaken in accordance with Earthworks Standards EW-S1, EW-S2, EW-S3, EW-S4, EW-S5, EW-S6 and EW-S7 and consideration of the matters of discretion for any infringed standard.***
 - (b) ***the manner in which the works are undertaken and monitoring of them, and the avoidance of archaeological sites.***

The earthworks standards which are listed above are not yet operative.

There are earthworks associated with the proposal, however, these will only be for the water tanks and drains. The applicant has confirmed that these will be completed will not exceed a period of more than 12 month period. Additionally, the soil will be returned to the original ground level. There are no known archaeological sites on the subject site.

Any effects are considered to be less than minor.

6. ***Where the item is listed with Heritage New Zealand Pouhere Taonga, whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation.***

The site is not listed with Heritage New Zealand Pouhere Taonga and therefore they have not been consulted.

7. ***Whether the works will continue to provide customary access to an identified culturally significant mahinga kai site, or facilitate ongoing Māori cultural activities on site.***

The site is not identified culturally significant mahinga kai site, currently there are no Māori cultural activities occurring on site. Therefore, any effects are considered to be negligible.

The Council's Roading Asset Manager, Murray Hasler, has reviewed the application. A summary of his assessment is provided below. The access standards contained in the Gore District Council Subdivision and Land Development Bylaw apply to this situation.

Glendhu Road is a local access road and Waimumu Road is a local collector road, a 100kph speed restriction applies to the two roads. Both roads have gravel shoulders and a grass verge. Glendhu Road is straight and flat with compulsory stops controlling both approaches to Waimumu Road intersection. The section of Waimumu Road approaching the intersection from the south is also relatively straight and flat. The approach from the north is straight but rises towards the intersection. Initially the applicant proposed to close the existing access onto Glendhu Road and wishes to relocate this closer to the intersection. It was then identified that a gravel access has been constructed, without obtaining Council permission. The applicant agreed to remove and close the recently constructed access and utilise the existing access. The site plan has been updated to reflect this.

It was also noted that there was an illegally encroaching on the road reserve, an advice note has been included on the consent and since the applicant has agreed to remove this.

The assessment of Mr Hasler has been adopted. It is considered that safe accesses will be provided to serve the building and any effects on traffic will be less than minor.

Conclusion: Effects On The Environment

On the basis of the above assessment, in terms of s95D, it is assessed that the proposed subdivision will not have adverse effects on the environment that are more than minor.

Step 4 – Public Notification in Special circumstances

- There are no special circumstances that warrant public notification.

4.2 Limited notification – Section 95B

In accordance with section 95B, the following steps have been followed to determine whether to give limited notification of the application:

Step 1 – Certain affected groups or persons must be notified

- There are no protected customary rights groups or customary marine title groups affected by the proposed.
- The proposal is not on or adjacent to, and will not affect, land that is the subject of a statutory acknowledgment.

Step 2 – Limited notification precluded

- The activity is not subject to a rule or National Environmental Standard that precludes limited notification.
- The application is not for a controlled activity (other than for a subdivision of land) under a district plan.

Step 3 – Certain other affected persons must be notified

- Under Step 3, if the proposal is a boundary activity, only the owner/occupier of the infringed boundary can be considered. The activity is not a boundary activity.

- For any other activity, a consent authority must notify an application on any person, if notification is not precluded by Step 2, and the consent authority decides, in accordance with s95E, that the proposed activity will have or is likely to have adverse effects on that person that are minor or more than minor.

An assessment in this respect is therefore undertaken as follows:

Considerations in assessing adverse effects on persons under s95E

- a) The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect (a “permitted baseline”). The relevance of the permitted baseline to this application is outlined in the above s95D assessment of environment effects.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.
- d) The consent authority **must** disregard effects on those parties who have provided written approval.

Assessment: Effects on Persons

Taking into account the exclusions in section 95E, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor.

Neighbouring Properties

The adjacent persons who are assessed below are all of the owners of the properties that share a common boundary with the subject site and those that are located opposite the site.



Figure 3: The adjacent properties shown by yellow circles (source: GoreDC Maps)

The adjoining property at 894 Glendhu Road (Part Lot 23 DP 133) is a rural lifestyle property. It contains a dwelling that is well screened from the subject site by the existing vegetation within that property.

The adjacent property at 921 Glendhu Road (Lot 1 DP 5787) to the north across Waimumu Road is a rural lifestyle property. It contains a dwelling that is well screened from the subject site by the existing vegetation with the road reserve.

The adjacent property at 907 Glendhu Road (Lot 2 DP 502990) to the east across the Waimumu Road-Gelndhu Road intersection was a former school site but is now a rural lifestyle property. It contains a dwelling that is well screened from the subject site by the existing vegetation within that property.

