

# Private Plan Change Request

## Farmers Corner Developments Limited

Corner of Hinds Highway (State Highway 1) & Longbeach Rd,  
Tinwald, Ashburton

August 2019 (Updated November 2019)



# Proposed Plan Change

## Executive Summary

This report has been prepared in support of a Private Plan Change on behalf of Farmers Corner Developments Ltd to change parts of the Ashburton District Plan (ADP) to rezone approximately 21 ha of land located on the corner of State Highway 1 and Longbeach Road, Tinwald, as a new 'Rural Tourism Zone'. The Plan Change includes a complete set of provisions that will apply to the Rural Tourism Zone, including objectives, policies and a set of rules with associated standards. An Outline Development Plan is also included that will guide the future development of the site. The new Rural Tourism Zone will replace the existing Rural B zoning and the associated planning framework that currently applies to the site.

The rezoning of the site is intended to recognise and better provide for the continuation of the tourism activities already established on part of the site, as well as providing for the development of complementary rural-based visitor accommodation within a specified portion of the wider site, while retaining the rural setting and appropriately managing potential effects on the surrounding area. The proposed rezoning and associated provisions will have the benefit of providing for further development to be undertaken within clear parameters, rather than requiring consideration of any further development or expansion on a consent-by-consent basis. The proposal also better acknowledges the nature of the established activities on the site and the potential benefits associated with further expanding the tourist-focused facilities.

Specialist landscape, acoustic, transport, servicing and economic assessment reports prepared for this application confirm that the proposed changes, including site-specific standards that mitigate adverse effects, will not result in significant adverse environmental effects.

This report includes a summary of the evaluation undertaken in accordance Section 32 of the Resource Management Act 1991 (RMA) which concludes that the proposed changes for the site will more efficiently and effectively achieve the objectives of the ADP and the purpose of the RMA than the current planning provisions.

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## Introduction

This is a request by Farmers Corner Ltd to change parts of the Ashburton District Plan (ADP) pursuant to Section 73(2) and Part 2 Clauses 21(1) and 22 of the First Schedule to the RMA. This request relates to 21.0449 hectares of land located on the corner of State Highway 1 and Longbeach Road, Tinwald, approximately 6km southwest of Ashburton (refer to 'Site Details' section below). The request seeks to insert a new 'Rural Tourism Zone' chapter into the ADP to provide for the continuation of, and expansion to, tourism activities on the site, guided by an Outline Development Plan (ODP). The ODP and related rules changes are based on delineating three areas within the zone, which are managed as follows:

- **Area 1** – which encompasses the approximately 4ha area within which the current tourist-based activities are located and within which some limited further expansion for the same type of activities and facilities are anticipated.
- **Area 2** – which encompasses the area generally to the south and immediate west of the current 4ha Farmers Corner site within which the development of visitor accommodation is provided for. This includes a centralised hub providing a range of facilities for guests such as a lobby, restaurant, function area and guest information services.
- **Area 3** – which encompasses the balance western portion of the site. This area will continue to provide for farming activities and for recreational activities associated with the visitor accommodation.

In addition to the new Rural Tourism Zone, the plan change includes a number of consequential changes to the ADP to: delete reference to Farmers Corner from the Rural Zones Chapter; include reference to the new zone in various District-wide rules, including application of additional requirements, or exemptions from District-wide rules; and amend Planning Map R72 to identify the site with a Rural Tourism zoning.

The actual changes that are proposed to be made to the ADP are set out in summary in the 'Proposal' section below and in full in **Appendix 1** and **Appendix 2**.

Section 74 of the RMA requires that the Council, when changing its Plan, has regard to, amongst other things, the provisions of Part 2 of the RMA, its functions under Section 31 and its duties under Section 32. This Plan Change request includes an assessment of the requirements under Section 74 in the 'Section 74 and Section 75' section below.

A number of reports and assessments have been undertaken to inform this plan change request. This report summarises those documents, as well as including the full assessments in the appendices to this request.

## Site Details

### Background

This original business known as Farmers Corner was established in central Ashburton within the Cropmark Building in 1985, initially as a tea room, and then expanded to include retail sales to tourists. As the business had contacts with tourist operators in Taiwan, Taiwanese customers were bussed to the business for refreshments and to make purchases. However, the limited amount of floorspace became inadequate and did not allow for sufficient expansion to the retail sales. In addition, the sufficiency of parking for the business, particularly for buses, became a concern. These factors made

the site operationally unsuitable and a sufficiently large space with appropriate parking within the township was unable to be found. This led to an approximately 4 ha site in the rural area (12 Longbeach Road) being chosen to relocate the business to, where the current Farmers Corner activity operates.

The establishment of the business on the site has been authorised through a series of resource consents, explained in further detail below, which generally provide for the use of the site for retail activities associated with the tourist market, and for buildings and parking areas associated with these activities.

## Subject Site

The site to which this Plan Change request pertains is located at the corner of Longbeach Road and State Highway 1 (12 & 22 Longbeach Road) south of Ashburton. It is comprised of the following three separate Certificates of Title (contained in **Appendix 3**):

- Lot 1 DP 83802 - contained in Certificate of Title CB48C/585 and 4.047 ha in area
- Lot 1 DP 407897 - contained in Certificate of Title 427947 and 3.9168 ha in area
- Lot 2 DP 407897 - contained in Certificate of Title 427948 and 13.0811 ha in area

Therefore, the total area to which this plan change relates is 21.0449ha, with its location shown in Figure 1 with a red outline.



**Figure 1: Site Location**

Farmers Corner is a well-established facility catering for visitors and tourists. The existing Farmers Corner development is located on a 4.047 ha site (12 Longbeach Road) and comprises a large building with an extensive retail area and a restaurant. The property also contains an area for lavender plantings and an alpaca grazing area. The site includes a substantial car and bus parking area. The driveway and carpark are asphalted and provide for formal parking for vehicles alongside the main

building, as established through previous consents (and expanded on further below). The site also includes a separate toilet building and a small shed. A few existing mature trees are located within the site and a shelterbelt of trees along a portion of the south-western boundary, and a formal garden area located along the northern boundary of the site near State Highway 1.

The wider site to which this plan change application relates includes two further properties, both of which are currently used as rural blocks, with each containing a dwelling and associated accessory buildings. A consent has also been granted (but not yet implemented) to establish accommodation for up to 16 staff on the property at 22 Longbeach Road.

All three properties do not obtain direct access off State Highway 1, with access provided off Longbeach Road.

The site is currently zoned Rural B under the ADP. There are no protected buildings, trees or other items of interest identified within the ADP on the site. Figures 2 and 3 below contain the Planning Map (R72) applicable to the site. The site is indicated with a red star and red outline.



**Figure 2: Snapshot of Ashburton District Plan, Planning Map R72**

## Surrounding Area

The site and surrounding area are generally flat. The site and properties to the southwest of the site are zoned Rural B Zone under the ADP. The ADP describes this zone as being characterised by agricultural activities, and in general is anticipated to provide wide, open spaces<sup>1</sup>. Properties to the east of the site on the opposite side of Longbeach Road, and those immediately to the north of the eastern portion of the site, across the State Highway and railway line, are zoned Rural A. The ADP states that this zone adjoins the outskirts of the District's main settlements and small villages, and is

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<sup>1</sup> Section 3: Rural Zones, page 3-10.

characterised by its proximity to local services and facilities, providing a rural lifestyle for residents, while retaining a sense of openness and continuation of agricultural activities.<sup>2</sup>

In broad terms, the surrounding land use is generally associated with agricultural activities, including rural lifestyle blocks. The surrounding buildings in the area consist of mainly dwellings and sheds with shelter belts also common.

In the immediate vicinity, the site is bordered by State Highway 1 along its northwestern boundary, with the main trunk railway line beyond this. The land beyond this is rural farmland with no buildings located opposite the plan change site. The site is bordered to the east by Longbeach Road. The property immediately adjacent (at 31 Longbeach Road) is owned by and contains the home of the Chairman of Farmers Corner. The site to the south of this is an open rural site.

The properties adjoining the plan change site along its southern and western boundaries are rural allotments, both of which contain a dwelling and various accessory buildings. It is estimated that the dwelling at 361 Hinds Highway (SH1) is approximately 220m from the western boundary of the plan change site, and the dwelling at 54 Longbeach Road is approximately 120m from the southern boundary of the plan change site. The site at 54 Longbeach Road also contains a Mudbrick Cottage which is a scheduled heritage item (ID Number 2. This is indicated with a yellow square on the planning map shown in Figure 2 above.)

