



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

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

Consent number:	LUC24/0044
Applicant's Name:	Joseph Petelo
Street Address:	2 Harrison Street ASHBURTON
Legal Description of Site:	Lot 3 DP 4420
Zone:	Residential C
Application summary:	Land use consent at 2 Harrison Street to address the non-compliances associated with the establishment and operation of a larger medical facility, zoned Residential C.

1.0 DESCRIPTION OF THE PROPOSAL

The Applicant is seeking to establish and operate a larger medical facility at 2 Harrison Street, expanding on their previously approved clinic (LUC20/0006). The Applicant's focus for the clinic continues to be orthodontic treatment and dental care for adolescents and adults however the expansion of the clinic would enable the Applicant to provide additional forms of medical treatment on site.

Following a 143.6m² extension to the clinic, the Applicant envisions up to four additional staff being present onsite, bringing the total number of staff working in the clinic to 11.

The clinic would be staffed as follows:

- One receptionist
- One specialist
- Three clinical assistants (when the orthodontist is present)
- One dentist
- One dental assistant
- Four additional professionals (examples being Chiropractor, General Practitioner, Podiatrist, Physiotherapist)

The abovementioned staff would have the use of a shared reception, administration and staffroom facilities once alterations have been completed. The hours of operation would remain Monday – Friday 0700-2100 and 0900 to 1700 during weekends and public holidays.

Customer vehicle access would continue to be located off Belt Road while staff-only carparking would now also be available from Harrison Street. The Applicant intends to retain their existing road frontage signage and incorporate on-building signage into their proposed building extension.

Resource consent is required as a Discretionary Activity given the underlying Residential C Zoning, and the intensification of Community Activities intended to be undertaken onsite.

In addition to the abovementioned activity status, the proposal does not meet the following District Plan Standards:

- 4.9.5 Setback from Streets
- 10.8.6 Onsite Manoeuvring
- 10.8.11 Onsite Queuing
- 10.9.3 Distance of Vehicle Crossings from Intersections
- 13.9.2 Community Facility Signage



