



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

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

<b>Consent number:</b>	<b>LUC23/0048</b>
<b>Applicant's Name:</b>	<b>Ennor Investment Ltd</b> <b>Reuban Ennor</b>
<b>Street Address:</b>	53 Carters Terrace ASHBURTON DISTRICT
<b>Legal Description of Site:</b>	Lot 6 DP 39303 Lot 1 DP 39303 Lot 2 DP 39303 Lot 2 DP 6387
<b>Zone:</b>	Residential C & Residential D
<b>Application summary:</b>	Land use consent at 43-55 Carters Terrace to construct 25 two-bedroom Independent Living Units and a recreation centre, zoned Residential C and D

**1.0 DESCRIPTION OF THE PROPOSAL**

The proposal is to extend the existing Terrace View Retirement Village.

The extension comprises 25 two-bedroom Independent Living Units (ILU) and a recreation centre. Eighteen of the units will have attached single garages and seven will have double garages. Each unit will be single level and comprise of living spaces, garage, laundry, bedrooms and bathrooms.

The villas are broken up into three styles as follows:

- 7 Premium Villa Units – 2-bedroom double garage – 167m<sup>2</sup>
- 8 Quad Villas – 2-bedroom – single garage – 122m<sup>2</sup>
- 10 Duplex Villas – 2-bedroom – single garage – 125m<sup>2</sup>.

The recreation centre is for residents' use and consists of a multi-use lounge and games area complete with fireplace, kitchen and storage areas, ablutions, and outdoor decking including a partially covered outdoor area.

Two new vehicle crossings are proposed off Carters Terrace, which provide for internalised (private road) access around the Stage 3 site.

The Units/Villas are for the purpose of retirement use for those wishing to live within an independent unit but still be part of the retirement village complex.

The application site is located within the Residential C and Residential D Zones at Carters Terrace in Tinwald. The recreation centre and internal access are to be located in the Residential C Zone, and all Units/Villas are to be located in the Residential D Zone.

