

## Section 42A report – Farmers Corner

### Introduction

1. My name is Mary Katherine Clay. I hold a Master of Applied Science (Environmental Management) from Lincoln University and a BSc (Geography) from Canterbury University. I am a Fellow of the Royal Geographical Society and have over 19 years of experience working as a planner in both Council and consultancy settings, both here and overseas. I am currently the Principal Planner at Avanzar Consulting and have been contracted by the Ashburton District Council to act as the reporting planner for this plan change on their behalf.
2. I have visited the site and am familiar with the surrounding environment and the town of Ashburton.
3. This evidence relates to Private Plan Change 3 (Rural to Rural Tourism) and should be read in conjunction with the attached recommendations on submissions.
4. In this evidence I have assessed Plan Change 3 (PC3) from a resource management perspective. This evidence is my own professional opinion and the panel may not reach the same conclusion having considered all the evidence brought before it.
5. I have read the Code of Conduct for Expert Witnesses and have prepared my evidence in accordance with the Code and agree to abide by it. I confirm that my evidence is within my area of expertise except where I state otherwise. I have not omitted to consider material facts known to me that alter or detract from the opinions I express in this statement of evidence.
6. In this evidence I cover the following:
  - Identification of key issues

- The background, including a description of the request, the site and statutory process followed
- An assessment of the request against the relevant requirements of the RMA, and other relevant statutory documents
- An assessment and consideration of issues received in submissions
- My conclusions and recommendations.

7. Appendices attached to this report include:

- A) Summary of Submissions
- B) Tracked Change rule package
- C) Economic Effects Peer Review
- D) Noise Effects Peer Review
- E) Transportation Peer Review
- F) Landscape Effects Peer Review.

## Status of this report

8. The attention of the requester, submitter and further submitters is drawn to the fact that the purpose of this report is to bring to the attention of the decision maker all relevant factual information and issues which can be considered in deliberating on this Plan Change request. It must be noted that any conclusions reached, and recommendations suggested within this report are not binding on the decision makers, and it cannot be assumed that the decisions makers will come to the same conclusions.
9. In this instance, the Council has delegated the power to hear submissions and make recommendations on this Plan Change to a hearing commissioner under Section 34A of the RMA. The hearing commissioner has delegated authority to hear submissions and provide recommendations on PC3 to the Council, and the Council will subsequently meet to ratify any decision made.

10. Pursuant to Clause 29 of the First Schedule of the Act, the Ashburton District Council may, after considering the request, decline, approve or approve the plan change with modifications, and must give reasons for its decision.

## Scope of Proposal

11. The request relates to the property currently known and operating as Farmers Corner, just south of Tinwald. Farmers Corner is currently operated as a rural tourism activity, and currently comprises a lavender farm, animals for tourists to visit, a substantial shop and restaurant, and associated service activities. The request seeks to rezone approximately 21.0449ha of rural zoned land to a new zoning to be known as the Rural Tourism Zone.
12. The request involves the insertion of an additional chapter into the Ashburton District Plan, and an Outline Development Plan (ODP), which delineates three areas within the ODP, known as Area 1, 2 and 3:
  - Area 1 encompasses the area of land currently utilised by the Farmers Corner Tourism business.
  - Area 2 encompasses the area to the immediate south and west of the current 4ha Farmers Corner site. Development for the purposes of visitor accommodation is provided for within Area 2 by this proposed plan change. The area is to include a centralised hub providing a range of facilities for guests including a lobby, restaurant, function space and guest services.
  - Area 3 encompasses the remainder of the site to the south. This area will continue to be used for farming purposes and for recreational activities associated with the visitor accommodation.
13. The Plan Change also involves some consequential changes to other chapters of the District Plan, and an amended planning map R72 to show the site with its new Rural Tourism zoning.

