

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by Joseph Petelo to undertake alterations and extensions to an existing building and to establish and operate a Health Care Service, at 2 Harrison Street, Ashburton.

Council File: LUC24/0044

Hearing Date: 13 March 2025

RESOURCE CONSENT APPLICATION

LUC24/0044

2 Harrison Street, Ashburton

DECISION OF COMMISSIONER O'CONNELL

**DECISION OF THE ASHBURTON DISTRICT COUNCIL ON A LAND USE RESOURCE CONSENT
APPLICATION**

APPLICATION REFERENCE:	LUC24/0044
APPLICANT:	Joseph Petelo
SITE ADDRESS:	2 Harrison Street, Ashburton
LEGAL DESCRIPTION:	Lot 3 Deposited Plan 4420
PROPOSED ACTIVITY:	To undertake alterations and extensions to an existing building and to establish and operate a Health Care Service.
ASHBURTON DISTRICT PLAN:	Residential C
ACTIVITY STATUS:	Discretionary
DATE OF HEARING:	13 March 2025
APPEARANCES:	<u>Applicant</u> Mr. David Harford (Consultant Planner) Mr. Joseph Petelo (Applicant) <u>Council Officer</u> Ms. Lauren Wright (Council Planner) Mr. Nicholas Law (Hearing Administrator) <u>Submitters</u> Ms. Pip Cleveley & Mr. John Cleverley Ms. Lynley Hands
COMMISSIONER:	Commissioner O'Connell
SUMMARY OF DECISION:	That the application be granted , subject to conditions
DATE OF DECISION:	13 May 2025

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1.0 INTRODUCTION

- 1.1 I have been appointed by the Ashburton District Council (the **Council**) to hear and decide on the land use resource consent application by Joseph Petelo (the **Applicant**) to undertake alterations and extensions to an existing building and to establish and operate a Health Care Service, at 2 Harrison Street, Ashburton (the **subject site**).
- 1.2 In reaching the following decision, I have read and heard all the evidence and information presented by Ms. Lauren Wright for Council, Mr. David Harford for the Applicant, Mr. Petelo, and from the Submitters, i.e., Ms. Lynley Hands and Ms. Pip Cleverley & Mr. John Cleverley. I have also revisited the original application; relevant correspondence between Ms. Wright and Mr. Harford; and the notification decision pursuant to s.95 of the Resource Management Act 1991 (the **Act**). Further, I have reviewed the relevant provisions of the Ashburton District Plan (the **District Plan**), and I have undertaken two site visits to familiarise myself with the subject site and immediately surrounding environment.
- 1.3 I am satisfied that I have all necessary information to make an informed decision. I am also satisfied that I do not have any conflicts of interest and am able to objectively and fairly reach a decision on the merits of the proposed activity and treat all parties fairly.
- 1.4 In this decision, I do not restate the evidence in full, however, where pertinent, I will record key aspects of the evidence to assist with the decision. For the sake of completeness, I confirm that I have thoroughly reviewed all the evidence in full and that this decision is based solely on the evidence presented by the parties involved in these proceedings.

2.0 THE APPLICATION / SUBJECT SITE

The Application

- 2.1 The proposed activity is described in the s.42A report¹ prepared by Ms. Wright and in the original application prepared by Mr. Harford². In light of matters raised by the Council and Submitters the Applicant has amended, clarified and refined various aspects of the proposed activity, including through the Right of Reply.
- 2.2 The following is a summary of the proposed activity as it now stands for my consideration:
- i. Undertake alterations and a 143.6m² extension to the existing building, resulting in a total gross floor area of 299.7m².
 - ii. To establish and operate a Health Care Service
 - iii. A maximum of 11 Full Time Equivalent (**FTE**) staff will be employed at the Health Care Service
 - iv. The hours of operation will be:
 - 0800 – 1900 Monday to Friday
 - 0900 – 1300 Saturday
 - v. The Health Care Service will not open on Sundays or Public Holidays, except for emergency callouts and any cleaning/maintenance required to the building or site.

¹ Wright, L. (2025). Section 42A report (pg. 4, 5 & 6)

² Harford, D. (2025). Application (section 3.0)

- vi. Provide 10 on-site carpark, including one accessible space. Eight of the carpark will be accessed via the existing vehicle crossing from Belt Road while two staff carpark will be accessed via the existing vehicle crossing from Harrison Street.
 - vii. The implementation of a comprehensive landscape plan.
 - viii. The provision of a 3 x 1m free standing plinth sign. The sign will not be illuminated or have any moving parts, and it will only advertise specialists and/or services provided at the Health Care Service.
- 2.3 For the sake of clarification, I record that in response to a minute I issued after the hearing³, both the Applicant and Council agreed that the proposed activity is most appropriately classified as a 'Health Care Service' as defined by the District Plan, excluding the reference to animals within that definition.
- 2.4 The Applicant has volunteered a range of conditions relating to the operational parameters of the Health Care Service, construction effects, fencing requirements, and signage. These conditions are considered to form part of the application, and I have taken them into account in the following decision.

The Subject Site

- 2.5 The subject site is described in the s.42A report⁴ prepared by Ms. Wright and in the original application⁵ prepared by Mr. Harford. I adopt these descriptions for the purpose of this decision. Key characteristics of the subject site include:
- i. It is 1022m² in area
 - ii. It contains a single storey building (formally a residential unit) which is currently being used as a dental facility under resource consent LUC20/0006.
 - iii. It is zoned Residential C under the District Plan.
 - iv. It is located on the northern corner of Harrison Street and Belt Road, which is an intersection controlled by a roundabout.
 - v. It has two vehicle crossings, one off Harrison Street and one off Belt Road.

3.0 SURROUNDING ENVIRONMENT

- 3.1 I have visited the subject site and familiarised myself with the surrounding environment. The surrounding environment is described by Ms. Wright and Mr. Harford in their evidence; however, I find the most comprehensive description is in the Urban Design Assessment prepared by Ms. Nadine Kirton⁶ from DCM Urban Design Limited, on behalf of Council. I adopt Ms. Kirton's assessment of the surrounding environment for the purpose of this decision.

4.0 PLANNING FRAMEWORK

- 4.1 As outlined in the s.42A report prepared by Ms. Wright, the proposal is classified as a **discretionary activity** under the relevant provisions of the District Plan. Resource consent is required due to several non-compliances, including: undertaking a Health Care Service within the residential

³ O'Connell, N. (2025). Commissioner Minute #1

⁴ Wright, L. (2025). Section 42A Report (pg. 7)

⁵ Harford, D. (2025). Application (section. 2.0)

⁶ Kirton, N. (2025). Urban Design Assessment (pg. 2, 3 & 4)

zone; the building extension encroaching into the three metre road boundary setback along both the Harrison Street and Belt Road frontages; the absence of on-site vehicle manoeuvring (in respect to the two staff carparks accessed via Harrison Street); reduced or nil queue space within both carparking areas; a reduced separation distance between the Harrison Street vehicle crossing and the nearby intersection; and signage that exceeds the permitted limits.

- 4.2 Mr. Harford has confirmed in the Right of Reply that classifying the activity as a Health Care Service, rather than as a Community Activity as initially applied for, does not alter the overall activity status. This is because both classifications fall within Discretionary Activity Rule 4.8.4(f) of the District Plan. Similarly, while the type of sign has changed for a 'glass etching' to a free standing plinth sign, I understand that this does not generate any additional non-compliances, although it increases the degree to which the proposal falls to comply with Site Standard 13.9.1.
- 4.3 I record that there is agreement between Ms. Wright and Mr. Harford as to the applicable planning framework and the discretionary activity status. I accept and adopt their assessment for the purpose of this decision.