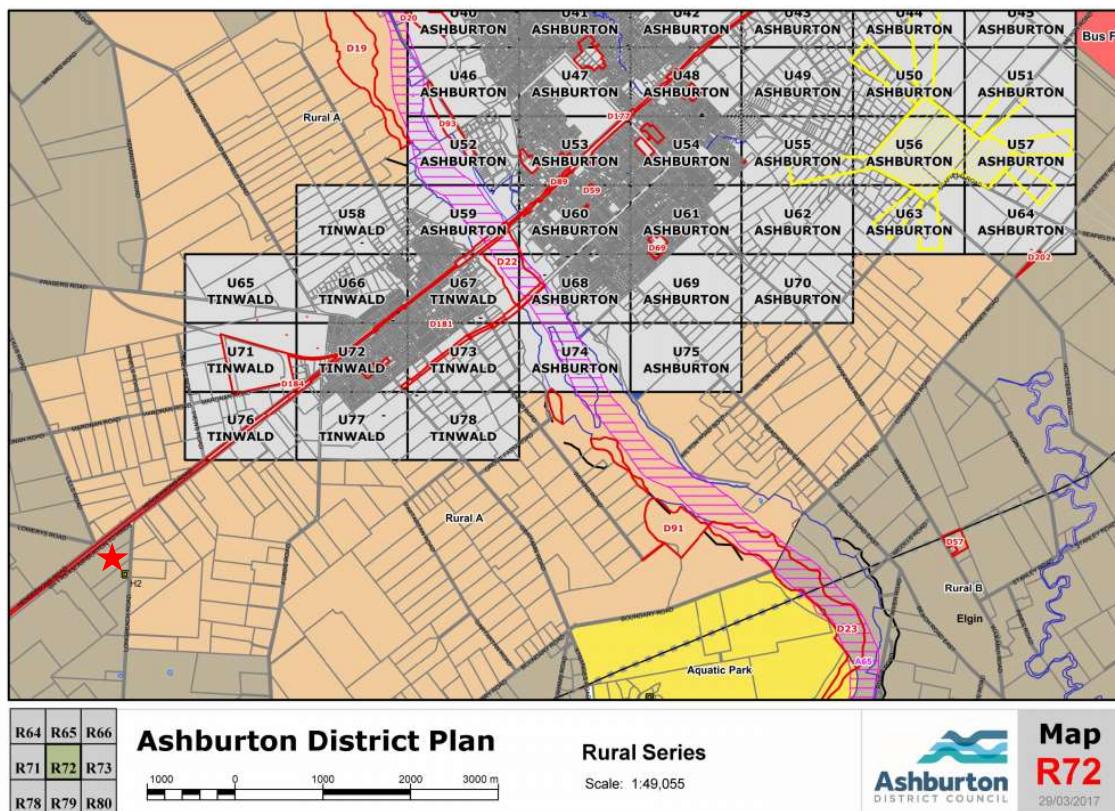


Figure 3: Ashburton District Plan, Planning Map R72

<sup>2</sup> Section 3: Rural Zones, page 3-8

## Existing Resource Consents

The original consent for the site (RC0003) was issued in 2000 to “*construct and operate a retail outlet/tourist activity*”. The consent included construction of a 2,100m<sup>2</sup> building (1,964m<sup>2</sup> at ground level), parking and associated landscaping. The application involved approximately half of the building being used for retail purposes, with the remainder split into areas for: storage (198m<sup>2</sup>); office and staff facilities (218m<sup>2</sup>); a café and bar (207m<sup>2</sup>); and a lobby/foyer with toilet facilities (383m<sup>2</sup>). Under RC00003, the restaurant was limited to 74 seats, with the site’s hours of operation being 8am to 8pm. This consent included a full traffic assessment which was based on providing 47 car parks, a bus set down area with 20 bus parks and a further 52 possible ‘future’ parking spaces identified.

To establish the activity on the site, regional consents were also required for the discharge of treated sewage effluent; the discharge of stormwater; the construction of a bore; and taking of groundwater.

In October 2003, an application (RC030121) was approved to vary the conditions of RC00003, to change the development plans and landscaping. This was sought because the proposed development was reduced, with a consequential reduction in the need for a bus parking area and any ‘future’ parking spaces. At this stage, the building was proposed to be approximately 1,225m<sup>2</sup> at ground floor level, a reduction from the size (1,964m<sup>2</sup>) consented under RC00003.

The facility opened in 2004. In March 2005, a further variation of conditions was granted to amend the proposed landscaping.

In 2006, consent was granted (LUC06.0006) to extend the building to a total of approximately 1,629m<sup>2</sup> at ground floor level, comprising:

- a) An extension to the restaurant (of approximately 110m<sup>2</sup>) and an increase of its seating capacity from 74 to 140, including a new outdoor seating area. This capacity increase was intended to allow for the restaurant to cater for more than 1 bus load of tourists at the same. This reflected a shift in the number of tour groups wanting to dine, as well as shop, at Farmers Corner.
- b) Additional storage space (of approximately 281m<sup>2</sup>)

As part of this expansion, the onsite sewage treatment and disposal system was expanded, but the discharge quantity was still under the amount allowed for by the original discharge permit (CRC001462). Similarly, the existing stormwater system was assessed as being sufficient to cater for additional hard stand areas because the building size and hardstand areas were less than that proposed in the original consent.

While the restaurant extension was undertaken, the storage component of LUC06.0006 was not implemented at this time.

In 2009, consent was granted (LUC09.0033) to extend the hours of operation to 10.30pm and for additional signage. Under the extended hours, consent conditions require that last orders are taken by 9.15pm, external lighting turned off at 10pm and internal lighting at 10.30pm. Through the consenting process, it was acknowledged that the business had evolved from being primarily a retail business with an ancillary restaurant, to a balance between restaurant and retail. The Panel considering this consent also considered the cumulative effects arising from the change in activity since the original RC0003 consent, concluding that they were minor, but noting that “*any future development at Farmers Corner and/or development in the surrounding area for uses not permitted in the Rural Zone could erode the character and amenity of the rural environment.*”



In 2014, consent was granted (LUC14.0050) to extend the building for the storage, packing and loading of products, increasing the building from 1,351m<sup>2</sup> at ground floor level, to 1,795m<sup>2</sup> (a 444m<sup>2</sup>) increase, as well as an additional 64m<sup>2</sup> of office space at the first-floor level. The consent was sought in order to rationalise storage as some larger packages were being stored nearby at 31 Longbeach Road and moved from there to Farmers Corner when required. In this decision, the Panel again considered the cumulative effects of the extension on the site in relation to the character and amenity of the area, including the comments made in the 2009 decision. They noted that the storage extension was located behind the existing commercial building and would not be prominent when viewed from public roads. They stated that were the expansion in a more prominent location *“the accumulation of effects from the expansion of the development would have been considered to have eroded the character and amenity of the rural zone”*. While noting that each application requires consideration on its merits and that they could not predetermine the outcome of a future application, they stated that the site has limited scope for further development without reaching a point where the accumulation of insignificant effects becomes significant.

While the overall activity on the site has been subject to a number of consent decisions, the key ongoing consent conditions are (in summary):

- A limitation on the operation of the retail outlet to being aimed at, and restricted to products pertaining to, the tourist market; and to provision of related facilities, including the café/restaurant. Any retail sales (including from the café/restaurant) other than to tourists must therefore be ancillary to the business aimed at the tourist market.
- Hours of operation from 8am to 10.30pm, with no orders taken for food and/or drinks after 9.15pm, all external lighting and illumination of signage extinguished by 10pm and all internal lighting extinguished by 10.30pm.
- Limitation on the seating capacity of the restaurant to 140 persons, and not for private hire.

In 2015 consent was granted (LUC15.0047) for the site at 22 Longbeach Road, to establish accommodation for up to 16 staff employed by Farmers Corner. This was to comprise an approximately 377m<sup>2</sup> 8-bedroom building with a new access established off Longbeach Road. This consent has not been implemented.

In 2017, consent was granted (LUC17/0021) to construct a separate 292m<sup>2</sup> toilet facility at the site and undertake internal alterations to the existing building. The consent did not involve any changes to the existing operation of the tourism facility, but increased the site coverage further.

## Current Plan Provisions

The site is currently zoned Rural B under the ADP. The rule framework associated with this zoning generally permits productive rural activities such as farming and forestry<sup>3</sup>. It also provides for residential activities, at a density of one residential unit per 50 ha (with exceptions for smaller sites existing at the time decisions were made on the ADP)<sup>4</sup>.

Permitted commercial activities are limited to home occupations, farm visits and retail sales of goods made or produced on site.<sup>5</sup> The only additional provision made for commercial activities within the

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<sup>3</sup> 3.8.2 Permitted Activities: a) Farming Activities; b) Intensive Farming; c) Disposal or storage of any farm-related effluent; and d) Forestry Activities in the Rural A and Rural B Zones.

<sup>4</sup> 3.8.2 Permitted Activities: f) Residential Activities. Zone Standard 3.10.1 Residential Density.

<sup>5</sup> 3.8.2 Permitted Activities: g) Home occupations; and h) Commercial Activities; limited to: - group visits to sites used for farming or residential activities; - retail sales of farm and garden produce grown, reared or produced on the site; or handcrafts produced on the site; or activities within the Mt Hutt ski-field.

rural area is where it is within the Mt Hutt ski-field area. Similarly, visitor accommodation, as a permitted activity, is limited to home stays of up to 10 visitors.<sup>6</sup> Camp grounds and recreational lodges of up to 20 visitors require consent as a discretionary activity.<sup>7</sup> Beyond this, any visitor accommodation or commercial activity is a non-complying activity in the Rural B Zone.<sup>8</sup>

The site is also subject to various Site Standards, including limits on the height of buildings, setbacks required from roads and neighbours, and limits on site coverage.<sup>9</sup> The latter includes buildings and impervious surfaces, and is limited to 5%, or 10% where a site is between 2 and 8ha (as applies to the current Farmers Corner site).<sup>10</sup> The existing scale of built development (including impervious surfaces) on the current site is already well above the current site coverage limits, and the proposed visitor accommodation would also exceed the limit currently applicable to the wider site.