Figure 1. Proposed Site Plan

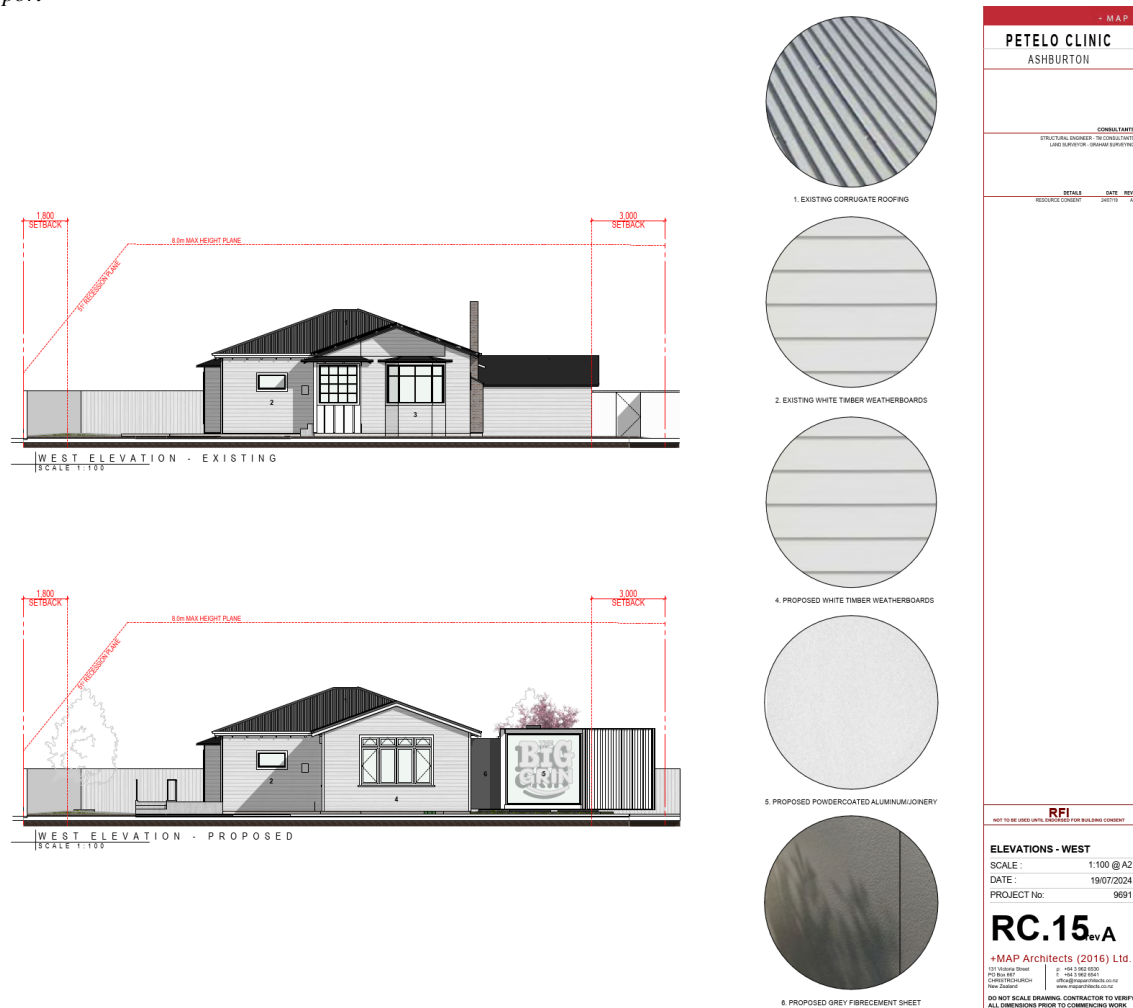


Figure 2. Proposed Western Elevations Plan

1.1 DESCRIPTION OF THE EXISTING ENVIRONMENT

The 1022m² Residential C zoned property is located on the corner of Harrison Street and Belt Road, Allenton. The properties immediately adjoining the Site are residential in nature, however the Site is located opposite the Ashburton Domain. Harrison Street and Belt Road are both listed Principal Roads in the Operative Roading Hierarchy. Designation D66 (Ashburton College) is located approximately 150m from the Site.

Previous consents LUC20/0006 established the dental clinic while LCA22/0007 saw the illumination of advertising signage.

The Site has not been identified as being located in a flood risk area, nor does it feature on Environment Canterbury's Listed Land Use Register (LLUR) at the time of this consent application. There are no Heritage Buildings nor Protected Trees associated with this Site listed in the Operative District Plan.



Figure 3. Aerial View of Application Site

2.0 PLANNING FRAMEWORK

2.1 RELEVANT RULES

The proposal is considered to fall under the following definition of *Community Activity* from the District Plan:

Means the use of land and buildings for the primary purposed of health, welfare, care, safety, education, culture and/or spiritual wellbeing, but excludes recreational activities. A Community Activity includes educational facilities, hospitals, doctors' surgeries and other health professionals, churches, halls, libraries, community centres, police station, fire stations, courthouses, probation and detention centres.

Section 4: Residential

Relevant Rule	Compliance of proposal
Rule 4.8.4 Discretionary Activities	The following activities shall be Discretionary Activities, provided that they comply with all of the relevant zone standards. a) Community Activities.
Site Standard 4.9.2 Site Coverage	Complies 29.9% total site coverage proposed following the 143.6m ² extension. Total building coverage onsite to circa 299m ² or, 29.4%.

Site Standard 4.9.3 Building Height	Complies Buildings would not exceed 6m in height
Site Standard 4.9.4 Recession Planes	Complies
Site Standard 4.9.5 Setback from Streets	Does Not Comply: Proposed clinic extension would fall within the 3m minimum setback of both Harrison Street (0.9m) and Belt Road (1.06m) boundaries.
Site Standard 4.9.6 Setback from Neighbours	Complies Buildings able to meet the 1.8m minimum setback distance.
Site Standard 4.9.7 Outdoor Living Space	N/A Application does not seek to provide for residential accommodation.
Site Standard 4.9.11 Home Occupations	N/A The proposed community medical centre is not a home occupation.
Zone Standard 4.10.4 Lighting	Complies
Zone Standard 4.10.5 Hours of Operation Any activity, other than residential, farming, visitor accommodation and outdoor recreation, shall be limited to the following hours of operation: <ul style="list-style-type: none"> 0700 to 2100 Monday to Friday and 0900 to 1700 Saturday, Sunday and public holidays; except where: 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. 	Complies: The hours of operation will be within the following times: -Monday to Friday 0800hr to 2100hrs -Saturday, Sunday and public holidays 0900hrs-1700hrs The community activity will not operate outside of these hours and there will be no visitors, customers or deliveries to the activity outside the above hours. These operation hours are within the zone standard requirements for activities outside of residential, farming, visitor accommodation and outdoor recreation.

