

Report on an application for resource consent  
under Section 88 of the Resource Management Act 1991



**TO:** Resource Consent Hearing Commissioner

**FROM:** Lauren Wright

**DATE:** 19/02/2025

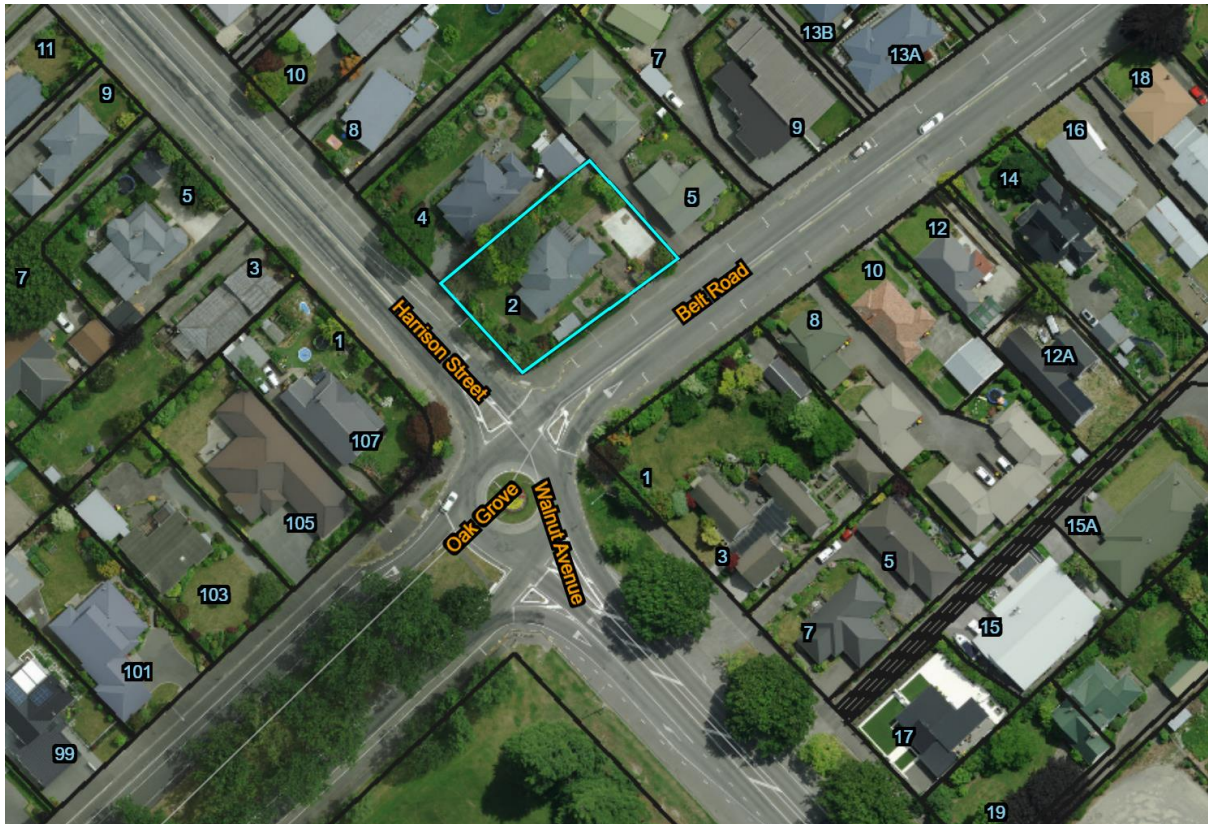
**NOTE: This report sets out the advice of the Reporting Planner. This report has yet to be considered by the Commissioner delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the Commissioner has considered the application and heard the Applicant and any Submitters.**

## Application Description

### Application and Property Details

<b>Application number(s):</b>	LUC24/0044
<b>Reporting officer:</b>	Lauren Wright
<b>Site address:</b>	2 Harrison Street, ASHBURTON
<b>Applicant's name:</b>	Joseph Petelo
<b>Lodgement date:</b>	10 May 2024
<b>Notification date:</b>	26 November 2024
<b>Submissions closed date:</b>	14 January 2025
<b>Number of submissions received:</b>	0 in support. 0 neutral. 2 in opposition.

## Locality Plan



*Figure 1. Aerial View of Application Site*



## Executive Summary

Joseph Petelo has applied to the Ashburton District Council for resource consent to establish and operate a medical centre at 2 Harrison Street, expanding on their previously approved orthodontic clinic (LUC20/0006).

Resource consent for a Discretionary Activity is required under the Ashburton District Plan due to the intensification of Community Activities intended to be undertaken onsite and given that the proposal is unable to meet all relevant District Plan Standards.

On balance, the effects on the environment are considered to be minor. The proposal is considered consistent with the relevant objectives and policies of the Ashburton District Plan. It is therefore my recommendation that the application for resource consent be granted, subject to conditions.

## The Proposal, Site and Locality Description

### Proposal

The Applicant is seeking to establish and operate a medical centre 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 through the leasing of additional rooms.

Following a 143.6m<sup>2</sup> extension to the clinic, the Applicant envisions up to four additional medical professionals 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.

Patient/visitor 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:



- **Site Standard 4.9.5 Setback from Streets**

The proposed building extension would result in a 2.1m setback from Harrison Street and a 1.94m setback from Belt Road, equating to 0.9m and 1.06m intrusions into the required 3m minimum setback from a road boundary.

- **Site Standard 10.8.6 Onsite Manoeuvring**

The proposed staff car park accessible from Harrison Street would require reverse manoeuvres to enter and/or exit the Site.

- **Site Standard 10.8.11 Onsite Queuing**

There is insufficient room for the 6m of unobstructed queuing space required at both vehicle crossings. Vehicles entering the site from Belt Road have the potential to face conflict with vehicles occupying the first two car parks onsite.

- **Site Standard 10.9.3 Distance of Vehicle Crossings from Intersections**

The Belt Road vehicle crossing exceeds the 20m minimum setback at 27m from the intersection while the Harrison Street vehicle crossing is setback just 15m.