14. Page 11 of the request succinctly summarises the proposed new rules.

## Site and surrounds

15. The subject site is located at the corner of Longbeach Road and State Highway 1 (12 and 22 Longbeach Road), some 2.4km south of the southern end of Tinwald, and 6.5kms from central Ashburton. It is comprised in three certificates of title, and the total area to which the Plan Change relates is 21.0449ha. Farmers Corner is a long established tourist facility, that has in the past catered predominantly to organised tours of overseas tourists although independent tourists and local visitors are welcome.
16. The site is surrounded by land characterised by its rural setting, with a range of rural block sizes and rural land uses. The site contains shelterbelts and mature trees but is predominantly comprised of rural pasture. The subject land and surrounds are flat, with views across the plains extending to the Southern Alps. The agricultural use of the surrounding land provides a rural lifestyle for residents, as well as providing for economic wellbeing. State Highway 1 extends along the northwestern boundary of the site, with the railway line corridor just beyond. Further detail on the character of the site and surrounds can be found in both the application, and accompanying landscape assessment.
17. The site is currently zoned Rural B under the District Plan. The Rural B zone is characterised by farming and forestry uses, and allows for residential activity at a rate of one residential unit per 50ha, with exceptions for small sites previously existing. Farming related buildings are also permitted, subject to various bulk and location rules. Home occupations, farm visits and retail sales of goods grown or produced on site are also generally permitted within the zone. Visitor accommodation is limited to home stays of up to 10 visitors. Campgrounds and recreational lodges of up to 20 guests require consent.

## Background and Consent History

18. Farmers Corner was established as a tearoom in central Ashburton in 1985. The business expanded to include sales of tourist souvenirs, and as it grew insufficient floorspace and bus parking became a constraint and no suitable space was found to relocate within Ashburton centre.

19. **Resource consent (RC0003)** was granted in the year 2000 **to allow the relocation of Farmers Corner to the current site** at 12 Longbeach Road, and the facility opened in 2004. A series of resource consents have since been granted, enabling the current operation. These consents are summarised below:

- **RC000003 – Land use consent to construct and operate a retail outlet/tourist activity.**

Resource consent was processed on a notified basis and granted on 15<sup>th</sup> June 2000. This included construction of a 2,100m<sup>2</sup> building (1,964m<sup>2</sup> at ground level), and associated parking, landscaping, and signage. The building was to be used for retail purposes (1,100m<sup>2</sup>), a lobby/foyer with toilet facilities (383m<sup>2</sup>), office and staff facilities (218m<sup>2</sup>); a café / bar and kitchen (207m<sup>2</sup>); and storage (198m<sup>2</sup>). The café was to provide seating for up to 74 persons, with the site's hours of operation being 8am to 8pm. Up to 25 staff were to be employed in total, with 15-20 staff working at any one time.

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

- **RC000096 – Subdivision consent** was granted for a subdivision to separate the Farmers Corner site from the surrounding property.

- **RC030121 – A variation** to RC00003 was granted on 6<sup>th</sup> October 2003 to amend conditions of consent **for building layout and landscaping**. This was sought because the building was proposed to be approximately 1,225m<sup>2</sup> at ground floor level, a reduction from the size

(1,964m<sup>2</sup>) consented under RC00003. As a result, there was a reduction in the need for a bus parking area and any 'future' parking spaces.

- **RC050023** – A **variation** to RC00003 was granted on 22 March 2005 to **amend landscaping** requirements.
- **LUC06/0006** – **Land use** consent was granted on 28<sup>th</sup> April 2006 to **extend the building and increase seating capacity**. The resource consent was processed on a notified basis.

The consent enabled the extension of the building to a total of approximately 1,629m<sup>2</sup> at ground floor level. This comprised an extension to the restaurant (of approximately 110m<sup>2</sup>) and an increase of its seating capacity from 74 to 140, including a new outdoor seating area; and additional storage space (of approximately 281m<sup>2</sup>). While the restaurant extension was undertaken, the storage component of LUC06.0006 was not implemented at this time.

