

# Report on an application for resource consent

under section 88 of the Resource Management Act 1991



**TO:** Resource Consent Hearings Commissioners

**FROM:** Nicholas Law

**DATE:** 14/08/2025

**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.**

## 1.0 APPLICATION DESCRIPTION

### 1.1 Application and Property Details

<b>Application number(s):</b>	LUC23/0048
<b>Reporting officer:</b>	Nicholas Law
<b>Site address:</b>	43-55 Carters Terrace, Tinwald
<b>Applicant's name:</b>	Ennor Investment Ltd Reuban Ennor
<b>Lodgement date:</b>	23 June 2023
<b>Notification date:</b>	18 February 2025
<b>Submissions closed date:</b>	18 March 2025
<b>Number of submissions received:</b>	0 in support. 0 neutral. 1 opposing (request to be heard).

## 1.2 Locality Plan

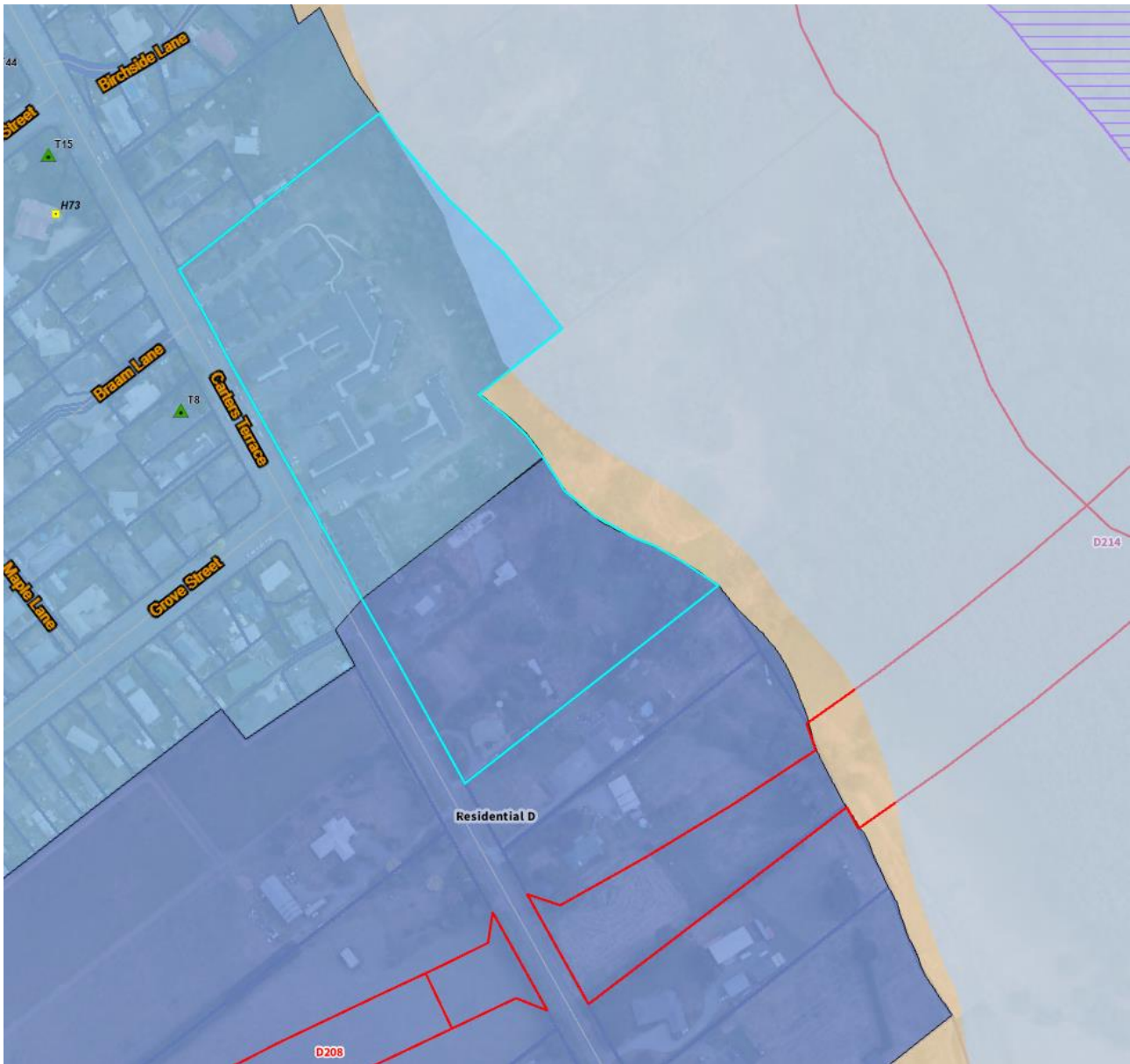


Figure 1: Zoning of the Application Site and District Plan layers. The Application Site is highlighted in blue. The flood hazard overlay can be seen next to the Ashburton River. The Ashburton Second Bridge Designations (D208 and D214) can be seen to the south east.



Figure 2: Aerial View of the Application Site. The Application Site is highlighted in blue.

### 1.3 Application Documents (Plans and Reference Documents)

Refer to application LUC23/0048 <https://www.ashburtondc.govt.nz/home-and-property/planning-guidance-and-resource-consents/notifications/resource-consents>

### 1.4 Adequacy of Information

It is considered that the information submitted by the applicant, including in S92 responses, is sufficiently comprehensive to enable the consideration of the following matters on an informed basis.

- a) The nature and scope of the proposed activity as it relates to the Ashburton District Plan, National Environmental Standards and Regional Plans.
- b) The extent and scale of any adverse effects on the environment.
- c) Persons who may be adversely affected.
- d) The requirements of the relevant legislation.

## **2.0 EXECUTIVE SUMMARY**

Resource consent is sought to enable the construction of 25 two-bedroom Independent Living Units and a recreation centre at 43-55 Carters Terrace, Tinwald zoned Residential C and Residential D. The activity will form Stage 3 of the Terrace View Retirement Village.