The adjacent property at 899 Glendhu Road (DP 1165) to the south-west across Glendhu Road is owned by the Council and contains the Waimumu Te Tipua Hall.

Therefore, the adverse effects are considered to be less than minor and there are no persons that would be adversely affected by the proposed subdivision.

Conclusions: Effects on Persons

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Step 4 – Special Circumstances for Limited Notification

- There are no special circumstances that warrant limited notification of the application.

5. DECISION PURSUANT TO S95A AND S95B OF THE RMA

For the reasons set out above, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

6. SECTION 104 ASSESSMENT

6.1 Matters for consideration

This application must be considered in terms of Section 104 of the RMA.

Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *A national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

6.2 Effects on the Environment

The actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

6.3 Relevant Provisions

District Plan

The relevant operative objectives and policies are contained within Chapter 3 of the District Plan.

Chapter 3 – Land Use Activities – A Framework

3.3 Objectives

- (1) *Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area.*
- (2) *Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality.*

- (7) Ensure that the effects of earthworks and other land disturbance are avoided, remedied or mitigated.*
- (8) Avoid where practical the adverse effects of land use activities upon infrastructure.*

3.4 Policies

- (2) Control the adverse effects of land use activities on the environment.*
- (10) Recognise that earthworks and disturbance of the ground is a necessary part of undertaking many activities.*
- (11) Ensure that the effects of earthworks and other land disturbance are avoided, remedied or mitigated.*
- (12) Require any adverse effects of land use activities upon infrastructure to be rectified.*

As assessed in 4.1 and 4.2 above, the proposal will not have any adverse visual effects and therefore will not detract from the character and amenity values associated with the surrounding rural area. The conversion of the proposed building into a residential dwelling is not considered to have adverse effects that are more than minor beyond the subject land and adjacent land. The earthworks are limited to enable tanks to be partially submerged, the construction of the driveway and the drains and will be completed within 12 months, the land will be returned to its original condition and therefore any effects are avoided, remedied and mitigated. In terms of infrastructure, there are no Council services available in this area, all servicing will be provided on site and within the sites boundaries any effects relating to infrastructure are considered to be less than minor. The proposal will convert an existing building which is currently not utilised for residential purposes, it is considered to be an efficient use of land and infrastructure needs, such as access, parking, and servicing can be accommodated.

Overall, it is considered that the proposal is consistent with the Objectives and Policies of the Operative District Plan.

Proposed District Plan

The Proposed District Plan was notified for public submissions on 31 August 2023. The submission period closed on 26 October 2023 and further submissions closed on 28 February and 12 April 2024. It is noted that no submissions have been received for the site at 900 Glendhu Road, Waimumu.

As the Historic Heritage rules have immediate legal effect and are relevant to this proposal, it is necessary to consider the relevant objectives and policies within the Historic Heritage of the District Plan.

HH-O1 The contribution of the Gore District's historic heritage sites, buildings, structures and areas to Southland's history is appreciated, and items and sites that reflect a representative range of the District's history and cultures are recognised and protected for future generations.

HH-O2 Heritage buildings are valued by the community and are actively used for a range of compatible activities that do not adversely affect their heritage values.

HH-O3 The loss of significant heritage values from the District is prevented, including from neglect, natural processes and climate change and historic heritage items and sites are protected from inappropriate alteration, subdivision, use, and development.

HH-P4 Enable alterations to scheduled heritage items that do not alter the protected elements of the item specified in HH-SCHED2, and manage alterations and additions to scheduled heritage items to ensure these:

- 1. are consistent with the protection of heritage values; and*
- 2. are compatible with identified historic heritage values; and*
- 3. are undertaken in accordance with best practice conservation principles and methods; and*
- 4. will contribute to the long-term viability, retention, or ongoing use of the heritage item; and/or*
- 5. will enable the continued use of a heritage item in line with its recorded cultural heritage values or provide for ongoing access to mahinga kai sites.*

HH-P5 Provide for sympathetic alterations and additions to scheduled heritage items that facilitate their continued use where:

- 1. These are in response to a natural hazard and health and safety risk; or*
- 2. the principal purpose is to improve the energy efficiency, interior comfort or environmental footprint of a heritage building; and*
- 3. materials, methods and the design minimises any adverse effects on the historic heritage values of the item by:*
 - (a) protecting, as far as possible, architectural features and details that contribute to the heritage values of the heritage item; and*
 - (b) retaining or reinstating original façade details; and*
 - (c) minimising the visual impact of any necessary external changes of the heritage item, and in the case of any replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced.*