As such, the current Rural B zoning and associated provisions do not permit the types of activities associated with Farmers Corner, and the existing activity on the site has instead been established through a series of resource consents (as set out above). The current zoning of the site would also not provide for visitor accommodation to be established on the site, beyond the defined limited scale. The types of activities associated with Farmers Corner (both those existing, and the proposed visitor accommodation) would be non-complying activities under the ADP. As noted in the Section 1.6 of the ADP, non-complying activities are generally specified as such “...because the Plan has anticipated that they would normally be inappropriate”.<sup>11</sup> While this does not mean that consent cannot be obtained for such activities, it indicates that there is a tension between what is generally anticipated in the Rural B Zone, and the tourist-based activities associated with the Farmers Corner development.

While two more recent consents related to an expansion of the facilities were granted, the decisions on both indicated that future development of the site was expected to cumulatively result in effects that would erode the character and amenity anticipated within the Rural Zone. Under the current plan provisions, further development of the existing facilities on the original 4 ha site, or expansions and development of related facilities on the surrounding sites are therefore expected to involve lengthy and costly consent processes and struggle to gain consent under the current planning framework. As stated in the ADP itself, “Non-complying proposals require especially careful justification as to why they should be approved. They are likely to cost more, take longer and have a greater chance of not being approved.”

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<sup>6</sup> 3.8.2 Permitted Activities: j) Visitor accommodation; limited to: - homestays accommodating no more than 10 visitors at any one time.

<sup>7</sup> 3.8.5 Discretionary Activities: c) Visitor Accommodation, except where listed as a permitted activity and limited to: - camping grounds in the Rural A, B and C Zones; recreational lodges, in the Rural B and C Zones, not accommodating more than 20 visitors and located on the same site as an existing residential unit.

<sup>8</sup> 3.8.6 Non-Complying Activities: b) Commercial Activities; except where listed as a Permitted Activity or identified in the rules as a Controlled Activity; and c) Visitor Accommodation; except where listed as a Permitted or Discretionary Activity.

<sup>9</sup> 3.9 Site Standards

<sup>10</sup> 3.9.2 Site Coverage

<sup>11</sup> Section 1: Introduction, page 1-5.

# Proposal

## Summary

The proposal is to rezone the 21.0449 hectare site from Rural B, to a newly created Rural Tourism Zone and to insert a new chapter into the ADP for the new Rural Tourism Zone. The chapter includes an associated Outline Development Plan (ODP) and a set of site-specific objectives, policies, rules and standards for activities on the site. The full text of the proposed Chapter is set out in **Appendix 1**.

A key feature of the ODP is that it classifies the site into three distinct areas, as follows:

- **Area 1** – which encompasses the approximately 4 ha area within which the current tourist-based activities are located. The rule package associated with this area better provides for the existing tourist-based retail activity (and associated facilities), as well as allowing for some limited further expansion for the same type of activities and facilities.
- **Area 2** – which encompasses the area generally to the south and immediate west of the current 4 ha Farmers Corner site. The provisions associated with this area provide for it to be developed for visitor accommodation. The standards associated with this area, which include planting and separation requirements, are intended to ensure that the visitor accommodation is integrated into the surrounding natural environment, and is not urban in character.
- **Area 3** – which encompasses the balance western portion of the site. The provision associated with this area are largely the same as those under the current rule framework, which limits the types of activities and scale of built form within this area. This provides for the area to continue to be used for farming activities and for recreational activities such walking tracks, with limited associated built form. This allows for guests to experience and interact with rural activities.

The above activities are all subject to the following standards:

- Prior to any new buildings being established, the new boundary planting identified on the ODP must be established, and the intersection with SH1 upgraded to provide a separate righthand turn into Longbeach Road
- A road boundary setback of 10m and internal boundary setback of 25m – the same as those currently applying under the Rural B zoning
- A height limit of 8m for new buildings (currently 10m under Rural B zoning), excluding farming activity buildings within Area 3 (retained at 20m)
- A requirement that no more than 2 visitor accommodation units can adjoin (providing for multiple smaller buildings rather than one or two larger buildings), with planting required between units and an additional amount of indigenous planting required to be provided in the zone for each unit established.
- Building coverage is limited to:
  - 25% in Area 1 (buildings and impervious surfaces) – current development is 18.7%
  - 10% in Area 2 (buildings only, not including other impervious surfaces)
  - 5% in Area 3 (buildings and impervious surfaces, the same as the current Rural B limit)
  - In addition to the above, a total cap of 4,000m<sup>2</sup> on the gross floor areas of activities in Area 1 and the centralised facilities in Area 2.
- A limit of the volume of earthworks that can be undertaken each year, similar to that currently applying in the Rural B zone.

- Limits on lighting (the same as those currently applying in the Rural B Zone)
- A requirement for buildings to be low reflexivity.
- An overall limit on the hours of operation to between 0800-2300, including lighting, for activities within Area 1. This combines a number of consent conditions pertaining to hours of operation, food order and lighting turn off times that currently apply, and allows for a slightly later closing time than currently applies.
- A requirement for any centralised services or facilities for visitor accommodation (such as a lobby, restaurant and function centre) to obtain a controlled activity consent if located within the specified area on the ODP, and if it is demonstrated that the noise limits can be met, so that the Council can consider and impose conditions around the management of noise and lighting, as well as design and appearance of the building(s).

The proposal also includes consequentially amending the Rural Zones Chapter (Section 3) to delete reference to Farmers Corner as it will no longer be zoned Rural B, and to include references to the Rural Tourism Zone in various district-wide chapters to ensure that the new zone is subject to the appropriate standards. These changes are set out in full in **Appendix 2**.

The proposal is based on a concept plan (contained in **Appendix 4**) prepared by Robert Watson Landscape Architects Ltd and Don Donnithorne Architects, which provides an example of the type, scale and layout of development that could be developed under the proposed Plan Change framework. The plan change proposal, as set out in detail below, includes some key elements of the concept plan within both the Outline Development Plan that forms part of the proposed planning framework as well as the related rule package, such as the area within which visitor accommodation would be located, key planting requirements and access points. However, the concept plan should be viewed as one example of how the site could be specifically developed under the proposal, rather than a detailed plan for development.

# Statutory Assessment

## Statutory Framework

This Plan Change request is made under the RMA. This statutory framework section sets out the relevant framework of the RMA under which the request is made, with the consequential sections then providing the relevant assessment of each part of the framework.

Section 73(2) of the RMA provides that:

*Any person may request a territorial authority to change a District Plan, and the Plan may be changed in the manner set out in Part 2 or 5 of Schedule 1.*

Part 5 of Schedule 1 is not relevant to this particular plan change application as it relates to the use of the 'streamlined planning process', which is not proposed in this instance.

Part 2 of Schedule 1 relates to (amongst other things) requests for changes to plans of local authorities. Clause 21(1) restates that any person may request a change to a district plan. Clause 22 of Part 2 of Schedule 1 states:

- (1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with section 32 for the proposed plan or change.*
- (2) Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*

The purpose of, and reasons for, the proposed Plan Change are set out in the 'Purpose of and Reasons for Plan Change Request' section of this report below. The evaluation report undertaken in accordance with Section 32 of the RMA is set out in the 'Section 32' section of this report below, and an assessment of the environmental effects anticipated by the implementation of the changes are set out in the 'Assessment of Environmental Effects' section of this report below.

Clauses 23 – 25 set out the process to be undertaken by the Council when a private plan change request is received.

Section 74 also sets out the matters to be considered by territorial authorities when preparing and making changes to a district plan. Section 75 sets out the contents of district plans, which includes the relationship between district plans and other RMA plans and statements. These requirements are considered further in the 'Section 74 and Section 75' section below.

## Purpose of and Reasons for Plan Change Request

The purpose of the Plan Change request is to amend the provisions that apply to the site to better recognise and provide for the nature of the established activities on the site and to allow for the expansion of further rural-based tourism facilities. In particular, the Plan Change seeks to provide for further development of tourism activities on identified parts of the site, within specified parameters, rather than requiring consideration of any further development or expansion on a consent-by-consent basis.

The reasons for the request are as follows:

- The existing plan provisions generally do not provide for the types of activities that currently exist on the site, and resource consent is required for any changes, regardless of their scale. For example, any changes to the activities, including minor changes to operating conditions, any additional buildings or impervious surfaces will trigger requirement for resource consent. This does not provide flexibility to the owners and operators and has resulted in lengthy and costly resource consent procedures.
- Previous resource consent decisions have indicated that further expansion is unlikely to be able to be granted consent under the current framework, limiting the ability to further develop the tourism activity.
- The proposal will provide for further development of a successful tourism activity, which will have economic and social benefits for the wider district. This type of development aligns with the aims of both local and national tourism strategies and plans (refer to 'Section 74 and Section 75' section below for detail).
- The history to the development of the site has established that the activity operated from Farmers Corner is of a scale and nature that requires a rural location, with products that are predominantly based on agricultural activities. As such, it is suited to a rural location, despite the current plan provisions not generally providing for this type of activity.
- Similarly, the current plan provisions do not anticipate larger-scale rural-based visitor accommodation. At present, the day visitors to Farmers Corner do not stay overnight in Ashburton. The purpose of the proposal is to provide a planning framework for this site which allows for the development of visitor accommodation of this nature, in order to 'capture' a portion of the overnight tourist market. This style of accommodation, which provides overseas tourists with a rural experience, and which is linked to the rural-based tourism activities established at Farmers Corner, is currently not provided for in the ADP. By its nature, it also requires a predominantly rural location and is not an activity that can be provided for within the urban area. The proposed Plan Change therefore reflects that the activities proposed require a rural setting and are best located within the rural environment.