- In its current form, the activity will have unacceptable adverse effects on the environment arising from the setback breach to the south-eastern internal boundary (59 Carters Terrace).
- The activity is broadly consistent with the relevant objectives and policies in the Ashburton District Plan. Overall, the activity will not detract from achieving the objectives of the Plan.
- Potential precedent and plan integrity effects are acceptable.
- If the application were to be amended to provide a compliant (6m) setback between residential units and the south-eastern internal boundary (59 Carters Terrace) I would be in a position to recommend approval of the application.

### **2.1 Reporting Officer**

My full name is Nicholas Roy Law. I am employed as a Senior Planner in the Planning Team, Compliance and Development unit, of the Ashburton District Council (the Council). I have been in this position since 2021.

I hold a Bachelor of Environmental Planning degree from the University of Waikato. I am also an Intermediate Member of the New Zealand Planning Institute. I have nine years' experience in planning and resource management in New Zealand, having previously worked as a Policy Planner for the Christchurch City Council and as a Resource Management Planner for the Waimakariri District Council.

I was the author of the Notification Recommendation Report.

Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and I agree to comply with it. I confirm I have considered all the material facts I am aware of that might alter or detract from the opinions that I express. I confirm this evidence is within my area of expertise, except where I state I am relying on the evidence of another person. I am authorised to give this report on behalf of the Council.

## **3.0 THE PROPOSAL, SITE AND LOCALITY DESCRIPTION**

### **3.1 Proposal**

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

The villas are broken up into three styles as follows:



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

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

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

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

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

Resource Consent is required as the proposal is unable to meet the following Standards and Rules of the Ashburton District Plan:

- **Section 4, Rule 4.8.4(f) Discretionary Activities**  
*Any Other Activity, which is not listed as a Permitted, Restricted Discretionary or Non-Complying Activity.*

The proposal includes a recreation centre/recreation activity. This is an activity which is not listed in the plan and is therefore falls to be assessed as 'any other activity'. There are also density non-compliances with the Residential Zones site standards. Further detail on these is provided in the application and the Notification Recommendation Report.

### **3.1.1 Clarifications to Notification Recommendation Report**

Prior to the formal notification decision, the applicant was requested to provide higher resolution copies of the master plan and the building plans. These were provided<sup>1</sup>, but it was not mentioned that the south-east internal boundary setbacks had changed:

- The setback to the south-eastern internal boundary is 4.735m at the closest point (2.3m is listed in the Notification Recommendation Report based on the original plan).

The high resolution plans were included in the notification material, and I am treating them as the application plans.

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<sup>1</sup> Master Plan Stage 3 and Stage 3 Site Plan prepared by Figure & Ground, Revision B, sheet A02 and A03, dated 11/12/2024; Building Plans Terrace View Stage 3 prepared by Figure & Ground, Revision D, sheet SK04-09, dated 10/05/2023.

I consider that the design shown on the high resolution plans is closer to compliant with the District Plan and the adverse effects will be reduced compared to the setback shown in the original plans.

- It is my view that s104(3)(d) does not apply and there is no restriction on making a determination on the application based on the existing notification pathway.
- I note that the identified affected parties (refer Table 1 of the Notification Recommendation Report) would likely have been the same persons based on an assessment of the high resolution plans.

### 3.1.2 Application Plans

Figures 3 -6 show examples of the application plans:

Figure



Figure 3: Master Plan Terrace View – Stage 3 (A02)



## FIGURE & GROUND

TERRACE VIEW - STAGE 3

STAGE 3 SITE PLAN

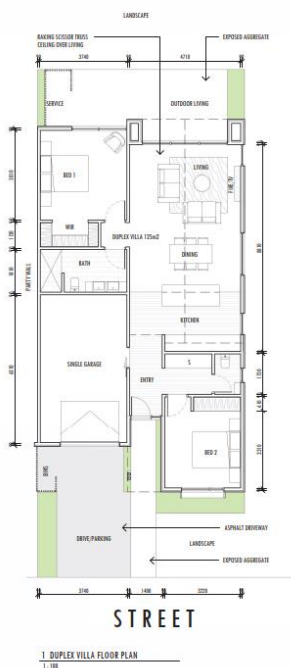
Drawing Sheet **A03**

Scale 1:500 (B4)  
File 22/23  
Date 11/12/2024  
Drawn SJ  
Revision **B**

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

Preliminary Issue  
D NC FINAL COORDINATION

Figure 4: Master Plan Terrace View – Stage 3 (A03)



2. DUPLEX ENTRY PERSPECTIVE



3. DUPLEX FRONT PERSPECTIVE

## FIGURE & GROUND

TERRACE VIEW - STAGE 3

DUPLEX VILLA DESIGN

Drawing Sheet **SK 04**

Scale 1:100 (B4)  
File 22/23  
Date 10/05/2023  
Drawn SJ  
Revision **D**

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

Figure 5: Duplex Villa design (SK04)





## FIGURE & GROUND

TERRACE VIEW - STAGE 3

STREET PERSPECTIVES

Drawing Sheet SK 08  
 Scale: 1:100  
 File: 22/03/23  
 Date: 10/05/2023  
 Drawn: SI  
 Revision: D

Figure 6: Street Perspectives (SK08)



Figure 7: Landscape Master Plan

As part of the application the applicant has agreed to the following engineering conditions (to be completed at the applicant's cost):



- Existing road frontage to be upgraded for the full extent of the frontage. The road frontage upgrade is to be of a urban residential standard and should match the existing profile. Upgrade includes road widening, kerb and channel, footpath and (where relevant) streetlighting.
- Existing 100mm water main to be extended to the point of supply.

### 3.2 Site, Locality, Catchment and Environs Description

The site is as described in the application. The

### 3.3 Background

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

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

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

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

## 4.0 REASONS FOR THE APPLICATION

Resource consent is required under the following District Plan provisions.

