

Ashburton District Council
PO Box 94
Ashburton 7700

Attn: Deanna Reynolds - Planning Dept

21st June 2023

Dear Deanna,

**RE: RESOURCE CONSENT APPLICATION UNDER RMA 1991 – ENNOR INVESTMENTS LTD – 43-55
CARTERS TERRACE, ASHBURTON**

Please find enclosed an application for resource consent under Section 88 of the Resource Management Act 1991 on the site of the Terrace View Retirement Village.

The deposit fees for this application will be invoiced upon application acknowledgement.

This application will be emailed to you electronically.

If you require any further information please do not hesitate to contact me directly on 03 3077 164, 029 3077 164 or david@dhconsulting.co.nz.

Yours faithfully,



David Harford
Director

Application for Land Use Consent

**Ennor Investments Ltd
43-55 Carters Terrace,
Tinwald**

June 2023

Ashburton District Council

Reference: 22-234

Revision: Final



Annexure I: Landscape Design
Annexure J: Traffic Impact Assessment

QUALITY ASSURANCE

Project Reference: 22-234

Title: Application for Land Use Consent

Client: Ennor Investments Ltd

Filename: 22-234-Stage 3 – Terrace View Retirement Village

Version: Final

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1.0 INTRODUCTION

Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource consent should include an assessment of any actual or potential effects that the activity may have on the environment and the ways in which any adverse effects may be mitigated.

Section 88(2)(b) also requires that any assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act 1991.

Form 9 as required by Section 88 of the Resource Management Act 1991 is provided as Annexure A to this application. The body of this application addresses the character of the land, the proposed land use activity, and the relevant provisions of the District Plan. It also includes an assessment of effects on the environment as required by the Fourth Schedule to the Resource Management Act 1991.

1.1 Site Information

Site Address:	43-55 Carters Terrace, Ashburton
Legal Description:	LOTS 1-5 DP 39303, LOT 6 DP 39303 and Lot 2 DP 6387
Records of Title	CB 17F/758, 17F/759 17F/760, 17F/761, 17F/762, 17F/763 and CB344/130. Refer Annexure B
Site Area:	1.8118ha
Property Owners	Terrace View Retirement Village Ltd
District Plan Zone:	Residential C and D
Notable Features	

1.2 Activity Classification

Operative Ashburton District Plan

Restricted discretionary activity arising from non-compliances relating to:

- Residential Site Standard – 4.9.1 (a) Residential Density
- Residential Site Standard – 4.9.1 (c) Residential Density (title)
- Residential Site Standard – 4.9.1 (d) Residential Density (shape factor)
- Residential Site Standard - 4.9.2 (a) Building Coverage
- Residential Site Standard – 4.9.5 (a) Setback from Streets (Res D zone)
- Residential Site Standard – 4.9.6 (a) Setback from neighbours (Res D zone)
- Transport Site Standard – 10.8.11 (a) Queuing Length

2.0 SITE AND SURROUNDS

2.1 The Application Site and Surrounds

The site is located within the Residential C and D zone at 43-55 Carters Terrace Tinwald under the Operative Ashburton District Plan.

The location of this land is upon a terrace which drops down toward the river plain to the east. This river plain area includes land which is a mix of pasture and well-established trees and planted areas, some of which exists as river protection works.

The application site is currently held within seven Records of Title and contains existing Terrace View Retirement land with five new villas under construction on 47, 49 and 53 Carters Terrace as Stage 2 under LUC22/0034.

Stage 1 is the existing and well-established Terrace View Retirement facility to the north.

Terrace View Retirement Village was approved its initial resource consent for the substantial site development as part of Stage 1 under LUC 16/0064 and is a mix of care and independent living accommodation.

This Stage 3 proposal is predominantly upon 53-55 Carters Terrace which are currently allotments with existing residential units and accessory buildings on lower density land with ample open space about each lot. The applicant owns the subject land. These lots will be cleared of the housing and other buildings to make way for the new proposal.

The proposed recreation centre is upon the Residential C part of the site as shown on the annexed plans.

A copy of the location plan is included as Annexure D to this application.

Surrounding the site is all Residential C and D zoned land and includes single and two level conjoined residential units adjoining and opposite the site alongside some standalone residential units similar in nature to the subject proposal.

Carters Terrace on the site frontage is a wide two-lane carriageway with footpaths on either side with kerb and channel.

The site has frontage to Carters Terrace only. There is ability for kerbside car parking on both sides of the road.

3.0 PROPOSAL

The proposed development is to construct 25 two-bedroom Independent Living Units (ILU) and a recreation centre as part of the Terrace View Complex. Eighteen of the units will have attached single garages and seven will have double garages. The single level will comprise of the living spaces, garage, laundry, bedrooms, and bathrooms. Garage and off-street parking access for each residential unit is proposed off the internal access within the site.

The villas are broken up into three styles of unit as follows.

- 7 Premium Villa Units - 2-bedroom Double Garage - 167m²
- 8 Quad Villas – 2 bedroom – Single garage – 122m²
- 10 Duplex Villas – 2 bedroom – Single Garage -125m²

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.

The proposal is partially within the Residential C (recreation centre and internal access) and all villas are within the Residential D zone.

The non-compliances relate to site density, setbacks, building coverage, outdoor living space, more than one residential unit on an individual title, shape factor per unit, and vehicle crossing position and separation and reverse manoeuvring.

In terms of coverage the area utilised for these twenty five residential units and recreation centre is circa 3750m² over the existing title areas which combined exceed over 1.4ha. The site area for 53/55 Carters Terrace is 14811m² with the site coverage being approximately 25%. Note that the recreation centre is within the Residential C zone but accounting for this in terms of the greater coverage calculation of 35% for the Residential C zone (for just the recreation centre), the coverage would still exceed the maximum permitted overall based on most of the land area being within the Residential D zone.

There are two new vehicle crossings proposed off Carters Terrace as shown on the site plan. These crossings provide for internalised access around the whole of the Stage 3 site and serve as an access function alongside parking provision.

All the units have vehicle crossings to each unit for the single and double garages and parking ability in front of the garage in a tandem style.

The proposed units are each two-bedroom units. There is provision for outdoor service and living spaces in accordance with the District Plan requirements. The outdoor service space can be screened from adjoining sites (via fencing and plantings).

It should be noted that these buildings 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.

Generally, it is understood that Councils view of retirement village facilities are fundamentally residential in their nature and are typically found within residential zones.

Like the existing units and those under construction as part of the Terrace View Retirement Complex, the development is an offering the applicants wish to construct as there is a need and demand for those persons wishing to be part of the village community but also able and willing to have their independence. This location has the added benefit of street frontage plus being part of the wider Carters Terrace community at this location.

There is ability for two on site car parking spaces per unit albeit the tenants occupying each unit may not have a vehicle. That said the District Plan does not require on- site parking for residential units.

The relevant assessment matters are assessed under Section 4.11 of the District Plan with regards to residential density, coverage, and other non-compliances and 10.10 of the District Plan for the traffic non-compliance. More on this below.