## Section 32

The Act requires the preparation of an evaluation report in accordance with section 32 for all plans, policy statements and plan changes prepared under the Act. This evaluation is undertaken prior to public notification of the proposed plan change.

This section sets out the section 32 evaluation of the proposed plan change in accordance with section 32 of the Act (the full text of section 32 is provided as **Appendix 5**). It is intended this evaluation be considered in conjunction with the discussion of the proposed amendments in the 'Proposal' section of this report.

### Relevant objectives

Section 32(1)(a) requires an evaluation report to examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act.

Under section 32(6) of the Act, the 'objectives' of this proposal are the objectives contained within this plan change application, being the two new objectives that would apply to the proposed Rural Tourism Zone, which are:

### ***Objective 3A.1: Provision for the Rural Tourism Zone***

*The Rural Tourism Zone provides for a range of tourism activities and facilities within a rural setting, which are managed to avoid, remedy or mitigate adverse effects on the surrounding environment.*

### ***Objective 3A.2: Indigenous Biodiversity***

*The Rural Tourism Zone is developed to complement and significantly enhance indigenous biodiversity.*

These objectives are considered to be the most appropriate way to achieve the purpose of the RMA because:

- They better provide for the use and development of the natural resources of the site, and for further use and development of its existing physical resources. Allowing for further rural-based tourism activities and facilities will result in increased employment, incomes and expenditure within the local Ashburton District economy (as is quantified in the Economic Assessment accompanying this plan change) and therefore better enable people and communities to provide for their well-being (Section 5).
- They facilitate the more efficient use and development of the site's natural and existing physical resources (Section 7(b)). In particular, they recognise the existing investment in tourism facilities on the site and provide for further use and development where there is already a base for this type of activity.
- The objectives seek to achieve the above while managing the potential adverse effects of the expansion of activities on the site (Section 5(2)(c)). This management will also ensure the maintenance and enhancement of the amenity values of the site and surrounding area (Section 7(c)); and in relation to indigenous biodiversity, enhance the quality of the environment (Section 7(f)).

### **Overview of practicable options**

Section 32(1)(b) of the Act requires that an evaluation report examine whether the provisions in the proposal are the most appropriate way to achieve the objectives, by the identification of other reasonably practicable options to achieve the objectives, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

For this assessment, the proposed Plan Change is considered an 'amending proposal' under section 32(3) of the Act. As such, the evaluation of provisions has been undertaken against both the objectives within the proposed Plan Change that are set out above, as well as following existing objectives in the ADP which are considered relevant:

#### ***Objective 10.3: Transport Safety and Accessibility***

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

#### ***Objective 11.1: Effects of Noise***

*Minimise the potential for conflict between noise emissions from land use activities and other more sensitive land uses.*

For completeness it is noted that there are other objectives that apply to the site of the plan change application, but as the plan change proposal does not propose to amend the provisions giving effect to those objectives, they have not been included in this evaluation. For example, Section 13 relates to signs, and the provisions relating to signage which currently apply to the site of the plan change application will not be altered. Similarly, the provisions in Section 16 of the ADP relating to hazardous substances will continue to apply to the site as before and therefore there will be no change to the efficiency and effectiveness of those provisions as they apply to the plan change site.

The following three reasonably practicable options have been identified:

- **Option A – Status Quo:**  
The District Plan is retained in the current format. Resource consents will be required to further develop the existing tourism operation at the site, and to develop complimentary visitor accommodation at the site.
  
- **Option B – Rezone site to Rural Tourism Zone (the proposed Plan Change)**  
The application site is rezoned to 'Rural Tourism Zone' with a new Section 3A inserted into the District Plan to provide for the new Rural Tourism Zone, with specific policies, rules, standards and explanations applying to the new zone. This also includes an Outline Development Plan intended to guide the key elements of future development. Consequential amendments are also made to the ADP to refer to the new zone within District-wide chapters, where required, and delete references to the site in Section 3.
  
- **Option C – Inclusion of site as a Scheduled Activity**  
The underlying Rural B zoning of the site is retained, but Section 8 of the ADP amended to include the site as a Scheduled Site, in addition to a range of standards and conditions enabling development of the visitor accommodation facilities. This option would also necessitate a number of consequential amendments being made to Section 3 (Rural Zones) of the District Plan.

### **Assessment of Efficiency and Effectiveness**

Section 32(1)(b)(ii) of the Act requires an assessment of the efficiency and effectiveness of the proposed provisions in achieving the objectives. The assessment of efficiency and effectiveness is set out in Table (1) below.

### **Scale and Significance**

Section 32(1)(c) of the Act requires that an evaluation report contains a level of detail which corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the proposed Plan Change.

The proposed Plan Change is limited in scale to the application site. As such the change does not affect the regulatory framework applicable to the wider District. The development enabled by the proposed Plan Change could have localised impacts in the surrounding area, both in terms of neighbouring properties and on the roading network. As a commercial development, the proposal could also have impacts on the district's economy, including on other business, and the functioning of the central business area. Given the discrete nature of the proposal, and the ability to identify where the effects of most significance may arise, the level of detail within this evaluation report is focused primarily on the identification and consideration of these effects in more detail in both this report and in the supporting technical assessments.



<b>Table 1 - Efficiency and effectiveness assessment</b>			
	<b>Option A: Status Quo</b>	<b>Option B: Rezoning</b>	<b>Option C: Scheduled Activity</b>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>As consent (or piecemeal consents) for the full development are likely to be refused, there is likely to be no increase in effects.</li> <li>Some potential for increased employment, income and expenditure in the Ashburton District associated with the construction and operation of expanded facilities, however no certainty associated with this as resource consents are likely to be refused.</li> <li>The resource consent process allows for specific details of any resource consent application to be considered on a case-by-case basis.</li> </ul>	<ul style="list-style-type: none"> <li>Provides for the integrated development of the site</li> <li>Potential adverse environmental effects can be appropriately mitigated</li> <li>Increased native planting that will have environmental and amenity benefits.</li> <li>Provides economic benefits to the Ashburton District in terms of increased employment, income and expenditure in the Ashburton District.</li> <li>Provides certainty to both the landowner and investors, as well as to neighbours, as to what can be developed on the site/ the parameters within which development will occur.</li> <li>Assists in increased diversity for the Ashburton District economy and in furthering the international branding for Ashburton's agricultural base and a greater Asian awareness of Mid-Canterbury and New Zealand products.</li> </ul>	<ul style="list-style-type: none"> <li>The benefits of this option are largely the same as those for Option B. The key difference is that while Option C provides greater certainty than the status quo as to what can be developed on the site/ the parameters within which development will occur, it does not provide as much certainty or guidance as Option B.</li> </ul>