5.0 WRITTEN APPROVALS / SUBMISSIONS

- 5.1 The Applicant has provided the written approvals from the owners of two adjacent properties: 1 Walnut Avenue (Lots 1 and 2 DP251) and 1 Harrison Street (Lot 2 DP6664). Pursuant to s.104(3)(a)(ii) of the Act, any adverse effects on persons who have given written approval must not be taken into account when considering an application for resource consent. Accordingly, any effects on these two properties have been disregarded for the purpose of this decision.
- 5.2 A limited notification decision was made under delegated authority pursuant to s.95 of the Act on 7 October 2024. That decision determined that the effects of the proposal on the environment⁷ were not more than minor and therefore the application did not meet the threshold for public notification. However, the decision determined the adverse effects on a number of adjacent properties were minor, such that limited notification was required⁸. The affected properties were: 1 Harrison Street, 4 Harrison Street, 5 Belt Road, 5A Belt Road, and 1 Walnut Avenue. As noted above, written approvals have been provided from the owners of 1 Harrison Street and 1 Walnut Avenue.
- 5.3 At the close of the submission period, two submissions in opposition were received. One additional submission was received from the occupier of 8A Belt Road, who had not been served notice. As this individual was not a notified person under the Act, that submission was not formally accepted and has not been considered in this decision.
- 5.4 I have undertaken a thorough review of the submissions.

6.0 THE HEARING

- 6.1 The hearing commenced at 9:30am on Tuesday 13 May 2025 at the Ashburton District Council Offices.
- 6.2 Those that attended the hearing are as follows:

Applicant:

Mr. David Harford (Consultant Planner for the Applicant)

⁷ As per s.95A of the Act

⁸ As per s.95E of the Act

Mr. Joseph Petelo (Applicant)

Council:

Ms. Lauren Wright (Planner for Council)

Nicholas Law (Hearing Administrator)

Submitters:

Ms. Lynley Hands

Ms. Pip Cleverley

Mr. John Cleverley

- 6.3 During the hearing, I asked questions of all parties to clarify or further understanding matters directly related to their respective evidence and information. It is noted for the record that no new or supplementary evidence was introduced during the hearing; although the Applicant further refined aspects of the proposal through their Right of Reply.
- 6.4 No problematic procedural or administrative issues were raised by either the Council, Applicant or Submitters at the hearing.
- 6.5 The following is a succinct summary of the hearing:

Applicant

- 6.6 Mr. Harford spoke to a prepared written statement that addressed the key aspects of his evidence. A copy of Mr. Harford's written statement is held on Council file. In summary, he outlined the nature and scale of the proposed activity and how the activity will operate. He then discussed key aspects of the proposal, including the urban design report by Ms. Kirton in respect to the extensions. He also discussed the following: the separation distance between the building and the neighbouring residential units (i.e., the Submitters' properties); the proposed mitigation in respect to the landscaping and acoustic fence; the number of on-site carparks including those which will be dedicated to staff; the existing Harrison Street vehicle entrance and its separation from the intersection; and the removal of the on-street parking spaces outside the subject site on Belt Road.
- 6.7 Mr. Harford confirmed that he largely agrees with the s.42A report prepared by Ms. Wright and his only comments were that the Applicant requested the tree height at the time of planting be 1.0m rather than 1.8m, simply because it can be difficult to source trees at 1.8m. And he further sought to confirm that the corner sign would be removed once the new building extension was completed.
- 6.8 Lastly, he discussed the existing consent which enables up to 7 staff and can operate for the hours original purposed, i.e., longer hours than now proposed. In response to matters raised by the Submitters, he explained why only aspects of that consent are operating at this stage, and that in his opinion he considers that the existing consent has been given effect to.
- 6.9 Next, I heard from Mr. Petelo. Mr. Petelo outlined that he had worked in Ashburton since 2011 and that he chose the subject site because of its good location and because a lot of his patients are from the nearby high school. He explained that he is looking to expand the existing building due to expressions of interest from other practitioners who are looking to set up in Ashburton, which he felt will be positive for the community. He also explained that having additional and separate rooms will enable the other practitioners to leave their equipment there, if they are based in Christchurch for example. He hopes that expanding the building will reduce some of the barriers currently preventing other 'out-of-town' specialists from coming to Ashburton. Lastly, he emphasised the importance of enabling emergency appointments.

Submitters

- 6.10 First, I heard from Ms. Pip Cleverley and Mr. John Cleverley, with Ms. Cleverly reading from a prepared written statement. A copy of the written statement is held on Council file.
- 6.11 She started by confirming that while they had identified 6 concerns in the written submission there are 3 concerns which continue to be of a high concern, namely: safety, parking and hours of operation. Ms. Cleverley proceeded to read from the comprehensive written statement about each of the 3 main areas of concern. The written statement provides examples to support their position, including an informal traffic count that Ms. Cleverley undertook of the number of vehicles and pedestrians (including bikes and scooters) using the roundabout intersection between 3:05pm and 3:15pm on February 14th. Ms. Cleverley concluded by reaffirming their strong opposition to the application.
- 6.12 Ms. Hands then read from a prepared written statement. As with Ms. Cleverley, Ms. Hands statement was detailed and comprehensive and a copy is held on Council file. Ms. Hands concerns relate to vehicle and pedestrian safety; parking; the impact of the proposal on property values; and the impact on the ambiance of the neighbourhood. Throughout the written statement, Ms. Hands discussed the specific reasons for her opposition to the proposal and concluded by reiterating that she has genuine concerns for the safety of vehicles and pedestrians with the increased traffic and vehicle parking.
- 6.13 Upon questioning, both Submitters confirmed that they would prefer a 1.8m high acoustic fence, low bollard lighting, 'no-parking' lines directly outside of the subject site, and they both want to see reduced hours.

Council

- 6.14 Ms. Wright then spoke for Council. She spoke to her s.42A report and reaffirmed the key concerns relating to the proposal, i.e., traffic safety, parking, and amenity. She then summarised her assessment of effects and reiterated that in an overall sense, she considers that the proposal is consistent with the directly relevant objectives and policies. She concluded by stating that with the agreed consent conditions along with the urban design and traffic advice, she still recommends consent be granted.
- 6.15 Upon questioning Ms. Wright confirmed that she is comfortable with the height of trees being 1.0m rather than 1.8m as originally proposed, and she confirmed that the Council's Roding Team supported the introduction of 'no parking' lines outside the subject site, and that the cost of implementing this would be borne by the Applicant.

Other Matters

- 6.16 Both Submitters raised concerns with how the existing resource consent had been implemented and questioned whether Council was doing anything to ensure that the consent conditions are being met. They also expressed concern that the Applicant would not meet the conditions of consent if this application was granted.
- 6.17 In respect to these matters, I explained that I cannot have regard to the compliance or otherwise of another resource consent, even if the consent holder is the Applicant and the proposal is for the same site. I explained that there are provisions within the Act which enable Council to monitor resource consent conditions, and if necessary, take compliance action. Ms. Wright noted that Council would be following up this matter.→
- 6.18 I record that the matter of the existing resource consent does not form part of my deliberations.

