

## RECOMMENDATION ON PRIVATE PLAN CHANGE 3 TO THE ASHBURTON DISTRICT PLAN

Proposal: Farmers Corner Developments Limited has requested a private Plan Change to rezone approximately 21ha of Rural B land to Rural Tourism Zone. The land involved is on the south east corner of Hinds Highway (State Highway 1) and Longbeach Road, 2.7 kilometers south of Ashburton.

Private Plan Change 3 is APPROVED as amended below. The reasons are set out below.

Plan Change number:	Private Plan Change 3 (PPC3)
Site Address:	12-22 Longbeach Road, Ashburton
Applicant:	Farmers Corner Developments Limited
Hearing :	8 September 2020
Hearing Commissioner:	Patricia Harte

Appearances:	<p><u>For the Applicant:</u> Prudence Steven - Legal Liz White - Planning Robert Watson - Landscape Nick Fuller - Transport (by Zoom) Peter and Paul Huang - Applicants</p> <p><u>Submitters</u> Steven &amp; Karen Clements Grant &amp; Anthea Reith Bill and Nancy Ridder Edward J Wood David &amp; Jill Geddes</p> <p><u>For Council</u> Mary Clay - Planning Paul Smith - Landscape</p>
Hearing adjourned:	8 September 2020
Hearing closed:	25 September 2020

This Recommendation Report contains the following

- A – Introduction
- B – Summary of Plan Change
- C – Submissions
- D – Section 42A Report
- E – Hearing Process
- F – Planning Context History
- G – Submissions and evidence
- H – Relevant statutory provisions considered
- I – Principal issues in contention
- J – Findings on the principal issues in contention

## K – Summary of Recommended Amendments

## L – Amended Rural Tourism Zone provisions and ODP

### A – INTRODUCTION

1. This Recommendation on Private Plan Change 3 to the Ashburton District Plan has been made to the Ashburton District Council by Independent Hearing Commissioner Patricia Harte acting under delegated authority under section 34A of the RMA. This recommendation has been made after consideration of all the submissions, section 32 evaluations, the reports prepared by officers for the hearing, submissions made and evidence presented at the hearing of this plan change.

### B – SUMMARY OF PLAN CHANGE

2. Private Plan Change 3 (PPC3) has been proposed by Farmers Corner Developments Limited and contains provisions for a new Rural Tourism zone incorporating an Outline Development Plan and two appendices with lists of plant species. In addition the proposed Plan Change amends existing provisions in the Ashburton District Plan relating to Rural zone policies, Subdivision policies, Subdivision standards, Transportation standards relating to minimum sight distances and parking and noise standards. A new definition of “visitor accommodation unit” is added to the District Plan.
3. The main provisions of the proposed Rural Tourism zone are:
  - For the purpose of managing various activities the zone is divided in three areas with Area 1 containing the existing Farmers Corner retail and restaurant facilities, car parking and landscaping. Area 2 sits behind this to the south and is to be the location of new visitor accommodation units as well as centralized services or facilities for visitor accommodation. Residential activities to accommodate staff are provided for in Areas 1 and 2. Farming and recreational activities are provided for in Areas 1, 2 and 3
  - Areas 1, 2 and 3, a central hub and required boundary planting areas are identified on the “Rural Tourism Zone Outline Development Plan” (ODP) which is to be located in Appendix 3A-1.
  - A series of Site Standards are specified in relation to height of buildings, building setbacks from roads and within the zone, building coverage and built form, lighting, product storage, and design and appearance. Non-compliance with these standards causes an activity to become a restricted discretionary activity. In addition there are Zone Standards relating to upgrading of the State Highway/Longbeach Road intersection, landscaping, hours of operation, compliance with the ODP, lighting, height of buildings, coverage and setback. Non-compliance with these standards causes an activity to become a non-complying activity.
4. The detailed provisions of PPC3 were part of the original request for the plan change by Liz White of Incite on behalf of Farmers Corner Developments Limited. Ms. Clay in her section 42A report proposed a number of amendments to these provisions which was attached to her report. These generally sought stronger policy requiring avoidance of adverse effects on rural character and amenity, no provision for buildings in Area 3, and increased depth of boundary planting. A further version of the provisions was provided by Ms. Liz White attached to her evidence. This version largely contains amendments in response to the submissions of NZTA, FENZ and neighbours, including the addition of viewing shafts where the height of buildings and vegetation was controlled. Finally, the applicants provided further revisions of the provisions attached to their written Right of Reply. The main changes relate to changed boundary planting standards, increased building setback from the southern boundary of Area 2, limit buildings in Area 3 to farm buildings of 500m<sup>2</sup>, reduction in reflectivity of building colours, and amendments to the main policies (policy 3A.1B and 3A.1c) that will be used as a basis for consideration of new buildings and activities.

