

**BEFORE A COMMISSIONER APPOINTED BY ASHBURTON DISTRICT  
COUNCIL**

**UNDER** the Resource Management Act 1991 ("RMA")

**IN THE MATTER OF** Plan Change 7 to the Operative Ashburton District Plan  
– Coniston Park Ltd – Farm and Racecourse Roads  
Ashburton

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**EVIDENCE OF DAVID HARFORD  
ON BEHALF OF CONISTON PARK LIMITED**

**Hearing date: 16 DECEMBER 2025**

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## **1. INTRODUCTION, QUALIFICATIONS & EXPERTISE**

- 1.1 My name is David Harford. I am an independent Planning Consultant and Director of David Harford Consulting Ltd (DHCL). I have a Bachelor of Resource Studies (Lincoln University), and I am an associate member of the New Zealand Planning Institute ("NZPI"). I have been involved in resource management for both local government and in a private capacity for over 28 years.
- 1.2 In preparing this evidence, although this is not the Environment Court, I acknowledge that I have read the code of conduct for Expert Witnesses in the Environment Court Consolidated Practice Note (2014). I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what another person has told me. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.3 This evidence is given in support of the application for the Plan Change lodged with the Ashburton District Council by Coniston Park Limited ("the applicant").
- 1.4 I am authorised to give this evidence on behalf of the applicant.

## **2. SCOPE OF EVIDENCE**

- 2.1 In preparing this evidence I have read the Officer Report and wish to record that it accurately describes the site location, subsequent amendments, summary of the submissions and the nature of the proposed development.
- 2.2 I wish to record that I support and agree with the detail, assessment, and findings in the Officer Report and the recommendation to approve Plan Change 7 except where I provide comments below on the report and submissions lodged.
- 2.3 My evidence will address the following matters:
  - (a) The proposal and existing environment
  - (b) Procedural Matters.
  - (c) Statutory Framework.
  - (d) Issues raised in the submissions.
  - (e) Part 2 RMA Matters

- (f) Statutory Documents
- (g) Section 32 of the RMA
- (h) Conclusion.

2.4 I have visited the application site.

2.5 Other written evidence provided includes the following

- Traffic Evidence – Novo Group
- Urban Design/Landscape – Novo Group
- Infrastructure Evidence – Davis Ogilvie
- Ecology – Aquatic Ecology Limited

### **3. THE PROPOSAL AND EXISTING ENVIRONMENT**

3.1 The planning officer report and Plan Change application detailed the existing environment and the proposal in the officer report.

3.2 The site is circa 16.3ha with two road frontages. The site has been utilised for farm grazing for some time and is a relatively flat site with clearance of exotic vegetation being trees within the past two years.

3.3 The Proposal is sought by Coniston Park Limited to rezone Lot 4 DP 320165 and Lot 8 DP 311232 from its current Residential D zoning (low density residential) to a Residential C zone (medium density residential). The position of this land on the town's urban boundary is more or less in my opinion a better utilisation of the land due to availability of essential services including roading connections to the existing urban area, provision for on-site stormwater management via the soakage basins and provision for residential lots that have open space which compliments existing development on land adjoining to the southwest which is zoned Residential C.

3.4 The planning officer has commented on the background to the application lodgement and additional information provided post the notification of the application to support the application and provide those matters outlined on page 5 and 6 of the planning officers report.

3.5 In particular, a substantial part of this proposal relates to the stormwater management and roading access for the development. Importantly, the

Council's stormwater consultant in conjunction with the ADC Assets department confirmed that it has approved the proposed stormwater discharges (in accord with the ADC Global stormwater consent CRC186263) in principle based on conceptual design and assessment and subject to the detailed stormwater design to be provided at the time of subdivision consent should the Plan Change be approved.

- 3.6 The Outline Development Plan (ODP) is integral to the proposed site layout and further to the comments in paragraph 24 of the Planning Officer report, an updated ODP is included as Annexure 1 to this evidence. This updated ODP shows provision for future road, pedestrian and cycling connections to adjoining land and provision for riparian plantings along the Wakanui Stream boundaries. This ODP, should the Plan Change be approved and subject to any changes, will be added to the District Plan.
- 3.7 At paragraph 29, the planning officer proposes to insert the requirement for a minimum 1.8m high fence to be established at the boundary of the site where it adjoins a Rural A zone prior to any residential units being established. More on this later in evidence.
- 3.8 As shown on the ODP the roading layout included provision for three new intersections being two road connections to Farm Road, one on either side of Wakanui Creek and one connection to Racecourse Road.
- 3.9 Within the ODP, the site layout and building positions will enable a well landscaped development, with planted and grassed areas and stormwater management to compliment the site appearance.

#### **4. PROCEDURAL MATTERS**

- 4.1 The Plan Change request is applied for in accordance with 1<sup>st</sup> Schedule of the Resource Management Act.
- 4.2 The matter of the late submission from the Simpsons within the Rural A zone, has been addressed by the hearing commissioner and has been rejected for the reasons outlined in that assessment. I agree that the matters raised around stormwater discharge affected that late submitters land is not a matter exacerbated by this proposal.