- **Site Standard 13.9.2 Community Facility Signage**

Proposed signage exceeds 1m<sup>2</sup>, is visible from public road and would not be separated from the existing identifying sign by at least 100m.



Figure 3. Proposed Site Plan (rev. B)

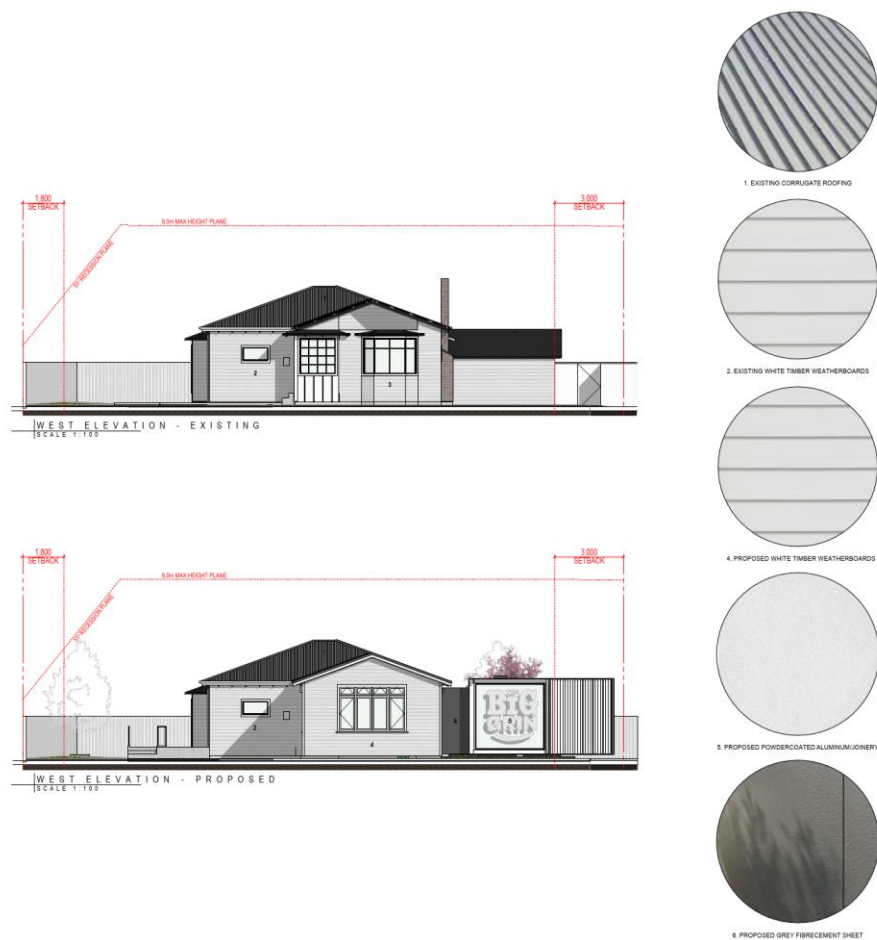


Figure 4. Proposed Western Elevation (View from Harrison Street)

MAP		
PETELO CLINIC ASHBURTON		
CONTRACT		
STRUCTURAL DESIGN: TECHNICAL DRAWING LAND SURVEYOR: CHASER SURVEYING		
REVISED	DATE	REV
REVISIONS	19/07/2024	1
RFI		
NOT TO BE USED UNTIL APPROVED FOR BUILDING CONSENT		
ELEVATIONS - WEST		
SCALE: 1:100 @ A2		
DATE: 19/07/2024		
PROJECT No: 9691		
<b>RC.15<sub>evA</sub></b>		
+MAP Architects (2016) Ltd.		
107 Victoria Street PO Box 1000 Christchurch 8140 New Zealand P: +64 3 366 0000 F: +64 3 366 0001 info@maparchitects.co.nz www.maparchitects.co.nz		
DO NOT SCALE DRAWING. CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCING WORK		



MAP		
PETELO CLINIC ASHBURTON		
CONTRACT		
STRUCTURAL DESIGN: TECHNICAL DRAWING LAND SURVEYOR: CHASER SURVEYING		
REVISED	DATE	REV
REVISIONS	19/07/2024	1
RFI		
NOT TO BE USED UNTIL APPROVED FOR BUILDING CONSENT		
ELEVATIONS - SOUTH		
SCALE: 1:100 @ A2		
DATE: 19/07/2024		
PROJECT No: 9691		
<b>RC.14<sub>evA</sub></b>		
+MAP Architects (2016) Ltd.		
107 Victoria Street PO Box 1000 Christchurch 8140 New Zealand P: +64 3 366 0000 F: +64 3 366 0001 info@maparchitects.co.nz www.maparchitects.co.nz		
DO NOT SCALE DRAWING. CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCING WORK		

*Figure 5. Proposed Southern Elevation (View from Belt Road)*

## Site, Locality, Catchment and Environs Description

The 1,022m<sup>2</sup> 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, and the Site is located diagonally opposite the Ashburton Domain. Harrison Street and Belt Road are both listed as Principal Roads in the Operative Roading Hierarchy. Designation D66 (Ashburton College) is located approximately 150m from the Site. The Applicant has identified an existing streetlight within the Harrison Street road reserve that would require relocation to make way for their proposed vehicle accessway (see Figure 6).

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

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 6. Streetview of the Site from the Harrison Street, Belt Road Intersection (Google Maps, July 2023)*

## Background

While the Site has operated as *The Big Grin* since its establishment in 2020, the Applicant has acknowledged that operations have thus far been occurring at an intensity that is less than the hours consented for under resource consent LUC20/0006.

The original LUC20/0006 consent was processed on a non-notified basis as the three immediately adjacent properties (4 Harrison Street, 5 & 5A Belt Road) provided affected party approval. The Reporting Officer at the time deemed the effects of the proposal to be minor but limited to the abovementioned properties. I consider the same three properties as well as those properties directly opposite the Application Site to be potentially affected by the proposed expansion based on the alterations to both road frontages.

During the processing of this application, the Applicant agreed to the commissioning of an Independent Urban Design Assessment at the request of the Reporting Officer. A copy of the *DCM Urban Design Limited* report has been included in Appendix 4.