## C - SUBMISSIONS

5. A total of 11 submissions were made on the plan change as set out below

B G & M L Francis	Oppose	<ul style="list-style-type: none"> <li>Concerned that there is already adequate number of hotels/motels in Ashburton.</li> <li>Believes Ashburton is not big enough for another guest house/hotel would rather see existing hotels being used instead of being empty.</li> </ul>
E.J Wood	Oppose	<ul style="list-style-type: none"> <li>No Rural Tourism Zone in District Plan.</li> <li>Believes the importance of maintaining the integrity of the Rural B zone as Ashburton has an agricultural economy.</li> <li>Is of the opinion that approving the application will result in environmental damage to the Rural B zone.</li> <li>Believes the applicant has a reputation of pushing zoning rules to the limit. Decline the application</li> <li>If approved, believes that the economic and social benefits to the community would be minor</li> </ul>
Fire and Emergency New Zealand (FENZ)	Neutral	<ul style="list-style-type: none"> <li>Application does not make reference to onsite water supply for firefighting purposes. Additionally identifies that no standards are proposed relating to the firefighting water supply for buildings or visitor accommodation in the proposed Rural Tourism Chapter.</li> <li>Seeks greater certainty around the water availability within the plan change area and in the form of compliance with the New Zealand Firefighting Code of Practice SNZ/PAS 4509:2008 (Code of Practice) .</li> <li>Seeks certainty that firefighting appliances and firefighters would have access to all habitable structures</li> <li>Suggests consideration is given to alternative access routes to use in the event of an emergency.</li> <li>Ashburton tends to exhibit hot, dry conditions in the summer and autumn seasons. Seeks that the Appendix 3A -2 be amended to remove all highly flammable plant species from the list. Have provided a list of recommended plant species that are low flammability to reduce the risk to people, property and surrounding environment.</li> <li>proposal involves some onsite car parking beneath vegetation and the Fire and Emergency New Zealand (FENZ) seeks the following amendments: 1. That a policy be added in relation to indigenous biodiversity to avoid planting indigenous plant species that are identified as being highly flammable</li> <li>2. Additional zone standards requiring: - That all habitable building to be serviced with water supply and access that complies with New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008. - All habitable buildings and visitor accommodation to be setback at least 3m from any plantings, unless agreed with Fire location of a BBQ area is directly adjacent to vegetation. Recommends that any activity that has the potential to cause a fire should be appropriately separated from flammable plant species.</li> <li>3. That Appendix 3A -2 (Plant Species List) be amended to remove species identified as being highly flammable and pose a fire risk</li> </ul>
New Zealand Transport Agency (NZTA)		<ul style="list-style-type: none"> <li>Considers it appropriate to require the upgrade of State Highway 1/Long beach Road intersection through the establishment of a right turn bay. NZTA are supportive of the incorporation of the right turn bay • Note s that consideration has been given to the left turn from the State Highway into Longbeach Road. Concerned that as development increases, the number of vehicle movements will increase and may require further improvement for left turning traffic. • Supportive of intent of rules that require traffic related issues to be assessed at times of further development however suggest amendment to draft rules 3A.8.5. Also recommends that the reason for the rule, and subsequent rule is reinforced through the incorporation of an additional policy siting under Objective 3A.1 being 3A -1F. • Seeks that Rule 3A.8.5 (b) is amended to specify that 81 to 100 visitor accommodation units is a discretionary activity</li> <li>Recommends that the Council or applicant consider updating the traffic assessment, to ensure that any consideration of traffic related effects is based on up to date records including traffic counts. • Is generally satisfied with the proposed provision to address reverse sensitivity matters • Raised concerns around people entering the highway corridor from the site. For safety purposes it is preferred that high fencing similar to deer fencing should be established the full extent of the site, where it adjoins the highway. It is recommend that such a requirement could be incorporate as a site standard or in Outline Development Plan. • Believes that there should be specific controls for signage in the proposed Tourism Zone of be demonstrated that adequate provision exist to ensure signage is suitably controlled • Supports Objective 3A.2 Indigenous Biodiversity • Request</li> </ul>

		Policy 3A.1B, 3A.1C, 3A.1E is amended • Seeks amended 3A.5 Anticipated Environmental Effects • Amend and additional assessment matters.
L Francis		Feels as though it does not benefit the Ashburton community and only benefits the established business. Does not believe it will bring anything to town as visitors would only stop in this location and continue travelling so would not stop in Ashburton itself. • Has concerns around the increase in volume of traffic at the intersection turning into Longbeach Road • Believes that it is already a dangerous intersection when approaching from the south and existing to travel north as through experience. • Believes that there is sufficient accommodation in Ashburton town which is not always full. • Considers further buildings on this site would be an eyesore in the landscape • Does not see any benefit allowing to proceed
S Reilly	Oppose	• Opposes the application to allow development at Farmers Corner as they live nearby. • Believes that it is aesthetically and morally wrong to allow the development outside of town where it's appropriately zoned. • Believes the proposal is a traffic hazard
David, Jill, Debbie Geddes	Oppose	• Believes that the District Plan has been widely consulted with and that the ratepayers have financially supported the plan. • Considers that the town of Ashburton is an example of a small rural town in New Zealand and expect travellers to visit shops and attractions including a range of working farms within easy range of tour buses. • Has had overseas experience recently and noted tour buses are accommodated in far larger cities with large bus numbers and believes Ashburton could accommodate buses when required. • Is of the opinion that Ashburton needs visitors to it centre for it to remain a vibrant town in future and to provide employment opportunities. • States that New Zealand relies heavily on agricultural exports and believes New Zealand farmers are heavily regulated. Questions how the applicants attempt to circumvent these regulation for their personal gain. • The submitter does not wish to see Ashburton's collective strengths compromised for the advantage of the individuals. • Believes that our competitive advantage when it comes to tourism is our wide open spaces and low population density compared to tourist home countries
Nancy and William Ridder	Oppose	• Believes the proposal is against the District Plan. • Concerned about road safety on State Highway 1 and at own gateway. • Believes the acoustic report to be inaccurate and concerned about the noise level.
Stephen and Karen Clements	Oppose	• Purchased property on basis of living in quiet rural area with unobstructed mountain views. Concerned that the proposed complex would be in line with outlook and affect lifestyle and future property value. • Has concerns around wastewater in particular the quantity of wastewater to be discharged per day and odour. • Questions the type of wastewater system and location. • Is concerned about their own well water and has noted that it is located approximately 80m from the boundary of the application site. • Concerned about the sensitivity to contamination from the upstream wastewater discharge. • Makes note that in appendix 8 of the application 4.2 waste water treatment options it states that the underlying groundwater is relatively shallow.
G and A Reith	Oppose	Concerned about increase in scale of the operation on the site . • Concerns around the zoning description as per page 6 of the application. • Believes that neighbours and affected parties could not have any protection, input or say if anything tourism related could proceed. • Requests clarification around the number of units and what classifies a unit. • Has concerns around how binding the application is as they believe from past experience there have been significant variances . • Raised concerns around sale of property to new owners and introduction of potential activities such as helicopters, jet boats on a pond, concerts, regular music events, fireworks, light shows for visitors staying on the site. • Request clarification around what is future expansion . • Believes the tourism trade is volatile and has changing trends. Does not believe the application has accounted for the 'free traveller' . • Questions whether adjoining properties in the same ownership could apply for zone change later on if the application is approved. Believe that changing surrounding properties to the Rural Tourism zone later down the track could be easier
B Box	Oppose	Don't see benefit for the community in changing zone. Won't benefit employment in region. Changes to road layout not sufficient as it a notorious intersection. Tourism should be available to all people not only groups of visitors