Adjournment of Hearing

- 6.19 At the conclusion of Ms. Wright's presentation, it was agreed that Mr. Hartford would provide a written Right of Reply, at an agreed upon date. At this point in the proceedings, I adjourned the

hearing to undertake a second site visit, with the expressed purpose of investigating the feasibility and practicality of installing an acoustic fence along the common boundary between the subject site and the Submitters' sites.

- 6.20 Mr. Harford met me on site and both Submitters were present. For the record, I reiterated, as I did during the hearing, that it should not be assumed or implied that consent would be granted simply because I was investigating the feasibility and practicality of implementing one of the volunteered conditions. I explained that I need to have a comprehensive understanding of all aspects of the activity, including all possible consent conditions.
- 6.21 After my site visit, I issued a minute directing Mr. Harford to provide a written Right of Reply and specified matters which he must address. And I directed that Ms. Wright and Mr. Harford to confirm whether the activity falls within the definition of a Health Care Service, and I directed Ms. Wright to provide written confirmation from the Council Rooding Team regarding the feasibility of removing two on-street carpark spaces. A copy of the minute is held on Council file.
- 6.22 I confirm that both parties provided a complete response to my directions.
- 6.23 I record that on 25 March 2025 I received an email from the Submitters. The email requested that should consent be granted that the acoustic fence be 2.0m high for the whole length, except where it lowers at the vehicle entrance. They also wanted it expressly stated that all costs incurred in the construction and painting/staining of the fence would be borne by the Applicant. The reason they want a 2m high fence is because they realised that the trees on the subject site that currently provide a degree of privacy will be removed.
- 6.24 While it is highly unusual for an email/additional information of this nature to be accepted at this point in the process, in this instance, I find there are no problematic procedural issues with including it into my deliberations. I also record that accepting this additional information does not unduly prejudice the Applicant, noting that they have already volunteered a consent condition requiring the construction of an acoustic fence.

7.0 STATUTORY CONSIDERATIONS

- 7.1 In brief, the notification decision is made by following the steps of s.95A, with reference to s.95B-E of the Act. For the substantive decision, subject to Part 2 of the Act, I must have regard to any effects of allowing the activity, the relevant standards and provisions of relevant documents, and any other matters that are relevant and reasonably necessary to determine the application.
- 7.2 As a discretionary activity, the proposal is to be considered in terms of s.104 of the Act. Section 104B of the Act grants me, as Commissioner, full discretion to consider all actual and potential effects, then grant or refuse consent, or grant consent subject to conditions.
- 7.3 Conditions of consent are subject to s.108 and s.108AA of the Act.
- 7.4 Section 104 is subject to Part 2 of the Act, although whether or not an application requires formal consideration directly against Part 2 is a case-by-case matter. I will address Part 2 of the Act later in this decision.

8.0 ACTUAL OR POTENTIAL EFFECTS (s.104(1)(a))

- 8.1 As is sometimes the case, the planning evidence presented by Ms. Wright and Mr. Harford is generally aligned, with no material matters of contention identified between them. However, as already detailed in this decision, the Submitters raised a number of concerns, specifically in respect to impacts on residential amenity, traffic and road safety (including parking, queue space, separation of a vehicle crossing from an intersection, and on-site manoeuvring), noise, and signage.

- 8.2 Ms. Wright and Mr. Harford have provided evidence in respect to the matters raised by the Submitters, which I have had regard to. Similarly, I record that the amendments made to the proposed activity through the Right of Reply, including reducing the hours of operation and volunteering a specific fence condition, specifically seek to resolve or mitigate concerns raised by the Submitters.
- 8.3 Having considered the matters raised by the Submitters and the evidence presented by Ms. Wright and Mr. Harford, I now provide the following analysis which is based on the Health Care Service operating at the full consented capacity, including the maximum number of staff, patients, and hours of operation.
- 8.4 Firstly, network safety and parking. In summary the Submitters highlight that the subject site is located on the corner of a busy intersection, and they submit that the proposed activity will create conflict between existing road users and visitors to the subject site. They are concerned that vehicles entering / exiting the roundabout will conflict with vehicles entering / exiting the site; particularly vehicles that have to reverse off the site. Similarly, they are concerned that the reduced queue space at both entrances and lack of on-site manoeuvring (Harrison Street carparks) will increase the potential risk of accidents.
- 8.5 In response to these concerns, Ms. Wright acknowledges that the increased vehicle movements and site layout may result in road user and network safety being compromised⁹. As such, she sought advice from the Council's Roading Team and based on this advice made four recommendations in the s.42A report that, in her opinion, may potentially alleviate some of the matters raised by the Submitters. The four recommendations, which have been accepted by the Applicant¹⁰, are summarised below:
- I. Change the carpark labelled '4' into a turning/manoeuvring area by painting 'no parking' lines in this space. This will provide on-site turning/manoeuvring for the Belt Road carpark¹¹.
 - II. Removal the two on-street carparks outside the front of the subject site, on Belt Road, and paint 'no parking' lines.
 - III. Make carparks labelled '1' & '2' for staff only, thereby reducing the frequency of vehicles navigating these two spaces and creating a quasi-queue space.
 - IV. Make the two carpark spaces accessed from Harrison Street as staff only, which will reduce the frequency of vehicles entering and exiting this carpark area.
- 8.6 In respect to these recommendations, I record that the Council Roading Team have confirmed that the removal of two on-street parking spaces in front of the subject site, on Belt Road, and the installation of 'no parking' markings in this area is feasible and acceptable. Noting that all costs incurred will be borne by the Applicant.
- 8.7 The Council Roading Team have advised that they do not have any fundamental concerns with the proposed activity in terms of road safety given the low-speed environment¹².
- 8.7 As recorded earlier, as part of my deliberations I undertook two site visits. At approximately 8:15 a.m. during my first site visit, I observed the roundabout intersection to be very busy, with a continuous flow of vehicles entering and exiting from all four approaches. In addition to vehicular traffic, I noted the presence of cyclists and pedestrians (particularly school children) also navigating the intersection. As noted by the Submitters, I observed that some vehicles did not appear to comply with the posted speed limit, however it was difficult to be sure. Notwithstanding, for the purpose of assessing traffic and network safety effects in the context of the Act, I record that compliance with applicable road rules must be presumed. During my second site visit,

⁹ Wright, L. (2025). Section 42A report (pg 17)

¹⁰ Harford, D. (2025). Evidence (para 4.12)

¹¹ Harford, D. (2025). Evidence (para 4.8)

¹² Wright, L. (2025). Section 42A report (pg 23).

conducted at approximately 2:00 p.m., I observed a significantly reduced traffic volume, and the intersection was notably less busy. The timing of my 2nd site visit was obviously outside the morning and afternoon peak periods.