#### **5. STATUTORY FRAMEWORK**

- 5.1 The Planning officer succinctly details the framework with which the Plan Change process through to a decision is reached.

- 5.2 It is my opinion that this Plan Change Application has been made in accordance with required procedure under Section 73(2) of the Resource Management Act and Clause 21(2) of Part 2 of Schedule 1. A Section 32 analysis was provided detailing the purpose of and the reasons for the Plan Change request and the costs and benefits of this plan change were addressed and justified.
- 5.3 In my opinion the matters raised in paragraph 37 have been addressed within the application and Section 32 analysis and under paragraph 38, this proposal is not considered contrary to the Canterbury Regional Policy Statement nor other management plans relevant to this development.
- 5.4 In terms of consistency with adjacent territorial authorities it is not considered that the application would be inconsistent with the Timaru District Plan including the Proposed Timaru District Plan where decisions are soon to be released under that plan and certainly the Selwyn District Plan, based on the level of land rezoning that has occurred in the Rolleston/Lincoln and Prebbleton areas over the past decade and beyond.
- 5.5 The application and supporting reports and the additional details provided through evidence for this proposal, demonstrate that the potential adverse effects can be avoided, remedied or mitigated through site design and mitigation of key matters such as stormwater management, amenity planting and traffic generation.

## **6. ISSUES RAISED THROUGH SUBMISSIONS**

- 6.1 In terms of the matters raised in submissions the Planning officer has gone through a detailed assessment of those submissions and broken down the matters raised through addressing the effects of the proposal as detailed under paragraph 42.
- 6.2 Whilst there was not a significant number of submissions received and certainly not large numbers who opposed the Plan Change request outright, there were still a number of valid points raised by some submitters which I address below.
- 6.3 The Planning officer in paragraphs 43-47 summarises the overarching or general position of the submissions on this Plan Change. In particular the points raised by G & R Tait where if the rezoning is approved, it will affect their enjoyment of the semi-rural lifestyle and views, they currently enjoy. In terms of the subsequent site and building construction that would occur,

should the plan change be approved, there will be some effects. I understand the point but to a degree that would be possible now under the Residential D zoning with residential units and accessory buildings built on minimum 4000m<sup>2</sup> lots. The construction side of development is something that is an aspect of development and is relatively temporary as an effect albeit the scale of the development enables up to circa 155+ residential units over the entire development so construction could be ongoing for some time.

- 6.4 The Taits concerns regarding their quality of life and those effects on existing neighbours. My view on that is that the Residential C zoned framework in the District Plan provides the necessary controls that would not impact quality of life in the sense there would be new housing development, albeit at a greater density than the current zone, and keeping in mind the part of the Farm Road frontage of the development will include the indicative stormwater soakage areas and riparian plantings along the Wakanui Creek so there is a level of amenity where not all of the frontage would be developed in housing. This separation of housing for the Taits and to a lesser degree, the Wards, does reduce or mitigate those effects.
- 6.5 D & H Ward raise some concerns and seek some measures be put in place such as height restrictions on buildings on the Farm Road frontage and other matters which are detailed below.
- 6.6 The Kingsbury and Crozier submission, whilst the comments about the current open land be retained, the issue here is the land is not zoned Rural, it is a low-density Residential D zone where minimum 4000m<sup>2</sup> lots are possible as it stands now. So regardless of the proposed rezoning sought, the land is a residential zone and has been for many years so the opportunity to develop that land has existed for some time.
- 6.7 Following the comments of the Planning officer through the analysis of the specific matters each submitter raises, I will try to be brief in my opinions to avoid being repetitive as being the applicant's planning representative, I can agree with a lot of what the planning officer has assessed.

#### Construction

- 6.8 Noise levels were raised by the Taits, Wards and G Barratt made mention of noise effects. The matters of noise effects were considered and in my view the restriction of construction being Monday to Friday and Saturday mornings only and I note the Wards request that no Saturday morning construction be undertaken at all. My knowledge of the local building scene is certainly most

builders would typically work a Monday to Friday and generally between 7.30-5.30pm (some builders like to be on the job by 7am but that sometimes involves a visit to the building trade store(s) to pick up materials on route to a job). Its variable whether builders work a Saturday morning. I don't think this is an unreasonable request to work the Saturday as the District Plan noise table as provided for in the District Plan and included under paragraph 54 of the officer's report, enables noise to occur within the prescribed limits. There would be no construction on a Sunday or public holiday.