Section 10: Transport

Relevant Rule	Compliance of proposal
Rule 10.7.2 Restricted Discretionary Activities	Any activity, which does not comply with any one or more of the following Site Standards, shall be a Restricted Discretionary activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in the applicable assessment matters in 10.10.
Site Standard 10.8.1 High Traffic Generating Activities	N/A Total proposed floor area of the health care facility does not exceed 300m ² at 299m ²
Site Standard 10.8.3 Mobility Parking Spaces	Complies One accessible parking space has been provided.
Site Standard 10.8.4 Size of Parking Spaces	Complies
Site Standard 10.8.6 Cycle Parking	Complies At least one bicycle parking space would be provided
Site Standard 10.8.7 On-site Manoeuvring	Does Not Comply: The clinic intends to provide 11 car parking spaces and the two spaces accessible from Harrison Street would require reversing manoeuvres to enter or exit the Site.
Site Standard 10.8.10 Surface of all Parking Areas	Complies
Site Standard 10.8.12 Queuing Length	Does Not Comply: A queuing space of 6m is required at both vehicle crossings.
Site Standard 10.9.3 Distances of Vehicle Crossings from Intersections	Does Not Comply: The Belt Road vehicle crossing is setback 27m from the intersection while the Harrison Street vehicle crossing is setback 15m
Site Standard 10.9.4 Spacing between Vehicle Crossings	Does Not Comply: The new vehicle crossing would be within 15m of another vehicle crossing on a Principal Road and not serving a residential activity. The Applicant has stated that a streetlight would also need to be repositioned to accommodate the proposed crossing.
Site Standard 10.9.5 Maximum Number of Vehicle Crossings	Complies One vehicle crossing intended to be provided on Harrison Street and Belt Road.
Site Standard 10.9.6 Sight Distances from Vehicle Crossings	Complies 45m unobstructed sight distance provided from each vehicle crossing.
Site Standard 10.9.10 Minimum Site Distances from Intersections	Complies 110m sight distance provided for.
Site Standard 10.9.12	Complies

Tree Planting, Shading and Intersection Visibility	The Applicant has stated that they would only plant low high trees/hedges along road frontages to maximise visibility at the Harrison Street/ Belt Road intersection.
---	---

Section 13: Signs

Relevant Rule	Compliance of proposal
Rule 13.7.2a Restricted Discretionary Activities	Any sign not listed as a Non-Complying Activity which does not comply with any one or more of the General Standards and/or the Site Standards.
General Standards 13.8	Complies
Site Standard 13.9.2 Signs in connection with and on the same site as any community facility... Note: This activity is not subject to any other site standard.	Does Not Comply: Proposed signage exceeds 1m ² , is visible from public road and would not be separated from the existing identifying sign by at least 100m.



Figure 4. Existing Signage as per LCA22/0007 (Google Maps, July 2023)

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

In this case, it is considered that adjacent land includes the following, properties because they either directly adjoin the site or are located immediately opposite the subject site. The effects on these properties have been disregarded for the purposes of public notification assessment.