### 4.1 Ashburton Operative District Plan 2014

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

Resource Consent is required as the proposal is unable to meet the following Standards and Rules of the Ashburton District Plan:

- **Section 4, Rule 4.8.4(f) Discretionary Activities**  
*Any Other Activity, which is not listed as a Permitted, Restricted Discretionary or Non-Complying Activity.*

The proposal includes a recreation centre/recreation activity. This is an activity which is not listed in the plan and is therefore falls to be assessed as ‘any other activity’. There are also density non-compliances with the Residential Zones site standards. Further detail on these is provided in the application and the Notification Recommendation Report.

### 4.2 Status of the Application

The application is considered to be a **Discretionary Activity**.

## 5.0 NOTIFICATION AND SUBMISSIONS

### 5.1 Notification

Notice of the application was served on 18 February 2025 on those persons identified as being adversely affected by the proposal (listed in Table 1 of the Notification Recommendation Report).

All matters required to be assessed in terms of sections 95 to 95F, of the RMA have been addressed in the Notification Recommendation Report (adopted by Delegated Officers), which can be accessed under LUC23/0048 at <https://www.ashburtondc.govt.nz/home-and-property/planning-guidance-and-resource-consents/notifications/resource-consents>. The recommendations in that report are supported by this Author; principally, that the proposal did not need to be publicly notified, or limited notified to any other party.

### 5.2 Submissions

At the close of the submission period (18 March 2025), a total of **one** submission was received from two persons (in opposition and requesting to be heard).

A copy of the submission was shared with the applicant.

No other submissions have been received, and no written approvals have been received.

### 5.3 Pre-hearing discussions

The applicant requested time to conduct pre-hearing discussions with the submitters prior to a hearing. Pre-hearing discussions were held via email and via in person meeting facilitated by the Council Planning Manager. No outcomes were recorded and no agreements were reached.

### 5.4 Summary of submission

One submission was received (in opposition).

Name	Postal Address	Wishes to be Heard	Submission Points	Relief Sought
Melissa & Cameron Ross	59 Carters Terrace	Yes	<ol style="list-style-type: none"><li>1. Impact on Rural Character.</li><li>2. Negative Effects on Quality of Life (traffic, noise, infrastructure, outlook, privacy, access to sunlight).</li><li>3. Non-Compliance with Zoning &amp; Planning Regulations (precedent for subsequent proposals).</li></ol>	<i>"Reject the application"</i>

			4. Failure to Meet Setback Requirements (encroach upon outlook and rural character).	
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## 5.5 Consideration of scope

The application was limited notified to the persons listed in Table 1 of the Notification Recommendation Report. This included the *owners and occupants* of the dwelling and site at 59 Carters Terrace. A copy of the application was hand delivered to the mail box at 59 Carters Terrace.

The submitters have not identified their association with the dwelling and site at 59 Carters Terrace.

The Council Rating Database lists the submitters as the (only) owners of the property at 59 Carters Terrace. The submission refers to 59 Carters Terrace on each of pages 1-3. It is therefore assumed by the author that the submitters are owners of the property (site and dwelling) at 59 Carters Terrace. The submission from Melissa and Cameron Ross is considered by the author to be in scope and able to be considered.

It is noted that the submitters may also reside at 59 Carters Terrace based on the content of the submission.

## 5.6 Consideration of submission

The table below details the submission topics in full and provides an outline of where the topics have been commented on in this report. The submission headings have been replicated from page 2 of the submission.

Submission	Comments
<b>Impact on Rural Character</b> <ul style="list-style-type: none"> <li>- <i>The area is zones for low-density, rural living to preserve open spaces and agricultural land.</i></li> <li>- <i>The proposed development introduces high-density housing, altering the landscape and setting a precedent for further inappropriate urbanization.</i></li> <li>- <i>The proposed development will significantly alter the rural character of our property. The Residential D zoning of this area is specifically designed to preserve a low-density, rural environment that reflects open spaces, agricultural land use, and a natural landscape. Allowing an increase in density by introducing 25 units directly contradicts the intent of this zoning and sets a precedent for further inappropriate developments.</i></li> </ul>	<p>Effects on the character of the zone are commented on in section 6.2.3 of this report.</p> <p>Precedent and plan integrity effects are commented on in section 7.0 of this report.</p>

<ul style="list-style-type: none"> <li>- <i>The current zoning protects the rural atmosphere by limiting urban-style developments that introduce dense clusters of housing. A development of this scale will result in a highly urbanized streetscape, with multiple rooftops replacing the open land that defines our area. This transformation will permanently damage the rural aesthetics and fundamentally change the nature of our property.</i></li> </ul>	
<p><b>Negative effects on Quality of Life</b></p> <ul style="list-style-type: none"> <li>- <i>Increased housing density will bring more traffic, noise, and infrastructure strain, disrupting our peaceful rural setting.</i></li> <li>- <i>The development directly affects our privacy, outlook, and peace.</i></li> <li>- <i>One of the primary reasons we choose to live in this area is the enjoyment of open space, natural views, and a peaceful environment. Increasing the housing density will reduce these qualities by introducing additional traffic, noise, and infrastructure burdens that do not align with a rural setting.</i></li> <li>- <i>Furthermore, our living aspects are all oriented towards the northwest, meaning that the proposed development will directly impact our outlook, privacy, and possibly limit our access to sunlight in the winter months. Instead of open landscapes and rural scenery, we will be subjected to a view dominated by 25 rooftops, thereby significantly affecting the quality of life that we currently enjoy.</i></li> </ul>	<p>Transport and servicing effects are commented on in section 6.2.3 of this report.</p> <p>Noise, privacy and visual amenity effects are commented on in section 6.2.3 of this report.</p>
<p><b>Non-Compliance with Zoning &amp; Planning Regulations</b></p> <ul style="list-style-type: none"> <li>- <i>The proposal disregards established zoning protections designed to maintain rural character.</i></li> <li>- <i>Approval could lead to further high-density developments, eroding the distinct nature of the area.</i></li> <li>- <i>The current zoning regulations exist for a reason: to protect and maintain the intended character of different areas within the region. The proposed</i></li> </ul>	<p>Precedent and plan integrity effects are commented on in section 7.0 of this report.</p> <p>An assessment against the relevant rules is provided in the Notification Assessment Report.</p> <p>An assessment against the relevant objectives and policies of the District Plan is included in section 6.7 of this report.</p>