HH-P6 Within the identified setting of a scheduled heritage item, enable minor works, maintenance and repair, temporary activities and some smallscale buildings and structures. Manage other works including earthworks, new buildings and structures to ensure that the proposal:

- 1. is compatible with identified historic heritage values; and*
- 2. is undertaken in a manner that is sensitive to and protects the identified heritage values of the heritage item and its identified setting; and*
- 3. is undertaken in accordance with best practice conservation principles and methods; and*
- 4. will contribute to the long-term viability, retention or ongoing use of the heritage item; and/or*
- 5. will provide for ongoing access to mahinga kai sites.*

HH-P8 Allow for the use, development, and adaptive re-use of scheduled heritage items where:

- 1. any works undertaken to adapt the heritage item or heritage setting for a new use are undertaken in a manner that is sensitive to and protects the identified heritage values of the heritage item and its identified setting; and*
- 2. it is compatible with identified historic heritage values; and*
- 3. it is undertaken in accordance with best practice heritage conservation principles and methods; and/or*
- 4. it will support the long-term viability, retention, or ongoing use of the heritage item; and/or*
- 5. it will enable the continued use of a heritage item in line with its recorded cultural heritage values or provide for ongoing access to mahinga kai sites.*

It is considered that the proposed alterations to the building are only as required, the alterations will allow for the building to be used for residential purposes, however, still [providing the heritage character for the community. The alterations will be completed in a way that ensures that that they are similar in character to the existing building.

National Policy Statement for Highly Productive Land (NPS-HPL)

The NPS-HPL came into force on 17 October 2022. The objective of the NPS-HPL is that highly productive land is protected for use in land-based primary production, both now and for future generations. While the site contains Land Use Capability Class 3 soils, as the proposal is for a restricted discretionary activity land use activity, the matters of discretion do not provide scope for the consideration of highly productive land. No further assessment of the NPS-HPL is required.

7. PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

Section 5 – Purpose

The proposed subdivision takes into account Section 5 of the RMA as the proposed lots will ensure the natural and physical resources of the rural land is protected for future generations. As assessed above, the adverse effects of the proposal can be avoided, remedied or mitigated.

Section 6 – Matters of national importance

Attention has been given to matters of national importance. This site does not contain any outstanding natural features or landscapes, nor an area of significant indigenous vegetation. It is considered the future land use is appropriate within this rural landscape.

Section 7 – Other matters

Particular regard has been given to the maintenance and enhancement of amenity values (section 7(c)) and maintenance and enhancement of the quality of the environment (section 7(f)). The amenity of the land and surrounding area will be maintained, and the proposed activity will not have adverse effects on the quality of the environment.

Section 8 – Treaty of Waitangi

This site is not within any known statutory acknowledgement area. The site is a known heritage site and the proposal relates to the conversion of the building for residential purpose, this recommendation is not inconsistent with the principles of the Treaty of Waitangi.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

8. DECISION ON RESOURCE CONSENT

Pursuant to Section 104C of the RMA, **land use** consent is **granted** to convert an existing building from a church into a residential dwelling on a site that is less than 2,000m² in area in the Rural Zone under the Operative District Plan, and to undertake alterations and additions and for works, buildings, and structures within a heritage setting of heritage item HH-57 under the Proposed District Plan, subject to the following conditions imposed pursuant to Section 108 of the RMA:

Consent Conditions

General

1. The activity must be undertaken generally in accordance with the application made to the Council on 10 April 2024 and the following plans:
 - 'Proposed Conversion at 900 Glendhu Road, Waimumu' prepared by NGS Design, dated May 2024.

These plans are attached as Appendix A.

Advice Notes

1. Any future development on the site will be subject to the requirements of the Gore District Council Subdivision and Land Development Bylaw 2019 and the Gore District Plan and will be assessed at the building consent stage.
2. The fence along the northern boundary is located within the Waimumu Road reserve, the applicant shall contact the Council's Roading Department and obtain a license to occupy or rectify the issue prior to occupation of the building.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

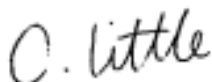
The Council will contact you in due course to arrange the required monitoring. The Monitoring Officers time will be charged to the consent holder. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a building consent granted under the Building Act 2004. A building consent must be obtained before construction can begin.

This resource consent must be exercised within 5 years from the date of this decision subject to the provisions of section 125 of the RMA.

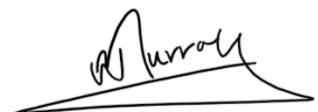
If you have any enquiries, please contact the duty planner on phone (03) 209 0330 or email planning@goredc.govt.nz.