#### D - SECTION 42A REPORT

- A comprehensive S42A report was prepared by Mary Clay (consultant planner to Ashburton District Council.) That report was prepared primarily on the basis of the notified PPC3. The report was prepared with assistance of technical reviews as follows:

Specialty area	
Economic effects	Phil Osborne, Property Economics
Noise effects	Jon Farren, Marshall Day Acoustics
Transportation Peer Review	Antoni Faci, Avanzar Consulting
Landscape effects	Paul Smith, Rough and Milne

#### E - HEARING PROCESS

7. The Council issued a s41B direction regarding the provision and pre-circulation of expert evidence.
8. The hearing took place on 8 September 2020 and adjourned for a written Right of Reply from the applicants.
9. Following receipt of the Right of reply on 17 September 2020 the Commissioner sought comment from Council officers on the revised provisions and from SM and KJ Clements regarding the revised boundary and internal planting.
10. The hearing was closed on 25 September 2020.

#### F - PLANNING CONTEXT HISTORY

11. Farmers Corner was established as a tearooms in central Ashburton in 1985. With the business's expansion to include sale of tourist souvenirs to regular bus tours it became necessary to move to a larger site. The business moved to its current Rural B zone site at 12 Longbeach Road in 2004 following obtaining resource consent to operate a retail outlet/tourist activity. The business also included a café. Over time there have been numerous additional consents for minor changes and to increase seating capacity for the restaurant, an accommodation unit for staff and a new external toilet block.
12. The request for the plan change gives the reasons for the proposed rezoning of the site as follows:  
  
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-focussed facilities.

#### G - EVIDENCE AND SUBMISSIONS HEARD/READ

13. In accordance with the Council's s41B RMA Direction the Council planning officer's report and the applicant and submitters expert evidence was circulated prior to the hearing.
14. Expert evidence was received from the applicant as follows:
  - Liz White – Planning
  - Robert Watson – Landscape
15. Expert evidence was received from the submitters as follows:
  - NZTA – Deborah Hewett, Planner
  - Fire and Emergency New Zealand – Nicolle Vincent, Planner
16. In addition supplementary evidence from Council's landscape reviewer Paul Smith was received.

17. The following submitters presented their submissions at the hearing. All of these submitters opposed the Plan Change.

- N & B Ridder
- E. J Wood
- SM and KJ Clements
- D, J and D Geddes
- G and A Reith

#### H - RELEVANT STATUTORY PROVISIONS CONSIDERED

18. The RMA and subsequent case law set out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the application documentation and accompanying section 32 assessment and the s42A Report. In general I agree with the conclusions drawn in these reports that the requirements in sections 31, 32, 75 and purposes of the Act in Part 2 are met by this proposed Plan Change. I accept in principle the conclusion of Ms. White (Planner for the Applicant) that Objective 1: Provision for a Rural Tourism Zone and Objective 3A.2: Indigenous Biodiversity are the most appropriate way to achieve the purpose of the RMA specifically sections 5, 7(b) and 7(f). However, as the objectives refer to tourist activities being managed to avoid, remedy or mitigate adverse effects, the detailed provisions need to be assessed to ensure these Objectives are satisfied.
19. In relation to the requirement to assess whether the provisions are the most appropriate way to achieve the objectives I agree that PPC3 is an "amending proposal" under s32(3) and so the objectives of the proposed zone and the District Plan area relevant. The alternatives to the plan change that were considered were the status quo of the site with development relying on a series of resource consents assessed in the relation to the activity being within the Rural B zone, secondly the proposed specific purpose zone and thirdly inclusion of the site as a "scheduled activity". I agree with Ms. White's reasoning and conclusion that a specific zone for Rural Tourism is the most appropriate way to achieve the objectives. However, again that is a general conclusion and needs to be reassessed after more details consideration of the Zone provisions to ensure that the benefits of zoning for the district are borne out.
20. I consider the assessment by Ms. Liz White and Ms. Mary Clay (Planner for the Council) of the proposed plan change in relation to giving effect to the Canterbury Regional Policy Statement (CRPS) is generally accurate. However there is a tension between Objective 5.2.1 (l) which requires consolidation of growth around existing urban areas and 5.2.1 2.(c) and (e). It is not clear whether "enabling business in appropriate locations" is a reference back to 5.2.1 (l) or whether it is providing for business in other locations. Regarding 5.2.1.(e) development is to be located which enables rural activities that support the rural environment including primary production. In the present case there is very little area that could be considered to constitute the "rural environment".
21. Further the CRPS requires that development should not foreclose ability to use land for primary production and the region's soil resource and that natural and physical resources (including the soil resource) are maintained and enhanced (Policy 5.3.12). This ties in section 7(b) and (g) of the RMA which require that particular regard must be had to the efficient use and development and finite characteristics of natural resources. The existing and proposed level of built development including impervious surfaces is significant, estimated in the report of Mr. Paul Smith (Landscape architect for the Council) as being in the order of 5.38 hectares. Ms. Clay concludes that the plan change does not preclude the use of land for rural productive purposes and that a high proportion of the land will be available for productive use. I consider this assessment oversimplifies the situation as production will only occur if there is single large area available and that cannot be assured with the proposed provisions. Ms. White comments in relation to this policy that the Plan Change continues to provide for the use of the balance of the site (Area 3) for rural activities. These would however be very limited and are likely to be compromised by the addition of buildings.
22. Rural zone Rural Policy 3.1A of the Ashburton District Plan supports this approach by requiring that provision is made for *"continued productive use through farming activities and protection of highly*