4.0 DISTRICT PLAN ASSESSMENT

4.1 District Plan Status

The Operative Ashburton District Plan is the only relevant plan for consideration in this application.

4.2 Zoning

The application site is zoned Residential C and D under the Operative Ashburton District Plan.

4.3 Compliance Table

There are rules contained within the plan that are relevant for consideration. These are detailed below.

Rule	Requirement	Comment
Residential Zone Rules		
4.8.2	<p>Permitted Activities</p> <p>The following activities shall be Permitted Activities, provided that they comply with all of the relevant Site and Zone Standards below, all relevant District Wide rules, and are not specifically listed as Discretionary, Non-Complying or Prohibited Activities:</p> <p>a) Residential Activities</p>	<p>The residential units are permitted however the proposal does not achieve all relevant site standards.</p>
4.8.3	<p>Restricted Discretionary Activities</p> <p>a) Any Activity which is listed as a Permitted Activity and which complies with all the relevant Site and Zone Standards, shall where the Site Standards specify, be a Restricted Discretionary Activity with the exercise of the Council's discretion being</p>	

	restricted to the matter(s) specified under 4.11 Assessment Matters. b) Any Activity which is listed as a Permitted Activity and which complies with all the relevant Zone Standards but does not comply with any one or more of the relevant Site Standards, with the exercise of the Council's discretion being restricted to the matter(s) specified under 4.11 Assessment Matters.	A residential activity is listed as a Permitted Activity. The development complies with all relevant Zone Standards but does not achieve all necessary Site Standards. A restricted discretionary activity is sought.
Relevant Site Standards		
4.9.1	Residential Density a) Minimum net area for each residential unit contained within a site shall be as set out in Table 4-1 below Residential C 360m ² Residential D 4000m ² c) There shall be only one residential unit on any land comprised in a separate site / Computer Freehold Register (Certificate of Title). d) The minimum net area for any site in the Residential C zone shall be such that it can accommodate a rectangle with minimum dimensions of 15m x 13m for each residential unit contained within the site ...	Does not Comply. Individually sites will be less than 360m ² and 4000m ² . The proposal is to have these units on the existing titles. Any building over cadastral boundaries will be legalised under the Building Act if required. Each residential unit individually will not meet the 13m x 15m shape factor.
4.9.2	Building Coverage. a) Maximum building coverage shall be Residential C 35% Residential D 15%	Does not Comply. The building area is 3750m ² of the 14811m ² general area that these conjoined units will utilise over 53 and 55 Carters Terrace. So, 25.3% coverage. Most of the building area (except for the recreation building) is over Residential D zoned land.

4.9.3	<p>Height of Buildings</p> <p>a) Maximum height of any building shall be: Residential C – 8m Residential D – 10m</p>	<p>Complies</p> <p>The Recreation centre will not exceed 7m in height.</p> <p>The maximum height of the residential units will not exceed 5.7 metres.</p>
4.9.4	<p>Recession Lines</p> <p>a) Buildings shall not project beyond a building envelope constructed by recession lines from points 2.3m above internal boundaries as shown in Appendix 4-1.</p>	<p>Complies</p> <p>The proposed units will not bisect the recession planes.</p>
4.9.5	<p>Setbacks from Streets</p> <p>a) Minimum building setback from road boundaries shall be: Residential C – 3m Residential D – 10m except that:</p> <p>b) In the Residential A, B and C zones, where the garage door faces the street or a shared access, the garage door shall be setback 5 metres from the road boundary or shared access way.</p> <p>d) Eaves, porches, chimneys, bay windows, stairways, steps, landings, balconies, and similar parts of buildings may be located with the minimum building setback from road boundaries, but only within the following limits:</p>	<p>Does not Comply.</p> <p>The Residential D zone requires a 10 m road boundary setback. Units 19 and 20 will be within the 10m road boundary setback.</p>
4.9.6	<p>Setbacks from Neighbours</p> <p>a) Minimum setback of buildings from internal boundaries shall be:</p>	<p>Does not comply.</p> <p>A common wall exists between each of the units as shown on the development plan.</p>

	<p>Residential C – 1.8m Residential D – 6m</p> <ul style="list-style-type: none"> – where buildings on adjoining sites have a common wall along a site boundary, no setback is required along that part of the boundary covered by such a wall. except that in the Residential A, B and C zones: – where an internal boundary of a site immediately adjoins an access or part of an access, which is owned or partly owned with that site or has a registered right of-way over it in favour of that site, the minimum building setback from that internal boundary shall be reduced to 1m; 	<p>The internal boundary setbacks for Units 7, 16 and 25 do not comply as they are within 6m for the Residential D zone.</p> <p>The recreation centre setback will meet the 1.8m requirement from the internal boundary</p>
4.9.7	<p>Outdoor Living Space</p> <p>a) For each residential unit in the Residential C zone, there shall be a minimum of 70m² of outdoor living space with a minimum dimension of 5 metres.</p>	<p>Complies</p> <p>The recreation centre is the only building in the Res C zone. The 25 units are all within the Residential D zone and do not require OLS.</p>
4.9.10	<p>Design and Appearance</p> <p>a) Within the Residential A zone, all new buildings, or additions to the exterior of existing buildings that are greater than 40m² in area, shall be Restricted Discretionary Activities.</p>	<p>n/a</p>
4.9.11	<p>Home Occupations</p> <p>a) Home occupations operating in the Residential zones are limited to:</p> <ul style="list-style-type: none"> – no more than 40m² of the gross floor area of the buildings on a site are used for any home occupation. – no goods, materials or equipment associated with a home occupation are stored outside a building. – all manufacturing, altering, repairing, dismantling, or processing of any materials, goods or articles associated with a home occupation are carried out within a building; and – no more than one full-time equivalent 	<p>N/A</p> <p>Consent is not sought for a Home Occupation.</p>

4.9.12	<p>person who permanently resides elsewhere than on the site is employed in undertaking any home occupation on the property.</p> <p>Flooding</p> <p>a) All new buildings or extensions to existing buildings that are to be constructed on a site identified as being at risk from flooding, shall have a minimum floor height of 150mm above the level of the 1 in 200-year flood event, except for:</p> <ul style="list-style-type: none"> - new buildings or extensions to buildings in the Residential A, B and C Zones with a gross floor area up to and including 30m². - new buildings or extensions to buildings in the Residential D Zone with a gross floor area up to and including 50m². - any building with an unsealed or permeable floor. 	<p>Complies</p> <p>The application site is not identified as being at risk of flooding. This land is upon the terrace elevated from floodwater risk. A flood hazard assessment is included as Annexure H.</p>
Zone Standards		
4.10.3	<p>Setback from Stopbanks and Water Bodies</p> <p>a) All buildings shall be set back a minimum distance of 100m from the centre line of any stopbank that has been erected by the Canterbury Regional Council (refer to diagram in Appendix 3-1).</p>	Complies
4.10.4	<p>Lighting</p> <p>a) All exterior lighting shall be directed away from adjacent properties, roads, and railways and shall not be projected above a horizontal line from the light source.</p> <p>b) No activity shall result in a greater than 3 lux spills (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property.</p>	<p>Will Comply</p> <p>Will Comply</p>
4.10.5	<p>Hours of Operation</p> <p>a) Any activity, other than residential, farming, visitor accommodation and outdoor recreation, shall be limited to the following hours of operation:</p>	<p>N/A</p> <p>This development involves a residential activity.</p>