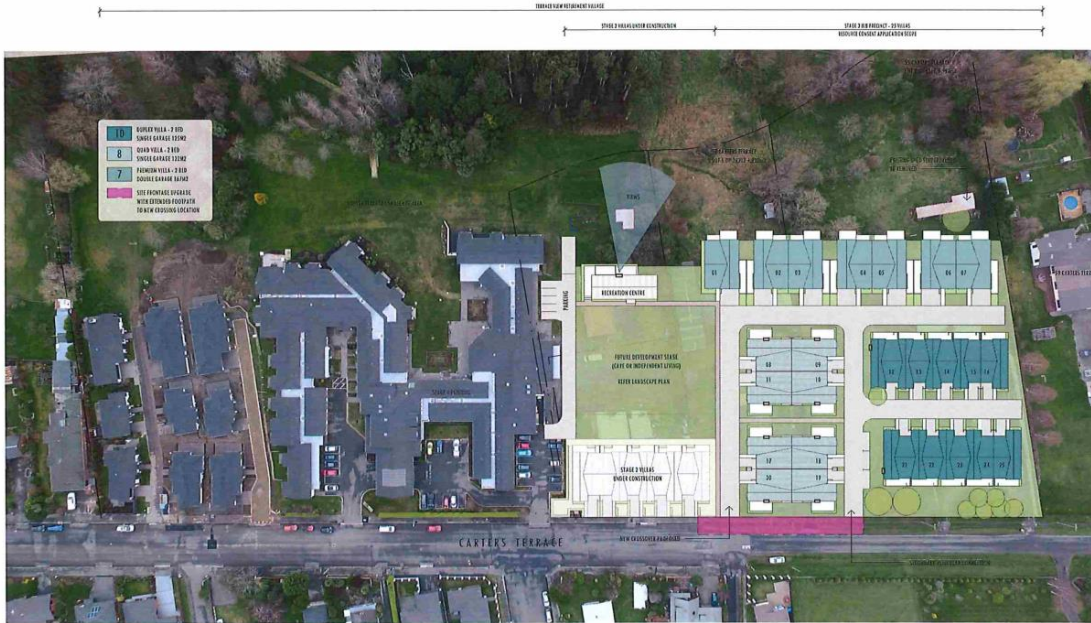


FIGURE & GROU

TERRACE VIEW - STAGE 3

PROPOSED MASTER PLAN STA

Drawing Sheet A 02

Scale 1:100 @A2  
 File 2070  
 Date 05/05/2023  
 Drawn BJ  
 Revision A

Figure & Ground  
 Level 1, 4 Walker Street  
 Christchurch Central 8011

Figure 1: Stage Plan

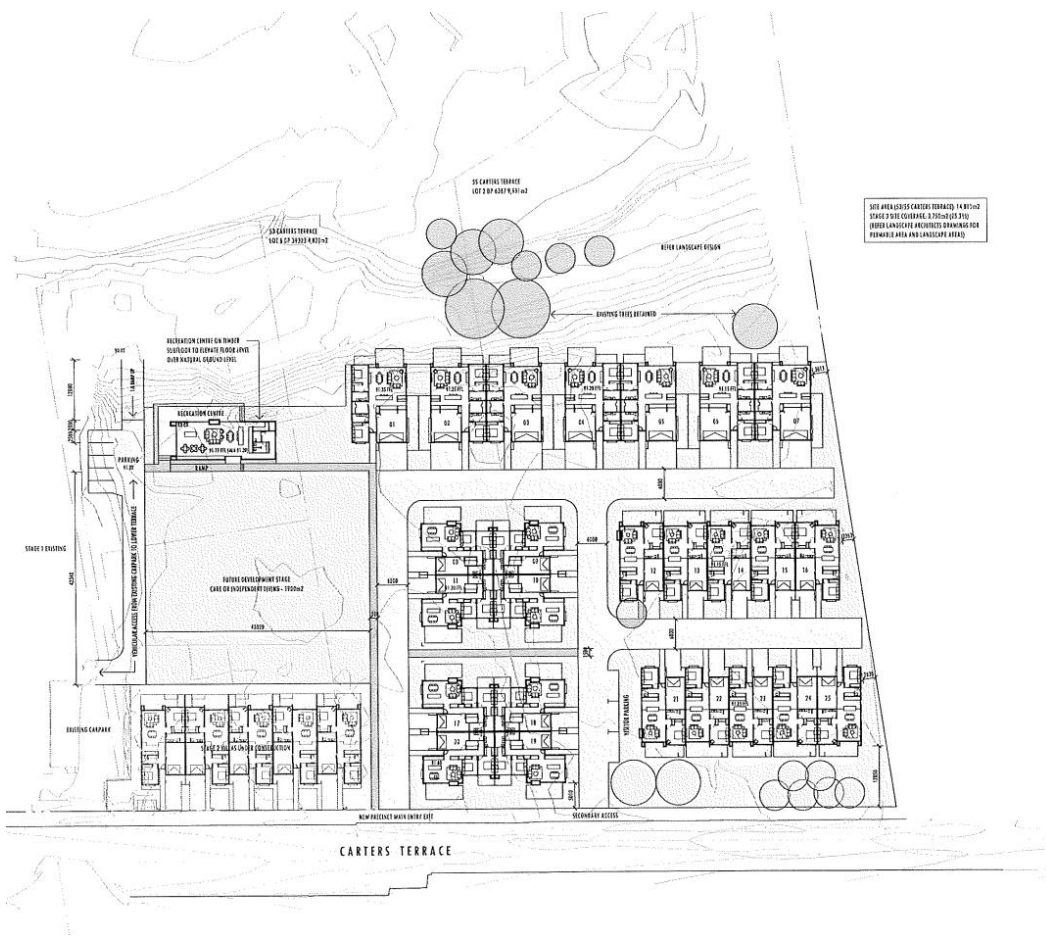


FIGURE & GROU

TERRACE VIEW - STAGE 3

STAGE 3 SITE PLAN

Drawing Sheet A 03

Scale 1:100 @A2  
 File 2070  
 Date 05/05/2023  
 Drawn BJ  
 Revision A

Figure & Ground  
 Level 1, 4 Walker Street  
 Christchurch Central 8011  
 p. 03 352 4333  
 e. info@figureandground.co.nz  
 w. www.figureandground.co.nz