Following a request for an Integrated Traffic Assessment on 03/10/24 due to the original proposal meeting the threshold for a High Traffic Generating Activity (Section 10.8.1 of the Operative District Plan), the Applicant elected to instead reduce their proposed building footprint by 4m<sup>2</sup> so as to fall below the 300m<sup>2</sup> threshold, supplying an updated site plan referenced as *Revision B* (included as Figure 3) on 04/10/24. On this basis, the traffic assessment was no longer required.

## Other Consents

The Applicant is aware that building consent would be required for the proposed extension and internal alterations. The Reporting Officer notes that an application to EA Networks would need to be made by the Applicant for their proposed relocation of a streetlight on Harrison Street.

## Reasons for the Application

Resource consent is required under the provisions of the following District Plan:

### Ashburton Operative District Plan 2014

#### **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.*

Community Activities are defined in the District Plan as follows:

*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.*



On the basis of the above definition, the proposed activity is considered to constitute a Community Activity and accordingly, a Discretionary Activity consent is required under this rule.

**Site Standard 4.9.5 Setback from Streets**

- a) *Minimum building setback from road boundaries shall be **3m** in the Residential C Zone.*

The proposed building will be setback 2.1m from Harrison Street and 1.94m setback from Belt Road, thereby not complying with this standard and requiring a Restricted Discretionary Activity consent pursuant to Rule 4.8.5.

**Site Standard 10.8.7 On-site Manoeuvring**

- a) *The manoeuvring area from the road transport network boundary to any parking space shall be designed to accommodate a 90 percentile car (refer Appendix 10-4).*
- b) *Onsite manoeuvring for a 90 percentile car (refer Appendix 10-4) shall be provided to ensure that no vehicle is required to reverse either onto or off a site where:*
- *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;***
  - *three or more residential units share a common vehicle access.*

The proposed carparking area, as accessed from Harrison Street, will not provide on-site manoeuvring for vehicle turning, therefore not complying with this standard and requiring a Restricted Discretionary Activity consent pursuant to Rule 10.7.2.

**Site Standard 10.8.12 Queuing Requirements**

- a) *Where less than 20 car parking spaces are provided within a site, a minimum queuing length of 6m shall be provided for vehicles entering the site.*
- 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.*

The proposed car parking area, as accessed from Belt Road does not provide a queuing space due to the potential conflict with vehicles already occupying the first two carparks onsite, thereby not complying with this standard and requiring a Restricted Discretionary Activity consent pursuant to Rule 10.7.2.

**Site Standard 10.9.3 Distances of Vehicle Crossings from Intersections**

- a) *No part of any vehicle crossing shall be located closer than 20m to the intersection of Principal/Collector Roads in Urban Areas.*

The proposed Harrison Street vehicle crossing is setback just 15m from the intersection of Harrison Street and Belt Road, thereby not complying with this standard and requiring a Restricted Discretionary Activity consent pursuant to Rule 10.7.2.

**Site Standard 13.9.2 Signs in connection with and on the same site as any utility, community facility, conservation area, recreational track or public reserve**

a) Signs in connection with, and on the same site as any community facility shall:

- be a maximum 1m<sup>2</sup> in area where signs are visible from any public road, public reserve or adjoining property except that:
- in any Rural or Open Space Zones, where signs are visible from any public road, other public reserve, or adjoining property, signs shall be a maximum of 3m<sup>2</sup> in area.
- be limited to those necessary for giving direction, identifying the site/facility, identifying a utility operator, displaying public information or assisting public safety;
- be separated by a minimum of 100 metres, where the signs are located on any one site

Proposed on-building advertising signage is greater than 1m<sup>2</sup> and would be located within 3m of an existing sign, thereby not complying with this standard and requiring a Restricted Discretionary Activity consent pursuant to Rule 13.7.2.

On the basis of the above, a Discretionary Activity consent is required under the provisions of the Ashburton District Plan.

## Status of the Application

Overall, the application is considered to be a **Discretionary Activity**.

## Notification and Submissions

### Notification

The resource consent application was assessed with regards to the question of notification, and it was concluded that the application did not need to be fully notified but that the written approval of all potentially affected parties had not been obtained. On this basis it was determined that the application should be processed on a limited notified basis.

Following the determination on notification in accordance with s95 of the RMA, notice of the application was served on 26/11/24 to the **owner & occupiers** of 1 Harrison Street, 1 Walnut Avenue, 4 Harrison Street, 5 Belt Road and 5A Belt Road who were identified as being potentially affected by the proposal in accordance with s95E of the RMA.

All matters required to be assessed in terms of Sections 95 to 95F of the RMA are considered to have been addressed in the notification determination (s95) report, which is attached as Appendix 5. The recommendations in that report remain those of this Author, principally that the proposal does not meet the requirements for public notification.

### Submissions

At the close of the submission period, a total of **two** submissions were received and no submissions were received after the close of the submission period.

No submissions were made in support of the application, **two** submissions opposed the application, and no neutral submissions were received. Both Submitters specified that they wished to be heard in support of their submissions.

For completeness, the Reporting Officer notes that one additional submission was received by Council in relation to this application. The submission was from a party at 8A Belt Road. This submission has not been formally accepted as this submitter was not one of the five parties served notice under s95 of the RMA. Regardless, the points raised in that submission had been addressed by the other two submissions. A copy of this submission can be made available on request.