	<ul style="list-style-type: none"> • 0700 to 2100 Monday to Friday and 0900 to 1700 Saturday, Sunday, and public holidays; except where: <ul style="list-style-type: none"> - the entire activity is located within a building; and - each person engaged in the activity outside the above hours resides permanently on the site; and - there are no visitors, customers, or deliveries to the activity outside the above hours. 	
4.10.6	Heavy Vehicle Storage	Will comply.
4.10.7	<p>Noxious or Unpleasant Activities</p> <p>a) No activity, other than residential or farming activities, shall involve the following: panelbeating, spray-painting, motor vehicle repairs or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, rubbish collection service, motor body building, or fish or meat processing, or require an offensive trade licence under the Health Act 1956.</p>	<p>N/A</p> <p>The proposal is for a residential activity.</p>
10. Transport		
10.8.2	<p>Car Spaces for People with Disabilities</p> <p>a) Where car parking is provided for a non-residential activity, the minimum number of parking spaces for people with a disability shall be as follows:</p> <ul style="list-style-type: none"> - No spaces required for the first 9 car parking spaces provided on site - 1 space where between 10 and 20 car parking spaces are provided on site 	<p>N/A</p> <p>Residential activity is proposed.</p>
10.8.3	<p>Size of Parking Spaces</p> <p>a) All required parking spaces, other than for residential units, shall be designed to</p>	N/A

	<p>accommodate a 90-percentile design motor car (refer Appendix 10-2) and shall be laid out in accordance with the minimum dimensions specified within Table 10-2:</p>										
10.8.4	<p>Residential Parking Spaces</p> <p>a) Where residential car parking spaces are provided within a garage, the minimum internal dimensions shall be</p> <table border="1"> <thead> <tr> <th></th> <th>Width</th> <th>Depth</th> </tr> </thead> <tbody> <tr> <td>Single</td> <td>3.1m</td> <td>5.5m</td> </tr> <tr> <td>Double</td> <td>5.6m</td> <td>5.6m</td> </tr> </tbody> </table> <p>b) The minimum width of the entrance to a single garage shall be no less than 2.4 m.</p>		Width	Depth	Single	3.1m	5.5m	Double	5.6m	5.6m	Complies
	Width	Depth									
Single	3.1m	5.5m									
Double	5.6m	5.6m									
10.8.5	<p>Cycle Parking</p> <p>a) All developments, other than residential and farming, are to provide cycle parking at a rate of 1 cycle space for every 20 car parking spaces provided.</p>	N/A Residential development									
10.8.6	<p>On-site Manoeuvring</p> <p>a) The manoeuvring area from the road transport network boundary to any parking space shall be designed to accommodate a 90-percentile car.</p> <p>b) Onsite manoeuvring for a 90-percentile car shall be provided to ensure that no vehicle is required to reverse either onto or off a site where:</p> <ul style="list-style-type: none"> any activity has vehicle access and/or vehicle crossings to an arterial road. any activity provides 4 or more parking spaces having vehicle access and/or vehicle crossings onto a principal or collector road. any activity provides 10 or more parking spaces. 	Complies Appropriate on-site manoeuvring will be possible. Reversing off the application site will be required. Carters Terrace at this location is a local road. n/a n/a The proposal provides for 10 car parks in the sense there is a garageable space and ability for									

	<ul style="list-style-type: none"> three or more residential units share a common access. 	<p>tandem parking behind.</p> <p>The units share a common internal access however no vehicle is required to reverse onto or off a site.</p>
10.8.9	<p>Surface of Parking and Loading Areas</p> <p>a) The surface of all required parking, loading and trade vehicle storage areas in the Residential Zone, Business A, B, and C Zones, and the Aquatic Park Zone (except parking areas within the Recreational Area of the Aquatic Park Zone), shall be formed to provide an all-weather surface.</p> <p>b) The first 3m of all such required areas (as measured from the road boundary) shall be formed and sealed for the full width of the vehicle crossing, to ensure that material such as mud, stone chips or gravel is not carried onto any footpath, road transport network or service lane.</p> <p>c) Parking and loading areas in the Recreational Area of the Aquatic Park Zone shall be formed and oversown with grass to maintain the character and appearance of the surrounding recreational area.</p>	<p>Complies</p> <p>Complies</p> <p>N/A – Application site is not within the Aquatic Park Zone.</p>
10.8.11	<p>Queuing Length</p> <p>a) Where car parking is provided within a site, a minimum queuing length shall be provided in accordance with Table 10-3 below for vehicles entering the site:</p> <p>21-50 spaces 12m queue space</p> <p>b) The required queuing length shall be measured from the road boundary at the car park entrance to the nearest vehicle control point or the point where entering cars could conflict with vehicles already on the site.</p> <p>c) Where more than one vehicle crossing is provided to a site, the required queuing length may be</p>	<p>Does not comply.</p> <p>Refer transport assessment</p>

	assessed for each access point individually, with each parking space allocated to the nearest entry vehicle crossing for the purpose of the assessment.	
Site Standards – Accessibility and Safety		
10.9.2	Vehicular Access	n/a
	<p>a) All vehicular access to fee simple title allotments, cross leases, unit titles or leased premises shall be in accordance with the standards set out in Table 10-6. This rule shall not apply to vehicle crossings directly on to individual sites, which do not involve an access.</p> <p>d) All vehicle crossings from sealed roads to vehicular accesses shall be sealed for the full berm width of the adjoining road. In the case of the Rural A, B and C Zones, if the access slopes up from the road, the crossing shall be sealed to a minimum distance of 10m from the edge of the carriageway.</p> <p>e) Where an allotment being created by subdivision or a new land use activity establishes on an existing site that has frontage to a state highway as well as to another road, vehicle access and vehicle crossings to the allotment shall be from the other road transport network, rather than the State Highway.</p> <p>f) No activity in the lower density area of the Residential C Zone as shown on the Lochhead Outline Development Plan shall have a vehicle access or vehicle crossing to State Highway 77.</p>	<p>The proposal involves individual crossings and not an access.</p> <p>Complies</p> <p>n/a</p> <p>n/a</p>
10.9.3	Distances of Vehicle Crossings from Intersections	Complies
	<p>a) No part of any vehicle crossing shall be located closer to the intersection of any roads than Local - 15m</p>	<p>The vehicle crossings are on the opposite side of the road from Grove Street.</p>