<b>Costs</b>	<ul style="list-style-type: none"> <li>• Costs involved in the development and lodgement of resource consent applications which are likely to include notification and associated hearing costs.</li> <li>• If resource consents for small aspects of the development are granted, there is potential for piecemeal development and lost opportunity to provide for the integrated development of the site as a whole.</li> <li>• If consents are not able to be obtained for the full development proposed, it will result in lost economic opportunities for Ashburton District, including lost employment and expenditure opportunities; and will not increase tourism spending or diversity of tourism spending in the Ashburton District.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed development will increase the effects resulting from activities on the site and extend tourism activity further into the current Rural B Zone. However, as detailed in the Technical Reports, the actual and potential adverse effects are able to be appropriately avoided or mitigated.</li> <li>• Will require subsequent resource consents from the Council and the Canterbury Regional Council for specific aspects of the proposal (such as discharges to land).</li> <li>• Some loss of productive land as a result of an increase in hard surfaces at the site. However, the site will retain productive uses, and any loss in productive use will be offset by the benefits from increased native planting.</li> </ul>	<ul style="list-style-type: none"> <li>• The costs of this option are largely the same as those for Option B.</li> </ul>
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Efficiency	<ul style="list-style-type: none"> <li>• To the extent that any further development of the site is authorised by way of resource consent, this option is likely to be an inefficient way of achieving the proposed objectives due to the costs associated with notified resource consent processes and the likelihood that consents would need to be applied for incrementally.</li> <li>• In addition, any slight changes would require additional consents or variations to existing consents. Such a piecemeal approach to seeking consent is a highly inefficient method of achieving the objectives of this plan change.</li> <li>• To the extent that further development of the site is not able to occur, this option will result in missed opportunities to provide for demand and enhance expenditure, income and diversity in the Ashburton District and will fail to achieve the objectives of the proposed plan change.</li> </ul>	<ul style="list-style-type: none"> <li>• This option is considered to be an efficient method of achieving the objectives as: <ul style="list-style-type: none"> <li>○ the benefits arising from the proposal will outweigh the costs;</li> <li>○ the development enabled through the proposed planning framework can be assessed in a single process; and</li> <li>○ development can be achieved in an integrated manner</li> </ul> </li> <li>• From an administrative point of view, the use of a new zone provides clear direction about what is anticipated within the zone for landowners, council officers and as neighbours.</li> </ul>	<ul style="list-style-type: none"> <li>• Like Option B, this option is more efficient than the status quo at achieving the objectives, as: <ul style="list-style-type: none"> <li>○ the benefits arising from the proposal will outweigh the costs;</li> <li>○ the development enabled through the proposed planning framework can be assessed in a single process; and</li> <li>○ development can be achieved in an integrated manner.</li> </ul> </li> <li>• However, the main differences between this and Option B are that: <ul style="list-style-type: none"> <li>○ the package of provisions for the site would need to include a range of exemptions or exclusions from the Rural B Zone provisions. This aspect is considered to be a less efficient way to achieve the outcomes sought; and</li> <li>○ there would be less direction (for example, at a policy level or through explanatory sections) about what is anticipated on the site.</li> </ul> </li> </ul>
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<b>Effectiveness</b>	<ul style="list-style-type: none"> <li>• Previous decisions for resource consents at the site have indicated that it is unlikely any further development at the site of the scale and nature of that proposed would be in accordance with the relevant objectives and policies of the ADP, therefore applications for resource consents are likely to be refused and the development would not be able to proceed. As such, this option is likely to be ineffective at achieving the objectives as it is unlikely that consent will be granted for the development proposed.</li> <li>• There is no change to the effectiveness of the current plan provisions in terms of the achievement of the ADP’s existing objectives.</li> </ul>	<ul style="list-style-type: none"> <li>• This option is an effective way to achieve the objectives as the planning framework proposed will better provide for a range of tourism activities and facilities on the site, within parameters that have been identified as appropriate to manage the effects of these activities on the surrounding environment and with requirements that will lead to enhanced indigenous biodiversity within the zone.</li> <li>• This option will continue to achieve Objectives 10.3 and 11.1 as the provisions include measures that will: <ul style="list-style-type: none"> <li>○ maintain the safety and ease of vehicle movements generated by activities within the zone; and</li> <li>○ Minimise the potential for conflict from noise generated by tourism activities within the zone on surrounding rural residential activities, as well as avoiding the potential for reverse sensitivity effects to arise from noise generated by existing land uses in the area.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• This option is more effective than the status quo at achieving the objectives (for the same reasons as those for Option B).</li> <li>• However this option does not include detailed provisions about what is anticipated within the Plan Change site and relies instead on the generic framework applying to the Rural B Zone. As such, it is likely to be less effective than Option B at achieving the objectives, because it provides less guidance and less certainty about how the plan framework will achieve those objectives.</li> <li>• This option uses a mechanism generally used to acknowledge existing activities that do not ‘fit’ with what is generally anticipated under their zoning, rather than provide for new activities. While this applies to the existing Farmers Corner activities, using scheduling to provide for development of visitor accommodation would therefore be a different approach to that otherwise taken in the Plan to scheduled activities. It is therefore considered to be a less effective method at achieving the objectives.</li> </ul>
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## **Risk of Acting or Not Acting**

Section 32(2)(c) of the Act requires the Council to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. As set out in the earlier sections of this report, the technical reports provided with this application provide sufficient information relating to the subject matter and actual and potential adverse effects that could result.

## **Summary of Advice from Iwi Authorities**

Section 32(4A) requires the evaluation report to summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1, and to summarise the response to the advice, including any provisions within the proposal that are intended to give effect to the advice.

Initial consultation with Te Rūnanga o Arowhenua (via Aoraki Environmental Consultancy Limited) indicated that Te Rūnanga o Arowhenua did not oppose the proposal in principle. However, they indicated that they wished to work with the applicant to ensure that the development:

- Appropriately manages any additional effluent generated
- Uses water in a way that is efficient, and does not impact valued surface and groundwater resources
- Considers the possibility of using indigenous species for some landscaping, or otherwise considers ways to reflect pre-European landscapes at the site, and
- Undertakes earthworks in a way that does not result in an adverse effect on water quality, and ensures archaeological discovery procedures are in place while earthworks are being undertaken.

Since the initial consultation, the Servicing Report (provided in full in **Appendix 8**) has been prepared and addresses the first two matters, outlining that there are several options available to the applicant to appropriately treat wastewater and stormwater onsite and discharge to land, and establishing that there is sufficient water available and consented at the site for use for the development. Actual water usage is anticipated to be well within what is currently consented for use.

In terms of indigenous planting, the proposed provisions include a requirement for a minimum of 75% of any planting to be indigenous and contain plants from an identified Plant Species List.

In terms of earthworks, potential effects in relation to water quality are largely managed under the Canterbury Land and Water Regional Plan. The development proposed is also unlikely to be deep enough, or of such a significant volume to reach the water table, and does not include contaminated land. As such, the potential for any earthworks arising from the proposed development to impact on water quality are low. It is expected that an accidental discovery protocol can be addressed through conditions of consent, if a consent requirement is triggered due to earthworks.

Following provision of the draft plan change application and servicing report, Aoraki Environmental Consultancy Limited has confirmed that they are satisfied with the proposal and do not have any concerns with the application being progressed to lodgement. To assist in progressing a landscaping plan for the proposal, they also provided a list of native plant species that are known to historically grow in the area, which would create refuges for native birds and insects, which are critical for the life supporting capacity of mahinga kai. These have informed the identified Plant Species List that is contained in Appendix 3A-2 of the proposed Rural Tourism Chapter.

## Conclusion

In accordance with section 32(1)(b)(iii) of the Act, a summary of the reasons why the proposed provisions are the most appropriate to achieve the objectives is required. The evaluation set out above has assessed the proposed Plan Change against the status quo and against the scheduling of the site, taking into account the efficiency and effectiveness of each option at achieving the objectives, being both the objectives proposed in the Plan Change as well as the existing objectives of the ADP, along with the costs and benefits of each approach. The proposed Plan Change is considered to be the most appropriate way to achieve the relevant objectives because:

- The benefits associated with the proposed Plan Change are considered to outweigh the costs. In particular, the proposal provides a number of benefits to the wider Ashburton economy.
- The potential adverse effects of the development which the planning framework provides for can be appropriately managed through various standards, and in particular can be managed to avoid, remedy or mitigate adverse effects on the surrounding environment.
- The provisions include measures to ensure that development within the proposed zone will complement and significantly enhance indigenous biodiversity.
- The status quo is not an efficient or effective method of achieving the objectives of the proposal, and in particular is unlikely to result in the provision of a range of tourism activities and facilities, or enhanced indigenous biodiversity.
- The proposed Plan Change does not affect the achievement of the other objectives of the ADP, and will continue to achieve the maintenance and improvement of the safety and ease of vehicle movement throughout the District and the minimisation of the potential for conflict between noise emissions from land use activities and other more sensitive land uses.
- While Option C would also have similar costs and benefits, and efficiency and effectiveness, it is not considered the most appropriate option, because it retains the underlying Rural B zoning for the site, and in doing so, would provide less certainty and guidance about what is anticipated on the site. In addition, using scheduling to provide for development of visitor accommodation would be a different approach to that otherwise taken in the Plan to scheduled activities.

Therefore, the proposed Plan Change is considered to be the most efficient and effective way to achieve the relevant objectives.

## Assessment of Environmental Effects

A number of technical reports have been prepared to support this plan change proposal. These assessments have used the concept plan (contained in **Appendix 4**) as a basis for their assessment, including identifying what elements of the concept plan should be included in some way in the proposed plan provisions to ensure that the effects of the proposal are appropriately managed.

## Economic Effects

A report has been prepared by Brown, Copeland & Co Ltd in relation to the economic effects of the proposal to expand the activities on site. The full report is contained in **Appendix 6** to this private plan change request. In summary, the report identifies a range of economic benefits from the proposal, including:

- a. Increased employment, incomes and expenditure within the local Ashburton District economy from the construction and operation of the expanded Farmers Corner facilities;
- b. Increased employment, incomes and expenditure within the Ashburton economy as a result of overnight visitors to the Farmers Corner complex engaging in a range of off-site activities such as farm demonstrations, jet boating, balloon flights, golf, mountain biking, horse riding and fishing;
- c. Increased diversity for the Ashburton District economy and the showcasing of the District's agricultural and manufacturing activities helping to develop an international branding for Ashburton's agricultural base;
- d. Greater Asian awareness of Mid-Canterbury and New Zealand products and demand for them from tourists after they have returned home; and
- e. Increased educational tourism opportunities within the Ashburton District.

The report also states that the proposal will not negatively impact on the Ashburton CBD's overall vitality, vibrancy and public amenity values, because the development of visitor accommodation on site will provide for international tourists who would not otherwise stay overnight in Ashburton. In particular, tour operators have informed the applicant that the accommodation proposed would be used instead of staying additional nights in Queenstown, the West Coast or Christchurch (i.e. not instead of staying elsewhere in Ashburton). In addition, the proposal is based on accommodation being provided within, and integrated with the rural environment, which cannot be provided for within the CBD setting.

The report also undertakes an assessment of the effects of the proposal on community economic wellbeing, economic efficiency and concludes that the proposal will:

- Provide businesses and residents of the Ashburton District with a range of economic benefits, which will increase economic and social well-being within the District;
- Enable improvements in economic efficiency at the Farmers Corner site and within the Ashburton District generally

### **Traffic Effects**

Novo Group Ltd have prepared an integrated transport assessment relating to the proposed development. The full report is appended to this report as **Appendix 7** and provides a high-level description of the traffic matters associated with the plan change proposal. In doing so, traffic generation data related to the visitor accommodation and related use proposed at the site has been reviewed to determine the likely increases in traffic generation and vehicle parking requirements at the site. The report concludes that the proposed Plan Change can be supported, from a transport perspective, as having less than minor effects, subject to the State Highway 1/Longbeach Road intersection being upgraded, prior to any development being undertaken at the site. This includes consideration of the proposed thresholds for visitor accommodation units, as well as the gross floor area limits for the existing commercial activities combined with the centralised facilities associated with the visitor accommodation. It also assesses the proposed location for a new accessway, as shown on the Outline Development Plan, concluding that it is an appropriate location for this access.