*productive and/or versatile soils, and their associated irrigation resources, by ensuring that such land is not developed for intensive residential activity and/or non-rural activities and the extent of coverage by structures or hard surfaces is limited".* The new zone being created falls within the Rural chapter of the District Plan and so I consider this policy is relevant to consideration of how development is provided for within the zone. Again protection of the soils over time is anticipated. While the new bespoke zoning is based around commercial and visitor accommodation activities I consider it is appropriate to take these matters into account and that they should be addressed in some form within the Plan Change rather than relying on listing farming activities as a permitted activity throughout the zone. This matter is considered in more detail in the following sections as it overlaps to some extent with the issue of buildings within the various areas of the ODP.

23. I conclude that I am satisfied that development enabled by PPC3 is generally of a nature, scale and character provided for in higher order planning documents and that PPC3 is in accordance with the requirements in sections 74 and 75 of the RMA. I now consider the proposal in more detail to determine if it is the most appropriate provision to implement the objectives of the proposed Rural Tourism Zone taking into account matters of contention and mitigation. These objectives are:

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

*The Rural Tourism zone provides for a range of tourism activities and facilities with a rural setting which are managed to avoid, remedy to 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*

#### I - PRINCIPAL ISSUES IN CONTENTION

24. The following are the principal issues in contention in relation to the proposed creation of a Rural Tourism Zone on the 21ha site on the southern corner of SH1 and Longbeach Road.
- a. Should a tourism zone be created on land currently zoned Rural B ?
  - b. Impacts on rural character and amenity beyond and within the site
  - c. What is an appropriate level and form of building development within the Areas 1, 2 and 3?
  - d. What activities are appropriate for this zone given its rural location?
  - e. Landscape treatment
  - f. Roading/safety impacts
  - g. Water quality
  - h. Adequacy of the ODP
  - i. Policy wording

#### J - FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

- a. Should a tourism zone be created on land currently zoned Rural B

25. All submitters on the Plan Change, other than NZTA and FENZ, stated that a tourism zone was not appropriate within the Rural B zone. A number of these submitters also stated that the activity and facilities, in particular visitor accommodation, should be located in an urban environment, namely within Ashburton town where visitors can enjoy numerous facilities as well as undertaking rural based activities. Reasons given for their concerns included:

- The economic and social benefits will be minor
- Aesthetically wrong to have this form of development out of town
- Tourists like our wide open spaces
- Sets a precedent for other similar zones
- Is not actual rural tourism – there are many rural tourist enterprises and they don't need a zone
- New zones should be added when a plan is reviewed

- Farmers Corner has developed over time with various consents – now the increases will happen without consulting neighbours
26. With regard to economic benefits of the proposed development I accept the conclusions of the applicant's economist (Mike Copeland of Brown Copeland & Co.) as modified by the Council's economist (Phil Osborne of Property Economics) that the economic benefits of PPC3 would outweigh any potential economic costs "by some margin". This conclusion is based on the tourist activity on site, the potential for more spend to occur within Ashburton District as visitors will be generally staying 1-2 nights and will be able to enjoy another attractions. In addition this development potentially will provide a venue for functions to be used by local residents. This will have both economic and social benefits.
  27. The form of the development is considered below in b, c, d and e. Regarding what features and activities tourists enjoy when travelling through the country I accept the applicant's advice that they are very familiar with these matters and that they have found there to be a demand for people to stay longer in the area and to stay in a rural environment. While rural/farming activities on the site will be limited in scale due to the size of the site I understand that tourists may find the activities interesting and a reason for wanting to stay in accommodation on the site.
  28. With regard to precedent it is my understanding that case law has established the changes to district plan cannot be considered to create a precedent. Regarding the timing of changes to the District Plan the RMA (and its predecessors) has always provided for and anticipated private plan changes to be requested. This provides a useful mechanism for proposals such as PPC3 which propose creation of a bespoke zoning that does not require consideration alongside other matters addressed in a plan review. I consider the private plan change request is appropriate for rezoning that is limited in area and specific in terms of activities as is PPC3.
  29. The last point raised is the degree to which the new zone will limit possibilities for neighbours to be consulted when development is proposed. This is correct in relation to proposed permitted activities such as commercial activities in Area 1 and possibly the controlled activity of the centralized service hub in Area 2. However these two forms of development will now have to meet a number of standards relating to height, coverage and setbacks. PPC3 does not contain any limitation on Council regarding limited or public notification so this will be available should any other forms of development be proposed. This last issue raises the more fundamental issue of whether PPC3 is the most appropriate method to provide for the development of Farmers Corner. This is a matter which is required to be considered under Section 32(1) of the RMA which I have assessed at a high level in section H of this Recommendation Report. On this basis I have concluded that a plan change which specifically limits the activities that may occur in the zone and which sets standards for these is the most appropriate way to provide for a Rural Tourism Zone.