- 6.9 I agree that the Plan Change enables greater density on the site, *and while the level of construction noise allowed for would not change, the period over which this could occur will likely increase, due to the increased number of houses being built.*
- 6.10 It is agreed that the application of the New Zealand Standard NZS 6803:1999 Construction Noise applies to manage such noise across the District and applies to construction and development across the country. It is the accepted measure to manage noise from construction works. I agree with the planning officers finding that should the Plan Change be approved, there is nothing unusual about the site that warrants stricter construction times less than what is permitted by the noise rules. The noise rules apply whether they are Residential D or C zones. The recommendation to reject the requests (part of S1.1, S2.1 and part of S4.1) is agreed with.
- 6.11 Dust management is more of an effect in my experience around the time of site preparation prior to foundation and roading establishment. Stockpiles of soil or materials can be on site but usually its not for extended periods of time.
- 6.12 The larger potential dust effects would come from roading and stormwater pond establishment where at the time of subdivision, there would be conditions or requirements for construction management, sediment and erosion control and as part of this, dust or particulate matter control. In particular, the rule permitting up to 5000m<sup>3</sup> of earthworks on a site per annum. The scale of the works required for the ponds and roading alone would likely exceed this amount even with staging of the subdivision.
- 6.13 Under Paragraph 56(b) where reference to rules 9.8.5(b) (and 9.7.5a) is made, I agree that the discretionary status where earthworks exceed 5000m<sup>3</sup> per subdivision in a residential zone does enable the Council to decline a consent for earthworks. In my opinion that is rare and in this District I'm not

aware of any subdivision that has been declined based on that standard. Particularly in Ashburton, where the land for development is generally flat and therefore risks are not as great as on land with greater gradients.

- 6.14 It would be very common in subdivision where roading and stormwater in particular is concerned, where 5000m<sup>3</sup> is exceeded. Earthworks includes both cut and fill for development. This exceedance usually gets addressed via conditions or mitigation offered to offset effects of earthworks.
- 6.15 With regards to the grass verge damage, there could be a condition(s) at the time of subdivision, where any damages are made good with repair of ripping and regrassing if required. There is ability of course for bonds to be taken however I think the better mechanism is that through a construction management plan, this becomes a requirement. I note the comments by Mr Chamberlain – Roading Manager, in his memo included as Appendix 3 to the Officer Report, where ensuring site access for construction is made a sufficient width to ensure the berm does not need to be driven over by vehicles. In the event that it is, berm damage is a matter for control as part of the subdivision conditions.

#### Access

- 6.16 There is a proposed road located between the northern side of the dwelling at 102 Farm Road and Wakanui Creek. At this time the proposal is to confirm with the ODP as proposed in terms of the roading and intersection locations. This roading formation has very much been aligned with the traffic assessment for the future development. The evidence of Ms Williams in her traffic evidence will likely provide comment in that regard.
- 6.17 Should the future subdivision seek to change the location of this intersection then this would require additional traffic assessment to determine the potential safety and network effects for positioning the road in a different location.
- 6.18 The noise and dust impacts from construction of the road are managed through the District Plan requirements and in the future, should the plan change be approved, then the subdivision application would address the proposed construction methodology and likely conditions of subdivision would require construction management factoring dust and noise in accordance with the District Plan requirements or through management plan(s) provide through construction.



- 6.19 The Planning officer raises a point regarding potential for a “viewshaft” for protection of views north and westward. The Ashburton District Plan does not have anything specific regarding this and if it did, it would need to have been reflected within the District Plan. Again, I agree with the planning officer that under the current Residential D zone the road could be placed in this position and meet the District Plan requirements.

#### Flooding and Stormwater Management

- 6.20 This will be detailed in the evidence on infrastructure which will factor stormwater management and flooding risk. I am aware that some Environment Canterbury information was sought to confirm potential risks in terms of flooding on this land.
- 6.21 It is my view on reading the infrastructure details in the application and as additional information, that the proposed development is not at risk of significant flooding and that the proposed development of the land will not create a risk of flooding or inundation on the subject site or on other land. The detailed design of the subdivision in the future, factoring the ODP stormwater management sites for soakage and treatment, would control and minimize potential flood risk from internal hardstand areas however river breakout floodwater details will be discussed in the evidence prepared by the engineers and surveyors from Davis Ogilvie in their infrastructure evidence.
- 6.22 In paragraph 66 the last sentence raises the Council of the day in 2007-2010 made a decision not to rezone the plan change site due to “flooding expectations”. I don’t agree with this because why would the land be zoned for Residential D (low density residential). If that were the issue the Council of the day when ratifying the Proposed District Plan for notification would have been advised to zone the land as Rural if the flood risk was of concern.

#### Visual and Amenity Effects

- 6.23 The submitters points in terms of these effects include,
- No two-storey housing along Farm Road from Wakanui Creek north and no high fencing along the roadside
  - In the case of the Wards submission, the subject land is Residential D and should not be available for increased intensity but if it should be then in order to preserve the mountain views to the north and west and loss of the more open Residential D zone a request for a restriction on two level houses on part of Farm Road, no road side

fencing higher than 1m and larger sections be adhered to as discussed on concept plans.

- Larger section sizes on Farm and Racecourse Roads be adhered to if the rezoning is accepted.