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

- **LUC06/0042** – **Land use** consent was granted on 2<sup>nd</sup> June 2006 to **establish rock walls** on either side of the main entrance to the site.
- **LUC07/0017** – **Land use** consent was granted on 14th December 2007 for proposed **signage**.
- **LUC09/0033** – **Land use** consent was granted on 24<sup>th</sup> September 2009 to **extend hours of operation** to 10.30pm and affix new **signage** onto the building. Resource consent was

processed on a notified basis. It was acknowledged by the applicant at the Hearing that the nature of the business had evolved from being primarily retail with an ancillary restaurant, to a balance of the two functions. The panel considered any cumulative effects arising from the change in activity since the original Resource Consent 000003 was granted, given a number of subsequent resource consents, and was of the view that any cumulative effects of activities consented for were minor. However, the panel noted that *“any future development at Farmers Corner and/or development in the surrounding area for uses not permitted in the Rural Zone could erode the character and amenity of the rural environment”*.

- LCA09/0008 – A **variation** to LUC06/0006 was granted on 10<sup>th</sup> July 2009 to amend conditions of consent to amend the condition around **signage** and reflect the **new restaurant name**.
- LUC14/0050 – **Land use** consent was granted on 6<sup>th</sup> November 2014 to **extend the existing building**. This was for the storage, packing and loading of products, increasing the building by 444m<sup>2</sup> at ground level, as well as an additional 64m<sup>2</sup> of office space at the first-floor level. Resource consent was processed on a notified basis. The panel stated that were the expansion in a more prominent location which was more visible from public roads, “the accumulation of effects from the expansion of the development would have been considered to have eroded the character and amenity of the rural zone”. While noting that each application requires consideration on its merits and that they could not predetermine the outcome of a future application, **the panel concluded that the site has limited scope for further development without reaching a point where the accumulation of insignificant effects becomes significant**.
- LUC15/0047 – **Land use** consent was granted on 2<sup>nd</sup> September 2016 for the establishment and operation of **accommodation for up to 18 staff** employed by Farmers Corner. Resource consent was processed on a notified basis.

- LUC17/0021 – **Land use** consent was granted on 7<sup>th</sup> June 2017 for the non-compliant **site coverage** following the construction of a 292m<sup>2</sup> **toilet facility**.
- LCA17/0008 – A **variation** to LUC17/0021 was granted on 8<sup>th</sup> November 2017 to amend conditions of consent relating to **building position**.

## Public notification, submissions and further submissions

20. The proposed plan change was notified and received eleven submissions by the closing date of 27<sup>th</sup> February 2020. Concerns addressed a number of matters. The summary of submissions is attached as Appendix A. Further submissions also received.

21. The issues raised in submissions include:

- Integrity of the rural zone
- Potential for environmental damage
- The applicant's reputation for pushing rules to the limit
- Limited economic and social benefits
- Road safety effects – traffic hazards
- Concern regarding accuracy of the acoustic assessment
- Wastewater discharge concerns
- Burglars
- Loss of rural quietness
- Concern related to increase in scale of operation on the site
- Limited protection for neighbours, should plan change go ahead
- Future risk – volatility of tourism market and increase in potential numbers of free travellers
- Potential for incremental creep of zone

- Concern about current and future lack of planting, and inability of that planting to screen or provide neighbouring properties protection from noise
- Underestimated need for earthworks
- Unrealistic hours of operation
- Precedent effect.

These matters are considered and addressed below.

### Existing tourism facilities

22. BG and ML Francis expressed concerns relating to the number of hotels/motels in Ashburton. They would rather that existing hotels were used for visitors to the Ashburton District. While I concur with BG and ML Francis that it is beneficial to the Ashburton township that existing hotels are utilised, this does not preclude new operators from entering the market.

23. EJ Wood is concerned that the integrity of the Rural B zone is maintained and notes that Ashburton has an agricultural economy. The addition of a new specialized zone such as the Rural Tourism zone proposed, does not in my view affect the wider Ashburton District in terms of its agricultural integrity.

### Environmental Effects

24. EJ Wood also expresses concerns relating to the potential for environmental damage. While it is clear that the plan change will result in visual and landscape change to the site when viewed from the road and surrounding properties, there is no evidence that environmental damage will occur as a result of this plan change. Indeed, any development occurring on site will be subject to the requirements and rules of the Land and Water Regional Plan and consents will be required for discharges to land, air or water.