- 8.8 Based on the evidence before me, I find that traffic volumes at the roundabout and on the network generally (within proximity to the subject site) vary throughout the day with identifiable high peak periods. Subsequently, the effects on the network will therefore vary too. I record that the additional mitigation in terms of the on-site turning/manoeuvring area in the Belt Road carpark, the removal of two on-street parking spaces, and the making of staff only parking spaces, along with the activity operating by scheduled appointments, are critical to this proposal.
- 8.9 Overall, having regard to the matters raised by Submitters, the advice received from the Council Rooding Team, and my own observations, I am satisfied that the mitigation measures proposed appropriately respond to the identified concerns. While I acknowledge that there will always be some residual risk given the existing characteristics of the network and its fluctuating traffic volumes, I am satisfied that any potential adverse effects on traffic and network safety have been appropriately avoided, remedied, or mitigated in terms of s.104 of the Act
- 8.10 For the sake of completeness, it is also relevant to record that the District Plan does not require on-site parking for this activity, other than one accessible park. The removal of the requirement to provide on-site parking from the District Plan was in response to the National Policy Statement on Urban Development (2020)¹³. As such, I am mindful that the activity could be undertaken without any on-site parking for patients or staff.
- 8.12 I turn next to effects on residential character and amenity. For the benefit of the following analysis, I summarise the key concerns raised by Submitters as follows: concerns were expressed regarding the likely number of patients; the hours of operation; and the associated effects of a non-residential activity operating seven days a week in close proximity to residential properties. The Submitters also raised concerns about the visual impact of extending the building close to the road boundaries, and the prominence and scale of proposed signage, which they contend will further highlight the commercial character of the activity within a residential context. Lastly, they expressed concerns in terms of nuisance, noise and lighting effects from the carpark area.
- 8.13 Firstly, in respect to amenity effects I have had regard to the expert urban design advice provided by Ms. Kirton. As with all evidence before me, Ms. Kirton's evidence is taken as read.
- 8.14 While Ms. Kirton acknowledges that the proposal does not meet certain district plan standards, she concludes that overall, the proposal is well supported from an urban design perspective, and it aligns with best practice urban design guidelines¹⁴. She identifies four specific reasons in support of her conclusion, and based on these four reasons, reaffirms her expert opinion that the proposal meets urban design principles and will contribute positively to the local community while preserving the residential character of the receiving environment¹⁵. I accept the expert evidence from Ms. Kirton for the purpose of this decision.
- 8.15 Overall, when considered in the round, including the amendments made through the Right of Reply and the agreed suite of conditions, I find that any character, amenity and privacy effects will be sufficiently mitigated and no more than minor. I record that the revised operating hours, traffic management provisions, landscaping, and acoustic fence, collectively mitigate any effects on the residential character and amenity to an acceptable level. Similarly, I find the size and type of sign

¹³ Wright, L. (2025). Section 42A report (pg 17) & Harford, D. (2025). Summary of Evidence (para 8)

¹⁴ Kirton, Nadine. (2025). Urban Design Assessment (p. 8)

¹⁵ Kirton, Nadine. (2025). Urban Design Assessment (p. 8)

not out-of-character with an activity of this nature. Accordingly, I am satisfied that the proposed activity achieves an appropriate balance between enabling the activity and maintaining the reasonable amenity expectations of the surrounding environment.

- 8.16 For the avoidance of doubt, I confirm that in relation to all other effects not expressly discussed above, I agree with the assessment provided in the s.42A report prepared by Ms. Wright. Similarly, I accept the draft conditions agreed between Ms. Wright and Mr. Harford as they will ensure the mitigation measures discussed herein will be achieved. The only amendment to the draft conditions is the requirement for the species trees to be 1m high at the time of planting, that the existing sign will be removed at the completion of the building work.
- 8.17 Lastly, I agree with Mr. Harford¹⁶ that the impact of the proposed activity on property values along with the potential for unlawful entry to neighbour properties (both concerns raised by the Submitters) are not relevant matters for consideration under the Act.

9.0 OBJECTIVES AND POLICIES OF THE PLAN (s.104(1)(b))

- 9.1 Ms. Wright has provided an assessment¹⁷ of the proposed activity against the directly relevant provisions of the District Plan in the s.42A report. She concludes that the proposal is consistent with the relevant objectives and policies of the District Plan, which Mr. Harford agrees with. Both Ms. Wright and Mr. Harford's evidence is taken as read.
- 9.2 The relevant objectives and policies are discussed below in light of the evidence before me.
- 9.3 Firstly, in respect to character and amenity. Objective 4.1 along with Policies 4.1B and 4.1F, seek to protect and enhance the amenity values and character of residential areas while enabling some level of growth and providing for a range of residential lifestyles. However, these provisions also recognise the importance of community based facilities to establish within residential areas, such as a Health Care Service, where they meet a community need and are in keeping with the expected character and amenity values of the residential area (Policy 4.1F). These outcomes are however not to be considered in a vacuum and Policy 4.1B directs that environmental standards are imposed to provide the community with a level of certainty and protect and enhance residential character and amenity as required by Objective 4.1.
- 9.4 In respect to these provisions, I find they are *enabling* provisions which anticipate and provide for non-residential activities that meet a community need. This is particularly relevant to the determination of this application as it provides a clear policy framework that anticipates and supports such activities. However as noted, this enabling function is not unfettered and must be balanced with an overarching requirement to protect and enhance the expected character and amenity values of residential areas.
- 9.5 Having regard to the evidence before me, including the expert urban design advice, I am satisfied that the proposed activity appropriately reconciles these policy directives and achieves an appropriate balance between the dual outcomes they seek to promote, i.e., enabling of some non-residential activities but not at the expense of protecting and enhancing character and amenity values. In this respect, I agree with Ms. Wright and Mr. Harford's assessment that the proposal is consistent with this aspect of the policy framework.
- 9.6 Next, turning to the relevant transport related objectives and policies, I summarise these as follows: the District Plan sets out a hierarchical framework to support a sustainable and efficient transport system. Objective 10.1 promotes transport sustainability, primarily through Policy 10.1A, which encourages infill and consolidated development to reduce travel and fossil fuel use. Policy 10.1F ensures consistency with national and regional planning instruments, while Objective 10.2 seeks efficient use of transport infrastructure, with Policy 10.2E addressing congestion and

¹⁶ Harford, D. (2025). Evidence (para 7.11).

¹⁷ Wright, L. (2025). Section 42A Report (pp. 21, 22 & 23)

managing land use effects. Objective 10.3 focuses on safe and accessible movement, supported by Policies 10.3B and 10.3G, which guide road design, parking, and access standards to ensure safety and functionality across the network.

- 9.7 Based on the advice of the Council Roding Team and having regard to the appointment-based nature of the proposed activity, I am satisfied that the transportation effects will be appropriately managed. The removal of two on-street parking spaces, the formalisation of staff parking, and the introduction of a manoeuvring area within the Belt Road carpark represent practical measures that collectively contribute to maintaining safety, accessibility, and network efficiency. Accordingly, I find that the proposed activity will generally align with the outcomes and intent of the relevant transport-related objectives and policies.

10.0 OTHER RELEVANT DOCUMENTS (s.104(1)(c))

Canterbury Regional Policy Statement

- 10.1 The Regional Policy Statement (the **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. As per the evidence of Ms. Wright, the proposed activity is neither of a nature nor scale that it challenges any of the policies within the CRPS on either an individual or cumulative basis.
- 10.2 Ms. Wright submits that the proposed activity aligns with the Regional Growth Policy 5.3.1 which seeks 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 district¹⁸. Beyond this point, which I agree with, I find there is no need to assess the broader provisions of the CRPS given the nature and scale of the proposal.