- 6.24 There will be a change in density of the housing should this proposal be approved. The request to only have single level dwellings on that part of the Farm Road frontage is not agreed with as under the current Residential D zoning the permitted height for a residential unit is 10m with a minimum ten metre setback. The residential C zoning enables an 8m maximum height and a three-metre setback. I don't agree that there should be specific height restrictions for those sites along the site frontage. The reality is too that the applicants could have planted trees for screening along the Farm Road frontage which could reach a height in time up to or exceeding 8m so the effect of loss of views could occur by doing that.
- 6.25 There is nothing in the District Plan that seeks to protect views through this site. I agree with the planning officers' comment that the current amenity derived from the site by adjoining landowners results from the "current land use" and not from the development anticipated under the current Residential D zoning.
- 6.26 With respect to limiting fence heights, whilst I can understand that placing fences along the front boundary of 1m would provide less of a solid screen however the height of a fence at greater than 1m (typically 1.8m), would create a very low potential visual effects for submitters with a 20m width road in between. Therefore, I don't consider the need to impose any fence height restriction along this frontage. Of course, the applicants, at time of subdivision may wish to introduce design covenants that includes certain types of material be used in fencing or landscaping as part of the development. That is only my comment and not any discussion with the applicant but the point being that is an option open to the applicants or developers.
- 6.27 The planning officer in paragraph 80 is correct with regards to the concept plan showing larger section sizes. This was only a concept and is not the proposed scheme plan for subdivision that is linked to the ODP.
- 6.28 The actual subdivision design will be in accordance with the ODP (which is the key plan for the framework for this Plan Change) and at the time of subdivision will show the proposed subdivision layout and/or staging of the

subdivision as part of the application for subdivision to Ashburton District Council.

- 6.29 Lighting controls are a matter contained in the Residential chapter zone standards. This is the mechanism to control lighting for residential development.
- 6.30 The submission point regarding the development affecting property values is not a Resource Management Act consideration.

#### Connectivity

- 6.31 The applicant has considered this submission matter, and I have reviewed the District Planning matters raised by the Planning Officer with regards to rules and policy for the connectivity issue.
- 6.32 The ODP has been amended to show provision for future connectivity to the Williamsons (submitters) land by way of a minimum road connection of 15m width. The details of whether that is a local purpose reserve for roading purposes or other mechanism to enable future connection would be finalised at the time of subdivision should the Plan Change application be approved.
- 6.33 There is also an indicative 15m width provision as an indicative road connection or local purpose (drainage) reserve to the Rural A zoned land. I note the planning officer commented in paragraph 89 for this roading linkage that was originally included on the initial ODP but removed following Councils view that it would not be required. It's been put back onto the ODP for future purposes to enable some form of connection should the adjoining ever be rezoned.

#### Servicing

- 6.34 The infrastructure reporting included as part of the Plan Change application documentation including additional information provided, detailed the servicing for three waters and provision for power and telecommunication availability to a future development.
- 6.35 The infrastructure evidence will raise any further matters around services but in response to the submission point on wastewater, consultation with the ADC Assets team was undertaken and it was determined there is ability for the network to dispose of wastewater through the gravity main to the new wastewater pump station on Allens Road.

### Education Facilities

- 6.36 Firstly, the submission point from the Taits raises whether a proposed pre-school or similar be positioned within the subdivision and not along the Farm Road.
- 6.37 There is no proposal as part of the Plan Change application to include any pre-school or education facility. If the applicant is mindful to seek this, a separate land use consent application will be undertaken post Plan Change and as part of the overall subdivision development proposal.
- 6.38 The Ministry of Education is not opposing or supporting this Plan Change application but remaining neutral on the intensification. They wish some clarity around subdivision timeframes and scale of the development.
- 6.39 The timeframes the Ministry seeks is not simple to predict because there are a number of pre-development factors in play here should the Plan Change be approved. This includes the detailed subdivision design and infrastructure planning as part of the subdivision application to be lodged with Council. Once that goes the usual process of subdivision to approval stage and onward through legal survey to the deposit of plan(s) and subsequent title issue. This all occurs before any construction starts on the land and ultimately the lots are marketed for sale and culminating in residential units being built.
- 6.40 I agree with the planning officer the timing of development is like any other development and does not have a fixed timeframe.
- 6.41 It is agreed where the planning officer states in paragraph 98, *the matters of control applying to a subdivision already allow for consideration of the staging of development and timing of works, and therefore any proposed staging will be known (and as such, be publicly available information) at the time a specific subdivision proposal is put forward.*
- 6.42 I don't agree with the submitter for the requirement to consult with the Ministry on the staging and timing of development. Even if there was agreement to consult, I agree with the Planning Officer as to how they thought a consultation "condition" working in the regulatory framework of a Plan Change. I can't imagine Council wanting to enter into any such requirement in any event.
- 6.43 What may be able to occur is for the Ministry to liaise with the District Council like many other organisations to factor what growth predictions there are through development that might impact on school role growth.

- 6.44 I appreciate the Ministry may have been caught a little on our neighbours at Selwyn District with the significant growth that has occurred in Rolleston and Lincoln over the past decade and beyond but I do not consider Ashburton is or would be developing to that level in the future,
- 6.45 That aside the applicant would not agree for any requirement for consultation to be put upon them and to that end, I agree with the Planning officer's discussion and recommendation to reject this submission point.