Figure 2: Site Plan



Figure 3: Example villa plan

### 1.1 DESCRIPTION OF THE EXISTING ENVIRONMENT

This proposal is known as Stage 3 Terrace View Retirement Village.

Stage 1 is the existing and well-established Terrace View Retirement Village facility approved under LUC16/0064 and is a mix of care and independent living accommodation.

Stage 2 was approved under LUC22/0034. Currently, five of the villas from that consent are under construction along the frontage of Carters Terrace. The rest of the Stage 2 consent has not been given effect to, and may be superseded by a future proposal (this area is shown on the plans as ‘future development stage’).

The relevant titles are held together under s77 of the Building Act.

Stage 3 will be located predominantly on 53-55 Carters Terrace which are currently allotments with existing residential units and accessory buildings. These lots will be cleared of the housing and other buildings to make way for the new proposal.

### 1.2 Background

Following initial assessment by the author, the applicant sought the application be placed on hold for a number of months while they sought to obtain written approval of some of the neighbouring land-owners. They have now requested that processing is recommended (no additional written approvals have been provided).

## 2.0 PLANNING FRAMEWORK

### 2.1 RELEVANT RULES

#### Section 4: Residential Zone

Relevant Rule	Compliance of proposed subdivision
<p><b>4.8.4 Discretionary Activities</b></p> <p>g) Any other activity which is not listed as a Permitted, Restricted Discretionary or Non-Complying Activity.</p>	<p><b>Discretionary Activity</b></p> <p>The recreation centre is defined as a recreation activity, and falls to be assessed as ‘any other activity’ under rule 4.8.4.</p>
<p><b>Site Standard 4.9.1a – (Residential Density)-</b> this rule specifies that the minimum net area for each residential unit in the Residential D zone is 4000m<sup>2</sup>.</p> <p>c) There shall be only one residential unit on any land comprised in a separate site.</p>	<p><b>Does not comply:</b></p> <ul style="list-style-type: none"> <li>• The net site area will be less than 4000m<sup>2</sup> for each Unit/Villa.</li> <li>• The shape factor for the Res C portion of the site will not be met.</li> <li>• There will be more than one residential unit on each title.</li> </ul>
<p><b>Site Standard 4.9.2 – (Building coverage)-</b> this rule specifies that the maximum building coverage in the Residential D Zone is 15%</p>	<p><b>Does not comply:</b></p> <ul style="list-style-type: none"> <li>• The buildings are all located on the same site (no subdivision proposed).</li> <li>• Building area is 3,750m<sup>2</sup> on a 14,811m<sup>2</sup> site.</li> <li>• Site coverage will be 25.32%.</li> </ul>
<p><b>Site Standard 4.9.3 – (Height of Buildings)-</b> this rule specifies the maximum building height in the Residential D Zone is 10m.</p>	<p>Complies:</p> <ul style="list-style-type: none"> <li>• All buildings will comply.</li> </ul>
<p><b>Site Standard 4.9.4 – (Recession Lines)-</b> this rule specifies that no building shall project beyond a building envelope constructed by recession lines from points 2.3m above internal boundaries.</p>	<p>Complies:</p> <ul style="list-style-type: none"> <li>• All buildings will comply.</li> </ul>
<p><b>Site Standard 4.9.5 – (Setback from Streets)</b></p> <p>Minimum building setback from road boundaries shall be 10m in the Res D Zone</p>	<p><b>Does not comply:</b></p> <ul style="list-style-type: none"> <li>• The villas 19 and 20 fronting Carters Terrace will be closer than 10m from the road boundary.</li> </ul>
<p><b>Site Standard 4.9.6a – (Setback from the neighbours) -</b> this rule specifies the minimum setbacks for buildings from internal boundaries.</p> <p>Res D Zone – 6m</p>	<p><b>Does not comply:</b></p> <ul style="list-style-type: none"> <li>• Setbacks to the south-eastern internal boundary will be breached.</li> <li>• 2.3-3m setbacks are proposed between the units and the boundary with 59 Carters Terrace.</li> </ul>