b. Impacts on rural character and amenity beyond and within the site

30. Mr. Robert Watson (Landscape architect for the applicants) describes the site and surrounding area as having a topography that reflects the typical character of the flat Canterbury Plain. Vegetation on the site and surrounding area consists mainly of exotic species with the main form being exotic shelterbelts along property or paddock boundaries. The Farmers Corner commercial building stands on the corner of SH1 and new toilet back has been built to the rear (south) of the main building. The remainder of the site is car parking, lawn and garden area including extensive lavender plantings. The surrounding area largely has expansive views to the foothills, Mt Hutt and the Southern alps to the west. He describes the area as have a high level of visual amenity with built structures scattered throughout the landscape. Overall he considers the receiving environment beyond the site has a moderate level of sensitivity to change.
31. Mr. Watson assessment of effects concludes that while removal of some existing vegetation on site will result in limited short term effects these effects will be overcome with the extensive indigenous planting scheme which will have a positive effect. He agrees the construction of buildings will be a significant change as compared to the existing built context with this rural environment. With regard to visual amenity impacts on residents in the immediate area he concludes that the effects on the closest



residents would be significant if not mitigated. Road users (SH1 and Longbeach Road) are expected to be adversely affected in a more than minor way if these are not mitigated. However with the implementation of measures including building density, height and appearance and internal boundary planting Mr. Watson considers adverse visual effects will be reduced to be less than minor on Day 1 and reduce to nil after 5 years.

32. Mr. Smith noted there were a number of missing elements in Mr. Watson's assessment including assessing effects on landscape (physical landscape) values of the site and its surrounds, the degree of the landscape's ability to absorb the changes and assessment of building details. I questioned Mr. Watson on some of these matters but did not gain any greater understanding of these issues or how he derived his assessment. He did however confirm that he expected the boundary plantings would be 3m in height after 3 years and that the planting around the building would be in the form of gardens rather than shelter planting. He also referred to the concept plans as indicating the maximum level of development.
33. Mr. Smith stated that clustering built form in Areas 1 and 2 and leaving Area 3 free of buildings will avoid a potential reduction in open space and sprawling of buildings through the site. This would assist in retaining open space values within the site. He also considered that to effectively screen taller buildings on the site it would be necessary to have boundary shelterbelts using exotic species as occurs throughout the rural area. However I understood Mr. Smith accepted the proposed double row of native species as the primary form of boundary treatment could achieve a reasonable degree of mitigation. The detail of boundary planting and building density and forms are considered further below in c, d and e.

c. What is an appropriate level and form of building development within the Areas 1, 2 and 3?

34. PPC3 has a series of standards setting maximum areas of building and impervious surface coverage for each of the Areas identified on the Outline Development Plan (ODP) as follows:
  - Area 1: Total gross area of commercial activities in Area 1 and centralized services for visitor accommodation in Area 2 are not to exceed 4,000m<sup>2</sup> (site standard)
  - Combined area of impervious surface and buildings shall not exceed 25% (zone standard)
  - Area 2: Combined areas of all buildings shall not exceed 15% (zone standard)
  - Area 3 Combined area of impervious surface and buildings shall not exceed 5% (zone standard)
35. The combination of having 3 areas, 1 hub, coverage controls for building and sometimes combined coverage controls for buildings and impervious surfaces and having both site and zone standards for these matters creates a complicated set of provisions to administer. In addition as there is no statement in PPC3 as to the size of Areas 1, 2 and 3 it is not possible, for example, to easily determine what constitutes 10% of Area 1. I recommend that these limits be expressed in square meters to provide greater certainty.
36. The coverage limits in the Site and Zone Standards for Area 2 only apply to buildings whereas the limits for Areas 1 and 3 are for a combination of buildings and impervious surfaces. I thought this may be an error but Mr. Watson confirmed his support of this approach in Page 4 of his evidence. Having referred to there being a site coverage control for both buildings and impervious surface in the Rural B zone he stated that it would "inappropriate" to carry this forward in Area 2 as this does not affect the balance between open space and built form. While I accept that opinion to some extent when viewed from outside the zone I note firstly that the Applicants propose a combined buildings and impervious surface control for both Areas 1 and 3 so it is not clear why Area 2 should be treated differently. In addition there are other issues associated with large areas of impervious surface in a confined space. As well as the loss of permeable land to absorb rainfall it also adds to the need to have treatment and disposal of stormwater. I therefore recommend that impervious surface coverage in Area 2 be limited to 5% which is approximately 4,400m<sup>2</sup> and should therefore provide for recreation (e.g. tennis courts) as well outdoor dining and pathways.