#### Reverse Sensitivity

- 6.46 The Planning officer raises this matter as a separate issue not raised in any of the submissions, in particular under the Section 32 appropriateness considerations.
- 6.47 I agree that there are very few areas of Residential C zoned land located in Ashburton adjoining the Rural A zone. The contrast of course is the transition for a medium density zone to a small farming zone where various farming activities can occur day to day and involves all manner of permitted primary production activities.
- 6.48 I assessed reverse sensitivity as part of the application which the planning officer raises in paragraph 101.
- 6.49 The mitigation includes a proposed new standard requiring fencing at the boundary with the Rural A zone, to a minimum of 1.8m in height. The potential for reverse sensitivity effects is reduced by the adjoining site containing a wide driveway and a well-established vegetation, along with an existing water race. This does provide a level of buffering.
- 6.50 The planning officer agrees that the requirement for a 1.8m fence along this boundary will help to mitigate some of this potential but this alone, will not completely avoid the potential for reverse sensitivity effects to arise.
- 6.51 The planning officer goes onto note that the assessment matters for subdivision (under 9.10.4) list consideration of the *"effects on permitted adjacent activities and the need for any consent conditions to avoid reverse sensitivity effects"*.
- 6.52 I agree with the District Plan wording where a subdivision is in general accordance with the ODP, the subdivision would be a restricted discretionary activity (under Rule 9.7.4.a). however, there is no matter of discretion listed that would allow for a reverse sensitivity consideration.

- 6.53 If a subdivision is proposed that is not in general accordance with the ODP, *that it would become fully discretionary under 9.7.5.a. (as a consequence of proposed new Standard 9.8.12) and allow for consideration of how reverse sensitivity effects might be further managed.*
- 6.54 The planning officer raises some additional measures within paragraph 103 that should at least be able to be considered.
- 6.55 Where the planning officer felt the best option here to apply reverse sensitivity issues within the District Plan is as an assessment as part of a subdivision application.
- 6.56 The reasoning for imposing an assessment matter as opposed to any of the three mentioned points, as a consequence of the intensification of the urban/rural boundary in this location, requires further consideration, *but that this can be, and is best, considered at the time of subdivision.*
- 6.57 The recommendation is an additional matter of discretion as part of the Restricted Discretionary Activity listing 9.7.4
- Within the Coniston Park Outline Development Plan, any mitigation measures proposed or required to avoid reverse sensitivity effects arising in relation to adjoining rural zones.*
- 6.58 As it's a matter of discretion and we have the unusual situation of seeking a zone change adjoining an existing Rural zone, the addition can be considered reasonable. In an application for subdivision context, in most cases, this wouldn't usually be considered as part of a subdivision application with a restricted discretionary status unless it is included as a matter of discretion, which is what is proposed.
- 6.59 Mu opinion on this matter is, as we have an existing Rural A zone adjoining, an assessment for reverse sensitivity as part of any application for subdivision can assess this matter. I don't consider this unreasonable and there is ability to mitigate any potential adverse effects
- 6.60 The planning officer discusses the reasoning to further fit within the policy criteria with Objective 9.1 and Policy 9.1H, *which seeks that urban growth is managed in a way that is consistent with protecting the productive potential and operational requirements of uses of the District's rural areas.*
- 6.61 The discussion in paragraph 107 concerning the costs and benefits of the additional assessment matter, *considers there to be limited costs, which arise*

*from additional assessment being required as part of the subdivision application process, and potentially, through the requirements of any consent condition imposed.*

- 6.62 The example is if specific landscaping along the boundary is required, there will be costs associated with this landscaping being established. The benefits of the approach are that they allow for consideration of how reserve sensitivity effects are managed in any specific subdivision proposal, and if necessary, allow for imposition of consent conditions relating to this.
- 6.63 I think the matter of discretion approach, if there is to be any mechanism, is a logical planning addition as opposed to additional policy or a condition of consent due to the flexibility in the matter alone.
- 6.64 I can agree that the assessment matter approach *instead ensures that the need for any measures is considered in the context of a specific proposal and costs only incurred where considered necessary following a specific assessment.*

#### Traffic

- 6.65 The matters of traffic have been well addressed by Traffic Engineer, Ms Williams. She has submitted evidence in relation to the matters raised in the officer report and additional detail around the new proposed road connections within the ODP annexed to this evidence.

#### Open Space

- 6.66 Ms Anne Wilkins, Landscape Architect, has provided a brief of evidence that includes detail around the planting and amenity provisions for Wakanui Creek and the esplanade reserve requirements. There is a 5m width requirement on either side of the creek in accordance with the District Plan rules.
- 6.67 The updated ODP annexed to this application shows provision for plantings on either side of the creek and provision for pedestrian access. I don't think there are any matters of dispute where amenity and beautification of the waterway is concerned.

#### Ecology and Cultural Effects

- 6.68 Mr Mark Taylor, from Aquatic Ecology Limited, who prepared an ecology report in support of the Plan Change application, has prepared a brief of evidence which includes addressing the ecology peer review by the Council ecologist and the matters raised in the Planning Officers report.