10.9.4	<p>Spacing Between Vehicle Crossings</p> <p>a) On Principal and Arterial Roads where the legal speed limit is 100km/hr, the minimum spacing between successive vehicle crossings (regardless of the side of the road on which they are located) shall not be less than 200m. This rule shall not apply to vehicle crossings to farming activities, which do not provide access or a driveway to buildings (other than haystacks).</p> <p>b) On Principal and Arterial Roads where the legal speed limit is less than 100km/hr, the minimum spacing between successive vehicle crossings (either single or combined) on the same side of the road, shall not be less than 15m. This rule shall not apply to vehicle crossings which serve residential activities only.</p> <p>c) The separation distances shall be measured from the centre of one vehicle crossing to the centre of the succeeding vehicle crossing, parallel to the centreline of the transport network.</p> <p>d) Where the boundaries of the site do not allow the provision of any vehicle crossing whatsoever in conformity with the above distances a single vehicle crossing may be constructed in the position which most nearly complies with the provisions of this rule.</p>	Complies n/a n/a n/a n/a
10.9.5	<p>Maximum Number of Vehicle Crossings</p> <p>a) The maximum number of vehicle crossings to a site per road frontage shall be: Local Road (21 – 60m) = 2 crossings.</p>	Complies Five new vehicle crossings are proposed.
10.9.6	<p>Sight Distances from Vehicle Crossings</p> <p>a) Unobstructed sight distances shall be available from all vehicle crossings 0-50km/hr = 45m sight distance</p>	Complies A sight distance of at least 45m is available from the proposed vehicle crossing.
10.9.10	<p>Minimum Sight Distances from Intersections</p>	Complies The straight road alignment of

	<p>a) Unobstructed sight distances shall be available from all intersections: 0-50km/hr = 110m sight distance</p>	<p>Carters Terrace ensures that a sight distance of 110m is available in both directions.</p>
10.9.12	<p>Tree Planting – Shading and Intersection Visibility</p> <p>a) No tree shall be allowed to grow such that it shades the carriageway of a road throughout the hours of 10am and 2pm on the shortest day of the year.</p> <p>b) No tree shall be planted within 30m of a road intersection, measured to the point at which the legal boundary lines of the two road frontages intersect.</p>	<p>Complies</p> <p>Will Comply</p> <p>Will Comply</p>

Table 1: Compliance Table

4.4 Activity Status

Consent is sought for a **restricted discretionary activity** because of the identified non-compliances relating to the site density, shape factor, road and internal boundary setbacks, outdoor living space and queue space.

5.0 ASSESSMENT OF EFFECTS

The following assessment of effects arising from the noncompliance's with development standards is discussed below under the Operative Plan.

5.1 Assessment of Effects - Residential Density and Building Coverage

- a) *In Residential C and D zones, the extent to which the character of the site will remain dominated by open space and garden plantings, rather than buildings.*

All the units except for the recreation centre, are within the Residential D zone. Therefore, the minimum 4000m² area cannot be met for each individual unit however what must be considered is the utilisation of this land area for what is elderly persons housing adjoining and part of the wider Terrace View Retirement complex.

Each of these residential units will be provided with landscape plantings and features which will be consistent with the existing Terrace View style of development. The buildings being single level and conjoined with breaks and recesses in the design, so it is not one continuous building length.

The utilisation of Residential D land for this density of development is considered a good utilisation of the space for higher density living purposes for the type of persons proposed to reside there as opposed to the current zoning which enables a very low density of living with ample open space.

The compact design is a good use of space, and the level of plantings and landscape is appropriate for the scale and type of use for the residential units.

As part of this development each residential unit has an outdoor living space a minimum of circa 25-30m² which is more than adequate for the people who will reside in the units. They do not require nor demand large areas of outdoor living area that is the norm for Residential C zone properties as that is more akin for younger families and those wishing to have larger areas of lawn/recreational area and gardens.

- b) *The ability to provide adequate opportunity for garden and tree planting around buildings.*

Although less than the permitted site density standard for each site, it is evident, that the application sites will still provide areas within which to establish residential units with opportunities for garden and tree planting as generally shown on the site plans.

Landscape design has been prepared for the site and included as Annexure I. This is a comprehensive landscape proposal for the Stage 3 development. The landscaping includes,

- Small garden plantings about each unit including hedging,
- Lawn areas,
- Timber decking,
- New trees and retention of some existing trees,
- Exposed aggregate pathways and outdoor areas,
- Coloured concrete access and driveways,
- Riverstone entry walls,
- New pool type fencing on road frontage,
- New internal boundary fence,
- Walkway track from the proposed recreation centre down to lower ground toward the river,
- Riparian Plantings on the lower terrace

The specific details for all the above are detailed in the landscape plans. There is a materials and planting palette included as part of the landscape design package.

One key aspect the developer has factored is that a setback on the road boundaries will be a minimum of between 5m -10m. The 5m setback is appropriate for Units 19-20 due to the necessary configuration of the “quad villa” type of arrangement. This setback is less than the permitted 10m. More on this below.

It is important to note the size of the application sites and the availability of space that could be utilised about each site.

Having noted the level of built form and hard standing that exists within neighbouring Residential C zoned sites, the subject site would be a modern facility that will blend well with the wider environment. The scale of the units individually is less than the typical residential units within the zone however as these units are part of the wider retirement village complex, they are purpose designed for the older intended residents.

Elements of landscaping (which may simply be grassed areas and low maintenance plants) will be provided to improve the overall appearance and the levels of privacy afforded to future occupants. Both will be achieved without impeding visibility or compromising the safety of the surrounding road network nor adjoining neighbours.

- c) *The ability of the site to contain a residential unit and sewerage disposal system without adversely affecting the provision of sufficient outdoor living space.*

The application site will apply to utilise the Council's reticulated sewerage disposal system. Accordingly, the scheme will not undermine the amenity values found within the local area.

- e) *Whether the sewerage disposal system will have any adverse effects on visual amenity.*
- f) *Whether the sewerage disposal system will create any adverse effects on neighbours, particularly if located close to an internal boundary.*

The reticulated system will not be visible and therefore, will have no appearance related impact.

The connections will be sufficiently removed from boundaries and will be designed to avoid any adverse effect on neighbours.

- g) *The extent to which there is a need for the decreased site size or increased building coverage to undertake the proposed activities on the site.*

The area for this development utilises a total site area of 14811m². The proposed total building coverage excluding decking is 3750m². Uncovered terraces or decks are not part of a coverage calculation however the key aspect that needs to be factored is that this site is part of a larger overall title area and crosses cadastral boundaries of three separate titles.

However, the site coverage exceeds the permitted 15% for the site due to it being a Residential D zone. The compact nature of the units is deliberate, and whilst there is a conjoined or clustered approach to the unit development this leaves space for internal access and green areas that creates, at least, some form of open space.

As part of the previously approved resource consents for site development there is a permitted baseline in place now for the retirement village development albeit part of the Residential C zoning predominantly.