11.0 PART 2 OF THE ACT

- 11.1 The application of the words ‘subject to Part 2’ in the context of s.104 of the Act has been addressed by the Environment Court¹⁹. The Court found that an assessment against Part 2 of the Act may be relevant where there is invalidity, incomplete coverage or uncertainty of meaning in the relevant provisions, or where there is conflict between provisions.
- 11.2 In this case, I find there are no areas of incompleteness, uncertainty or illegality in the District Plan, and therefore I record that it is not necessary or indeed appropriate for me to undertake a thorough assessment of Part 2 matters. Similarly, for the same reasons I find that it is not necessary, or again appropriate, for me to undertake a separate ‘overall value judgement approach’.

12.0 CONSIDERATION (s.104B))

- 15.1 Having carefully considered the entirety of the evidence before me, I find that the proposed activity is consistent with the relevant objectives and policies of the District Plan and I am also satisfied that, subject to the imposition and ongoing compliance with the volunteered conditions of consent set out below, any actual or potential adverse effects associated with the proposal will be sufficiently avoided, remedied, or mitigated.

¹⁸ Wright, L. (2025). Section 42A report (pg 21)

¹⁹ AJ Davidson Family Trust vs Marlborough District Council [2016] NZEnvC81

13.0 DECISION

- 13.1 Having considered all relevant matters, I conclude that the land use resource consent application by Joseph Petelo to undertake alterations and extensions to an existing building and to establish and operate a Health Care Service, at 2 Harrison Street, Ashburton be **granted** pursuant to s.104 and s.104B of the Act, subject to the following conditions imposed under s.108 of the Act:



Nathan O'Connell
Hearings Commissioner
13 May 2024

14.0 CONDITIONS

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 20/9/24, 04/10/24 and the Applicant's Right of Reply on 25/03/25
 - 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 full time equivalent staff on the site at any one time.
3. The Health Care Service authorised by this consent must only operate within the following hours:
 - 0800 – 1900 Monday to Friday
 - 0900 – 1300 Saturday

Advice notes:

- The Health Care Facility will not open on Sundays or Public Holidays.
- The Health Care Facility may open outside these hours, or on Sundays and Public Holidays for emergency callouts and any cleaning/maintenance required to the building or site.

Traffic / Parking

4. Prior to the operation of the Health Care Service authorised by this consent, all vehicle access and car parking shall be constructed, formed and marked, and must include the following:
 - a) The installation of "no parking" signage on the carparking spaces currently depicted as "4" (Sheet 2, Approved Plans).
 - b) The painting of "no parking" lines, and the subsequent removal of two on-street parking spaces, 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 on-site "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 Health Care Service.

Landscaping

5. Prior to the operation of the Health Care Service authorised by this consent, site perimeter landscaping adjacent to Belt Road and Harrison Street as illustrated on Approved Plans 3 & 8 must be planted. Perimeter specimen tree plantings shall be a minimum of 1.0m in height at the time of planting. Should any plants die or be damaged they shall be replaced within the next planting season with items of similar species capable of reaching a similar size.
6. The mature trees along the northwestern internal boundary (Sheet 3, Approved Plans) are to be retained and maintained. Should any of these trees die or be damaged, they shall be replaced within the next planting season with items of similar species capable of reaching a similar size.

Construction

7. Prior to work commencing on site the Consent Holder shall provide a Construction Management Plan (the CMP) to Council to cover all activities to be undertaken during construction. The CMP must include the following (but is not limited to):
- a) an Erosion and Sediment Control Plan;
 - b) the methodology of site works and controls in place to limit effects from dust, noise (power tools only between 7:30am – 5:30pm) and any other pollutants;
 - c) construction traffic access points and routes (Traffic Management Plan if necessary);
 - d) weather event controls and management;
 - e) stockpile locations and provisions to meet the requirements of any earthworks;
 - f) procedures for ensuring surrounding property owners and occupiers are given prior notice of the commencement of construction works (early morning concrete foundation and/or car park surface pour) and are informed about the expected duration of those works.

Acoustic Fence

8. Prior to the operation of the Health Care Service authorised by this consent, 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: 2m from existing ground level (except for a distance of a minimum of 4m from the Belt Road legal road boundary where the height shall be no higher than 1.0m for vehicle visibility departing the driveway).
 - Surface Mass: at least 10 kg/m² (200mm pine or 18mm plywood) with no gaps between or below component boards or panels or between the fence and the ground.
9. All costs incurred in removing the existing fence and constructing the acoustic fence (including painting / staining) required by Condition 8 shall be borne by the Consent Holder.

Advice note: The Consent Holder must paint / stain the new acoustic fence (on the side facing the neighbouring property) a colour agreed with the Submitters.

Signage

10. Prior to the operation of the Health Care Service authorised by this consent, the existing illuminated sign on the corner of Belt Road and Harrison Street shall be removed.
11. The approved plinth sign shall not be illuminated and shall not have any moving parts. It shall only advertise specialists and/or services provided at the Health Care Service.

Lighting

12. All external lighting in the carpark and landscape areas shall consist only of low bollard lights that is downward facing.

Monitoring Charges

13. 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

14. 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. For the purpose of this consent, a Health Care Service is defined as:
 - means land and/or buildings used for the provision of services by registered practitioner(s) relating to the physical and mental health of people.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 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
8. 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 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

LEGAL DESCRIPTION
2 HARRISON STREET,
ALLENTON, ASHBURTON 7700
LOT 3, DP 4420

SITE AREA: 1022m²

RESIDENTIAL ZONE C

MAX. SITE COVERAGE 35%
MAX. BUILDING HEIGHT 8m
MIN. ROAD SETBACK 3m
MIN. INTERNAL SETBACK 1.8m
RECESSION PLANES REFER BOUNDARY



EXISTING GFA: 229.4m²
RETAINED GFA: 156.1m²
ADDITION GFA: 143.6m²
TOTAL GFA: 299.7m²
COVERAGE % 29.4%

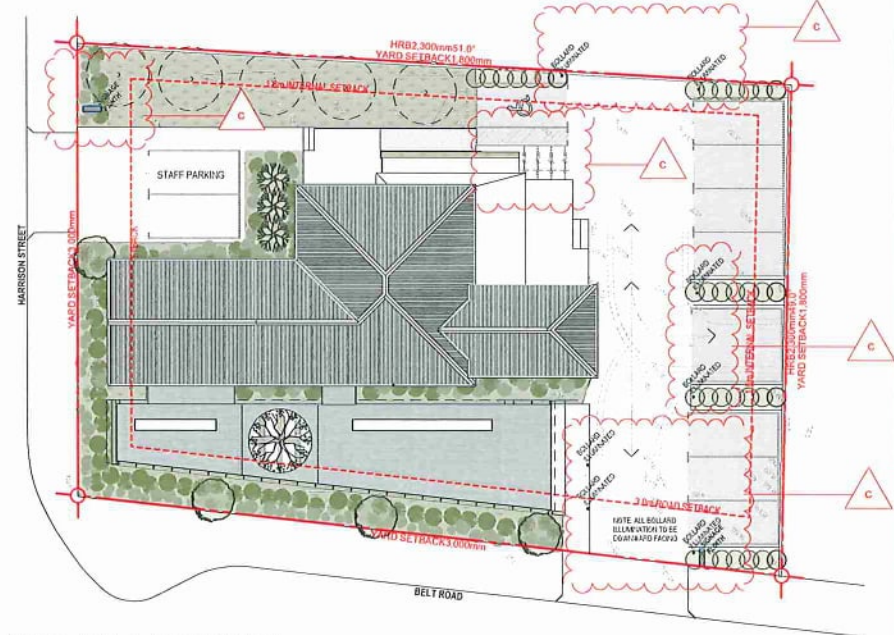
SITE COVERAGE
SCALE 1:250



SITE LOCATION PLAN



SITE PLAN EXISTING
SCALE 1:200



SITE PLAN PROPOSED
SCALE 1:200

PETELO CLINIC
ASHBURTON

MAP

CONSULTANTS

STRUCTURAL ENGINEER - TM CONSULTANTS
LAND SURVEYOR - GRAYSON SURVEYS

DETAILS	DATE	REV
RESOURCE CO-ORDINATOR	24/03/19	A
RESOURCE CO-ORDINATOR		B
RESOURCE CO-ORDINATOR	24/03/2025	C

Approved District Planning
Consent Documents
Date approved: 13-05-2025
LUC24/0044
Sheet 1 of 8
Ashburton District Council