- 6.69 For my part, paragraph 120 needs comment. Like with the reverse sensitivity matter commented on earlier, an additional matter of discretion is suggested for subdivision with regards to the native planting in the riparian margins for filtering stormwater run-off and enhancing ecological function and Mahika Kai.
- 6.70 I think an additional word “creek” needs to be added to that matter of discretion after “Wakanui”. Its a minor typo, I think. However, the thrust of this matter is not in question from a planning perspective as planting of the creek has been shown on the updated ODP. This answers the planning officer point in paragraph 121.
- 6.71 Under paragraph 122 I accept that the matters here can be addressed at the time of subdivision.
- 6.72 I accept at paragraph 123 that in meeting the requirement of the Section 32 report and in particular the existing policies for subdivision that relate to natural values and above all policy 9.1L, that relates to planting of natural water bodies with regard to disposal, attenuation and treatment of stormwater. This proposal on Wakanui Creek is certainly aligned with that policy.
- 6.73 There are costs to the applicant in planting the waterway, but this has been addressed through the application process as part of the Urban Design Report of Ms Wilkins and as part of the Iwi consultation and discussions. The benefits other the stormwater management include a high value amenity space for residents and visitors to appreciate as part of the future development.
- 6.74 The other effects matters raised within paragraph 125 are noted that no issues arise from those matters.
- 6.75 The other matters raised in paragraphs 126-130 includes the existing easement along the boundary adjoining the existing Coniston Waters subdivision. This matter will be identified and addressed at the time of subdivision should the Plan Change be approved. Its unlikely this easement will be moved and in terms of subdivision, it will be shown on a scheme plan as an existing easement. I agree with the planning officer that that this matter affects the rezoning.
- 6.76 The matter of the previous landowner's intentions has no weight as the zoning of the land at present is low density residential.



**7. PART 2 RMA MATTERS**

- 7.1 The proposal is in accord with Part 2, where I agree there is no proposal to change any objectives and policies for the Residential C zone as part of the Plan Change request. Rather, this proposed zoning will fit within those and then subsequent to that the potential effects of the proposal are managed through additional matters of discretion and the overarching ODP proposed for the entire site.

**8. STATUTORY DOCUMENTS**

- 8.1 The Planning officer details the relevant documents that the District Plan must address under paragraph 135 (a-d).
- 8.2 The National Policy Statement on Urban Development (NPS-UD) was assessed in the application, and I note the planning officer agrees with the assessment. The discussion around Objective 4 is key here where urban environments change over time depending on the needs of the people and communities. This is a higher density of development than what exists under the Residential D zoning however I agree that amenity values can expect to change over time. The site is positioned adjoining established Residential C zoning in Coniston Waters and on the opposite side of Farm Road is land zoned Residential C which has some housing development with potential for greater development. In my view there is not a significant amount of Residential C zoned land available longer term for development in the District and in addition, the Real Estate Report included as part of the application documentation provides some insight into the Ashburton market with regards to that.
- 8.3 I will not repeat the information discussed in the Planning Officers report with regards to the Canterbury Regional Policy Statement. Other policies have been identified with regards to this proposal but that does not raise any issues of inconsistency with the CRPS. Further, the matters raised in the CRPS are detailed within the application and supporting expert reporting that addresses the potential effects of the rezoning and how effects will be avoided, remedied or mitigated.
- 8.4 The Canterbury Land and Water Regional Plan and specific issues that relates to rules within that plan have been well canvassed by the detailed infrastructure work undertaken by Davis Ogilvie particularly around the vital stormwater management for this development. Consenting in the future

around matters associated with that will be addressed at the time of subdivision application should the Plan Change be approved.

8.5 I don't consider there are issues associated with the Canterbury Regional Air Plan in relation to this Plan Change.

8.6 The Iwi Management Plans have been addressed and the outcomes sought through all of the comments and findings connect back to the recommendations of Aquatic Ecology being undertaken. The riparian planting aspects of that which are addressed in other report and evidence, is a large part of this improvement to the creek and will ensure values of the water are enhanced and improved and potential effects mitigated.

## **9. SECTION 32 OF THE RMA**

9.1 This is a key Resource Management matter to ensure an evaluation of the objectives are the best or appropriate way to achieve the purpose of the Act. The evaluation, carried out under Section 32 of the, must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

9.2 The evaluation is required to consider:

- The benefits and costs of policies, rules, or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods. Specifically, section 32(2) requires identification and assessment of benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions

9.3 The stated purpose of the proposal within the application was *"to enable residential activity to be undertaken on the site within the provisions of the existing Residential C zone"*.

9.4 The planning officer's assessment of the intent is agreed and in particular the provision of additional residential capacity to meet market demand, in a location that is suitable for this density of development. This is true as whilst

a low-density Residential D development can occur now over this land it is my view the medium density development is a better utilisation of the land and infrastructure available i.e. the potential for up to 10 lots per hectare lots per hectare under a Residential C zoning as opposed to two lots/per hectare under the Residential D zoning. Paragraph 155 of the officer report raises the point that the higher density of development over the vacant land is a more efficient use of the land resource and importantly provides residential capacity which is very much a local and central government thought pattern.