A summary of the issues raised in the submissions together with the relief sought by the Submitters is set out as follows:

Name	Address & Heard at Hearing	Submission Points	Relief Sought
J & P Cleverley	5A Belt Road Wishes to be heard	<ol style="list-style-type: none"> <li>1. Insufficient queuing space and proximity of the vehicle crossings to the Belt Road/ Harrison Street intersection leading to traffic safety concerns.</li> <li>2. Insufficient onsite car parking leading to increased demand for on-street car-parking.</li> <li>3. Reduction in residential amenity and security due to the hours of operation, non-compliant road boundary setbacks, increased patient numbers and additional signage.</li> <li>4. Reduction in personal property value.</li> </ol>	That the application for the clinic expansion be declined and that the facility instead operate at a reduced capacity to the hours that were consented under LUC20/0006. Suggested clinic operations be reduced to eight hours, five days a week.
L Hands	5 Belt Road Wishes to be heard	<ol style="list-style-type: none"> <li>1. Insufficient queuing space, opportunity for onsite</li> </ol>	That the application for expansion be declined and that the Applicant complete the required

		<p>manoeuvring &amp; limited visibility combined with the proximity of the vehicle crossings to the Belt Road/ Harrison Street intersection leading to traffic safety concerns.</p> <p>2. Insufficient onsite car parking leading to increased demand for on-street car-parking.</p> <p>3. Reduction in residential amenity due to the hours of operation, non-compliant road boundary setbacks, construction &amp; general operational noise and additional signage.</p> <p>4. Reduction in personal property value.</p>	landscaping as per the conditions of LUC20/0006.
--	--	---	--

Please note that this table is only a summary of the key issues raised in submissions. Please refer to the full submission as required. This is attached in Appendix 6 of this report.

## Written Approvals

The Applicant supplied the written affected party approval of the following **two** parties as part of their application:

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
---------------------------------------	----------------	--------

### Location Plan and Submissions



*Figure 7. Properties associated with the Submissions in Opposition (red), and Affected Party Approvals (teal) in the context of the Application Site (orange)*

### Amendments to the Application following Notification

Following notification and receipt of submissions, the Applicant submitted correspondence to acknowledge the yet to be completed works required of them as per their LUC20/0006 consent and provide some explanation as to why this work is yet to be completed despite operations commencing onsite. A copy of this correspondence has been included in Appendix 7 to provide additional context.

# Consideration of Application

## Statutory Considerations

When considering an application for a Discretionary Activity the consent authority must have regard to Part 2 of the RMA (“Purposes and Principles” – Sections 5 to 8), Sections 104, 104B, and where relevant Sections 105, 106, 107, 107A – E and 108 of the RMA.

Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received a council must, in accordance with s104(1) of the RMA have regard to:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of a NES, other regulations, national policy statement, a New Zealand Coastal Policy Statement; a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- any other matter a council considers relevant and reasonably necessary to determine the application.

Section 104(2) allows any effects that may arise from permitted activities set out in a NES or a plan to be excluded from the assessment of effects related to the resource consent. This is known as the permitted baseline test. The ‘baseline’ constitutes those activities which are provided for as a permitted activity in a district plan that may have similar or greater effects when compared to a proposed activity. Generally, it is only the adverse effects over and above those forming the baseline that are relevant when considering whether the effects are minor. It is at the Council’s discretion whether to apply the assessment of the permitted baseline to any proposal. Essentially, the consent authority may disregard an adverse effect of any activity on the environment if a NES or an operative plan (or an operative rule in a proposed plan) permits an activity with that effect.

When considering an application for resource consent, the consent authority must not have regard to trade competition or the effects of trade competition [s104(3)(a)(i)] or any effect on a person who has given their written approval to the application [s104(3)(a)(ii)].

Under s104B a consent authority may grant or refuse consent for a Discretionary Activity and, if it grants the application, may impose conditions under s108 of the RMA.

Section 108 provides for consent to be granted subject to conditions and sets out the kind of conditions that may be imposed.

All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation. This means the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments (e.g. regional plans) in the event of a conflict. S5 states the purpose of the RMA and sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

The application of s5 involves an overall broad judgement of whether a proposal will promote the sustainable management of natural and physical resources. The RMA’s use of the terms “use,

*development and protection*” are a general indication that all resources are to be managed in a sustainable way, or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems, and avoiding, remedying and mitigating any adverse effects of activities on the environment. The enabling and management functions found in s5(2) should be considered of equal importance and taken as a whole.

Sections 6, 7 and 8 of the RMA provide further context and guidance to the constraints found in s5(2)(a),(b) and (c). The commencing words to these sections differ, thereby laying down the relative weight to be given to each section.

Section 6 of the RMA sets out the matters of national importance which need to be recognised and provided for and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage. In the case of this particular proposal, none of the matters of national importance are considered to have particular relevance to this application.

Section 7 of the RMA requires the consent authority to give particular regard to those matters listed in the section. Section 7 matters are not expressly ranked in order of priority. Therefore, all aspects of this section are to be considered equally. In the case of this particular proposal, the maintenance and enhancement of amenity values are considered relevant.

Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. This section of the RMA recognises the relationship of Tangata Whenua with natural and physical resources and encourages active participation and consultation with Tangata Whenua. In terms of this particular proposal, and given the existing built form, expansion of the orthodontic clinic to provide additional healthcare services to the community is not considered contrary to the principles of Te Tiriti o Waitangi.

## Section 104(1)(a) Actual and Potential Effects on the Environment

### Effects that must be disregarded – Affected Party Approvals

#### *Any effect on a person who has given written approval to the application*

Pursuant to section 104(3)(a)(ii), when forming an opinion for the purposes of section 104D1)(a) a council must not have regard to any effect on a person who has given written approval to the proposal.

Two written approvals have been provided in support of this application and no written notice of withdrawal of the approvals has been received from either party. Any effects on 1 Harrison Street and 1 Belt Road have therefore been disregarded for the purpose of this assessment.

## Effects that may be disregarded – Permitted Baseline assessment

The permitted baseline refers to permitted activities on the subject site. In this case, residential activities and home occupations could occur by right on the Residential C zoned site.

While noting that all subdivision is considered a Restricted Discretionary Activity under the District Plan, the Reporting Officer acknowledges that at 1,022m<sup>2</sup>, the site is capable of meeting the 360m<sup>2</sup> minimum allotment size for a compliant second residential allotment if the existing building were removed and therefore considers it plausible that the surrounding properties could have anticipated residential activity at a higher density occurring on the property.

Home occupations are defined in the District Plan as follows:

*“means the use of a residential site for an occupation, business, trade or profession which is secondary and incidental to the use of that site for a residential activity and which is undertaken by person(s) living permanently on the site, but excludes home stays and retail sales.”*

On the basis of the above definition, the primary use of the site would need to be residential and any other activity incidental to that. When considering such an activity in comparison to the proposal, it is considered there would be more significant differences in nature and operation between a home occupation and the proposal. On this basis, a home occupation is considered to be less relevant in assessing the effects of the proposed activity.