<p><i>development does not align with these regulations and represents an attempt to override the established planning framework. If approved, this development would set a concerning precedent for further high-density proposals, eroding the distinct nature of rural living.</i></p>	
<p><b>Failure to Meet Setback Requirements</b></p> <ul style="list-style-type: none"> <li>- <i>The proposed units are set too close to our property (2.36m–3.011m) instead of the required 6m.</i></li> <li>- <i>This encroachment significantly impacts privacy and further disrupts the rural environment.</i></li> <li>- <i>A reduction in the number of units would allow for compliance with setback requirements.</i></li> <li>- <i>The proposed units closest to us are to be approx “2.36m - 3.011m” from the boundary, whereas the district requirements mandate a 6m setback. This significant non-compliance will seriously encroach upon our outlook and further diminish the rural character of our property. We request that the design be reviewed to either reduce the number of units to allow for the correct boundary setbacks or modify the layout accordingly to comply.</i></li> </ul>	<p>Clarification on the setback to the south-eastern internal boundary is included in section 3.1.1 of this report.</p> <p>Privacy and other amenity effects are commented on in section 6.2.3 of this report.</p> <p>Further comment on the setback and interface with the site at 59 Carters Terrace is provided at section 6.2.3 of this report.</p>

Please refer to the full submission as required. This can be accessed under LUC23/0048 at <https://www.ashburtondc.govt.nz/home-and-property/planning-guidance-and-resource-consents/notifications/resource-consents>

## 5.7 Location Plan



Figure 8: 59 Carters Terrace (referred to in the submission) is outlined in blue.

## 6.0 CONSIDERATION OF APPLICATION

### 6.1 Statutory Considerations

When considering an application for a controlled, restricted discretionary, discretionary the consent authority must, subject to Part 2 of the RMA (“Purposes and Principles” – sections 5 to 8), apply sections 104, and 104B, and where relevant sections 105, 106, 107, 107A – E and 108 of the RMA.

In accordance with s104(1) the Council must 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 the planned and consented environment (excluding existing use rights) against which a proposed activity's degree of adverse effect is assessed. Generally, it is only the adverse effects over and above those forming the baseline that are relevant when considering the effects. 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.

Part 2 of the RMA may also be relevant to considerations. The Court of Appeal has held that recourse can (and in some circumstances must) be had to Part 2. Such cases can include:

*(a) If higher order policies are equivocal and it is unclear from them whether consent should be granted or refused, or*

*(b) If the relevant plan has not been competently prepared in accordance with pt 2, or if there is some doubt about that.*

But where a proposed activity was demonstrably in breach of a higher order policy, separate resort to Part 2 may not be required because it would not provide any additional guidance. Resort to Part 2 could not justify an outcome that is contrary to the thrust of coherent policies that are designed to achieve clear environmental outcomes and have been prepared with regard to Part 2.

It has been held that the correct way of applying [s 104\(1\)\(b\)](#) in the context of [s 104](#) as a whole is to ask, does the proposed activity, after:

*(a) assessing the relevant potential effects of the proposal in light of the objectives, policies and rules of the relevant plans;*

*(b) having regard to any other relevant statutory instruments but placing different weight on their objectives and policies depending on whether:*

*(i) the relevant instrument is dated earlier than the district (or regional) plan in which case there is a presumption that the district (or regional) plan particularises or has been made consistent with the superior instruments' objectives and policies;*

*(ii) the other, usually superior, instrument is later, in which case more weight should be given to it and it may over-ride the district plan even if it does not need to be given effect to; and/or*

*(iii) there is any illegality, uncertainty or incompleteness in the district (or regional) plan, noting that assessing such a problem may in itself require reference to Part 2 of the Act, can be remedied by the intermediate document rather than by recourse to Part 2;*

*(c) applying the remainder of Part 2 of the RMA if there is still some other relevant deficiency in any of the relevant instruments; and*

*(d) weighing these conclusions with any other relevant considerations;*

achieve the purpose of the Act as particularised in the objectives and policies of the district/regional plan?

Similarly sections 6, 7 and 8 of the RMA which are included in Part 2 and provide further context and guidance to the constraints found in s5(2)(a),(b) and (c), will only need to be directly referred to if these circumstances apply.

Section 6 of the RMA sets out the matters of national importance which need to be recognised and provided for, but none of the matters of national importance 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. In the case of this particular proposal, the efficient use and development of physical resources are considered relevant, as is the maintenance of amenity values.

Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. The proposal does not specifically engage any of the principles of Te Tiriti o Waitangi.

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

### **6.2.1 Effects that must be disregarded**

In this case no written approvals have been provided at the time of writing this report, and there are no known matters of trade competition.

### **6.2.2 Effects that may be disregarded – Permitted Baseline assessment**

In this case, the following constitutes the permitted baseline:

- Residential units and accessory buildings on separate 4,000m<sup>2</sup> net area sites, up to 15% site coverage, and 10m in height, 6m setback from internal boundary (residential units), 3m setback from internal boundary (accessory buildings), 10m setback from the road boundary.
- Visitor accommodation accommodating no more than 5 guests.
- Group visits

This 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.