- 9.5 It is agreed that the applications assessment of effects demonstrated how the proposal will avoid, remedy and mitigate adverse effects on the environment arising from the increased density, in accordance with s5(2)(c), and ensure that the life-supporting capacity of water resources will be safeguarded (s5(2)(b)).
- 9.6 Matters of National Importance as outlined in paragraph 151, have been addressed through the Iwi consultation where the approval to the development is based upon enhancement and improvements to Wakanui Creek. This will be undertaken and details of this have been well covered in terms of proposed plantings and improvements for public access within the esplanade reserve.
- 9.7 In considering the appropriateness of the proposal in achieving the purpose of the RMA, the request gives effect to the NPS-UD and CRPS, which have been prepared to give effect to the purpose of the RMA. I commented previously that proposal is consistent with the relevant provisions of the NPS-UD and CRPS.
- 9.8 The points raised by the Planning Officer in paragraph 158 (a-c) with regards to my assessment of the Objectives and Policies of the Ashburton District Plan. In (a) the proposal will increase the supply of Residential C zoned land and reduce the Residential D zone supply. That is true but it is only 16ha or thereabouts of Residential D zone removed. The northern side of Racecourse Road in Ashburton and parts of northeast Ashburton does have Residential D zoning with good capacity for future greenfield and in fill development. An issue around some of this however is servicing of that Residential D zoned land, particularly wastewater, but I will not delve into that in this evidence.

- 9.9 I agree with both (b) and (c) with regards to future growth opportunity consolidating the urban area and the ODP detail with regards the roading, open space and stormwater layouts.
- 9.10 I note the planning officer's comments in paragraph 159 regarding the assessment of subdivision objectives and policies and development potential. This related to the concept plan prepared and included as part of the application documentation. I accept that this concept does not form part of the Plan Change. The reason why this was supplied was to demonstrate the level of development and a proposed allotment layout that could be achieved within the ODP framework. It gave an indication of total lot numbers. Moving on through the process and following further stormwater management assessment, there will be some changes to the future subdivision scheme plan to reflect this due to additional land area being taken up by soakage area.
- 9.11 The matter of all the three waters services being connected to the development will be in accord and not contrary to the subdivision policies outlined.
- 9.12 I agree with the planning officers finding in paragraph 164 that the purpose of the proposal to enable a Residential C zone, is the most appropriate way to achieve the purpose of the RMA.
- 9.13 The matters raised in paragraph 166-174 regarding whether the provisions in a proposal the most appropriate way are to achieve the objectives.
- 9.14 This details the changes proposed to the District Plan under paragraph 168 (a-e). I don't have an issue with those matters raised and in particular they mostly align with the ODP which the framework for the development will be built around. The 1.8m fence requirement at the Rural A and proposed Residential C zone interface is a point of separation which is a good solution which still enables north and west facing views from the development.
- 9.15 Under paragraph 171 the updated ODP reflects the changes outlined in the officer report, that is vehicle connectivity with the Residential D zone adjoining to the northwest. The ODP is included as Annexure 1 to this evidence.
- 9.16 The planning officer noted that there are costs associated with requiring this fencing, but it can be agreed this would be preferable to other matters such as a greater internal boundary setback or substantial plantings and

landscaping or similar at this boundary which provides some limitations to the developer and future purchasers of these residential sections.

- 9.17 This in turn links to potential reverse sensitivity effects. This has been discussed by the planning officer and in this evidence. The fencing alone I think will be effective to manage effects, as I don't consider the matters of activities on the Rural A zoned land adjoining will create issues for the Residential C zoned housing. The rural lots are not large and therefore there are limitations on the scale of animals that can be grazed and crops that can be grown here. There are no farm buildings that house animals in close proximity to the boundary nor intensive farming activities that would create issues here. There are rules in the District Plan that controls effects of intensive farming activities that will assist in that regard if it ever became an issue. Effects of noise are covered via existing rules in the District Plan. Therefore, I think achieving Objective 9.1 is most likely.
- 9.18 The inclusion of the further matter of discretion relating to an application for subdivision to address reverse sensitivity as part of the application in the future will provide an added level of comfort for ADC that this matter has been considered and a means to achieve Objective 9.1.
- 9.19 The inclusion of a further matter of discretion relating to the planting of the proposed esplanade reserve area has been indicated as a change to the ODP relating to native planting in the proposed esplanade reserve area.
- 9.20 The drafting of the provisions in Appendix 1 of the officer report are amendments to align with the wording of the District Plan, and these are minor additions in my view.
- 9.21 It is appreciated that the planning officer has removed reference to planting maintaining views at the Rural A zone boundary as this is unrelated to the rule.

## **10. CONCLUSION**

- 10.1 Overall, considering the submissions and all relevant statutory matters that must be considered in relation to a plan change notably sections 31, 32, 74 and 75 and Part 2 of the Act, I consider that the Proposed Plan Change is the most appropriate way to achieve the purpose of the RMA and create an opportunity for medium density residential development within the existing District Plan objectives and policies.

10.1 I therefore agree with the Planning officer's recommendation that Plan Change 7 be approved.

**David Harford**

A handwritten signature in blue ink, appearing to read 'D Harford', written in a cursive style.