The above constitutes the permitted baseline, and these adverse effects may be discounted 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.

In addition, in considering the effects of the proposal, it is considered relevant to take into account the receiving environment for the application site. This consists of those activities consented to occur on the site. The existing consented environment under LUC20/0006 allows for the operation of an orthodontic clinic with seven staff within the existing building, seven days a week (between the hours of 0800-2100 Mon-Fri, 0900-1700 weekends and on an “as-needed” basis for emergencies) meanwhile 1.95m<sup>2</sup> of illuminated advertising signage on this site is permitted under LCA22/0007 during the hours of operation stated above.

## Assessment of Effects

Having regard to the above and after analysis of the application, independent urban design assessment, undertaking a site visit and reviewing the submissions in opposition, the effects that require specific consideration in respect to this application are considered to have largely been identified in Section 3.1.4 of the s95 report (Appendix 5).

As stated within the s95 Report, the Reporting Officer acknowledges that through the proposed intensification of a community activity in this location, there is potential for the effects on the adjacent properties to be minor. The effects and possible mitigation measures detailed below focus



on the concerns raised by the Submitters and have been included for consideration by the Commissioner.

### Transport Effects

When further considering the potential impact of this proposal on the surrounding environment, the Principal Road classification of both Harrison Street and Belt Road in the Operative Roding Hierarchy is considered a relevant issue. The highly trafficked intersection and reliance on on-street carparking further complicates vehicle access to/from the site should the clinic expansion proceed.

I am conscious that the daily vehicle movements of 11 staff and their patients would be higher than that of a typical residential unit and higher than what is currently occurring onsite under the existing resource consent LUC20/0006. The configuration of the site does not lend itself to sufficient onsite manoeuvring, nor adequate queuing areas and I acknowledge that road user safety may be compromised in this environment by those waiting to gain access to the Site.

Having consulted Council's Roding Team and in the absence of an Independent Integrated Traffic Assessment being provided by the Applicant, I have considered and subsequently recommend that the following mitigation measures may potentially alleviate some of the concerns raised by the Submitters:

1. The installation of "no parking" signage on the carparking space currently depicted as "4" (Figure 8) in order to ensure there is sufficient room for onsite manoeuvring by vehicles once onsite, should all other car parking spaces be occupied.
2. The painting of "no parking" lines along Belt Road between the intersection and existing vehicle crossing to ensure maximum visibility for all road users. As visible in Figures 1 & 7, this would result in the removal of two on street carparks in front of the Application Site but would also bring the west side of Belt Road into alignment with the existing situation on the eastern side of Belt Road approaching the Harrison Street intersection.
3. The installation of "Staff Only" signage on the front two carparking spaces currently depicted as "1" & "2" (Figure 8). The aim of this step would be to reduce the frequency of vehicles navigating this section of the carpark, maximizing the potential for this space to be used for the purpose of onsite queuing during business hours.
4. The installation of onsite "Staff Only" signage identifying that the two carparking spaces accessible from Harrison Street (Figure 3) are not for use by patients/visitors to the clinic.

The above listed measures will result in a reduced number of onsite carparks for patients, but it is recognised that the road reserve is a public space, available for use by all road users and that car parking spaces in front of residential properties are not provided for their sole use. It is also noted that through Plan Change 5, the requirement for onsite carparking was removed from the Operative District Plan in June 2024 in response to the National Policy Statement on Urban Development (2020). As the medical centre would be operating on an appointment basis, it is acknowledged that

vehicle arrivals/departures would be staggered throughout the day and those parking on-street would be doing so only for the duration of their appointment.