The report also considers the other current transport rules that apply to the site such as parking and loading requirements, and concludes that the current rules are appropriate to manage the transport-related aspects of the proposal.

## **Servicing**

A report assessing potential servicing options for the expanded development has been prepared by Whiterock Consulting Ltd. The full report is appended to this report as **Appendix 8**. The report identifies key features in the affected environment including groundwater, soils and geology and proximity to surface water ways and servicing options for wastewater and stormwater treatment as disposal as well as expected water supply requirements.

In relation to wastewater and stormwater, it is identified that there are no reticulated systems that the site can connect to for either wastewater or stormwater. The report sets out a number of both wastewater, and stormwater, treatment and discharge options. It is concluded that appropriate treatment systems, with the ability to provide the level of treatment required, are available in New Zealand and sufficient area is available on site to discharge both treated wastewater to land and integrate stormwater treatment systems into landscaped areas. In both cases, a discharge permit from Environment Canterbury will be required.

In terms of water supply, the report identifies that the existing groundwater permit (CRC183036) will provide sufficient water for the proposed expansion but that a change to the permit will be required to reflect the use of water for visitor and staff accommodation in addition to irrigation.

## **Landscape and Visual Effects**

A report has been prepared by Robert Watson Landscape Architects Ltd, to provide an assessment of the landscape and visual effects of the proposed plan change. This includes recommended mitigation measures to ensure that the development is undertaken in a way that is appropriate, from a visual and landscape perspective. The full report is appended to this report as **Appendix 9**.

The report sets out the landscape and visual context of the application site, and identifies the key viewpoints that have been used to demonstrate the likely visual effects that the proposal could have on the surrounding environment, particularly focussing on the quality and openness of the view from these viewpoints in order to assess the potential effects of the proposal. The report then identifies mitigation measures that are recommended to address visual and landscape effects. These include setback requirements, limits on building height, management of building appearance, requirements for landscaping and limits on lighting. The report assesses the potential effects of the proposal prior to the mitigation measures being implemented, as well as immediately following their implementation, and their implementation over time, and assesses this impact from each identified viewpoint.

The report concludes that the construction of new buildings is expected to have a significant change in terms of built form within the rural environment, but that with the implementation of the identified mitigation measures, the adverse visual effects are expected to range from more than minor to less than minor initially, reducing to less than minor to nil after five years. It also concludes that the establishment of an extensive indigenous planting scheme will provide significant habitat for both flora and fauna, greatly enhance the landscape values of the site and surrounding environment, and result in overall positive effects for landscape values which will retain the character of the surrounding rural environment.

The mitigation measures identified are reflected within the proposed rule framework for the Rural Tourism Zone.

## **Noise**

A report has been prepared by Acoustic Engineering Services Limited in relation to the noise effects as a result of the proposed development. The full report is appended to this report as **Appendix 10**.



The report considers the guidelines for noise limits in New Zealand Standard 6802:2008 *Acoustics – Environmental noise* and *Guidelines for Community Noise*<sup>12</sup> produced by the World Health Organisation, as well as other district plan noise limits. Based on this guidance, they observe that that the Ashburton District Plan noise limits for noise received in Rural Zones are generally more stringent than recommended by WHO and NZS 6802:2008. However, they also acknowledge that noise expected from the proposed development is of a different character to noise expected in the rural environment and therefore could potentially be more noticeable to receivers in Rural Zones than noises that are typical in the rural environment. Therefore, they consider the existing noise standards applying to the site are appropriately conservative and support their continued application to activities on this site.

The report then considers the particular types of activities facilities through the proposed Plan Change and the likely noise levels associated with those activities and concludes that it is realistic that all activities proposed at the site can comply with the current noise limits in the ADP.

It is identified in the report that louder sources of noise, such as music and conversation from the proposed Central Hub and other function spaces such as marquees are likely to require some form of physical and managerial noise mitigation to ensure compliance with noise limits. As such, the report recommends that any structure which contains entertainment or function spaces is assessed by a suitably qualified acoustic engineer through a resource consent pathway to ensure that the breakout noise emissions from the proposed activity within the building complies with the relevant ADP noise standards. This is reflected in the proposed provisions, which include a controlled activity pathway for any centralised services or facilities for visitor accommodation, within the area specific on the ODP, and where it can be demonstrated that the noise limits will be achieved. This allows for the consent to be granted, while ensuring that the Council can impose appropriate conditions on the consent to manage noise levels and ensure compliance with the noise limits.

## **Section 74 and Section 75**

Section 74 of the Act sets out the matters to be considered by a territorial authority when preparing or changing its District Plan. Section 75 of the Act sets out the content of District Plans. The relevant matters from both sections are outlined below:

### **74 Matters to be considered by territorial authority**

- (1) *A territorial authority must prepare and change its district plan in accordance with—*
  - (a) *its functions under section 31; and*
  - (b) *the provisions of Part 2; and*
  - (c) *a direction given under section 25A(2); and*
  - (d) *its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
  - (e) *its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
  - (ea) *a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*

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<sup>12</sup> Edited by Berglund, B et al. Guidelines for community noise. World Health Organisation 1999

- (f) *any regulations.*
- (2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*
  - (a) *any—*
    - (i) *proposed regional policy statement; or*
    - (ii) *proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
  - (b) *any—*
    - (i) *management plans and strategies prepared under other Acts; and*
    - (iia) *relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
    - (iii) *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*  
  
*to the extent that their content has a bearing on resource management issues of the district; and*
  - (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) *A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

**75 Contents of district plans**

...

- (3) *A district plan must give effect to—*
  - (a) *any national policy statement; and*
  - (b) *any New Zealand coastal policy statement; and*
  - (ba) *a national planning standard; and*
  - (c) *any regional policy statement.*
- (4) *A district plan must not be inconsistent with—*
  - (a) *a water conservation order; or*
  - (b) *a regional plan for any matter specified in section 30(1).*

### **Section 74(1)(a): Accordance with Ashburton District Council’s functions under Section 31 of the Act**

It is considered the proposed Plan Change is in accordance with the Council’s functions under section 31 of the Act. Specifically, the proposed plan change will:

- a. Achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district (section 31(1)(a)); and
- b. Assist the Ashburton District Council to control the actual or potential effects of use, development or protection of land (section (1)(b)).

### **Section 74(1)(b): Accordance with the purpose and principals of the Act**

As set out above (refer to Section 32 section above), the objectives of the proposal are considered the most appropriate way to achieve the purpose of the RMA because they aim to manage the use and development of the natural and physical resources associated with this site in a way that better provides for the economic wellbeing of the Ashburton community, while managing the adverse effects of the proposed activities on the surrounding environment. The proposed Plan Change is also a more efficient use and development of the site’s natural and physical resources.

As such, it is considered the proposed Plan Change is in accordance with Part 2 of the RMA.

### **Section 74(1)(e): Accordance with Ashburton District Council’s obligation to prepare an evaluation report in accordance with section 32**

An evaluation report undertaken in accordance with section 32 of the Act is provided above in the ‘Section 32’ of this report.

### **Section 74(1)(ea): Accordance with a national policy statement, a New Zealand coastal policy statement, and a national planning standard**

### **Section 75(3)(a)(b) and (ba): Requirement to give effect to any national policy statement, a New Zealand coastal policy statement, and a national planning standard**

#### *National Policy Statements*

Currently, there are five operative NPS in place. None of these are considered relevant to the proposed Plan Change for the following reasons:

- The National Policy Statement for Renewable Electricity Generation applies to renewable electricity generation activities, and the proposal does not relate to this.
- The National Policy Statement on Electricity Transmission (NPSET) relates to the electricity transmission network, including directing how activities in proximity to the network are managed. The site subject to this proposed Plan Change is not in proximity to any National Grid infrastructure and therefore the NPSET is not relevant.
- The New Zealand Coastal Policy Statement provides direction relating to the coastal environment, both in terms of management of activities within, and activities that have effects on, the coastal environment. The site subject to this proposed Plan Change is not located within the defined coastal environment, nor is there any aspect of the proposal that would result in effects on the coastal environment. As such, the Policy Statement is not relevant.
- The National Policy Statement on Urban Development Capacity (NPSUDC) provides direction in relation to planning for urban environments. The site subject to this proposed Plan Change

is not located within the urban environment, nor is the proposed development seeking to establish such an urban environment. As such the NPSUDC is not relevant.

- The National Policy Statement for Freshwater Management (NPSFM) sets out objectives and policies for freshwater management. It primarily provides direction to regional councils in relation to their functions around water management and therefore does not relate to the district plan.

### *National Planning Standards*

The National Planning Standards were gazetted in April 2019. The ADP must be amended to align with the standards within 5 years (April 2024), or through the notification of a new proposed district plan. The alignment is likely to include changes to the Plan's definitions (and potentially to provisions affected by any change to definitions), and changes to the Plan's structure.