Table 1	
Address	Legal Description
4 Harrison Street	Lot 2 DP 4420
5 Belt Road	Flat 2 DP 51938 ON LOT 1 DP 4420-HAVING1/2 INT IN 1034 SQ METRES
5A Belt Road	Flat 1 DP 51938 ON LOT 1 DP 4420-HAVING1/2 INT IN 1034 SQ METRES
1 Walnut Avenue (aka 3 Walnut Avenue)	Lots 1 & 2 DP 251
1 Harrison Street (aka 107 Oak Grove)	Lot 2 DP 6664



Figure 5. Application Site (teal) and Adjacent Properties (orange)

B) Any effect on a person who has given written approval to the application

The written approval of the following persons has been provided:

Table 2		
Address	Legal Description	Owner / Occupier
1 Walnut Avenue (aka 3 Walnut Avenue)	Lots 1 & 2 DP 251	Owner
1 Harrison Street (aka 107 Oak Grove)	LOT 2 D P 6664	Owners

The overall effects of the activity are considered to be minor but only limited to the adjoining and adjacent properties listed in Table One.

Written approvals from the parties listed in Table 2 have been provided and therefore any adverse effects on these persons are now disregarded.

3.1.3.2 Effects that may be disregarded – Permitted Baseline Assessment

The permitted baseline refers to permitted activities on the subject site. In this case, the permitted baseline for the application site includes residential activities, home occupations and visitor accommodation. The Reporting Officer acknowledges that at 2 Harrison Street the consented baseline extends to an orthodontist/dental facility within the existing building footprint and in accordance with the conditions of LUC20/0006.

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, the full range of adverse effects must be considered.

Visual Amenity and Character

The District Plan seeks to provide for appropriate community-based facilities located within residential areas where they meet a community need and are keeping with the expected character and amenity values of residential areas.

The Applicant is seeking to build a 143.6m² extension to their existing clinic. While the proposed addition would not exceed the maximum site coverage nor building height for the zone, the additional built form and on-building signage would be located within the minimum road setback of both Belt Road and

Harrison Street and require the removal of existing landscaping so is therefore considered to be, in my opinion, highly visible from the street. The proposed signage, being etched into the glass façade of the clinic extension, is expected to be more noticeable to pedestrians than those in vehicles using the roundabout on account of light travelling through the surface of both the glass itself as well as the lettering. It is noted that the two properties located opposite the Site have provided written approval of the proposed design.

While some space remains available for additional plantings onsite, it is recognised that the existing plantings along both road boundaries would need to be removed to make way for the additional vehicle crossing and building extension more generally and that the Applicant is seeking to establish low lying species to maximise visibility at the intersection in their place. The siting of the extension is acknowledged to be an efficient use of the space available onsite, and the Reporting Officer accepts the Applicant's comment that the "non-residential use can easily operate being closer to the road frontages" without the same noise and privacy concerns typically upheld by a residential unit.

An Independent Urban Design Review was sought from DCM Urban Ltd. with the agreement of the Applicant. The review concluded that *"the proposal is well-supported from an urban design perspective. The development aligns with both statutory and non-statutory guidelines and presents no adverse effects on the urban design values or character of the area."* The report also states that *"the design maintains residential cohesion by integrating modern alterations that complement existing structures, while the extension optimally utilises space to accommodate additional medical professionals and preserve the residential character of the area. The proposed landscaping and architectural design elements minimise visual bulk and integrate the facility into its residential setting."* While acknowledging the expertise of the Urban Designer, where the existing structure consists of weatherboard features and perimeter landscaping characteristic of the residential properties in the area, it is the opinion of the Reporting Officer that the proposed structure and additional carparks introduces a more modern/ commercial aesthetic to the site.