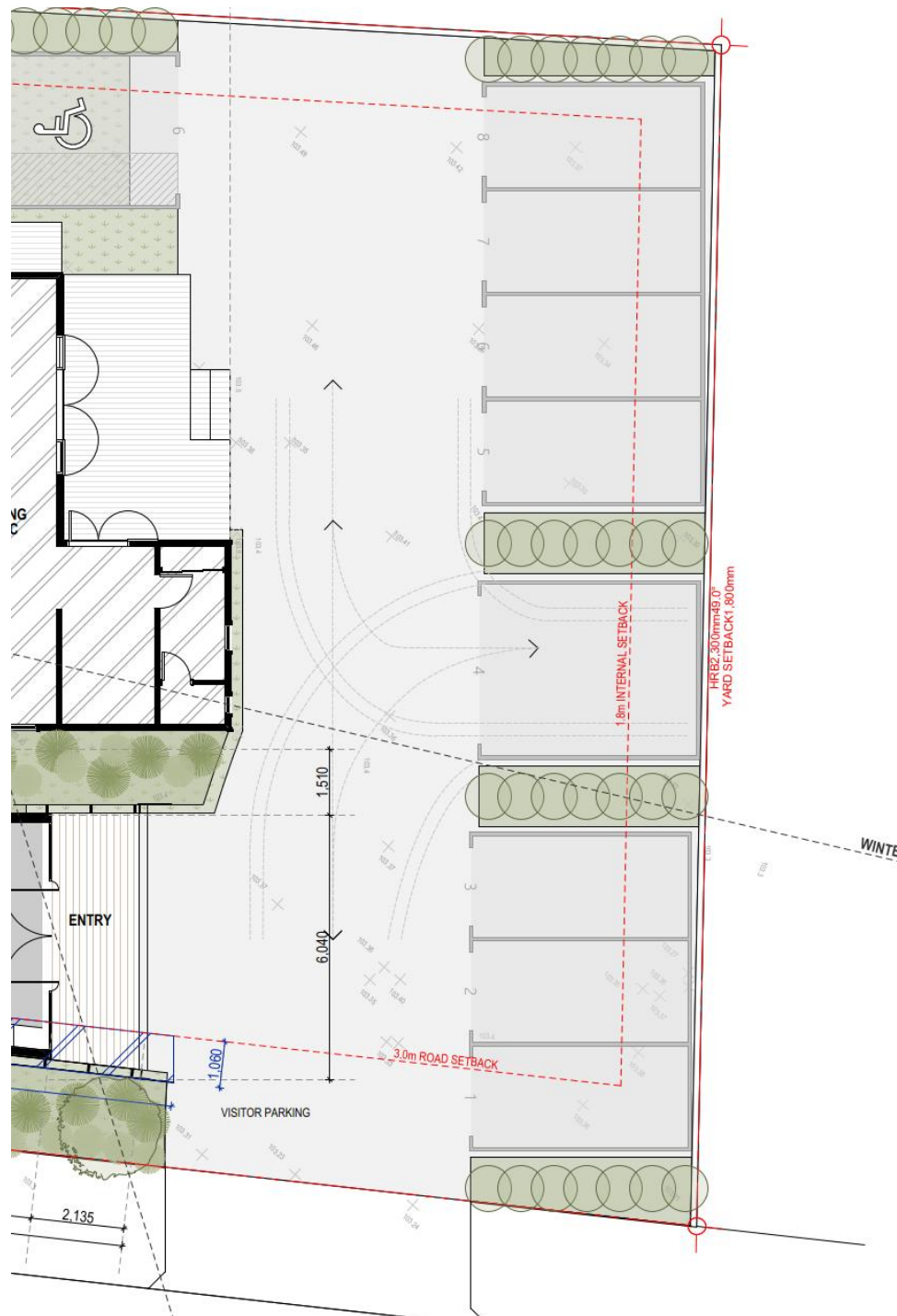


Figure 8. Cropped Site Plan Depicting Proposed Car Parking Along Northeastern Boundary

### Noise/Lighting Effects

While acknowledging that the nature of a medical centre is such that patient privacy is considered a priority, and those attending appointments are unlikely to be the source of noise disturbance once

indoors, the potential increase in daily traffic movements is expected to generate noise and at times, light, from vehicles using the Belt Road carpark.

Both submissions in opposition to the proposal are located along the northeastern property boundary, closest to the primary carparking area. The hours of operation of the activity and the existing resource consent conditions reduce the scale of the potential effects but it is considered that the installation of an acoustic fence along this boundary would be a viable further mitigating measure if included as a condition of consent. If designed and installed by a suitably qualified and experienced practitioner, such a structure is expected to help ensure noise and light generated from carpark users does not affect these properties.

### Visual Effects

While the proposed extension to the clinic would not exceed the maximum site coverage nor building height for the zone, the additional built form intruding into the minimum setbacks from road boundaries, on-building signage and proposed reduction in height of the existing perimeter landscaping will have a discernible effect on the appearance of the site when viewed from both Harrison Street and Belt Road.

While it is accepted that low-height plantings in place of the existing hedge would ensure clearer sightlines around the building, improving visibility at the Belt Road/Harrison Street intersection, the retention of the mature trees along the northwestern internal boundary is considered appropriate. In addition, a landscaping condition that all trees planted along the road frontage as depicted in the Applicant's render (Figure 9) be a minimum of 1.8m in height at the time of planting and in place prior to the first occupation of the expanded clinic will reduce potential visual effects.

The proposed on-building 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.

Given that the Reporting Officer for LCA22/0007 noted the existing hedging to be a backdrop to the advertising signage which helped retain as much of the residential character of the site as possible in their s42 report (Appendix 8) it is considered that the removal of the existing illuminated sign, as illustrated in the supplied render (Figure 9) will help reduce the visual effect of the community facility in this location.

When considering that the proposed expansion will result in a range of healthcare providers operating from the site, the location and wording used on the current sign (as per LCA22/0007) are obsolete, especially when considering the larger, on-building signage being proposed immediately behind the existing sign.

Should an acoustic fence be installed along the northeastern boundary as a condition of consent, I am satisfied that the operation of the clinic would be obscured from view along this boundary.



Figure 9. Render of the Proposed Streetview

In addition to the above, the Submitters have suggested that the proposed activity could have an impact on property values. It is not possible to speculate on the potential economic impact on property values, but it is recognised that there is likely to be a correlation between effects on properties and impacts on value. On this basis the focus of this report is on the potential effects of the proposed activity.

Having assessed the adverse effects of the activity on the environment for the purposes of s104D, it is considered that the activity will have a minor adverse effect on the environment.

In accordance with Section 104, the following positive effect on the environment has been considered:

- The provision of additional healthcare services within the Ashburton township in an existing, consented, community facility.

Overall, while it is considered that the overall effects on the environment will be minor, these effects are anticipated to be effectively mitigated through conditions of consent if granted.

## Section 104(1)(b)(i) and (ii) Relevant Provisions of National Environmental Standards and Other Regulations

There are no NES or other regulations in effect that apply to this application.



## Section 104(1)(b)(iii) Relevant Provisions of National Policy Statements

There are no National Policy Statements that apply to this application

## Section 104(1)(b)(iv) Relevant Provisions of the New Zealand Coastal Policy Statement (NZCPS)

The NZCPS is not applicable to this application.

## Section 104(1)(b)(v) Relevant Provisions of the Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement ("**CRPS**") is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resources of the Canterbury region. This document became operative in 2013 and while this document had recently been under review, this work has been paused until January 2026 in light of recent changes in government direction on freshwater management.

The strategic objectives and policies of the CRPS provide a framework to achieve the integrated, consistent and co-ordinated management of the Region's resources.

Under the CRPS, matters related to environmental protection, such as the coastal environment, water quality, water conservation and allocation and air quality have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region.

The subject application is not considered to be of a nature or scale that it challenges any of the policies therein on an individual nor cumulative basis. I consider the provision of additional healthcare services in this location to strongly align with the Regional Growth Policy 5.3.1, which aims to ensure sustainable development by encouraging the provision of community facilities within residential areas to support urban consolidation and to meet the diverse needs of those living in the District.

Further to this, the unique nature of a 1,022m<sup>2</sup> Residential C Zoned property with an existing land use consent to undertake Community Activities onsite is not thought to be easily replicated elsewhere in the District.

## Section 104(1)(b)(vi) Relevant Provisions of the District Plan Objectives, Policies and Rules

The Plans applying to this proposal are set out in Section 4 above.

### Relevant Objectives and Policies

The following objectives and policies of the Ashburton Operative District Plan 2014 are considered relevant.