In terms of meeting a minimum site density of 4000m², this becomes relevant to the extent that each of the residential units will not be held within their own respective records of title. There is no subdivision (nor any need for this) to follow up this land use consent application for the purposes of creating separate freehold or unit titles for this application.

In terms of shape factor the units do not fit within a minimum 13m x 15m rectangle however this is not required as the units are smaller and intended for retirement age persons.

There are three different types of residential unit and each with different density and layout. These are.

10- Duplex type villas with an internal single garage – 125m²

8 Quad type villas with an internal single garage – 122m²

7 premium type villas with a double garage – 167m²

Each unit is 2 bedroomed and some are narrower and more elongated in appearance as shown on the site plan which is deliberate and designed accordingly for the people who will reside here. The compact nature of the units makes it a good use of space for building while providing areas for planting and outdoor living making it a very attractive living space.

The proposed development has been designed to ensure high quality living standards for future occupants without issue with regards to the site being too tight or limited in its ability for use due to being significantly less than 4000m² in area per site.

The shortfall in site density is not a significant effect on the basis that the site is for specific age residents who will fit within this established Terrace View Community and the wider residential community for that matter.

It should be noted that Terrace View has existing independent living dwellings to the northwest of the site beyond the main entry at a similar scale to this proposal. This new

proposal has a greater street setback that the existing independent living facilities and this proposal has a high level of landscaping.

h) *The ability of the residential unit to gain greater access to sunlight and/or daylight and to provide for solar heating.*

All sites and residential units have outdoor living areas and north facing aspects to capture and maximise sunlight availability for each site. Moreover, the orientation of the development has been considered.

The unit configuration is to ensure living areas and outdoor spaces will benefit from a suitable level of both sunlight and daylight.

It is unlikely that a property will be subject to unacceptable levels of overshadowing in this location. There is no proposal to incorporate the technology required for solar heating however that is not to say there is not the ability to do this, but this is very much the landowners and developers' consideration. It is not considered an adverse effect not to provide solar heating capability.

i) *The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination as a result of building density and coverage which is out of character with the local environment.*

In terms of the Residential D zoning, the density for the development is in excess of what is intended for the zone. However, this development or rather extension to the existing development, does promote a variety and innovation in residential development to meet the changing needs of both the current and future generations. Further the proposal is a continuation of the high standard of residential development Terrace View have established and is essentially a residential activity one would expect to see within a residential area albeit this site is a lower density residential zone on the fringe of the existing Residential C zone.

The development will appear appropriately scaled being single level and conjoined.

The single level nature and pitch of roof for each of the units renders these units compatible with the surrounding residential units in this area. The built form itself is sufficiently set back from road and internal boundaries and its layout with two bedrooms,

one bathroom, kitchen, dining and living area, powder room, utility areas, and the single or double garages garage, provides an attractive housing option as part of the next stage of Terrace View Retirement Village.

The smaller residential units being circa 122-167m² which includes garaging and outdoor living and service area does not exceed the height permitted within this zone or represent visually dominant additions to the area. Being modern and architecturally designed, the proposal will appear aesthetically pleasing and compatible within this location.

The exterior of the residential units includes an interesting mix of weatherboards and brick cladding, plaster type finish, profiled metal roofing, aluminium window joinery and metal sectional garage doors. The colour scheme for the residential units will be neutral colours including but not limited to light and dark greys.

When viewed as part of the wider environment, the resulting development will not appear out of keeping to the neighbouring lots. The road setbacks and overall scale of the facility, the residential density non-compliance does not impact upon amenity as viewed from pedestrians and road users nor on the landowner's visual amenity on the opposite side of Carters Terrace from the site.

j) *The ability to provide adequate vehicle parking and manoeuvring space on site.*

Each residential unit will benefit from one or two garageable parking spaces and the ability to park in tandem behind the garage.

The applicant wishes to have garageable spaces as part of the offering for accommodation and the District Plan no longer requires on site car parking requirements due to the directions of Central Government as part of the National Policy Statement-Urban Development (NPS-UD) released in 2020.

Some parking provision (5 spaces) is provided close to the recreation centre.

It is not foreseeable that the shortfall in residential density land will impact upon either the functionality of the allotment, or vehicular safety levels in and around the subject site. It is considered that the traffic related effects of this proposal will be negligible.

k) *The extent to which decreased site size or increased building coverage would have any adverse effects on adjoining properties in terms of dominance by buildings, loss of privacy, access to sunlight and day light and loss of opportunities for views.*

The proposed residential units will be considerably sited and designed to mitigate any perception of bulk or dominance over adjoining sites/properties. Although there are non-compliance's in terms of residential density and outdoor living space, the breaches are minimal when considering the proposed use of the units for EPH and the low height of (single level of each unit).

The proposed units are adjoining land on the western boundary that is owned and managed by Terrace View themselves so there is no privacy or building dominance effect in that regard. There is however an adjoining landowner to the east and landowners opposite the site within both a Residential C and D zoning.

l) The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.

The proposed site plan provides a visual illustration which demonstrates the outdoor living space off living areas within the residential units. The occupants of these units will only require the small level of outdoor living area as bearing in mind these units are part of the village complex itself. Therefore, the sites will be able to comfortably cater for the units and enables an appealing external area for occupants to enjoy. There is the recreational building on the site as well which is essential a large lounge with tables and chairs, kitchen facility and gaming areas for the resident's usage.

m) Whether the residential units are to be used for elderly persons housing and the extent to which a decreased site size will adequately provide for the outdoor needs of the activities on the site and retain a balance of open space to buildings.

The proposed site is to be entirely used for elderly persons housing and the space required for the development is fine for the residential needs and wants. Each of the units has its own individual outdoor living area appropriately scaled for use.

n) The ability to mitigate any adverse effects of increased coverage or site density.

There is a site coverage non-compliance with this proposal when taken across the titles of the whole Terrace View development and the site density, whilst less than 4000m² per unit, this application will not generate an excessive intensification of use, a significant increase in population or notable overcrowding across the subject site. The residents or occupants of these units tend to be single, or couples and it is not used for families or the like where greater activity will occur in terms of general outdoor activities, greater vehicle

movements and generally more than one car per household. Rather, the land in question is suitably functional for its intended use and capable of accommodating additional (appropriately scaled and designed) residential units which provides a quality living environment for future occupiers.

The design and appearance of these buildings is shown in the general elevations included as Annexure C to this application. The proposed residential units will stand no higher than 5.8 metres and have a modern, yet modest appearance. There are various exterior elements that add interest to the units and compliment the exterior cladding system and metal roofing material when viewed from outside of the site.

The site is zoned for lower density residential activities and therefore the proposed development is appropriate for this zone. The Residential C interface for this proposal is simply where the boundary of the zone exists, and this development only includes the recreational building within the Residential C zone.