Based on the site areas of 53 and 55 Carters Terrace being a total of 14,811m<sup>2</sup>, a total of 3 sites and dwellings with accessory buildings could be anticipated under the Residential D provisions (subject to subdivision consent). The dwellings could be 6m from the boundary and the accessory buildings could be 3m from the boundary (and could feasibly include a 5-7m tall pole shed). The image that follows demonstrates permitted (subject to subdivision) density with red crosses showing residential units and orange crosses showing accessory buildings.



### 6.2.3 Assessment of Effects

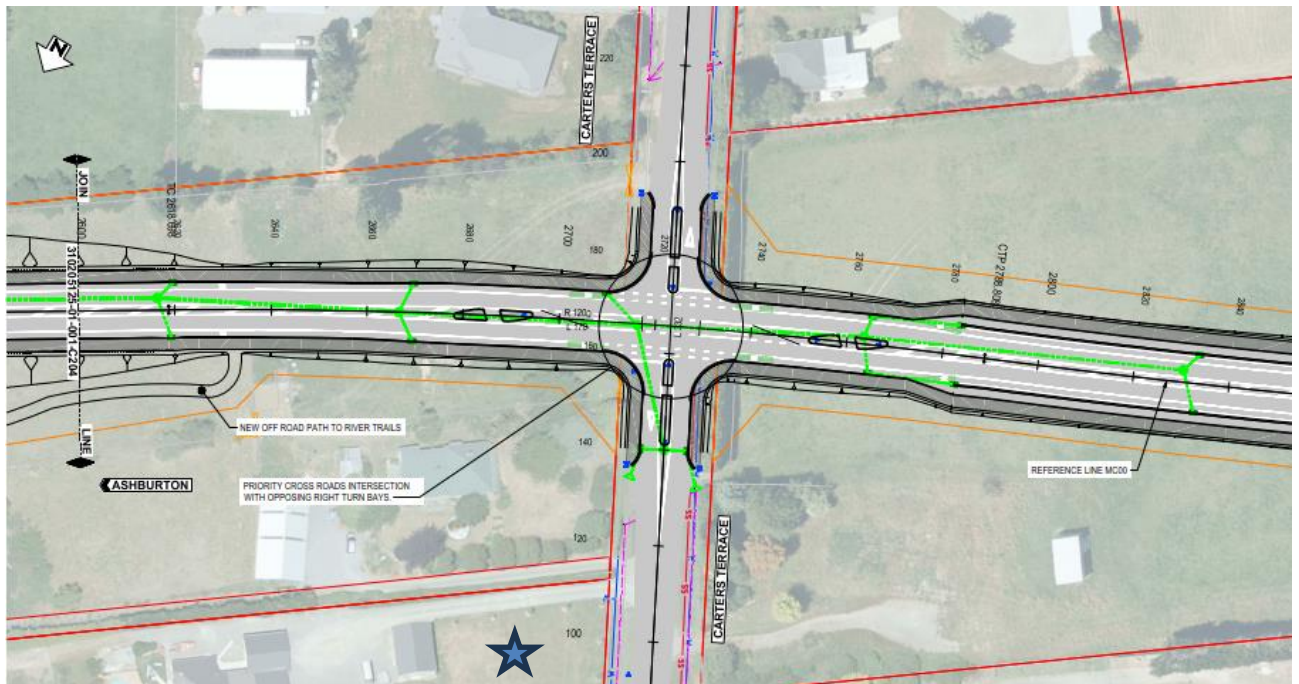
Having regard to the above and after analysis of the application, undertaking a site visit, and reviewing the submission received, the effects are considered as follows:

#### Roading

The Roding and Assets Teams have reviewed the proposal and have requested that the Carters Terrace road frontage be upgraded where it adjoins the development (road widening, kerb and channel, berm, footpath and, where relevant, street lighting). The applicant has agreed to complete this as part of the development for the full extent of site frontage. This is a change to the initial AEE which proposed only a section of the frontage to be upgraded. The queuing length provided for accessing the onsite car parking will be appropriate for the intended use.

The proposal will likely generate more vehicle trips than Residential D development but will be offset to some extent by the age of the residents. Trip generation is therefore likely to fall somewhere between that expected for Residential D and Residential C density. The road infrastructure upgrades

included in the proposal will cater for the additional demands placed, such that there is no adverse effect on the existing roading infrastructure. The amenity effects from the trip generation will be low because of the limited number of access points, the age of the residents, the speed environment being low and the proximity of the site to the Ashburton Second Urban Bridge and Carters Terrace intersection which will likely generate a background volume of traffic movements that will make the increase from the proposal largely indiscernible. The 50kph speed zone will be extended to the edge of the application site, and likely in time to past the Carters Terrace intersection with the Ashburton Second Bridge and new road. This will reduce transport related noise relative to the existing 60km/h zone, all else being equal.



Ashburton Second Bridge – Carters Terrace intersection. Source: <https://www.ashburtondc.govt.nz/services/projects/ashburton-second-urban-bridge> ATC DBC Appendix M – Concept Design Drawings, page 8 dated 22.07.22, accessed 13/08/2025. The Detailed Business Case has been updated with some changes but it is not publicly available as yet. In any case, the design changes are not material to the assessment for LUC23/0048. The blue star identifies 59 Carters Terrace. The Ashburton Second Bridge is designated and in the early stages of being given effect to (geotechnical investigations have been completed).

Pedestrian and other footpath user connectivity will likely be improved as a result of the formation of a footpath for the extent of the site frontage. This will enable connection to the rest of Tinwald. In time, this will likely connect to the Ashburton Second Bridge and new road and the footpaths included in that project, and connect to Ashburton Town Centre.

With the provision of road widening, there will be greater provision for street parking in Carters' Terrace and improved efficiency for the use of this corridor. The provision of street lighting will improve visibility for pedestrian and other road users.

The transport related effects will be acceptable.

### Servicing

The Council Assets Team have assessed the proposal and, subject to conditions, are satisfied that the development will be serviced appropriately. I agree with and adopt the recommendations of the Council Assets Team that the servicing related effects will be acceptable.