1st December 2025

## Annexure 1: Updated Outline Development Plan ODP









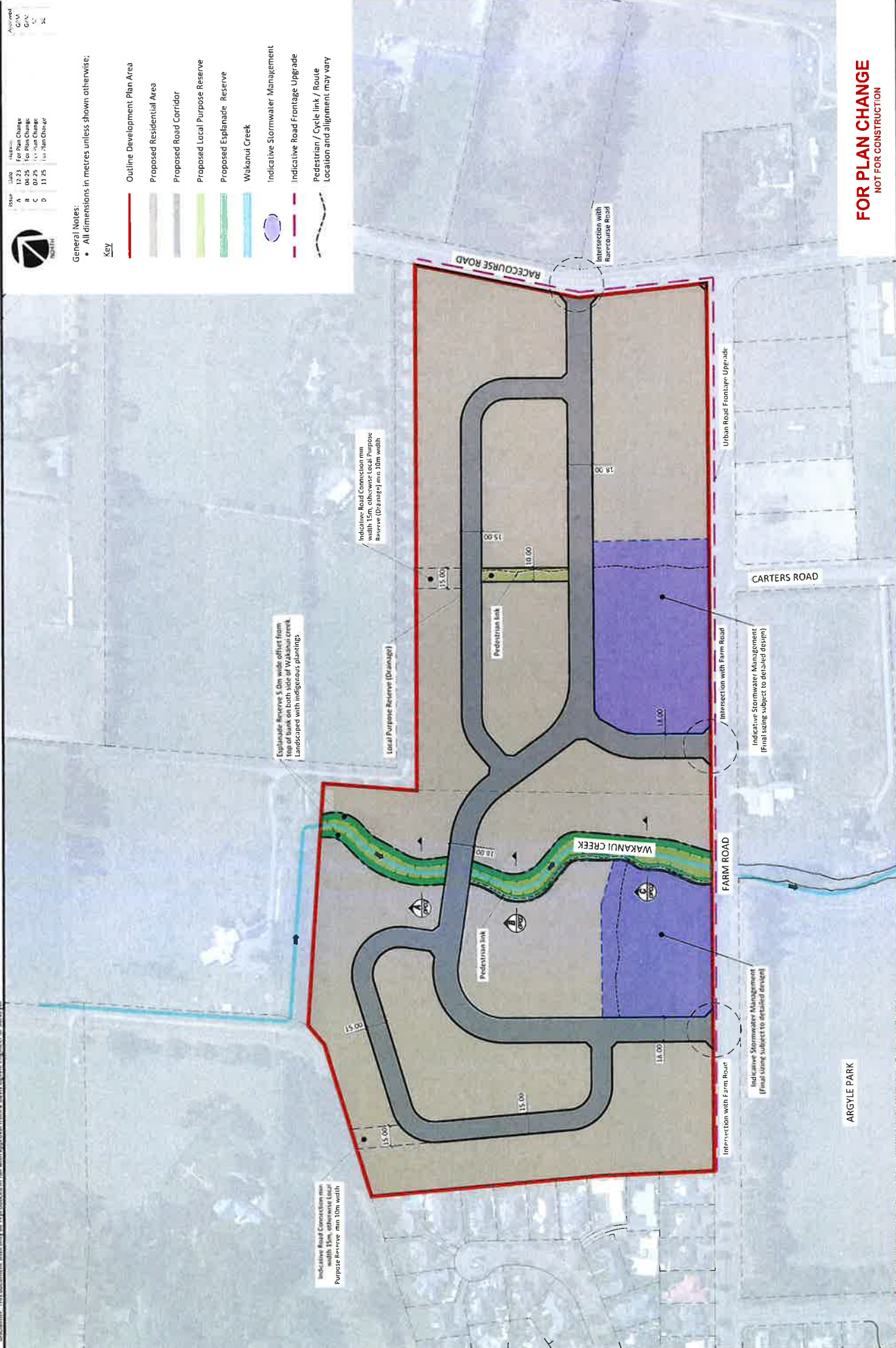
Issue	Date	Revised	By	For
A	10/25	Initial	DO	Client
B	06/25	For Plan Change	DO	Client
C	07/25	For Plan Change	DO	Client
D	11/25	For Plan Change	DO	Client

General Notes:

- All dimensions in metres unless shown otherwise;

Key

- Outline Development Plan Area
- Proposed Residential Area
- Proposed Road Corridor
- Proposed Local Purpose Reserve
- Proposed Explanade Reserve
- Wakamui Creek
- Indicative Stormwater Management
- Indicative Road Frontage Upgrade
- Pedestrian / Cycle link / Route
- Location and alignment may vary



ARGYLE PARK

**FOR PLAN CHANGE**  
NOT FOR CONSTRUCTION

CONISTON PARK LIMITED  
FARM ROAD SUBDIVISION - PROPOSED PLAN CHANGE

OUTLINE DEVELOPMENT PLAN  
CROSS SECTION LOCATIONS

Davis Ogilvie Murray & Partners Ltd  
Engineers - Surveyors - Planners  
100/102 The Esplanade  
PO Box 355 Tauranga, NZ  
Ph: 01 858 8307 / 0800 333 550  
Ahs: 0800 333 550 / 0800 333 550



Scale (mm)	1:2500				
RL	SZ	GPM	DWC	OP02	D
Date	11-25	Fig	30625		

General Notes:

- All dimensions in metres unless shown otherwise
- Water level shown in plan are indicative only
- Proposed Esplanade Reserve (Riparian Margins) to be planted with indigenous plantings.

Key

- Existing Ground Profile
- Finished Ground Profile