37. There is ambiguity regarding Site Standard 3A9.4 which sets a maximum building area of 4000m<sup>2</sup> for commercial activities located in Area 1 and centralized services and facilities for visitor accommodation in Area 2. I note that Ms. Clay has assumed that each of these can be a maximum of 4000m<sup>2</sup> whereas I read this standard to be a combined total for both areas. I have calculated the hub area from the latest ODP provided by the applicants and it is approximately 2,880m<sup>2</sup>. On this basis it does not make sense to permit a 4000m<sup>2</sup> building within the hub area. I therefore recommend that this provision is amended to make certain that the total building area is to be applied across these two areas and not separately.
38. With regard to Area 3 Mr. Smith's recommendation to have no buildings in Area 3 he explained this was needed to ensure overall open space values for the site with Area 3 effectively compensating for the cluster of buildings on Areas 1 and 2. With this limitation he assesses the adverse impact on landscape values of the site as low-moderate. This matter was discussed within evidence and through questioning at the hearing. In response the applicants in their Right of Reply amended the provisions such that in Area 3 farm buildings up to a total area of 500m<sup>2</sup> are a listed Restricted Discretionary Activity (3A.8.4.(b)) and beyond that they are Non-complying. The applicants have also listed assessment matters in 3A.11.9 that would be considered in deciding whether to grant consent or impose conditions. These assessment matters focus on visual elements of buildings however I consider that the purpose of any proposed building should also be a consideration.
39. One of the main controls on buildings in the Zone rules is limiting visitor accommodation units to Area 2 to a maximum of 80 units as a permitted activity. The provisions provide for an additional 20 as a discretionary activity and any further additional units are non-complying. I questioned the planners on the need to provide for 20 additional units and their response was that this form of cascading was commonly used in district plans. I have concerns about the additional provision for a number of reasons. Firstly, all the assessments and concept plans provided by the applicants have been based on development that is permitted, including how sewage and stormwater are to be treated and disposed of. I therefore do not have sufficient information to determine whether 100 units are likely to be acceptable on this site in terms of the impacts on surrounding environment. I note the concept plans show a relatively intensive form of development associated with 80 units. The rules intend that assessment of impacts is carried when each additional unit or units are proposed; however that approach potentially allows for development "creep" over time. My second reason for concern is connected to the first and that is uncertainty created by this approach. Neighbours cannot be sure of the level of development and its associated impacts, yet the creation of a zone I understand is partly to create a level of certainty for the community rather than being developed through a series of consents as has occurred to date. I therefore recommend that the discretionary activity providing for 20 additional visitor accommodation units be removed.
40. The final matter relating to building form is height. PPC3 as notified has a height limit of 8m for building in Areas 1 and 2 and 20m for buildings in Area 3. Later versions of the height standard removed the higher height limit for Area 3. In response to concerns of the Clements who own the site adjoining the eastern boundary of the zone, the applicants proposed protection of views to the west across the site by identifying viewshafts and limiting the height of both boundary planting and the height of buildings. They proposed a building height limit of 5m within the viewshaft that occupies the majority of Area 2 south of the Visitor Accommodation Central Hub. Subsequently following further consideration of the Clements concerns the applicants in their Right of Reply stated that *"it is now proposed that the viewshafts be removed from the ODP in favour of other methods to preserve their open space views across the site. This is now to be achieved by amended rules for boundary and buffer planting along the southern boundary of Areas 2 and 3..."* The applicants do not refer to building height but in their modified Zone provisions attached to their right of reply the 5m building height that applied to the viewshaft was removed and replaced with the original 8m.
41. The Plan Change request refers to visitor accommodation units being one or two storeyed. A maximum building height of 5m would prevent two-storey visitor accommodation being established as of right. However based on the viewshafts identified by the applicants for Area 2 this limit would have only applied in the area south of the Visitor Hub. If a 5m height limit was to apply in this southern section of Area 2 there would still be a large area to the north of the Hub that could accommodate at least 40 two-storeyed units as shown in the concept plans. This approach also creates a tiered approach to

development in the zone from the Longbeach Road and the north half of Area 2 containing the greatest bulk through to single storey in the southern section of Area 2 and the Area 3 with no or very limited buildings. I consider this approach provides an acceptable balance between enabling visitor accommodation both one and two storeyed, and keeping development at a height that provides for views across the site to the mountains to the west.

d. What activities are appropriate for this zone given its rural location?

42. The activities provided for in the zone have been refined by the applicants to those contained in their Right of Reply. Provision for activities is based primarily on the area (1, 2 or 3) that they occur within. Farming and recreation are permitted in all three Areas. Area 1 (which has an approximate area of 4.0470 ha) contains the existing Farmers Corner commercial facility, car parking and plantings. Within this area commercial activities catering for tourists including retail outlet, café/restaurant and tourist information are permitted activities as well as staff accommodation. As this facility is already used by local people and people passing by I recommend that the reference to "tourists" be replaced with "visitors". The main focus for Area 2 is visitor accommodation units of which 80 units are permitted, 20 additional units are discretionary and any more units are non-complying activities. Centralized services and facilities for visitor accommodation are to occur within the "Visitor Accommodation Central Hub" which sits within Area 2.
43. While most submitters challenged the proposed zoning some specifically referred to issues with allowing a wide range of activities in the Central Hub including additional traffic, noise and glare in the area. They considered this to be inappropriate in the rural area. With regard to events such as weddings it is not uncommon for these facilities to be out of town in places such as wineries. I presume these locations are preferred because of the more natural setting and the availability of larger sites which enables greater separation from nearby residents. PPC3 has a specific control relating to the use of the proposed visitor accommodation hub which requires all development to obtain consent as a controlled activity with Council having power to manage noise, lighting, design and appearance of buildings.
44. The applicants in their Right of Reply propose an additional matter of control namely the *"sufficiency and location of landscaping, including the extent with any development will be screened from view by adjoining landowner once the planting has been established"* and in addition that hours of operation can be managed to mitigate noise and lighting effects. I consider that this general approach provides an appropriate balance between the applicants having greater certainty regarding development of the hub (which is a key element) and management of buildings and activities in the hub so as to limit potential adverse effects on neighbouring properties and their residents. I do however recommend some changes to the wording relating to what constitutes landscaping being "established" prior to buildings being able to be erected as suggested by Ms. Clay. I also note that noise standards in the District Plan will be amended to include the Rural Tourism Zone and setting maximum noise levels that apply on the zone boundary rather than on site boundaries.

e. Landscape treatment

45. A key component of PPC3 is the use of landscaping to screen views into the site and to create an attractive development. Initially the proposal as notified required specified new zone boundary planting and retaining of existing boundary planting for Areas 2 and 3. This new planting was required (as a Zone Standard) to be established prior to the erection of any new buildings on these areas and was to have a depth of 5m with a minimum mature height of 6m. Following receipt of submissions the applicants modified this approach to provide for a series of view shafts across the site from the Clements property immediately east of the site to enable views of Mt Hutt and the Southern Alps. The mechanism to achieve retaining these valued views was to limit the height of planting or buildings within the identified view shafts that crossed through the Rural Tourism zone.
46. In response Karen and Steve Clements of 54 Longbeach Road stated at the hearing that they did not agree with the view shaft approach which was too simplistic. The applicants then in their right of reply proposed a modified form of boundary planting on the shared boundary. For Area 2 and 3 they proposed a 15m depth of planting with 2.5-3m mature height on the boundary with a further 15m of planting up to