As these proposed residential units are part of the wider Terrace View development the effect of this encroachment is considered a very low potential effect. As it stands this slight intrusion doesn't impede the ability for the existing title Lot 6 DP 39303 to undertake further redevelopment as part of the Residential D zone. It should be noted that approved resource consent LUC 16/0064 and LUC22/0034 does show development as part of an additional stage over Lot 6 DP 39303 as a proposed Stage 3. That included provision on the site frontage for a community centre with associated parking and landscaping. This community or recreation centre is now repositioned internally on the site and in addition, this proposal includes the use of adjoining Lot 2 DP 6307.

There is enough variance in the buildings in terms of the material used on the exterior with vertical and horizontal features including the breaks in the continuous building lines, roof pitches and glazing on the exterior to add interest to the design.

The proposed development includes elements of landscaping and vegetation that are proportionate and appropriate for an application site of this scale. Considerate boundary treatment ensures a suitable level of privacy for each residential unit.

5.2 Assessment of Effects – Road Boundary Setback

- a) *The extent to which the intrusion towards the road is necessary in order to allow more efficient, practical and/or pleasant use of the remainder of the site.*

The road boundary intrusion relates to Villas 19 and 20 which are within 10m of the road frontage to Carters Terrace.

At its closest point the outdoor living spaces and landscape areas are within the setback. The bedrooms and living areas are also within the setback. The extent is necessary as the design of the units is to interconnect all four units to create the quad unit arrangement.

This then enables provision for a footpath and landscape setback between the next set of units and beyond this provision for a the circa 6.0m driveway which provide separation from those units on the opposite side of the driveway.

Whilst avoiding detrimental repetition, the development will contribute towards the street scene through an interesting, balanced, and appropriate design.

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

The proposed units are positioned to be consistent with the other 4 units and the position this close to the frontage is deliberate to provide for a quality street appearance whilst enabling ability for the development to the rear.

As can be seen on the development plans approved by the Council under the initial resource consent LUC16/0064 and more recently the consent LUC22/0034, approving the Stage 2 villas to the west, these units will be parallel in setback at 5.0m from the road boundary.

If the units were to be setback the 10m to comply this creates reduction in size issues for the units and/or would affect the position of the driveway between the premium units and the Units 8/9 and 12-16. Beyond this having to comply with the 10m setback would push units 1-7 below the terrace which for flood hazard and foundation purposes is also not an option.

Creating a second level to solve the setback issue is not an option for these units and stairs are something the applicant is not including in any units for the benefit of the occupants.

c) *The extent to which the proposed building will detract from the pleasantness, coherence, openness, and attractiveness of the site as viewed from the street and adjoining sites.*

The design, scale, and position of these buildings within the setback, whilst a non-compliance, is not considered a significant issue due to the design and appearance of the proposed units as shown on the architectural elevations annexed. The mix of glazing, weatherboard and brick exterior with recesses and additions, alongside the metal roof with pitch roof all with relatively neutral colours will not detract from the street appearance.

d) *The ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries, which will mitigate the effects of the building intrusion towards the road.*

As can be seen on the drawings and plans prepared for this development there is landscaping and planting proposed between the legal road boundary and the proposed buildings.

The proposed mitigation in the form of landscaping and fencing alongside the retention of existing trees poses no effect in terms of a detracting of those assessment matters.

Alongside the existing trees there are proposed trees to be planted along in front of both units close to the 1.6m high fence. There are three existing deciduous trees which will be retained in front of Units 19 and 20 and it is proposed that two additional trees will be planted on the frontage to assist in mitigating views from the road frontage and landowners/occupiers opposite.

e) *The adverse effects of the building intrusion on the outlook and privacy of people on adjoining sites.*

There is no adverse effect on adjoining landowners as that is the applicant's development on either side of the setback intrusion i.e., the five conjoined villas to the west and the new units to the east the subject of this proposal.

f) *The ability to provide adequate manoeuvring space for vehicles clear of the road.*

There are garages proposed for each unit which are setback a minimum of 5m from the driveway to enable cars to reverse out onto the driveway and it also enables tandem parking as required. This therefore enables vehicles to be clear of the roadway and therefore not have a situation where residents/occupants vehicles are parking on Carters

Terrace. Note too that there is provision for three internal car parking spaces as part of the driveway closest to the secondary access.

- g) *The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity from road boundaries.*

The proposed buildings fit in with the existing village development and being modern units will not detract from the existing buildings in the vicinity in terms of scale and activities within the site.

- i) *The ability to mitigate any adverse effects of the proposal on the street scene; and the effectiveness of other factors in the surrounding environment in reducing the adverse effects, such as existing wide road widths, street plantings and the orientation of existing buildings on adjoining sites.*

Carters Terrace at this location has both a wide carriageway and one that narrows moving onward toward the east of the site. There is no proposal to have cars parked on the road frontage of the site other than perhaps visitors from time to time. This is in addition to the 5m building setback and proposed landscaping that will reduce the potential adverse effects, if any, to be negligible from both a public and opposite landowner viewpoint.

5.3 Assessment of Effects – Setback from Neighbours

The relevant assessment matters for this are contained in 4.11.4 of the Operative Ashburton District Plan.

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

The internal boundary setbacks are non-compliant in relation to the adjoining property at 59 Carters Terrace. The setbacks from the closest points of the three residential units in relation to the boundary range from 2.36m – 3.011m. This is shown on the Revision A Plans dated 8.6.2023.

The setback is necessary to fit the number of units required for this specific design.

New boundary fencing is proposed along this internal boundary alongside some new trees to be planted along the boundaries to provide some mitigation and privacy between the application site and the adjoining landowners.

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

There is no alternative to this proposal in the sense the applicant does not wish to add a second level on units to reduce lateral spread and coverage and therefore single residential units at the scale shown are what is intended. Nor does designing to comply with the setback considered an option because to reduce the unit a further 3+ metres will simply interfere with the design space required for the units.

The other alternative considered but is not an option for the applicant, is to remove those proposed units closest to the internal boundary however that leaves the applicant with three less units and additional space on the boundary that could be utilised better by the applicant.

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

In this location the building is within 6m of the internal boundary which is then closer to the landowner at 59 Carters Terrace adjoining. The landowner's residential unit is close to Unit 7 of the subject units. In saying that, the closest point of the landowners at 59 Carters Terrace is circa 11m from the boundary with the applicant site. At present there is existing and well-established trees and vegetation on the internal boundary between both properties on parts of the internal boundary.

The intensity of the proposal is out of character for this zone, and it is hoped that as the proposal is from specific type of residential living, Elderly Persons Housing, this may be considered favourably by the adjoining neighbour(s) and Council.

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

The height of the proposed units is single level only and there are windows in the units facing out toward the internal boundary. That said, the internal boundary fence and some

strategically placed vegetation, will help alleviate potential issues with any looking in on adjoining neighbours and privacy. Of note is that the Premium villa unit (closest to the neighbour's residential unit) will have an internal fenced off outdoor service area which will further restrict any visibility into the property at 59 Carters Terrace.

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

The setbacks from the internal boundary will not reduce sunlight onto the adjoining property on the basis that they are single level residential units, albeit on the northern side of the adjoining property. The recession line should not bisect the roof angle when taken at a height of 2.3m above the internal boundary.