RC RFI RESPONSE
NOT TO BE USED UNTIL ENDORSED FOR BUILDING CONSENT

SITE PLANS

SCALE: 1:250 @ A2
DATE: 24/03/2025
PROJECT No: 9591

RC.03_{rev C}

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E: info@maparchitects.co.nz
www.maparchitects.co.nz

DO NOT SCALE DRAWING. CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCING WORK

DETAILS	DATE	REV
RESOURCE COMMENT	24/01/18	A
RESOURCE COMMENT		B
RESOURCE COMMENT	24/03/2025	C

Approved District Planning
Consent Documents
Date approved: 13-05-2025
LUC24/0044
Sheet 2 of 8
Ashburton District Council

PROPOSED PLAN

SCALE: 1:100 @ A2
DATE: 24/03/2025
PROJECT No: 9691

RC.05_{rev C}

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PETELO CLINIC ASHBURTON

CONSULTANTS
STRUCTURAL ENGINEER - TACON CONSULTANTS
LAND SURVEYOR - GRANT SURVEYING

DETAILS	DATE	REV
RESOURCE COVENANT	24/03/2025	A
RESOURCE COVENANT	24/03/2025	B
RESOURCE COVENANT	24/03/2025	C

Approved District Planning
Consent Documents
Date approved: 13-05-2025
LUC24/0044
Sheet 3 of 8
Ashburton District Council