5m height sitting inside Area 2. The Clements responded that they value their views to the west and asked that a simple 3m height boundary planting be adopted for the full length of the shared boundary. The Clements have many other concerns about the proposal in terms of building bulk, noise, traffic and impacts on water quality however they obviously greatly value their views to the extent that they are prepared to have views into the development. I am inclined to agree to the request of the Clements given they are the most affected by this proposal. While this lower height means more of the buildings on site will potentially be visible from the east there are two factors which are expected to reduce the visual impacts of buildings in the “viewshaft” across the southern section of Area 2. Firstly I have recommended that buildings in this area have lower maximum height of 5m. Secondly, the building setback on this boundary is 25m recognizing the impacts of permitted buildings on the amenity of neighbours. I consider this should be increased to 30m as this is effectively what would have occurred with the two strips of 15m deep planting along this boundary. This increase will mitigate in a limited way the impact of the taller buildings in this area.

47. The applicants propose in the standards for the zone that boundary plantings are two rows deep with 75% indigenous species. Mr. Smith considered that a traditional windbreak using tall exotic species would be more effective and more in keeping with the current rural character of the area. As PPC3 has a primary objective of fostering indigenous biodiversity the applicants approach is considered the most appropriate. I note however that the several exotic shelterbelts within the property are to be retained.
48. PPC3 also requires specified minimum areas of planting within the site at a minimum building to planting ratio of 1:2.5. Originally this planting was required to be around the visitor accommodation units but the latest version provided with the right of reply does not specify where this is to be located. I agree there should be some flexibility in the location of this planting but recommend that it be limited to Area B where the units are to be located.

#### f. Roading/safety impacts

49. The road safety issues arising from increased activity provided for in the proposed Rural Tourism zone relate primarily to the operation of the State Highway 1 (SH1) and Longbeach Road intersection. The applicants agreed with NZTA and included in PPC3 the forming of a specific right turn bay on SH1 for vehicles turning right into Longbeach Road. This bay enables cars to wait until there is a gap in the southbound traffic providing for a safe right turn. In the meantime traffic travelling north on SH1 can pass efficiently through the intersection. The importance of having this right turn bay in place is reinforced by Zone standard 3A.10.1 which requires this intersection upgrade before any new buildings can be built in the zone. Any breach of this standard is a non-complying activity.
50. NZTA also raised concerns that at some point the increase in traffic resulting from the new zone and/or increases in SH1 traffic may compromise the level of service for vehicles turning right out of Longbeach Road. This has the potential for drivers becoming frustrated with waiting to turn right onto SH1 such that they take a risk in doing so. Mr. Nick Fuller (Transport consultant for the Applicants) explained that to overcome this problem it would be necessary to redesign the current left turn slip land into Longbeach Road. NZTA have therefore requested that it is made clear that any additional visitor accommodation units beyond the permitted 80 are a discretionary activity. This approach has been accepted by the applicants and made clearer in the most recent version of the zone provisions provided as part of their Right of Reply. I consider the status of additional units in Section J.c. above where I conclude and recommend that the Zone should have a specific limit on the number of visitor accommodation units to provide certainty regarding the extent of visitor accommodation development anticipated for this zone. Accordingly I have recommended that any units beyond the 80 are a non-complying activity.
51. Deer fencing was sought for the entire length of the zone bordering on SH1 to limit the possibility of visitors who are not familiar with the area wandering onto the road. This has been agreed by the applicants and included in the most recent version of the zone provisions provided as part of their Right of Reply. I recommend this approach be adopted.

g. Water quality

52. A number of submitters raised the concern of increased potential for contamination of ground water as a result of more development in the area, and in particular visitor accommodation which will need to be serviced by on-site sewerage and stormwater treatment and disposal. They referred to the Servicing Report by Whiterock Consulting which stated that the groundwater in the area already has elevated concentrations of nitrate nitrogen. The Clements draw water from a well near the proposed new zone. The Whiterock report sets out options for treatment and disposal of sewage and stormwater indicating that they are feasible on the area of land available (presumably in Area 3) based on a worst case scenario of 320 for units (80 units with 4 people per unit), 320 visitors to the central hub plus staff. The most land extensive option requires 2.7ha and involves drip irrigation fields which could be integrated into any landscaped or grass areas.
53. The section 42A report notes that the any discharge will be subject to Environment Canterbury rules and consenting. It is expected this process will ensure that treatment and disposal of stormwater and sewage is feasible on this site. However it does raise the issue of whether the limit on 80 visitor accommodation units should be stronger i.e. that any additional units over 80 should be non-complying. I have considered and recommended this approach in Section J.c above when assessing the appropriate level of certainty regarding the anticipated level of visitor accommodation and their consequent effects within this zone.

h. Adequacy of the ODP

54. Mr. Smith raised a number of concerns about the Outline Development Plan including the lack of dimensions to determine the land area of each of the three Areas, which is necessary as a number of standards are expressed as percentages. As mentioned above I recommend that the limitations on buildings and impervious surface be expressed in terms of meters squared rather than percentages to assist in the administration of this zone. The total area of the zone based on the underlying titles is 21.0449ha. Area 1 is the current site of Farmers Corner on a single title and has an area of 4.0470ha. Areas 2 and 3 do not reflect the current title boundaries. On the basis of the scale provided on the ODP Area 2 is 8.4479ha and Area 3 is 8.5500ha. These areas have been used to determine the various site and zone standards in the recommended amended Rural Tourism Zone provisions, however the numbers have been rounded to the nearest 10m<sup>2</sup>.
55. I recommend that the colours used in the ODP to identify the boundary planting areas be changed as they are too similar and create uncertainty. The boundary setbacks on the ODP are not required as they are specified in the site and zone standards. In addition the Visitors Accommodation Central Hub needs to have its area and setback specified on the ODP.