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

There is ability to do this, and the applicant has shown a detailed landscape planting option across the site alongside retaining existing vegetation where possible.

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

This EPH development from a residential activity viewpoint, is about as low key in terms of effects, as you could possibly achieve when it comes to residential amenity. The residential use of the building is no different to that of standard residential use however the nature of the residents or occupants will be relative quietness throughout the course of any day, there are no late-night parties or gatherings as such and other than general daytime noise of motor mowers and vegetation maintenance equipment alongside people talking, that is about all the effects generated from the site.

Lighting will be restricted to external sensor lighting or similar and there will be limited to no glare based on the exterior cladding and materials low reflectivity values.

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

As per the landscape plantings proposed and shown on the annexed plans, it is considered that any adverse effects can be mitigated through landscape design and both existing and proposed plantings.

- k) *The extent to which any reduced setback from neighbours allows more flexibility in house design and layout providing a more efficient use of the site, providing greater access to sunlight and overall, enhanced amenity for the residents and neighbours.*

As it applies to the applicant's proposal, the reduced setbacks do allow flexibility for the design by enabling the positioning of the proposed units to utilise the area available. The position of the units does allow good access to sunlight and the specific design for the needs of the residents and occupants. Based on the design of the buildings in relation to internal boundary, it can be said that effects on the neighbours will be low based on proposed mitigation and the elderly nature of the residents. Certainly, there are now buildings positioned on the site where there haven't been previously which changes the visual effect to a degree. The scale of this though, being single level, is mitigation enough to an extent that effects could be considered as low.

From a permitted baseline perspective, you could have an accessory building (garage, storeroom, or shed that is associated with the residential unit on the site at a position 3m from the internal boundary in any event. Likewise, if it was not for human habitation (family flat or sleepout), it could be closer than 3m provided it did not exceed 10m on that boundary, there were no glazed surfaces (windows), and stormwater was managed on the site.

5.4 Assessment of Effects – Roading incl Queue Space

The relevant assessment matters for this are contained in 10.10.2 of the Operative Ashburton District Plan.

- a) *The extent to which conflicts between vehicles will be created by vehicles queuing across the vehicle crossing; confusion between vehicles turning at the crossing or the intersection; or inadequate rate of driver assimilation of data, thereby adversely affecting the safety of the road.*

A traffic impact assessment has been prepared for this proposal and one non-compliance has been identified in relation to queue space.

The traffic assessment findings identified that the queue space provision on the secondary site access is not a significant matter.

Given the low traffic volumes involved on both the access itself and on Carters Terrace past the access, as well as low pedestrian movements past the site access, it is considered that the 9m queue space provision on the secondary access is adequate.

b) *Whether the hours of operation of activities on the site coincide with the peak flows and vehicle queues on the road.*

The road alignment is straight in both directions. The volume of vehicles is not significant at this location being a local road. Therefore, the stretch of road from Grove St then eastward on Carters Terrace does not carry a significant volume of vehicles.

The speed limit outside the site is 50km/hr. Just eastward of the site eastbound traffic can increase to 70km/hr but that is in the opposite direction to the application site.

In terms of peak flows, which is usually early morning, after school and early evenings, this portion of Carters Terrace where the applicants site is located is on the fringe of the existing Tinwald urban area where one could expect greater traffic levels (within the larger urban population) however whilst there is some housing further east it is not largely populated so any peak traffic movements on the frontage location of this site, will be low.

The residents or occupants typically are not high traffic generators in a residential living sense as opposed to families with teenagers where up to 20-30 vehicle movements a day/residence are possible. It's more likely each resident may only drive out of the site no more than 3-4 times over the course of a day. That is a very low traffic generation, and the road is more than capable of handling these volumes with little network effect.

The other roading issue is the upgrade of the northeast side of Carters Terrace to a point outside what is labelled as the secondary access. Due to the low traffic involved on the site entrances as well as along Carters Terrace, it was considered that the *extent of road upgrade is appropriate, and it is not necessary to continue the*

proposed upgrade further southeast beyond the secondary site access nor is it necessary to upgrade the southwest side of Carters Terrace opposite the site.

5.5 Assessment of Effects – Engineering Services

Included at Annexure G to this application is some civil engineering design plans which shows how the proposed site will address stormwater, high-pressure water, and wastewater reticulation to service the development.

5.6 National Environmental Standards – Soil Contamination

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the NES) came into effect on 1 January 2012.

The statements in *italics* below are direct from the Ministry for the Environment's website and are included for the purpose of identifying the likelihood of contamination at this site.

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health:

- *provides a nationally consistent set of planning controls and soil contaminant values.*
- *ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.*

The NES classifies as permitted activities (meaning no resource consent required if stated requirements are met):

- *removal or replacement of fuel storage systems and associated soil and associated subsurface soil sampling.*
- *soil sampling*
- *small-scale (no greater than 25 cubic metres per 500 square metres of affected land) and temporary (two months' duration) soil disturbance activities*
- *subdividing land or changing land use where a preliminary investigation shows it is highly unlikely the proposed new use will pose a risk to human health.*

Activities requiring a resource consent under the NES include:

- the development of land where the risk to human health from soil contamination does not exceed the applicable soil contaminant value (classified as a controlled activity, meaning resource consent must be granted)
- the development of land where the risk to human health from soil contamination exceeds the applicable soil contaminant value (classified as a restricted discretionary activity)
- the development of land where the activity does not meet the requirements to be a restricted discretionary, controlled or permitted activity (classified as a discretionary activity).

Section 6 methods of the legislation states.

Methods

- (1) Subclauses (2) and (3) prescribe the only 2 methods that the person may use for establishing whether or not a piece of land is as described in [regulation 5\(7\)](#).
- (2) One method is by using information that is the most up-to-date information about the area where the piece of land is located that the territorial authority—
 - (a) holds on its dangerous goods files, property files, or resource consent database or relevant registers; or
 - (b) has available to it from the regional council.
- (3) The other method is by relying on the report of a preliminary site investigation—
 - (a) stating that an activity or industry described in the HAIL is, or is not, being undertaken on the piece of land; or
 - (b) stating that an activity or industry described in the HAIL has, or has not, been undertaken on the piece of land; or
 - (c) stating the likelihood of an activity or industry described in the HAIL being undertaken, or having been undertaken, on the piece of land.
- (4) The person must—
 - (a) choose which of the 2 methods to use; and
 - (b) meet all the costs involved in using the method that the person has chosen.

The proposal is not a change of use, and no subdivision is sought currently to establish the residential units and recreation centre.

The most up to date information from the Council (section 6(2)) that the applicant has or is aware of for the site does not list any such potential issues. The HAIL reports

from Environment Canterbury's LLUR does not list any HAIL activities that have been undertaken on the application sites.

A copy of the LLUR report is included as Annexure F.

Based on this assessment, and no other known issues, no further consideration is required.