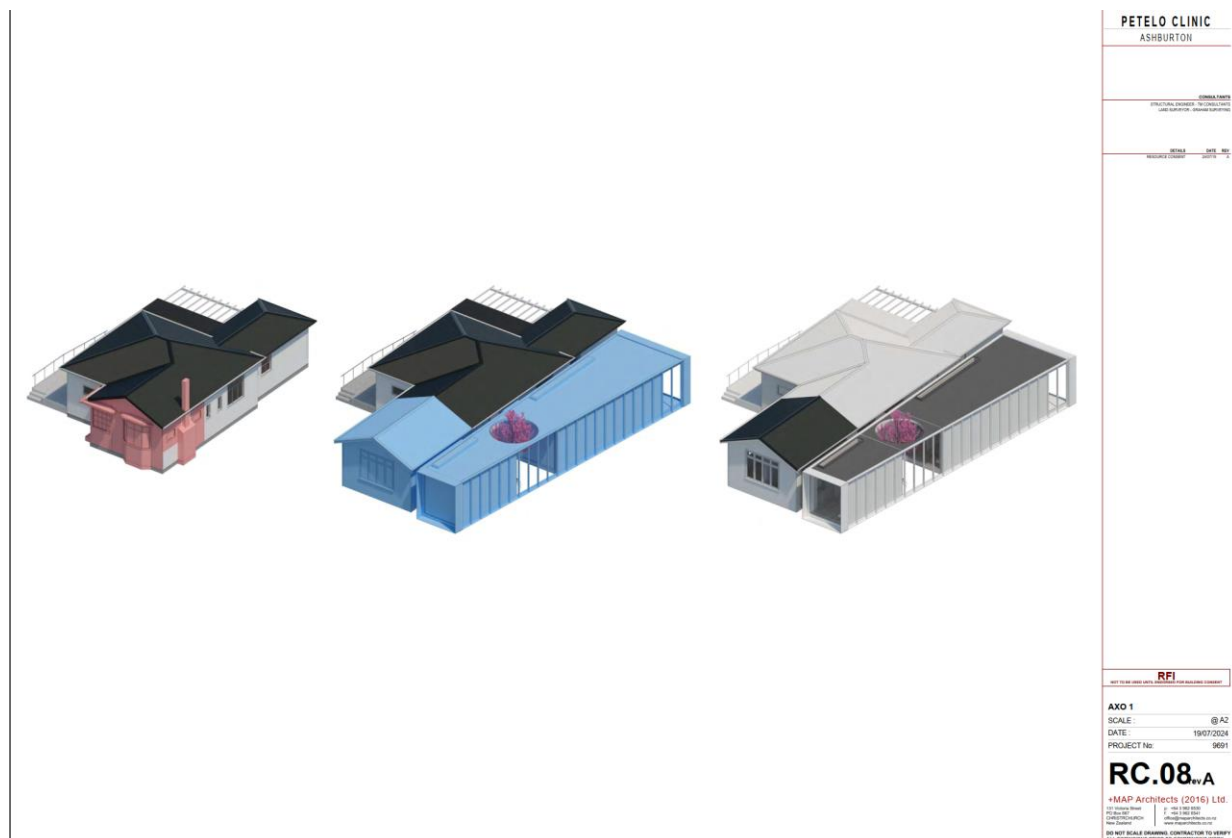


Figure 6. Proposed Extension

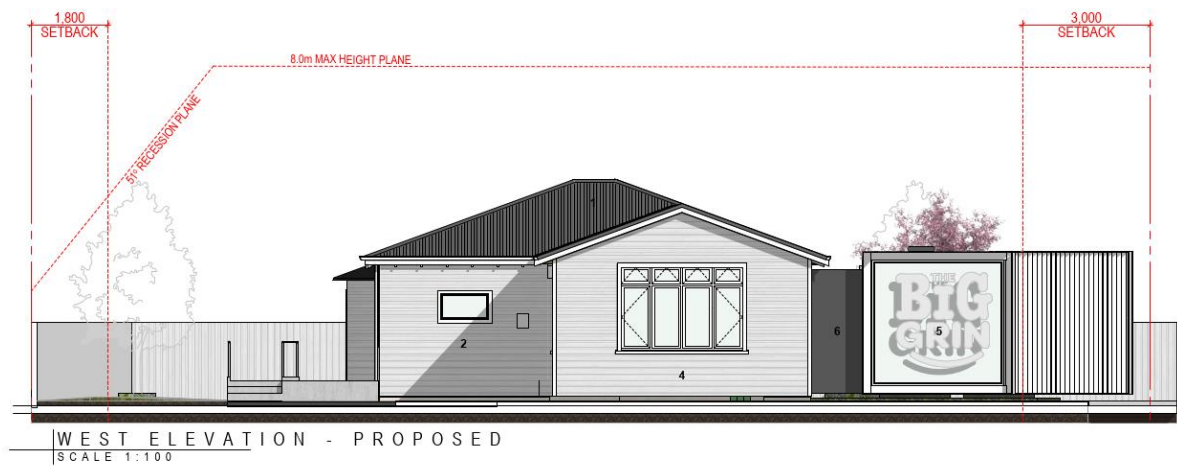


Figure 7. On-building Signage

Traffic, Safety, Efficiency and Amenity

The nature of the clinic would see it continue to be used by appointment and the activity itself contained inside the building. The most noticeable visual features expected to highlight that the activity occurring onsite is not residential are considered to be the on-building signage and associated traffic movements as up to 11 staff and their patients enter and exit the site, potentially seven days a week.