### Noise

Construction noise and the use of the units and the residents' recreation centre will comply with the relevant District Plan noise standards. The recreation centre is setback from residential neighbours. The noise levels may be mildly different in character compared to Residential D permitted activities, but is not likely to be louder (permitted noise standard for (all) residential zones will be complied with, and the residents will be of an older age and with small and low maintenance garden curtilages.

Overall, I consider that the noise effects will be acceptable. However, I refer to my comments under character and visual amenity in relation to effects on the submitter and note that any increase in setback to the south-eastern internal boundary would improve the character related noise effects.

#### Character

The application site is located in the Residential D Zone in Tinwald between the existing Terrace View retirement village and the Ashburton Second Bridge designation (with the site at 59 Carters Terrace and the dwelling at 61 Carters Terrace in between). The character is of medium sized Residential D Zoned sites with a mixture of dwelling ages with accessory buildings. The Ashburton River is to the north east of the site beyond a terrace and provides a corridor of undeveloped land. The District Plan flood hazard mapping extends generally to the top of the terrace.

The proposal will have multiple dwellings on the same site and the average density in the Residential D Zone portion of the site will be closer to Residential C density. The proposed site coverage is 25.32%. The villas are clustered in the south-east corner of the site in single level clusters of 2, 4, and 5 units which will have a localised higher density (more akin to Residential B).

Villas 19 and 20 will be within the road boundary setback. These villas will be side on to the street with garaging provided further back within the site. The positioning of these villas is broadly in line with some of the existing consented Stage 2 villas on the adjoining site. The applicant states that this setback breach is required to fit the desired number and layout of units on the site (and above the river terrace).

The proposal will breach the residential unit setback from the neighbours at 59 Carters Terrace, being 4.735m at the closest point (6m required).

The Residential D Zone is described in the District Plan at 4.3.4:

*The Low Density Residential Zone covers areas adjoining the towns of Ashburton (Kapuka), Methven and Rakaia and a number of the smaller villages. The zones are concentrated in close proximity to the towns in order to encourage energy conservation and to enable convenient access to the employment, services and facilities in those towns.*

*The zone provides for very low density residential opportunities in association with these towns as an alternative to the suburban living areas typical of the District.*

*The purpose of the zone is to maintain very low density residential areas with ample open space, tree and garden plantings and with minimal adverse environmental effects experienced by residents. However, rural productive activities are likely to remain a common use of land in the zone and an integral part of the rural-residential interface.*

The character of the application site and adjoining sites is changing (inevitably) due to the proximity of the Ashburton Second Bridge and its urbanised road design, footpaths, streetlights, and connectivity changes, and the proximity of the existing Residential C Zone and retirement village. It leaves a narrow section of Residential D land along Carters Terrace, of medium sized sites, that won't be typical Residential D Zone character. It is reasonable to anticipate that Carters Terrace road cross

section will be urbanised at some point between the existing Residential C Zone and the Ashburton Second Bridge, with or without the proposed activity in this consent. Traffic movements will change with the changes to connectivity to Ashburton via Chalmers Avenue. The existing character is in a state of change and that change has been signalled and enabled through the Ashburton Second Bridge designation. The scale and nature of those changes are not insubstantial. I note that the site at 59 Carters Terrace is adjoining the site containing the Ashburton Second Bridge designation (61 Carters Terrace).

The character effects of this proposal are considered as follows:

- The retirement village Stage 3 will be contained within one site and includes a substantial area of open space to the north east of the site (essentially the part over the River Terrace) which will remain undeveloped. There are other parts of the site that have communal open space and landscaping. This is partly enabled by the clustering of the units and them being held on one title.
- The units are single story in height, and modest in GFA. There are no accessory buildings proposed. There is a recreation centre but this is position to the rear of the site.
- The retirement village is likely to have a lower level of intensity of use compared to an equivalent Residential fee simple development that is not age restricted.
- The retirement village extension is located in close proximity to the existing care home, and the will function as one facility.
- The units are located close to amenities in Tinwald and Ashburton.
- The landscaping and unit design is sympathetic to the zone and location.
- The setback provided to Carters Terrace is acceptable as units 19 and 20 are side on to the road boundary and are of low height.
- The setback on the south eastern internal boundary (59 Carters Terrace) is not acceptable as it breaches the anticipated 6m setback for the zone. Combined with the density of development this will not provide for an acceptable character for the residents of 59 Carters Terrace, despite the changing character of the area.
- If the setback to the south eastern internal boundary were amended to be compliant, then I consider the character effects on the environment would be acceptable.

#### Visual amenity and Privacy

Landscaping is proposed, including trees in front of the units 21-25 (adjoining Carters Terrace). The units have been architecturally designed, with the intention of providing a high quality and appealing residential appearance.

The proposal will breach the residential unit setback from the neighbours at 59 Carters Terrace, being 4.735m at the closest point (6m required).

The visual amenity and privacy effects of this proposal are considered as follows:

- There will be positive effects from the investment in building design and landscaping.
- There will be positive effects from the urbanization of Carters Terrace at the site frontage (the frontage will look tidier).
- The privacy effects are largely addressed through the single story units, and the setbacks to any existing residential unit. I consider that the setback breach on the south-eastern internal boundary (to 59 Carters Terrace) will contribute to privacy effects that are not acceptable. If the proposal was amended to comply with the boundary setback I would consider the privacy effects to be acceptable.
- The visual effects are largely addressed through the design and are mostly acceptable. I consider that the setback breach on the south-eastern internal boundary (to 59 Carters



Terrace) will contribute to visual effects that are not acceptable. If the proposal was amended to comply with the boundary setback I would consider the visual amenity effects to be acceptable.

#### Other effects

All other effects will be acceptable.