i. Policies and other provisions

56. Ms. Clay recommended that policy 3A.1.C be amended by replacing the word “minimise” with “avoid” as follows:

*To enable the development of visitor accommodation in accordance with the Outline Development Plan attached in Appendix 3A-1 while managing its location and design to ~~minimise~~ avoid the potential adverse effects on the character and amenity of the surrounding area and avoid adverse reverse sensitivity effects arising.*

Ms. White addressed this proposed change making the point that avoidance of all potential adverse effects was a very strong directive and not appropriate in the context of this zone providing for tourist activities in a rural setting. The latest version of this policy is contained in the Zone provisions attached to the applicants Right of Reply. This version refers to avoiding significant adverse effects and limiting the potential for reverse sensitivity effects to arise. It also refers to ensuring a dominance of open space and plantings over buildings to retain rural character and not significantly impacting views across the site to the mountains. I consider these amendments are worthwhile and provide more detailed guidance for decisions makers. Ms. Clay also indicated her support for the amendments.

57. There are a range of provisions within the proposed Rural Tourism Zone which are found in all zones in the Ashburton District Plan namely: Introduction, Issues, Zone Description, Objectives and policies and their Explanations and Reasons and Anticipated Environmental Results and Methods of Implementation, Reason for Rules, Rules and Assessment Matters. Very minor changes have been proposed to the notified version which are non-contentious and I recommend these be accepted.

#### K - SUMMARY OF RECOMMENDED AMENDMENTS

58. In my assessment above I recommend a number of amendments to PPC3 in order that it better addresses issues raised in submissions and matters contained in higher level documents. These are in addition to those proposed by the applicant's and Council's planners relating to the matters requested by NZTA and FENZ. These main amendments are listed in the table below.

Topic	Amendment
Area 2	Additional Zone Standard specifying a maximum impervious surface area of 5% (4220m <sup>2</sup> ) for Area 2
Number of visitor accommodation units	Remove provision for additional 20 units (beyond 80 units) as a Discretionary activity. Any additional units will therefore default to non-complying status.
Height of buildings	Viewshaft area in Area 2 maximum building height reduced to 5m
Definition of "established" landscaping	Add definition of "established" to ensure that the landscaping is viable before it is relied on as screening of new buildings.
SH1 fencing	Deer fencing required for full length of SH1 and on Longbeach Road to the first site access
Policies 3A.1.c	Provides more detailed guidance for decision makers and sets the appropriate level for avoidance of adverse effects.
Transport network	Amended Policy 3A.1E including reference to discouraging people from entering the SH1 corridor and requiring deer fencing on the majority of the boundary of the new zone
Fire Risk	Removing plants from plant list which are highly flammable

59. S32AA of the RMA requires that a further evaluation under the Act is required for any changes that have been made to the proposal since the original evaluation report was prepared. This report is not required if the changes are referred to in the decision making record in sufficient detail to demonstrate that a further evaluation has occurred. I consider that this has occurred with the changes referred to in the above table. The remaining changes that are contained in the recommended decision version of the Rural Tourism Zone attached to this Recommendation are minor and have been changed for reasons of consistency or clarity.

#### APPENDICES

60. Attached and integral to this Recommendation are 4 Appendices as follows:

Appendix 1 – Rural Tourism Zone Provisions

Appendix 2 – Consequential Changes to other chapters of the Ashburton District Plan

Appendix 3 – Rural Tourism Zone Outline Development Plan

Appendix 4 – Summary Table Decisions on Submissions

#### RECOMMENDATION

60. That Proposed Private Plan Change 3 to the Ashburton District Plan be approved subject to the modifications set out in this decision and the provisions attached in Appendix 1.
61. That Submissions on the Plan Change are accepted and rejected in accordance with this Recommendation as indicated in the Table attached as Appendix 2.
62. The reasons for this Recommendation are that Private Plan Change 3 Farmers Corner:
  - a. will assist the Council in achieving the purpose of the RMA;
  - b. gives effect to the Canterbury Regional Policy Statement and is in accord with general provisions of the Ashburton District Plan;
  - c. accords with the principles of Part 2 of the RMA; and
  - d. is supported by the necessary evaluations in accordance with sections 32 and 32AA RMA

Patricia Harte

Commissioner

Date: 13 October 2020

#### Appendix 4 Recommendation on Submissions

Submitter	Request	Recommendation/Decision	Reasons
B G & M L Francis	Oppose	Reject	As contained in the Recommendation report
E.J Wood	Oppose	Reject	As contained in the Recommendation report
Fire and Emergency New Zealand (FENZ)	Neutral	Accept in part	As contained in the Recommendation report
New Zealand Transport Agency (NZTA)		Accept in part	As contained in the Recommendation report
L Francis		Reject	As contained in the Recommendation report
S Reilly	Oppose	Reject	As contained in the Recommendation report
David, Jill, Debbie Geddes	Oppose	Reject	As contained in the Recommendation report
Nancy and William Ridder	Oppose	Reject	As contained in the Recommendation report
Stephen and Karen Clements	Oppose	Reject	As contained in the Recommendation report
G and A Reith	Oppose	Reject	As contained in the Recommendation report
B Box	Oppose	Reject	As contained in the Recommendation report