RC RFI RESPONSE

LANDSCAPE PLAN

SCALE: 1:100 @ A2

DATE: 24/03/2025

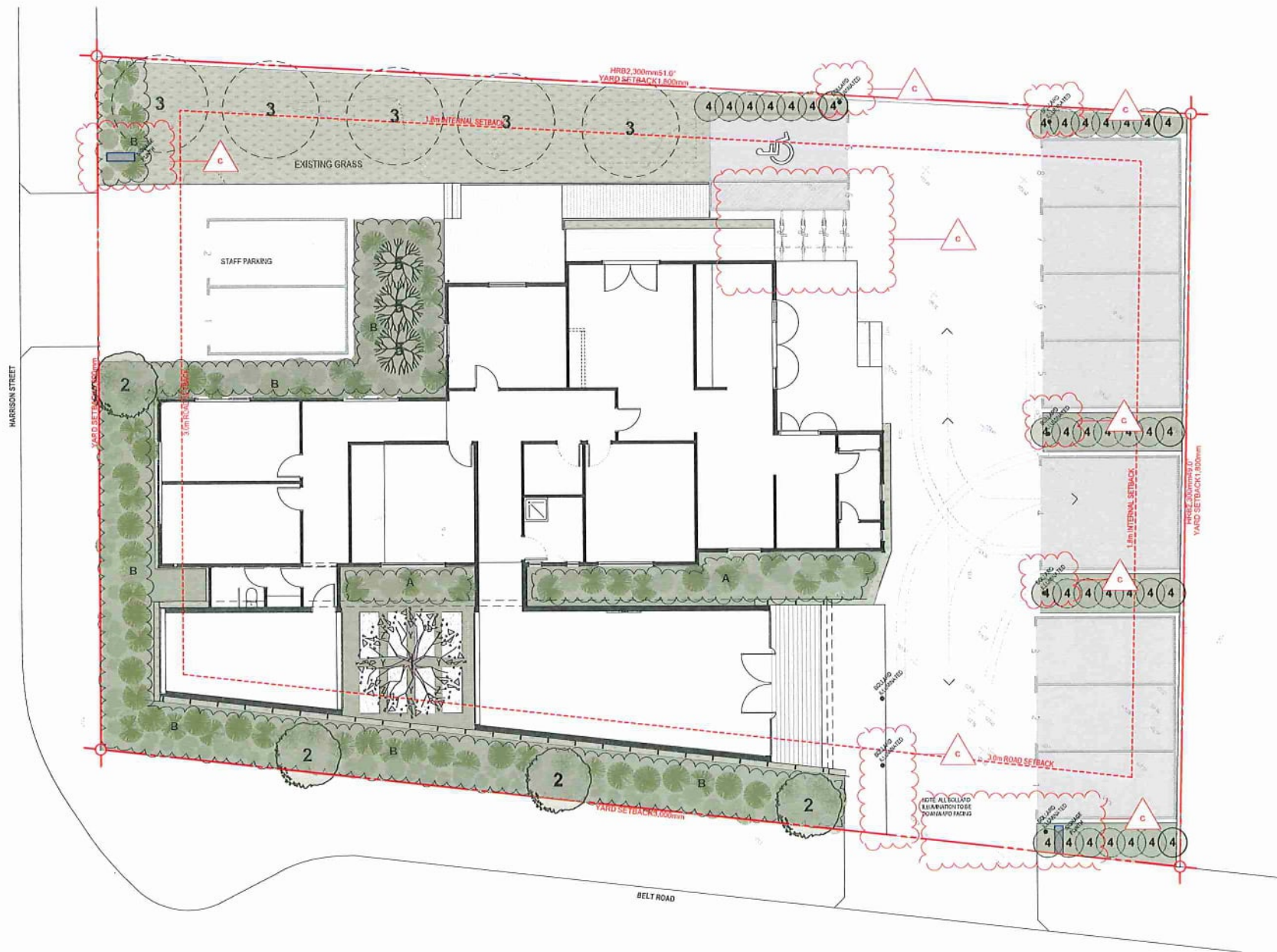
PROJECT No: 9691

RC.06_{rev}c

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TREE SCHEDULE

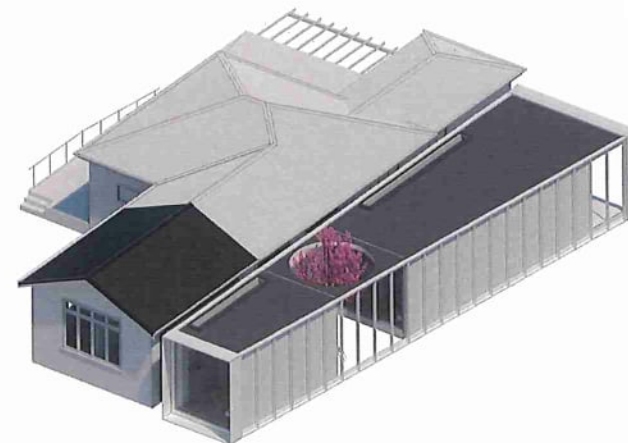
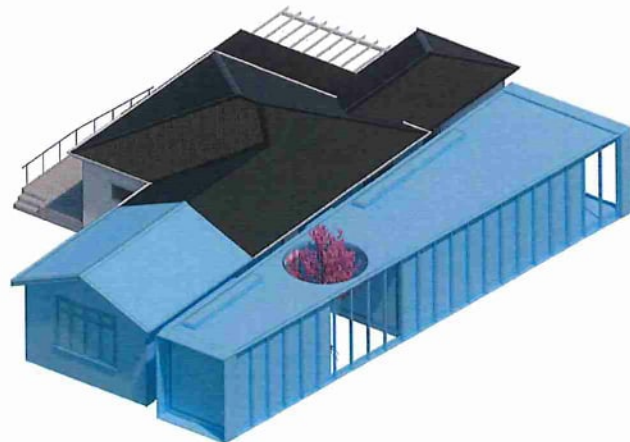
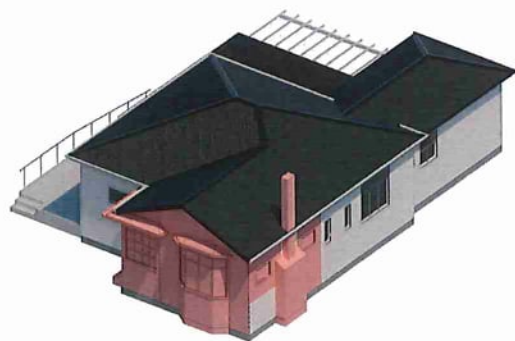
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2. SPECIMEN TREES: BETULA 'JACQUEMONTII' DECIDUOUS HIMALAYAN BIRCH
3. EXISTING TREES: APPROXIMATE LOCATIONS OF EXISTING TREES TO REMAIN
4. SPECIMEN TREES: THUJA 'SMARAGD' EVERGREEN
5. SPECIMEN TREES: ACER PALMATUM 'SENKAKI' CORAL BARK

LOW PLANTING

- A. NATIVE PLANTING CLUMPS
 - i. MACROSSORUM PUSTULATUS HOUNDS TONGUE FERN
 - ii. PNEUMATOPTERIS PENNIGERA GULLY FERN
 - iii. HYPOLEPIS AMBICUA ROUGH PIGFERN
- B. ROADSIDE PLANTING CLUMPS
 - i. LOMANDERA LINE TUFF EVERGREEN
 - ii. LIBERTIA IXIOIDES (HZ IRIS)

GROUND COVERS

- Z. BLECHNUM 'PENNA-MARINA' EVERGREEN
- L. LANCEWOOD
- Y. LEPTINELLA 'PLATTS BLACK' EVERGREEN



Approved District Planning
Consent Documents
Date approved: 13-05-2025
LUC24/0044
Sheet 4 of 8
Ashburton District Council

RFI

NOT TO BE USED UNTIL ENDORSED FOR BUILDING CONSENT

AXO 1

SCALE: @ A2

DATE: 24/03/2025

PROJECT No: 9691

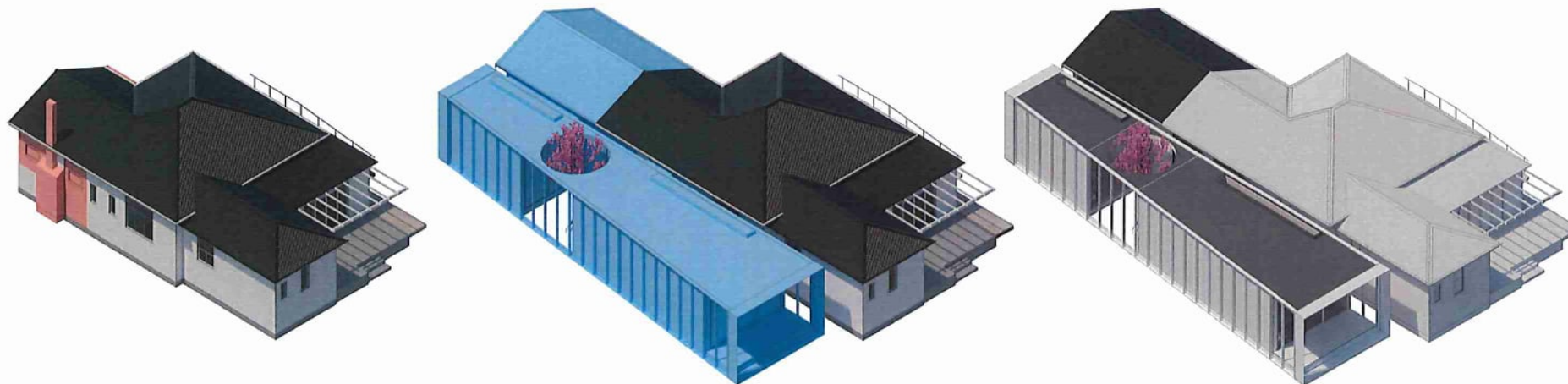
RC.08_{rev A}

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Approved District Planning
Consent Documents
Date approved: 13-05-2025
LUC24/0044
Sheet 5 of 8
Ashburton District Council



RFI
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AXO 2
SCALE : @ A2
DATE : 24/03/2025
PROJECT No: 9691

RC.09
rev A

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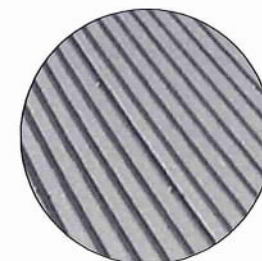
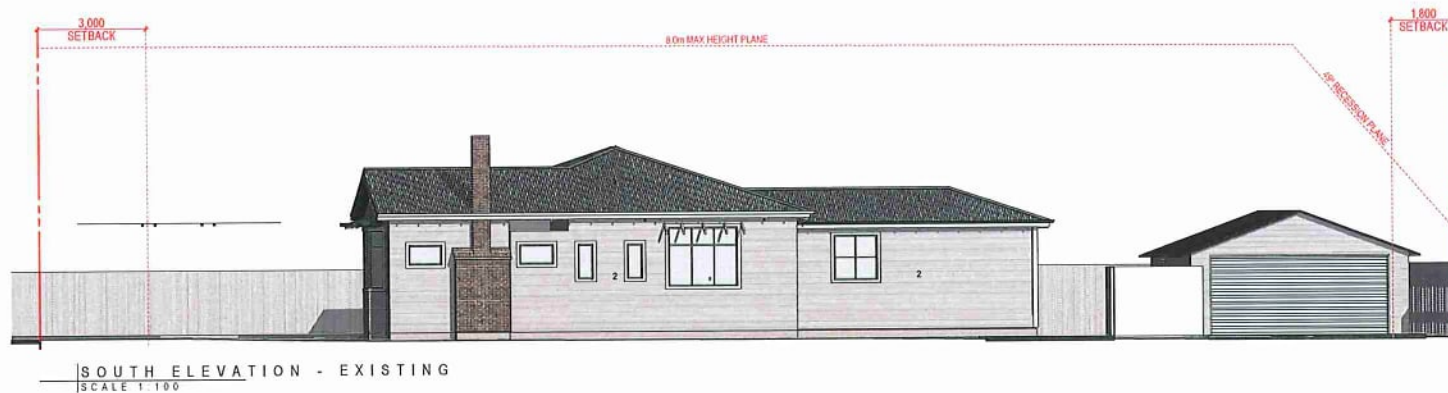
DO NOT SCALE DRAWING. CONTRACTOR TO VERIFY
ALL DIMENSIONS PRIOR TO COMMENCING WORK