#### Conclusion

Overall, I consider the effects on the environment will be largely acceptable but are unable to be accepted in their current form. I consider that the setback to the south-eastern internal boundary (shared with 59 Carters Terrace) should meet the compliant 6m for residential units in this zone. Were this non-compliant setback breach to be amended, I consider the overall effects on the environment would be acceptable.

### **6.3 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.

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

There are no National Policy Statements relevant to this application.

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

The NZCPS is not relevant to this application.

### **6.6 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.

The CRPS has no directive policies for this application due the nature and scale of the application.

### **6.7 Section 104(1)(b)(vi) Relevant provisions of the District Plan Objectives and Policies**

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

#### **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 4.1A**

*Manage the different residential areas located within the Ashburton District, whilst considering:*

- existing character;
  - any anticipated change in character;
  - the need for diversity of residential lifestyles;
  - a demand for growth over time.
- **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 4.1D**  
*Promote variety and innovation in residential development to meet the changing needs of current and future generations, including opportunities to incorporate sustainable practices in housing design and siting that result in enhanced amenity, sustainable energy use and increased efficiency of site utilisation.*
  - **Policy 4.1G**  
*Ensure limitations on business activities in residential areas to avoid adverse effects on residential character and amenity values.*

**Comment:**

Objective 4.1: The activity will broadly achieve these outcomes.

Policy 4.1A: The existing character and anticipated change in character has been outlined in the effects assessment in section 6.2.3. The proposal clearly considers the factors in Policy 4.1B in its design and provides for these considerations.

Policy 4.1B: The activity doesn't provide certainty, particularly by not meeting 6m setback to the south-eastern internal boundary. It largely protects and enhances residential character and amenity values. These would be more effectively protected and enhanced if the 6m setback to the south-eastern internal boundary was complied with.

Policy 4.1D: The site will be utilised efficiently.

Policy 4.1G: The recreation centre will be positioned to the rear of the site and will not detract from the amenity of neighbouring residents.

**Objective 4.2: Residential Growth**

*To provide areas of growth and expansion of different forms of residential development, in a range of areas around the District that meet the needs of the community and promote the efficient use of energy and services, whilst also protecting the productive potential of the rural area.*

- **Policy 4.2A**  
*Provide for some growth of residential areas, whilst continuing a policy of consolidation to avoid sprawl and unnecessary extension of urban areas.*
- **Policy 4.2C**

*Avoid urban growth in areas where there would be significant adverse effects on infrastructure services, that cannot be avoided, remedied or mitigated.*

**Comment:**

Objective 4.2: The activity will provide for efficient growth of residential development. It is an efficient location for the type of development.

Policy 4.2A: The location avoids sprawl and unnecessary expansion of the urban area.

Policy 4.2C: Infrastructure provision will be appropriate and the effects on existing infrastructure will be appropriate as assessed in the effects assessment.

It is noted that the activity will be consistent with the District wide objectives and policies relating to transport and noise.

In summary, the proposal is considered to be broadly consistent with the objectives and policies of the Operative Ashburton District Plan.

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

Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case the following matters are considered relevant: Precedent and Plan Integrity.

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. All applications are assessed on their merits.

Of note in this case are two unique factors. The first is the activity being a retirement home and contained on the single title. This is unusual for residential development, and residential zones are the best location for such an activity, even if it dot not meet the density and site standards. This retirement village proposal is stage 3 of an existing retirement village. This is somewhat unique. The second is the activity being located within a Residential D Zone that is in a state of change with the Ashburton Second Bridge designation being given effect to, and the urbanised roads and increased connectivity and activity that will bring.

Given these unique factors, the precedent risk is considered to be low in this instance. Given the activity status (discretionary) of this proposal would also apply to any subsequent similar proposal, any adverse effects would be considered, and the application would be assessed on its merits. Whether it would include any cumulative effects could only be judged in relation to the subsequent proposal.

I suggest that it is the combination of retirement village activity and the location that make it unique, and subsequent proposals in a similar location that are a different activity may be assessed differently.

#### 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.

In the first instance consideration should be given to the objectives and policies of the plan and if a proposal has been identified as being contrary to those provisions this heightens the need to consider impacts on the integrity of the District Plan. An assessment of provisions has been undertaken earlier in this report and it was concluded that the proposal would be broadly consistent with provisions. On this basis the question of impacts on the integrity of the District Plan is less likely to arise. This application will not result in similar activities being given less weight as there is still the need for a resource consent and a consideration of whether to notify an application.

Combined with the preceding assessment of precedent effects, the overall risk to plan integrity is considered to be low.

### **6.9 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 resource consent provides otherwise. No extension of lapse timeframe has been sought, and there is no obvious reason to recommend extending it.

### **6.10 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 ss15 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 monitoring reviews or in the event of any complaints.

### **6.11 Conclusion**



Resource consent is sought to enable the construction of 25 two-bedroom Independent Living Units and a recreation centre at 43-55 Carters Terrace, Tinwald zoned Residential C and Residential D. The activity will form Stage 3 of the Terrace View Retirement Village.

- In its current form, I consider the activity will have unacceptable adverse effects on the environment arising from the setback breach to the south-eastern internal boundary (59 Carters Terrace).
- The activity is broadly consistent with the relevant objectives and policies in the Ashburton District Plan. Overall, the activity will not detract from achieving the objectives of the Plan.
- Potential precedent and plan integrity effects are acceptable.

## **7.0 RECOMMENDATION AND CONDITIONS**

### **7.1 Recommendation to Commissioner**

In its current form, I recommend that the application be declined, due to unacceptable adverse effects on the environment.

If the application were to be amended to provide a compliant (6m) setback between residential units and the south-eastern internal boundary (59 Carters Terrace) I would be in a position to recommend approval of the application.