### ***Residential Zones***

**Objective 4.1: Residential Amenity Values and Character**

*To protect and enhance the amenity values and character of residential areas, recognising the potential for some growth, whilst considering the particular characteristics of each residential area, the need to provide for a diversity of residential lifestyles, and making provision for non-residential services and activities that meet community needs.*

**Policy 4.1B**

*Impose environmental standards on development and land use in the Residential Zones that provide the community with a level of certainty and protect and enhance residential character and amenity values.*

**Policy 4.1F**

*Provide for appropriate community-based facilities to locate within residential areas where they meet a community need and are in keeping with the expected character and amenity values of residential areas.*

---

It is recognised that an expansion to this facility and the diversification of the range of medical services being provided onsite will better provide for the community's healthcare needs.

As the building extension has been designed to a scale that is permitted within the Residential C Zone, albeit intruding on the required road boundary setbacks, I am prepared to accept the findings of DCM Urban Limited which concluded that the proposed design “*maintains residential cohesion by integrating modern alterations that complement existing structures*” and “*preserves the residential character of the area*” despite stating in the s95 Report, that the reduction in perimeter landscaping, design of the proposed structure and additional carparks was considered likely to introduce a more commercial aesthetic to the site.

I also acknowledge that an orthodontic clinic, car park and associated advertising signage is already established in this location and forms the consented environment. Intensifying community activity on this site would ensure that development is consolidated in a highly trafficked location of the District where residential activity may be less suitable when the noise/odour/vibration effects of vehicles converging on the corner of two Principal Roads are considered.

Overall, the proposal is considered to be consistent with the abovementioned objectives and policies.

**Transport****Objective 10.1: Transport Sustainability**

*To maintain and enhance the sustainability of the District's transport system.*

**Policy 10.1A**

*To mitigate the adverse effects of vehicle and fossil fuel usage by reducing potential travel times to home, work, community and business places, primarily through encouraging infill, intensification within the core area of Ashburton, and consolidated development of the District's towns. Provision for some essential services within residential and commercial areas will also assist to reduce travel times and distances e.g. Business A zones within residential areas.*

**Policy 10.1F**

*To give effect to any relevant RMA national and regional policy statements, and take into account any other relevant national, regional and Ashburton district policy in Council policy development and decision making.*

**Objective 10.2: Transport Efficiency**

*The efficient use of the District's existing and future transport infrastructure and of fossil fuel usage associated with transportation.*

**Policy 10.2E**

*To limit road congestion and loss of efficiency of adjacent roads, by ensuring off-street loading is provided for activities and by managing adverse effects on roads from land use activities and subdivision development*

**Objective 10.3: Transport Safety and Accessibility**

*The maintenance and improvement of the safety and ease of pedestrian, cyclist and vehicle movement throughout the District.*

**Policy 10.3B**

*To preserve road safety and accessibility by ensuring that standards of road design, vehicle access, vehicle crossings, loading, manoeuvring, parking for people with limited mobility and cycle parking are related to the intended use of each site and the relationship to the adjoining road classification, and that visual distractions that may affect the safety of road users are avoided or mitigated e.g. lighting and advertising.*

**Policy 10.3G**

*To ensure that on-site parking is designed and managed safely and efficiently, where it is provided.*

---

The Applicant asserts that the clinic is within walking distance of the Ashburton College and that the site is readily accessible to their primary patient demographic and this is agreed with.

During review of the Application, the ADC Roding Team raised no fundamental concerns in terms of road safety given the low-speed environment and expectations around road users to act appropriately when entering/exiting an intersection. The effects of increased vehicle movements onsite are considered manageable through conditions, should consent for the clinic expansion be granted.

Overall, given the central location of the site within Ashburton township and nature of the essential service being provided (healthcare), the proposal is considered to be consistent with the abovementioned objectives and policies.

---

In summary, the application to expand orthodontic clinic for use as a larger, general healthcare centre, is considered to be consistent with the relevant objectives and policies of the Ashburton District Plan.

## Section 104(1)(c): Any Other Matters Considered Relevant and Reasonably Necessary to Determine the Application

### Precedent

It is recognised that every resource consent must be assessed on its' own merits but that how one resource consent is processed has the potential to influence how other resource consents are processed in the future. Consideration has been given to whether the potential approval of this resource consent application may establish a precedent for other potential applications for similar development.

In this instance, the unique nature of a 1,022m<sup>2</sup> Residential C Zoned property with an existing land use consent to undertake Community Activities onsite, is not thought to be easily replicated elsewhere in the District. In addition, Community Activities are provided for in the Residential C Zone as a Discretionary Activity (as opposed to Non-complying) which suggests such activities can be determined as being appropriate in the zone, depending on specific circumstances.

In conclusion, I consider the risk of establishing a precedent to be low.

### Integrity of the Ashburton District Plan

Plan Integrity focuses on whether the approval of a resource consent may in some way weaken or effect the provisions of the Ashburton District Plan. For example, would a proposal result in less weight being given to the application of a particular rule.

It has previously been identified that the proposed activity is considered to be unique and also provided for as a Discretionary Activity. For those reasons it is not considered that the proposal will result in the application of the following Standards being in some way weakened:

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

Further to the above, it is not considered that the proposed use of the site for a medical centre will establish any permanent limitations that would prevent the site from reverting back to residential use in the future.

Overall, I am of the opinion that the proposal will not adversely impact the integrity of the District Plan.



## Submissions

The submissions received by Council in the processing of this application has been reviewed and considered in the overall assessment of effects in this report. The submissions raised issues which are considered to have been specifically addressed in the assessment of actual and potential effects contained in Section 0 above of this report.

## Lapsing of Consent

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this case, it is considered five years is an appropriate period for the consent holder to implement the consent due to the nature and scale of the proposal.

## Review of Consent Conditions

Section 128 of the RMA provides for the Council to review the conditions of a resource consent at any time specified for that purpose in the consent. A consent may specify a time for review of the conditions of a consent for the following purposes.

- to deal with any adverse effects on the environment which may arise from the exercise of consent and which are appropriate to deal with at a later stage, or
- to require holders of discharge permits or coastal permits which could otherwise contravene s15 or 15B of the Act to adopt the best practicable option to remove or reduce any adverse effect on the environment, or
- for any other purpose

The consent authority may review the conditions of this resource consent during annual consent monitoring or in the event of any complaints.