PETELO CLINIC ASHBURTON

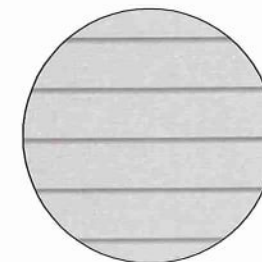
CONSULTANTS
STRUCTURAL ENGINEER - TACCO & PARTNERS
LAND SURVEYOR - GRAMM SURVEYING

DETAILS DATE REV
RESOURCE CONSULTANT 24/03/25 A

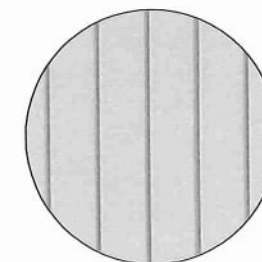
Approved District Planning
Consent Documents
Date approved: 13-05-2025
LUC24/0044
Sheet 6 of 8
Ashburton District Council



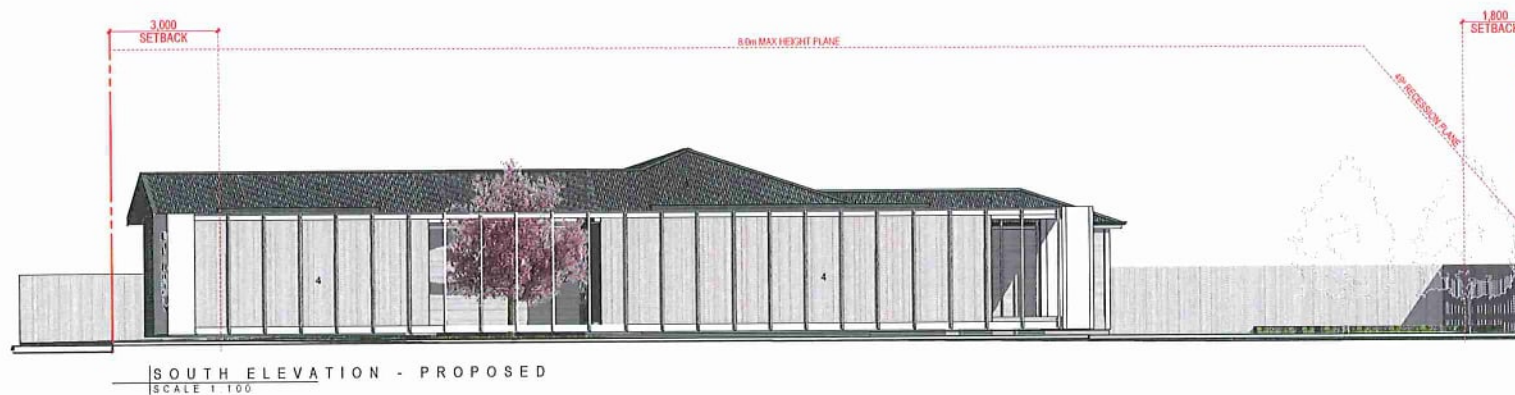
1. EXISTING CORRUGATE ROOFING



2. EXISTING WHITE TIMBER WEATHERBOARDS



4. PROPOSED WHITE TIMBER WEATHERBOARDS



RFI

NOT TO BE USED UNTIL ENDORSED FOR BUILDING CONSENT

ELEVATIONS - SOUTH

SCALE: 1:100 @ A2

DATE: 24/03/2025

PROJECT No: 9591

RC.14

Rev A

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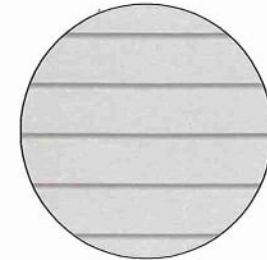
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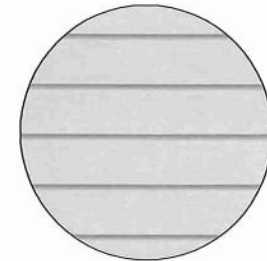
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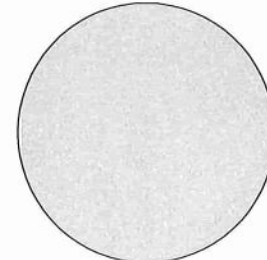
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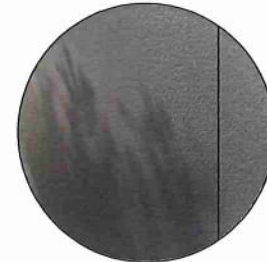
2. EXISTING WHITE TIMBER WEATHERBOARDS



4. PROPOSED WHITE TIMBER WEATHERBOARDS



5. PROPOSED POWDERCOATED ALUMINUM JOINERY



6. PROPOSED GREY FIBRECEMENT SHEET

Approved District Planning
Consent Documents
Date approved: 13-05-2025
LUC24/0044
Sheet 7 of 8
Ashburton District Council

RC RFI RESPONSE
NOT TO BE USED UNTIL ENDORSED FOR BUILDING CONSENT

ELEVATIONS - WEST

SCALE: 1:100 @ A2
DATE: 24/03/2025
PROJECT No: 9691

RC.15_{rev B}

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SIZE: 1000 x 2000mm

FRAME:
Fully fabricated RHS frame - welded, buffed & treated. (White finish to top section of frame)

CLADDING:
- 2.0mm Black Aluminium Solid & formed with welded and buffed top corners
- Powder coat area for illuminated face

POWDERCOAT: Asy Matte Black

SECONDARY TENANT PANELS:
- Powder coat 2.0mm Black Aluminium panels (small radius corners) fitted with spacers to either side of low level plastic section.

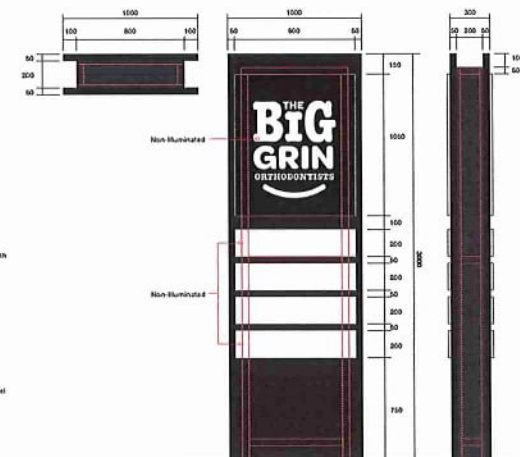
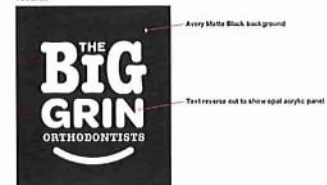
POWDERCOAT: Asy Matte Black

TENANT TEXT: Asy Matte White (Standard Font)

INSTALL: The finished panel will be installed to client supplied base

NOTE:
There will be a 60mm Ø vent pipe that will run up the vertical length of the inside leg of the panel

TO READ:



Approved District Planning
Consent Documents
Date approved: 13-05-2025
LUC24/0044
Sheet 8 of 8
Ashburton District Council

RC RFI RESPONSE
NOT TO BE USED DATE, ENCLOSED FOR RULING COMMENT

SIGNAGE

SCALE: @ A2

DATE: 24/03/2025

PROJECT No: 9691

RC.17 rev A

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