### **7.2 Conditions**

In the event that the Commissioner is in a position to approve consent for the application, the following conditions are recommended pursuant to s108, to be completed by the consent holder in full, and at no cost to the Council:

#### **General Conditions**

1. The development shall be carried out in accordance with the plans and all information submitted with the application, being:
  - “Application for Land Use Consent Ennor Investments Ltd” and annexures prepared by David Harford Consulting Ltd, reference 22-234, dated June 2023, as amended by further information responses and amendments; and
  - Master Plan labelled “Proposed Master Plan Stage 3” prepared by Figure & Ground, Revision B, sheet A02, dated 11/12/2024, stamped LUC23/0048; and
  - Site Plan labelled “Stage 3 Site Plan” prepared by Figure & Ground, Revision B, sheet A03, dated 11/12/2024, stamped LUC23/0048; and
  - Building Plans labelled “Terrace View - Stage 3” “Duplex Villa Design”, “Quad Villa Design”, “Premium Villa Design”, “Recreational Centre”, “Street Perspectives”, “Aerial Perspectives” prepared by Figure & Ground, Revision D, sheet SK04-SK09, dated 10/05/2023, stamped LUC23/0048; and

- Landscape design labelled “Landscape Plan for Consent Terrace View Retirement Village” and “Material and Plant Palettes for Consent Terrace View Retirement Village”, sheets 1-5, prepared by Innate Landscape Architecture, revision 4, dated 22 May 2023, stamped LUC23/0048.

### **Occupation restrictions**

2. Residents of the activity (retirement home) shall be restricted to those aged 60 years or over.
3. There shall be a maximum of two residents per residential unit.

### **Servicing**

4. The existing 100mm water main shall be extended to the point of supply. Redundant water laterals shall be removed and reconnected to the extended 100mm main. A new smart meter shall be installed within the road reserve. RPZ Backflow prevention shall be provided within the allotment.
5. The site shall be provided with firefighting water supply in accordance with New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies, SNZ PAS 4509:2008.

### **Roading**

6. The existing road frontage shall be upgraded for the full extent of the application site frontage. The road frontage upgrade shall be of an urban residential standard and shall match the existing profile. Upgrade includes shall include road widening, kerb and channel, footpath and (where relevant) streetlighting. The upgrade shall be completed prior to the occupation of the units.
7. The footpath shall have a minimum formed width of 1.5m.
8. Road berms which are not sealed shall be formed and grassed.
9. The vehicle crossings shall be formed and sealed in accordance with Council standards and policies.
10. The remaining parking and manoeuvring areas shall be formed and sealed.
11. Engineering plans and specifications of all works, including water, water races, irrigation, sewer, Roding, Stormwater and landscaping, shall be submitted to the Council for approval. Engineering approval of complying documents shall be given in writing, and work shall not commence until this has been received from the Council. Any subsequent amendments to the plans and specifications shall be submitted to Council for approval.

12. The consent holder shall forward with the engineering plans and specifications, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
13. All work shall comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.
14. All work shall comply with ADC's Standard Specifications, except as agreed in the Engineering Approval.

### **Landscaping**

15. The landscaping shall be installed and maintained as per the approved landscaping plans (labelled "Landscape Plan for Consent Terrace View Retirement Village" and "Material and Plant Palettes for Consent Terrace View Retirement Village", sheets 1-5, prepared by Innate Landscape Architecture, revision 4, dated 22 May 2023, stamped LUC23/0048). Landscaping shall be installed prior to the first occupation of the units. Any dead or dying plants shall be replaced within the next planting season, and fencing shall be replaced where damaged.

### **Operational Noise**

16. The activity shall be so conducted that the following noise limits are not exceeded at any point within the boundary of any other site within a Residential Zone:

Daytime (0700-2200 inclusive)	LAeq (1hr) 50db
	LAF,max 75dB
Nighttime (all other times)	LAeq (1hr) 40db
	LAF,max 65dB

### **Construction Noise**

17. Construction noise shall comply with NZS 6803:1999 Acoustics – Construction Noise.

### **Monitoring**

18. That a monitoring fee for actual and reasonable costs of conducting any monitoring shall be payable by the Consent Holder and shall be in accordance with fees adopted for that purpose by the Ashburton District Council from time to time.

### **Review**

19. 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.

- 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. Noise levels shall be measured and assessed in accordance with NZS6801:2008 Acoustics Measurement of Environmental Sound, and NZS6802:2008 Acoustics-Environmental Noise.
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. 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.
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. The Council has adopted New Zealand Standard 4404:2010 Land Development and Subdivision Engineering for all water services, Roading works and documents requirements, unless otherwise mentioned. Compliance with this standard will be treated as a minimum by the Council.
6. There is no public no public Stormwater network available to serve this property. Stormwater from this property may not be directed to the kerb and channel/road side drainage. Stormwater must be disposed on site to the satisfaction of Ecan.  
Stormwater discharge authorisation is required via one of the three options described below. The Applicant is to either provide written evidence of approval via options 1 or 3, or forward an application to use the ADC global stormwater consent CRC186263 to ADC's Development Engineer. The application is to include stormwater drawings, erosion and sediment control drawings and evidence of how relevant conditions of CRC186263 are met.  
There are three options for authorisation of the stormwater proposal:  
(1). The stormwater discharge will be permitted if it meets the conditions of a rule in the Environment Canterbury (Ecan) Land and Water Regional Plan (LWRP). A certificate of compliance from Ecan will be issued  
(2). Approval via the ADC global stormwater consent CRC186263.  
(3). If authorisation via 1 or 2 is not possible a discharge consent from Ecan is required.
7. The standard permitted water connection sizes are as follows:  
-Domestic connections for front lot dwellings shall be 15 mm internal diameter.  
-Domestic connections for rear lot dwellings shall be 20 mm internal diameter.  
-All non-residential connections shall be sized and metered as appropriate for the development being serviced and all cases subject to Council approval.
8. 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.

9. The consent holder is requested to notify the Council prior to the occupation of the units and provide evidence of how they have complied with the landscaping condition.

**Report prepared by:**

Nicholas Law

Senior Planner

**Signed:**



**Date: 14 August 2025**