5.7 Effects Summary

Overall, based on the preceding assessment of environmental effects it is considered that although there are non-compliances, the effects of these are less than minor and the proposal still more than adequately provides for future residents and there will be no foreseen adverse effects that could be considered significant.

Through this application, the applicant seeks to establish, functional and visually appealing residential units within the Residential C and D Zone. These buildings are for the purpose of Independent Living for those 60 years of age and above.

The proposed development is appropriate for this location and the positive housing benefits are expected to outweigh any potential detriment.

5.8 Consideration of Alternatives

The preceding assessment of effects shows that the proposal will not have any significant adverse effects on the environment. The fourth schedule of the Resource Management Act 1991 at section (1) (b) does not require an assessment of alternatives unless the activity is likely to have significant adverse effects. It is therefore submitted based on the assessment of effects provided in this application that the effects are not significant and therefore an assessment of alternatives is not required.

Accordingly, under Schedule 4 clause 1(b) of the Resource Management Act, there is no need for alternatives to be considered.

6.0 PART II OF THE RESOURCE MANAGEMENT ACT

Part II of the Act contains Sections 5 – 8 and relates to the purpose and principles of the Act. It is considered that the proposal should be assessed against Sections 5 and 7.

6.1 Section 5

Section 5 outlines the purpose of the Act as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while:*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 5 of the Resource Management Act 1991 identifies the purpose of the Act as being the promotion of sustainable management of natural and physical resources. Key to the purpose of the act is the ability to enable people and communities to provide for their social and economic wellbeing. This is indeed applicable to this proposal based on the need for elderly persons housing and in a location that is residential and is accessible to amenities alongside some recreational services existing onsite. For the reasons, it is considered that the proposed development achieves this purpose and meets the principles of the Act including avoiding, remedying, or mitigating any adverse effects.

6.2 Section 7

Section 7 outlines other matters that need to be considered. Matters of relevance are:

- (c) *The maintenance and enhancement of amenity values.*

(f) Maintenance and enhancement of the quality of the environment.

Section 7(c) and (f) of the Act are matters to which Consent Authorities should give regard to when making informed decisions. When assessing a restricted discretionary land use consent application in the Residential C zone, in this case involving both site density, setbacks, coverage, and a traffic non-compliance, consideration may be given to the effects on traffic amenity values and maintenance and enhancement of the quality of the environment because of the proposed activity. The design and appearance of these residential units will maintain and enhance the quality of the environment.

The proposal is also considered to be consistent with these Part II matters in that the proposal will maintain the local amenity and enhance it with the provision of quality residential accommodation that will not affect the quality of the surrounding environment in accordance with Section 7c and 7f. Given the above, it is considered that the proposal is in keeping with Part II of the Act.

7.0 SECTIONS 104 & 104C - CONSIDERATION OF APPLICATIONS

Section 104 sets out those matters that must be considered when assessing an application for a resource consent. Subject to Part 2 of the Act, Section 104(1) requires a consent authority to have regard to the following matters:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of-*
 - (i) *a national policy statement.*
 - (ii) *a New Zealand coastal policy statement.*
 - (iii) *regional policy statement or proposed regional policy statement.*
 - (iv) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

Section 104C of the Act states in relation to the determination of applications for restricted discretionary activities:

When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—

- (a) *a discretion is restricted in national environmental standards or other regulations:*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan.*
- (2) *The consent authority may grant or refuse the application.*
- (3) *However, if it grants the application, the consent authority may impose conditions under [section 108](#) only for those matters over which—*
 - (a) *a discretion is restricted in national environmental standards or other regulations:*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan*

This application provides an assessment of environmental effects and based on low potential effects occurring an assessment of the relevant objectives and policies of the Operative Ashburton District Plan with respect to this proposal, is not considered necessary.

8.0 NOTIFICATION –SECTIONS 95 AND 95A-F

Section 95A Public notification of consent applications

There is a four-step process under Section 95(A) to determine if public notification is required.

Step 1 - Does the application fall within the criteria for mandatory public notification under s95A (3)?

- The applicant has not requested public notification.
- Public notification is not required under s95C.
- The application has not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 2 - Does the application fall within the criteria where public notification is precluded under s95A (5)?

- The activity itself is for a restricted discretionary activity.

Step 3 – Does the application fall within the criteria where public notification is required under s95 (8)?

- The application is not for an activity subject to a rule or national environment standard that requires public notification.
- the activity will not have or is not likely to have adverse effects on the environment that are more than minor.

Step 4 – Are there any special circumstances under s95A (9) which requires public notification?

- There are no special circumstances which require the application to be publicly notified.
- The application does not meet the criteria for public notification under the provisions of s.95A. Therefore, the application does not need to be publicly notified.

Section 95B Limited notification of consent applications

Step 1 – Are there certain affected groups and affected persons who must be notified under s95BA (2-3)?

- There are no affected customary rights groups or affected marine title groups in relation to this proposal.
- The proposed activity is not on or adjacent to, or affects land is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11.

Step 2 - Does the application fall within the criteria where limited notification is precluded under s95B (6)?

- No. The application is not for an activity subject to a rule that precludes limited notification.
- The application is not for either or both the following activities, but for other activities:
- The activity is not for a controlled activity,
- The activity is not for a prescribed activity.

Step 3 – Does the application fall within the criteria for other affected persons to be notified under s95B (7-8) and s95E?

- The above assessment of environmental effects concludes the proposal will have less than minor adverse effects.

Step 4 – Are there any special circumstances under s95B (10) which requires limited notification?

- There are no special circumstances that would warrant the limited notification to any other persons not already deemed to be affected parties (excluding persons assessed under s95E as not being affected persons).

Based, on the above, and the preceding assessment of effects any adverse effects on the environment are less than minor and as such, no parties are adversely affected by the

proposal. It is considered that the application need not be limited notified in accordance with Section 95B of the RMA.

The key provision or non-compliance is the site density issue however reference back to already approved consent LUC16/0064 and LUC22/0034 shows the proposed development of retirement village accommodation as part of a larger development. This was in proximity to the road frontage. This proposal does not increase potential amenity effects for landowners opposite the site nor the public at large.

Other than the landowners adjoining the site, there are no other affected persons under Section 95E. Although the proposal will introduce a restricted discretionary activity when assessed against the Ashburton District Plan, it is considered that the impact is of low potential and will create less than minor effects. Accordingly, this application can be processed by non-notification.

9.0 CONCLUSION

This application seeks resource consent due to the non-compliances outlined in the application.

A restricted discretionary land use consent is sought under the Operative District Plan for the proposal within the Residential A zone.

Section 104 of the Act sets out the matters to be considered when assessing an application for resource consent. These matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the proposal is consistent with the relevant objectives, policies, and rules of the Operative Ashburton District Plan.

It has been demonstrated by the preceding assessment that the effects on the environment as a result of this proposal will have effects that are of a low impact. The relevant provisions of Part II of the Resource Management Act 1991 have been satisfied and it is considered that the proposed development is consistent with the purpose of the Act, promoting the sustainable management of natural and physical resources, with less than minor environmental effects.