In addition, *Standard 8: Zone Framework Standard* specifies that the Council can only use the zones which are provided for within the standard, except that a new special purpose can be used in specified circumstances. *Standard 12: District Spatial Layers Standard* sets out the spatial layers that can be used within a District Plan. These allow for the use of zones, overlays, precincts, specific controls, development areas, designations and heritage orders, and can be used to provide for local circumstances and variations not provided for by the zones specified in Standard 8.

It is noted that implementation of the National Planning Standards will impact on the choice of zones that can be used in the ADP. This will apply to all zones in the ADP, not just the proposed Rural Tourism Zone. In the event that a specific zone from Standard 8 is not considered suitable for the Plan Change site, there is the potential for the proposed Rural Tourism Zone to be rolled over into a new special purpose zone. The Standards also provide a set of spatial layer options that could be used to manage activities in this site. This is best considered in the round when the Council aligns the entire ADP with the National Planning Standards.

### **Section 74(1)(f): Accordance with any regulations**

Currently there are six National Environmental Standards in place, prescribing standards for environmental matters ranging from air quality to plantation forestry. Nothing in the proposed Plan Change conflicts with or duplicates the content of any current NES.

### **Section 74(2)(b)(i): When preparing or changing a district plan, a territorial authority shall have regard to any management plans and strategies prepared under other Acts**

There are a number of management plans and strategies prepared under other legislation that have some relevance to the proposed Plan Change, which are summarised below.

The *Ashburton District Council Long-Term Plan 2018-2028* is the current Long-Term Plan for the Ashburton District, prepared under the Local Government Act 2002. An economic development aim of the LTP is "to support the local economy by assisting tourism, employment and business initiatives."<sup>13</sup> A new performance measure to show progress towards this aim is "total visitor nights in the Ashburton District will show an increase each year."<sup>14</sup> As concluded in the assessment of economic effects of the proposal summarised above, the development of visitor accommodation on site will provide for international tourists who would not otherwise stay overnight in Ashburton. The

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<sup>13</sup> Page 137.

<sup>14</sup> Page 137.

implementation of the Plan Change proposal will contribute to this performance measure and assist in achieving the relevant aim in the LTP.

Tourism New Zealand's Statement of Intent for the Financial Years 2018-2021 is a document presented to the House of Representatives pursuant to Section 149 of the Crown Entities Act 2004. Such a statement is required to set out the strategic objectives that Tourism New Zealand intends to achieve or contribute to, and amongst other things, sets out how it intends to manage its functions and operation to meet those objectives. It states that tourism is important to New Zealand's economy as it is currently the largest earner of foreign exchange, and Tourism New Zealand is responsible for ensuring New Zealand remains attractive as a destination.<sup>15</sup> Tourism New Zealand's mission is to *"boost New Zealand's economy by growing the value of international visitors."*<sup>16</sup> Their first stated priority is to focus on the dispersal of visitors – across the year and around the country, in order to support a more sustainable sector. Of particular relevance to this plan change application, Tourism New Zealand is focussed on encouraging travellers to experience more of New Zealand's lesser visited regions.<sup>17</sup> Tourism New Zealand's four-year strategy (outlined in the Statement of Intent) focusses on three key challenges, one of which includes supporting regions to respond to and benefit from increasing visitor numbers. Currently, the growth in international tourism spend is concentrated in four main regions – Auckland, Wellington, Christchurch & Queenstown. Tourism New Zealand aims to encourage tourists to visit areas beyond these gateway regions and traditional tourist highlights.<sup>18</sup>

This theme is also reflected in the Government's current Tourism Strategy (2016), which aims to *"increase the economic contribution made by tourism at a national and regional level"*. One of the challenges identified is ensuring that all regions benefit from tourism, with a success measure being the dispersal of visitors across regions. Similarly, the draft Aotearoa New Zealand Government Tourism Strategy sets out how the government intends to work with other parties to take advantage of the opportunities from tourism while managing its growth. The government's overarching aim is to *"enrich New Zealand through sustainable tourism growth"*. The draft strategy includes five long-term tourism outcomes, one of which is that 'regions and communities benefit from tourism', which is an outcome focussed on ensuring that the benefits of tourism are distributed to across regions and communities. Achievement of this outcome is stated as including tourism bringing jobs, new businesses and prosperity to regions that previously welcomed few visitors.<sup>19</sup>

The Plan Change proposal aligns with these documents, through providing visitor accommodation in a location outside of the current four main regions. In essence, while the Farmers Corner operation currently captures overseas visitors travelling between Christchurch and Queenstown, these visitors are not staying within the district and in many cases may only spend money within Ashburton District at Farmers Corner. Providing for accommodation on the site will allow for visitors to stay within the district and spend more time and money within it, not just at Farmers Corner.

Experience Mid Canterbury (EMC) is a Council Controlled Organisation and the Ashburton District's official tourism organisation. Their 2017-2018 Statement of Intent sets out EMC's strategic direction for that financial year, setting out how EMC will contribute to the Council's wider goals. EMC's role is stated as being *"to ensure that the greater Mid Canterbury region is marketed as a visitor destination*

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<sup>15</sup> Tourism New Zealand, *Statement of Intent FY18-FY21*, page 6.

<sup>16</sup> Tourism New Zealand, *Statement of Intent FY18-FY21*, page 4.

<sup>17</sup> Tourism New Zealand, *Statement of Intent FY18-FY21*, page 4.

<sup>18</sup> Tourism New Zealand, *Statement of Intent FY18-FY21*, page 7.

<sup>19</sup> Page 34.

to maximise the long-term benefits of the Ashburton District economy.”<sup>20</sup> Their Vision includes that “Ashburton District continually grows as a tourism destination for its visitors. Visitors will be drawn to our genuine New Zealand experiences, stunning alpine & agricultural landscape environments.” The stated Goal is “To increase the contribution of the visitor industry to Ashburton District’s economic development and in doing so the overall well-being of residents.” The Plan Change proposal aligns with this goal and vision.

An Economic Development Strategy and Action Plan<sup>21</sup> prepared by m.e consulting on behalf of the Council identifies key opportunities/advantages and threats to the economic development of the Ashburton District. One of the key conclusions made by the Action Plan is the opportunity to integrate tourism with existing natural endowments<sup>22</sup> and agriculture. This conclusion is consistent with a key aspect of the proposed Plan Change being to maintain and further the existing connection to the agricultural sector.

**Section 74(2)(c): When changing a district plan, a territorial authority shall have regard to the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities**

The proposed Plan Change seeks to insert a new Rural Tourism Zone that will apply to the application site. It is considered the changes proposed will not create any cross boundary issues in respect of adjacent territorial authorities because the changes only apply to a specific site.

**Section 74(2A): When changing a district plan, a territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district**

There are two Iwi Management Plans that apply to the site of the proposed Plan Change:

- Iwi Management Plan of Kati Huirapa – Arowhenua – Rakaia to Waitaki – July 1992; and
- Te Whakatau Kaupapa – Resource Management Strategy for Canterbury.

While two separate Iwi Management Plans apply, it is considered the resource values and objectives between the two plans are similar.

Both Iwi Management Plans identify concerns with declining water quality, seeking that the quality and quantity of water be improved. For example, Te Whakatau Kaupapa includes policies “*That no discharge into any water body should be permitted if it will result in contamination of the receiving water*”<sup>23</sup> and “*That the Canterbury Regional Council should activity encourage the disposal of effluent onto land rather than into water, provided that the groundwater is not polluted in the process*”. The Servicing Report identifies several treatment and disposal options to discharge wastewater and stormwater to land. This is consistent with these policies.

The Iwi Management Plan of Kati Huriapa also includes the following policies:

- *The protection and restoration of natural habitats be encouraged.*

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<sup>20</sup> Page 4.

<sup>21</sup> Dated 14 September 2017.

<sup>22</sup> This includes the landscapes, natural amenity and the attributes of the District’s natural assets (from a tourist perspective). It can also relate to the natural features (soils, climate etc.) when looking at the assets from a farming perspective. Economic Development Strategy 2017, Pg: 26.

<sup>23</sup> Page 4-20.

- *The planting of flax and other native species which are a source of traditional materials be encouraged*

The proposed Plan Change includes requirements for landscaping to contain a predominance of indigenous vegetation, which aligns with the above policies.

Overall, it is considered the proposal is consistent with the Iwi Management Plan of Kati Huirapa and Te Whakatau Kaupapa.

**Section 74(2A): When changing a district plan, a territorial authority must not have regard to trade competition or the effects of trade competition**

It is noted that in the Economic Assessment (appended to this Report as **Appendix 6**) does not address matters pertaining to trade competition effects on individual competitors. However, it does acknowledge and address the potential for trade competition effects in aggregate to be of such significance that they threaten the overall vitality, vibrancy and amenity values of district or town centres, and as such are relevant considerations under the RMA. The Economic Assessment concludes that this will not occur.

**Section 75(3)(c): A district plan must give effect to any regional policy statement**

The Canterbury Regional Policy Statement (CRPS) is the relevant regional policy statement which must be given effect to. An assessment of the key objectives and policies relevant to the plan change proposal are set out in the sections below.

Chapter 5 ‘*Land Use and Infrastructure*’ is focussed on development which results in changes to urban, rural-residential and rural areas, infrastructure, and the integration between land use and infrastructure.