**Section 10: Transport**

Relevant Rule	Compliance of proposed subdivision
<p><b>10.7.2 Restricted Discretionary Activities</b></p> <p>Any activity which does not comply with one or more site standards</p>	<p><b>Restricted Discretionary Activity</b></p>
<p><b>Site Standard- 10.9.2a (Vehicular Access)</b></p> <p>Residential 3-6 sites, 50m+ length:                      4.5m min legal width                      4.0m min carriageway width                      All weather surface</p>	<p>Complies</p>
<p><b>Site Standard – 10.9.4 – (Spacing between vehicle crossings)</b></p>	<p>No minimum on local roads that serve residential activities only.</p>
<p><b>Site Standard - 10.8.12 – (Queuing Length)</b></p>	<p><b>Does not comply:</b></p> <ul style="list-style-type: none"> <li>• A queuing length of 9m is provided on the second driveway, rather than the required 12m.</li> </ul>

NES-CS: The land is not known to have contained a HAIL activity, and is not land covered by the NES-CS.

Overall, the application falls to be assessed as discretionary activity under 4.8.4 and 10.7.2 above.

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

**3.1 PUBLIC NOTIFICATION ASSESSMENT**

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

The applicant has not requested that the application be publicly notified.

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

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

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

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

- A) Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land
- B) Any effect on a person who has given written approval to the application

No persons have given their written approval.

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

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

- One residential unit per 4000m<sup>2</sup>, as per the Residential D Zone permitted density.

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 discretionary activity, any relevant effect may be considered.

#### Roading

The Roding and Assets Teams have reviewed the proposal and have requested that the Carters Terrace road frontage be upgraded where it adjoins the development (road widening, kerb and channel, berm, footpath). The applicant has agreed to complete this as part of the development for the full extent of site frontage. This is a change to the initial AEE which proposed only a section of the frontage to be upgraded.

The queuing length provided for accessing the onsite car parking will be appropriate for the intended use.

Roding adverse effects on the environment will be less than minor.

#### Residential Density

The proposal will have multiple dwellings on the same site and the average density in the Residential D Zone portion of the site will be closer to Residential C density rather than Residential D as anticipated by the Plan and by surrounding land-owners.

#### Site coverage

The proposed site coverage is 25.32%. However, the villas are clustered in the south-east corner of the site in single level clusters of 2, 4, and 5 units which will have a localised higher density (more akin to Residential B). This may contribute to an amenity and character that would not be anticipated in the Residential D Zone by neighbouring residents.

#### Setback from neighbours

The proposal will breach the setback from the neighbours at 59 Carters Terrace. A 6m setback is required in the Residential D Zone for residential units. Setbacks of approximately 3m are proposed on this boundary instead. I consider this may generate minor adverse effects for the owners and occupants of the infringed boundary (59 Carters Terrace) due to privacy, character, and visual amenity adverse effects.

#### Setback from streets

Villas 19 and 20 will be within the road boundary setback. These villas will be side on to the street with garaging provided further back within the site. The positioning of these villas is broadly in line with some of the existing consented Stage 2 villas on the adjoining site. The applicant states that this setback breach is required to fit the desired number and layout of units on the site (and above the river terrace). The breach of the 10m road boundary setback will contribute to a greater degree of bulk than would be anticipated for residents of the sites on the other side of Carters Terrace. The visual amenity is discussed further under the heading visual amenity.