Prepared by



Claire Little
Consultant Planner for Gore District Council

Decision made by



Werner Murray
Delegate

APPENDIX A – Approved plans

APPENDIX A – APPROVED PLANS

LOT: 1
 DP: 4176
 AREA: 1586 m²

NOTES:

- BUILDER TO CONFIRM ALL DIMENSIONS ON SITE BEFORE COMMENCING CONSTRUCTION
- DESIGNED FOR HIGH WIND, ZONE 1 E/SQUAKE, ZONE 'B' DURABILITY, 1 KPA SNOW LOAD.
- SINK - existing = TUB - 400p, 200 deep min.
- USE 'CA' LED RATED DOWNLIGHTS ONLY.
- WET AREAS: PAINTED WALLS + VINYL FLOORING. USE WATERPROOF, FLEXIBLE SEALANTS TO ALL FIXTURES AGAINST ANY WALLS + FLOORS. ENSURE MIRRORS, DOORS + WINDOWS ARE SAFETY GLAZED TO NZS: 4225.3:2016.
- EARTHQUAKE STRENGTHEN THE BUILDING AS PER THE ATTACHED ENGINEERS DESIGN.

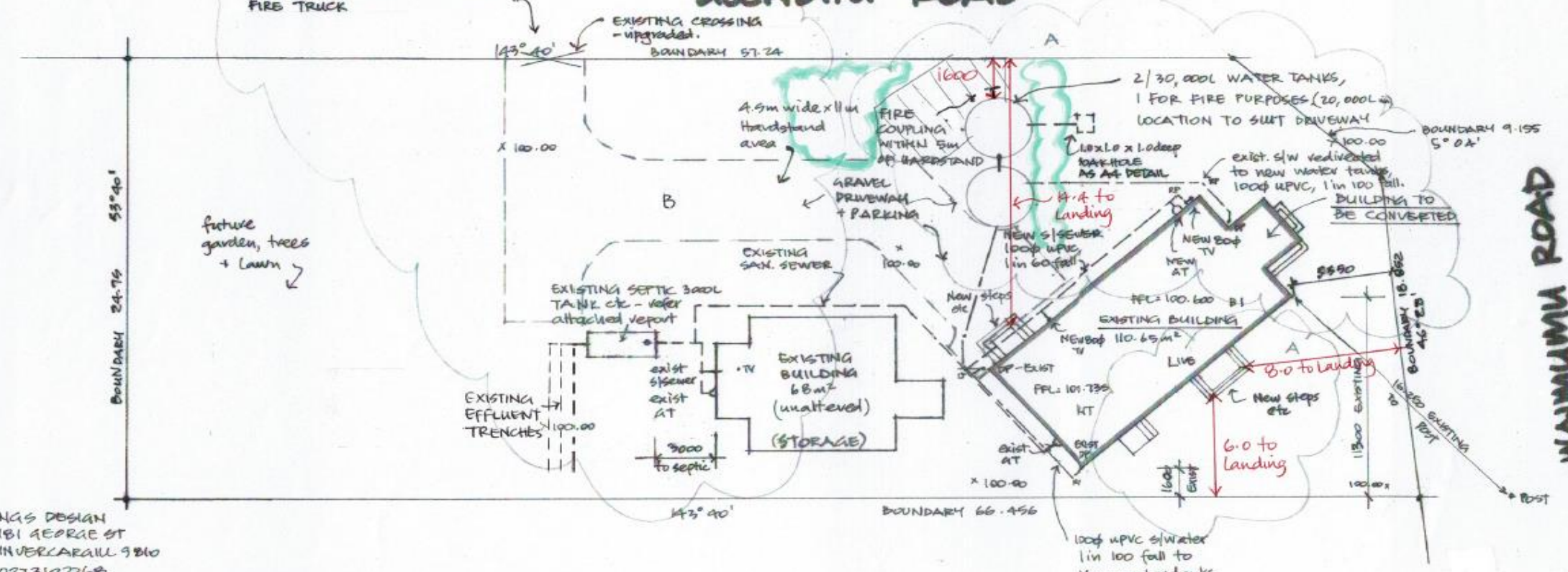
• Any earthworks to be done within 12 months

- ☐ Maintained clear access to fire Coupling
- ☐ Planting + fencing to camouflage water tanks

IF REQUIRED UPGRADE EXISTING CROSSING TO TAKE 20 TONNE FIRE TRUCK

GLENDHU ROAD

WAIMUMU ROAD



SITE PLAN 1:200 @ A3

NAS DESIGN
 181 GEORGE ST
 INVERCARRILL 9810
 0273102268

PROPOSED CONVERSION AT 900 GLENDHU RD, WAIMUMU.

Ⓐ May'24

SEPT'23