Objective 5.2.1 seeks that, amongst other things, development is located and designed so it functions in a way that enables people and communities to provide for their social, economic and cultural well-being, and which, amongst a number of matters, “(c) encourages sustainable economic development by enabling business activities in appropriate locations” and “(e) enables rural activities that support the rural environment including primary production”. In terms of the broad outcome relating to enabling wellbeing, the Economic Assessment (appended to this report as **Appendix 6**) concludes that the proposed Plan Change will provide businesses and residents of the Ashburton District with a range of economic benefits, which will increase economic and social well-being within the Ashburton District. The proposed Plan Change facilitates a particular type of business activity (tourism) on the site. This reflects the established development on the site, and the context which led to its development in the current location. As the proposed Plan Change seeks to extend tourist facilities already established at the site, it is considered the site is an appropriate location to develop rural-based visitor accommodation that is complimentary to existing tourist activities provided at the site, both of which are linked to the rural resource base. In terms of Objective 5.2.1(2)(e), the proposed Plan Change provides for the use of the balance of the site for rural activities, with the visitor accommodation integrated into the rural setting. As such it continues to enable rural activities and overall the proposal will support the rural environment.

Policy 5.3.2(1)(c) directs that development is enabled which ensures that adverse effects are avoided, remedied or mitigated where development would compromise the productivity of the region’s soil resources. As stated above, the proposed Plan Change provides for the use of the balance of the site (Area 3) for rural activities. Low intensity farming has been occurring on the wider site (Area 2), which will change under the proposal to include a more intensively developed area for visitor

accommodation. However, the visitor accommodation is intended to be integrated into the rural setting and offer a rural-based experience for tourists. As such, it is still reliant on the soil resources of the rural area. In addition, while the proposal will result in increased areas of hardstand within a portion of the site, this is not considered sufficient to compromise the overall productivity of the soil resources. Site specific standards including limitations on site coverage will also help to mitigate the effects of additional development on the soil resource.

Policy 5.3.2(3)(a) seeks development be integrated with the effective provision, maintenance or upgrade of infrastructure, while Policy 5.3.2(3)(b) seeks that development is enabled and integrated with transport networks to ensure the sustainable and efficient movement of people, goods and services safely. The Servicing Report considers matters relating to how the proposed development can be serviced and the options that are most suitable. The Transport Assessment addresses the integration of the proposal with the surrounding road network and how the effects of the proposal should be managed from a safety and efficiency point of view, such as the upgrade of the SH1/ Longbeach Road intersection.

Policy 5.3.5(1) requires development to be appropriately and efficiently served for the collection, treatment, disposal or re-use of sewerage and stormwater and provide potable water by avoiding development which will not be served in a timely manner. As set out in the Servicing Report, there are a range of options available to the applicant to treat and discharge wastewater and stormwater into land at the site. It is identified that resource consents from Canterbury Regional Council will be required to authorise such discharges and these will be applied for in a timely manner prior to any development occurring at the site. Potable water is already provided to the site, however, a change of use application will be required from the Canterbury Regional Council to authorise this water to be used for visitor and staff accommodation as well as irrigation.

Policy 5.3.7 directs the avoidance of development which would adversely affect the safe and efficient functioning of the strategic land transport network. Policy 5.3.8 directs that land use and transport planning be integrated in a way that promotes the safe, efficient and effective use of transport infrastructure. The effects of the proposal on the safe and efficient functioning of the State Highway are addressed in the Transport Assessment, which concludes that the development can be supported from a transport perspective.

Policy 5.3.12 directs that the natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production are maintained and enhanced. This is to be implemented through a number of measures. This firstly includes avoiding development that forecloses the ability to make appropriate use of the land for primary production, or results in reverse sensitivity effects that limit or preclude primary production. In relation to the former matter, it is noted above that the proposed Plan Change continues to provide for the use of the balance of the site (Area 3) for rural activities and existing primary production activities such as lavender plantings will be retained. In addition, the visitor accommodation is intended to be integrated into the rural setting and offer a rural-based experience for tourists. As such, it does not foreclose the ability to use the land for primary production, with the additional development integrated into this setting. In terms of reverse sensitivity, there are no existing intensive farming activities in proximity to the Plan Change site. The framework for the proposed Zone also includes setbacks from internal boundaries and requirements for boundary planting, which will avoid the potential for reverse sensitivity effects to arise.

A further measure included in Policy 5.3.12 is:



- (2) *enabling tourism, employment and recreational development in rural areas, provided that it:*
- (a) *is consistent and compatible with rural character, activities, and an open rural environment;*
  - (b) *has a direct relationship with or is dependent on rural activities, rural resources or raw material inputs sourced from within the rural area;*
  - (c) *is not likely to result in proliferation of employment (including that associated with industrial activities) that is not linked to activities or raw material inputs sourced from within the rural area; and*
  - (d) *is of a scale that would not compromise the primary focus for accommodating growth in consolidated, well designed and more sustainable development patterns.*

The proposed Plan Change seeks to both better recognise and provide for the existing tourism activities on the site, as well as enabling further tourism development in the form of rural-based visitor accommodation. The Landscape Assessment addresses the visual and landscape effects of the proposal, concluding that with appropriate mitigation measures in place, the development will be consistent and compatible with the site's rural character and open rural environment. The development will be integrated into the rural activities undertaken on the site (as is currently the case with lavender plantings and alpaca grazing). The existing tourism activity has a direct relationship with rural resources, due to the type of retail products offered for sale. The proposed visitor accommodation will also have a direct relationship with rural activities, with the accommodation intended to provide a rural-based experience for tourists.

While the proposal will result in increased employment within the rural area, this is not expected to be a "proliferation", and as set out earlier, the nature of the existing and proposed tourism activities are those that are linked to rural activities and rural resources.

The proposed Plan Change will not result in development that is of a scale that will compromise the primary focus for accommodating growth in consolidated patterns. In essence, the primary focus for commercial growth will remain within Ashburton and other urban centres. As outlined in the Economic Assessment, the proposal will not divert trade away from the Ashburton CBD, and additional employment, incomes and expenditure within the local economy resulting from the proposal is likely to have some positive impacts on the CBD's vitality, vibrancy and public amenity values.

Policy 5.3.12(3) requires rural land use intensification to not contribute to significant adverse effects on water quality and quantity. As expanded on in the Servicing Report, it is considered that the development can be serviced in a way that will not result in the type of adverse effects outlined in Policy 5.3.12(3), nor is any other aspect of the proposal expected to have significant effects on water quality or quantity.

Overall, it is considered the proposed Plan Change gives effect to the relevant provisions in the RPS.

**Section 75(4): A district plan must not be inconsistent with a water conservation order or a regional plan for any matter specified in section 30(1) of the Act**

There are no water conservation orders in the Ashburton District. The proposed Plan Change is not inconsistent with the Canterbury Land and Water Regional Plan, however a change in use of a water permit and some discharge permits (to discharge wastewater and stormwater to land) will likely be required to authorise services for the development and ongoing activities as a result of the proposed plan change.

## **Consultation**

### **Neighbours**

The property on the opposite side of Longbeach Road (31 Longbeach Road) is owned by the Chairman of Farmers Corner.

The proposal has been discussed with the immediate neighbours to the south and southwest of the plan change site (54 Longbeach Road and 361 Hinds Highway (SH1)), who were provided with a draft copy of the proposed Rural Tourism Chapter provisions.

### **Mana Whenua**

As noted earlier, initial consultation was undertaken with Te Rūnanga o Arowhenua, via Aoraki Environmental Consultancy Limited. This identified that Te Rūnanga o Arowhenua did not oppose the proposal in principle, but wished to work with the applicant to ensure that the development appropriately addressed identified matters relating to servicing, indigenous landscaping and earthworks. Further discussion on these matters, including Aoraki Environmental Consultancy Limited's consideration of the draft plan change application and servicing report, has confirmed that they are satisfied with the proposal and do not have any concerns with the application being progressed to lodgement.

### **Council Officers**

The proposed Plan Change application has been discussed in two meetings held with Council officers. This has provided the opportunity for officers to provide feedback on the drafting approach undertaken and the technical inputs likely to be required.

### **Minister for the Environment**

In accordance with clause 3(1)(a) of Schedule 1 to the RMA, the applicant provided a summary of the Plan Change proposal to the Ministry for the Environment on 11 March 2019. No feedback was received.

### **Environment Canterbury**

In accordance with clause 3(1)(c) of Schedule 1 to the RMA, the applicant provided a summary of the Plan Change proposal to Environment Canterbury, as a local authority that may be affected by the proposal, on 11 March 2019. A response was provided that stated that Environment Canterbury have few concerns regarding the proposed plan change, provided that the appropriate regional council resource consents can be obtained and the effects from these activities addressed. Specific advice and feedback was provided in relation to addressing reverse sensitivity effects, and ensuring that particular matters are considered and addressed in the consenting processes for water use and wastewater discharge. As a consequence, changes were made to the policy framework relating to more explicitly referencing reverse sensitivity effects.

### **New Zealand Transport Agency**

As part of the preparation of the Traffic Assessment (contained in **Appendix 7**), Novo Group discussed the proposal with NZTA and confirmed the requirement for the right hand turn at the intersection between State Highway 1 and Longbeach Road. Further discussions were also had with NZTA's

planning representatives in relation to the proposed provisions. This resulted in minor changes being made to provisions that relate to the State Highway.