## Conclusion

Overall, resource consent is sought to establish and operate a medical centre at 2 Harrison Street, expanding on a previously approved clinic (LUC20/0006). It is considered that any potential effects from the proposed activity will be minor but able to be mitigated through conditions, and that the proposal is consistent with the Objectives and Policies of the Ashburton District Plan. After assessing the proposal, it is considered that the expansion of the existing clinic would represent sustainable resource management and would align with the purpose of the Resource Management Act 1991, provided that consent is granted with the imposition of appropriate conditions.

## Recommendation and Conditions

### Recommendation

Subject to new or contrary evidence being presented at the hearing, it is recommended that under Sections 104, 104B and 108 of the RMA, consent is **granted** for the Discretionary Activity Application (LUC24/0044) to establish and operate a medical centre at 2 Harrison Street, being Lot 3 DP 4420.

The reasons for this recommendation are as follows:

- a) The application merits granting of a resource consent pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991.
- b) The proposed expansion will provide for additional healthcare services for the District in a readily accessible part of town.
- c) The application qualified for consideration on a limited-notified basis, as the potential adverse effects on the environment were deemed to be minor and limited to the immediately adjacent property owners/occupiers.

## Conditions

For the assistance of the Commissioner, I have prepared the following conditions based on those which were originally accepted by the Applicant during the processing of LUC20/0006 and LCA22/0007, and those which I believe may further address any remaining potential adverse effects of this proposal:

### General

1. The activity shall be conducted in accordance with the plans and all information submitted with the application being:
  - Application Form and Assessment of Effects prepared by David Harford Consulting Ltd. dated May 2024.
  - Further Information received from David Harford Consulting Ltd. on 20/09/24 and 04/10/24.
  - The Plans submitted with the Application and referenced by Council as “LUC24/0044 Approved Plans Sheets 1-8”.
2. There shall be no more than eleven staff on the site at any one time.
3. The consented facility shall operate within the following hours:
  - 0800hrs to 2100hrs Monday – Friday
  - 0900hrs to 1700hrs Saturday and Sunday
  - These operating hours do not apply for the emergency on-call service

### Traffic/Carparking

4. Prior to the operation of the consented facility, all vehicle access and carparking shall be constructed, formed and marked and shall include the following:
  - a) The installation of “no parking” signage on the carparking space currently depicted as “4” (Sheet 2, Approved Plans).
  - b) The painting of “no parking” lines along Belt Road between the intersection and existing vehicle crossing.
  - c) The installation of “Staff Only” signage on the front two carparking spaces currently depicted as “1” & “2” (Sheet 2, Approved Plans).
  - d) The installation of onsite “Staff Only” signage identifying that the two carparking spaces accessible from Harrison Street (Sheet 2, Approved Plans) are not for use by patients/visitors to the clinic.

#### Landscaping

5. Prior to the operation of the consented facility, site perimeter landscaping adjacent to Belt Road and Harrison Street as illustrated on Approved Plans 3 & 8 shall be planted. Perimeter Specimen tree plantings shall be a minimum of 1.8m in height at the time of installation. Should any plants die or be damaged they shall be replaced within the next planting season with items of similar species and size.
6. The mature trees along the northwestern internal boundary (Sheet 3, Approved Plans) are to be retained and maintained. Should any tree die or be damaged, they shall be replaced within the next planting season with items of similar species and size.

#### Acoustic Treatment

7. Prior to the operation of the consented facility, an acoustic fence along the northeastern boundary of the site shall be erected at the Consent Holder's cost. The fence shall comply with the following minimum specifications:
  - Height: 2 metres
  - Surface Mass: at least 10 kg/m<sup>2</sup> (20mm pine or 18mm plywood) with no gaps between or below component boards or panels or between the fence and the ground.

#### Signage

8. Prior to the operation of the consented facility, the existing illuminated sign on the corner of Belt Road and Harrison Street shall be removed.

#### Monitoring Charges

9. The Consent Holder shall pay the Council any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

#### Review

10. Pursuant to Section 128 of the RMA the conditions of this consent may be reviewed by the Council at the Consent Holder's cost at any time:
  - a) To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of the consent and which it is appropriate to deal with at a later stage, in particular adverse noise and traffic effects on the surrounding environment.
  - b) At any time, if it is found that the information made available to Council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.

#### Advice Notes:

1. Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.
2. Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under Section 125 of the Act.

3. This consent does not constitute authority to build or undertake private drainage works and it may be necessary for you to apply for a Project Information Memorandum and Building Consent if you have not already done so.
4. A copy of this consent and the associated approved drawings should accompany your application for a Project Information Memorandum and Building Consent. If not supplied unnecessary delay may occur in the processing of your application.
5. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have the right of objection under sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to Council within 15 working days of notification of the decision.
6. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to [info@adc.govt.nz](mailto:info@adc.govt.nz) and include the following details:
  - i. Name and telephone number of the project manager and the site owner;
  - ii. Site address to which the consent relates;
  - iii. Activity to which the consent relates; and
  - iv. Expected duration of works
7. The consent holder is requested to notify Council, in writing, once they have completed the works authorised by this resource consent. Such notification should be sent to [info@adc.govt.nz](mailto:info@adc.govt.nz) including the following details:
  - i. Resource consent number
  - ii. Site address to which the consent relates
  - iii. Statement outlining how the applicant has complied with each of the conditions

**Report prepared by:**

Lauren Wright

Planning Officer

**Signed:**

**Date:** 19/02/2025

**Report reviewed, and  
approved for release by:**

Stewart Fletcher

Consultant Planner,  
Ashburton District Council

**Signed:**

**Date:** 19/02/2025

## **Section E Definitions**

COUNCIL:	means The Ashburton District Council
DISTRICT PLAN:	means the Ashburton Operative District Plan 2014.
CRPS:	means Canterbury Regional Policy Statement
Manager:	means an Ashburton District Council Manager or nominated Ashburton District Council staff acting on the Manager's behalf
RMA:	means Resource Management Act 1991 and all amendments