### Noise

Construction noise and the use of the units and the residents' recreation centre will comply with the relevant District Plan noise standards. However, due to the density of the development, the character may be different from that anticipated in the Residential D Zone which anticipates a very low density of residential development with space between residential units and large gardens or open space around the units.

### Visual amenity

Landscaping is proposed, including trees in front of the units 21-25 (adjoining Carters Terrace). The units have been architecturally designed, with the intention of providing a high quality and appealing residential appearance. The amenity afforded looks to provide some mitigation for the density proposed, but cannot fully avoid adverse effects from the density and street setback on amenity and character because it is substantially different to that anticipated in the Residential D Zone.

Overall, I consider the proposal will have no more than minor adverse effects on the environment. Retirement villages are a permitted (residential) activity type in the Residential Zones of the Ashburton District Plan.

I consider it will have minor adverse effects on the Owners and Occupants of the dwellings and sites at 44, 52, 59 and 60 Carters Terrace for the reasons set out in section 3.1.4 and that these persons are affected parties due to their proximity and orientation to the proposed development.

I note that the dwelling at 60 Carters Terrace is setback some distance from Carters Terrace, but there is an adverse amenity effect on the occupants of the dwelling, and there is the ability to subdivide this property further, with residential units located closer to the road.

I consider that adverse effects on all other persons will be less than minor for the reasons set out in section 3.1.4. I note that the dwellings and sites at 46 and 48 Carters Terrace are located immediately behind the houses at 44 and 52 Carters Terrace, which will provide physical separation and largely obscure the view of the retirement village development.



Figure 4: Location of identifying features (property) associated with affected persons

### **Summary**

In summary, having assessed the adverse effects of the activity on the environment, I consider that the activity will overall have no more than minor adverse effects on the environment as discussed in section 3.1.4.

I consider that the activity will have minor adverse effects on the Owners and Occupants of the dwellings and sites at 44, 52, 59 and 60 Carters Terrace for the reasons set out in section 3.1.4 and that these persons are affected parties.

I consider that adverse effects on all other persons will be less than minor for the reasons set out in section 3.1.4.

### **3.1.5 Do special circumstances exist (Section 95B)?**

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 written approval to the activity.

The following persons have been identified as potentially adversely affected to a minor extent by the activity.

<b>Table 1</b>	
<b>Potentially Affected Person &amp; Identifying Features</b>	<b>Address for Service</b>
Owners and Occupants of the dwelling and site at 59 Carters Terrace	59 Carters Terrace
Owners and Occupants of the dwelling and site at 44 Carters Terrace	44 Carters Terrace
Owners and Occupants of the dwelling and site at 52 Carters Terrace	52 Carters Terrace
Owners and Occupants of the dwelling and site at 60 Carters Terrace	60 Carters Terrace

### 4.1.4 Do special circumstances exist (Section 95B)?

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

### 4.1.5 Limited Notification Assessment Conclusion

It is considered that this application should be processed with service of notice to the persons listed in Table 1 above who have been identified as adversely affected under s95B and s95E-F of the RMA.

## 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 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 Section 4.1.3.
- Special circumstances requiring public notification or further limited notification do not exist.

## 7.0 Recommendation

### Limited Notification

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

- i) The applicant has not requested public notification [s.95A]; and
- ii) The adverse effects on the environment are no more than minor (s.95D)
- iii) There are no special circumstances [s95A, s95B]; and
- iv) There are persons considered adversely affected by this proposal as identified in Table 1 above (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:** 14/11/24

**Decision:**

The above application LUC23/0048 has been considered under delegated authority and has been determined to be processed with service of notice to the persons identified in Table 1 pursuant to sections 95B & 95E-F of the Resource Management Act 1991.

**Signed:** \_\_\_\_\_

Brad Thomson  
District Planning Manager

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

Ian Hyde  
Group Manager Compliance & Development

**Date:** \_\_\_\_\_