The Reporting Officer is conscious that traffic numbers frequenting the site would be higher than what is currently occurring on the site and different to what is permitted in a Residential C Zone. While two written approvals have been provided in support of the development, it is noted that the three immediately adjacent properties who were consulted during the previous LUC20/0006 consent have not supplied their written support for the proposed expansion to date. The proposed intensification of a community activity onsite is considered to have a potential adverse amenity effect on those living alongside the clinic given the daily vehicle movements of 11 staff and their patients are considered by the writer to be noticeably higher than that of a typical residential unit.

The configuration of the site does not lend itself to sufficient onsite manoeuvring so as to avoid the need to reverse in or out of the Harrison Street carparks. There is also insufficient queuing space available at either vehicle crossing and in terms of carparking numbers, with the Application referencing up to 11 staff being onsite, it is acknowledged that the intensification of the community activity in this location would see an increase in demand for on street carparking. The Reporting Officer notes that given the high traffic volumes on both Belt Road and Harrison Street, that additional on-street carparking may result in reduced visibility and in the absence of appropriate queuing lengths, road user safety may be compromised in this environment by those waiting to gain access to the Site. For the purposes of notification, Council’s Rooding Manager has reviewed the application and given the low-speed environment, they have not raised any road safety issues which would support a public notification recommendation.

Summary

In summary, having assessed the adverse effects of the activity on the environment, I consider that the activity will overall have a minor adverse effect on the environment. The effects most noticeably felt by those adjacent properties who have not provided written support of the application identified below:

Table 1	
Address	Legal Description

4 Harrison Street	Lot 2 DP 4420
5 Belt Road	Flat 2 DP 51938 ON LOT 1 DP 4420-HAVING1/2 INT IN 1034 SQ METRES
5A Belt Road	Flat 1 DP 51938 ON LOT 1 DP 4420-HAVING1/2 INT IN 1034 SQ METRES

3.1.5 Do special circumstances exist (Section 95A(4))?

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

LIMITED NOTIFICATION ASSESSMENT

4.1.1 Is there an NES or District Plan rule requiring limited notification?

There are no rules in the relevant District Plan/ Regional Plan/NES that would require or preclude limited notification of the application.

4.1.2 Are there holder(s) of customary rights order who may be adversely affected by the activity? (s 95(f))?

No

4.1.3 Are there affected persons who the activity will have a minor or more than minor adverse effects on (s 95 (e))?

The following persons have provided their written approval to the activity:

Table 3		
Address	Legal Description	Owner / Occupier
1 Walnut Avenue (aka 3 Walnut Avenue)	Lots 1 & 2 DP 251	Owner/Occupier
1 Harrison Street (aka 107 Oak Grove)	LOT 2 D P 6664	Owners/Occupiers

Written approval has been obtained from some of the persons who are considered to be adversely affected by the activity, as such, the application is required to be subject to limited notification as there are affected parties who have not provided their written approval to date.

4.1.4 Limited Notification Assessment Conclusion

It is considered that this application should be processed with service of notice as some affect persons have not given their written approval to this proposed activity.

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 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(2)(B)]; and
- ii) The adverse effects on the environment are no more than minor (s.95D)
- iii) There are no special circumstances [s95a(4)]; and
- iv) There are persons considered affected by this proposal (s95e & s95F); and
- v) Request for further information has not been sought or for the commissioning of a report.



Signed:

Lauren Wright
Reporting Planner

Date:

07/10/24

Decision:

The above application LUC24/0044 has been considered under delegated authority and has been determined to be processed with service of notice pursuant to sections 95A-95F of the Resource Management Act 1991.



Signed:

Ian Hyde
Group Manager Compliance & Development

Date: **07/10/24**