## Social and Economic Effects and Potential Benefits

25. EJ Wood also comments that in his view social and economic effects would be minor, and L Francis also expresses concerns regarding the extent of the benefits of the proposal. I agree that social and economic effects will not be universal but will instead be seen by a limited part of the community, however the Act does not restrict the consideration of benefits, or positive effects to extent across the whole community. S Reilly expresses concerns regarding allowing such a development out of town, and David, Jill and Debbie Geddes consider that Ashburton needs visitors to its centre for the town to remain vibrant. I agree with the submitters' comments regarding the need for development within the Ashburton Town Centre, but note that the application to be assessed is for the Farmers Corner site. While there may be other sites within the District that may be suitable for this form of development, this Plan Change has been sought for a specific site.

## Fire effects

26. Fire and Emergency NZ (FENZ), have expressed concerns relating to onsite water supply and have identified that no standards are proposed relating to firefighting water supply. They also require certainly that accommodation areas will be accessible to firefighting appliances, and encourage the provision of alternative access routes in case of emergency. They seek the removal of flammable plants from the plant species list, and seek that all habitable buildings have at least 3m of space around them from any plantings. While I agree with the intent of this proposal, I am concerned that this suggestion is too onerous in this situation, and suggest that flammable plants should not be located within the 3m, but that other plants should be permitted. Clearly there is a balance to be had between the positive visual effects of landscaping and ensuring fire safety.

## Transport

27. Several submitters have raised concerns relating to safety around road access. The NZTA has also provided a detailed submission relating to transport issues, and Nancy and Bill Ridder have also expressed concerns with regard to road safety. The NZTA has suggested an upgrade to SH1, which is provided for within the application. They also seek various changes to the policies and rules to

underline the importance of the State Highway corridor. I am comfortable with the status of activities proposed by the plan change, and consider that the levels of discretion are appropriate and sensible.

28. With regards to the need for deer fencing, I note that Mr Facey considers that such fencing is a sensible idea. While I agree with this, I am not convinced that a plan change is the best way to progress this matter, as if deer fencing was required through a rule in a plan, it would not be necessary until development occurred. I consider that deer fencing is best established through another process.

29. I have also considered the matter of signage and am comfortable that the plan rules relating to signage remain appropriate. With regard to the NZTA submission relating to changes to policies, I agree with some of the changes proposed to Policy 3A.1C and 3A.1B. Having taken advice from Mr Facey I do not consider that the proposed policy 3A.1F is necessary to achieve the purpose of the Act.

## Noise

30. Nancy and Bill Ridder have expressed concern regarding the accuracy of the noise assessment. I note that the noise assessment and peer review are in general agreement regarding noise issues.

## Servicing

31. Several submitters have expressed concern regarding the servicing of the proposal. The development could indeed result in much larger numbers people visiting the site and staying overnight than do currently, however technical advice confirms that environmental effects related to servicing of the site, including discharges of wastewater and stormwater can be managed successfully on site. I note that any discharge will be subject to Environment Canterbury rules and consenting.

## Plan integrity

32. Several submitters have raised the issue of plan integrity. I would note, on this matter, that the Resource Management Act permits applicants to apply for a private plan change, and that each private plan change is assessed on its merits and according to the tests required by the Act. A key part of those tests is the determination as to whether the plan change represents the most appropriate way to achieve the overall purpose of the Act.

## Scale of activity and strength of rules proposed

33. GA and AJ Reith are concerned about the increase in scale of operation on the site, but also are concerned that affected parties would not have protection against tourism related activity. Since the original application was submitted, the applicant has amended the proposed rules to provide greater restriction on activity on the site. Indeed, a breach of rules relating to internal landscaping, setback from neighbours and some of the building coverage and built form rules would be non-complying, and a breach of the rule relating to commercial and centralised services exceeding 4000m<sup>2</sup> would be discretionary. I also note that any more than 100 visitor units would be assessed as a non-complying activity.

34. Given these rules, and the low threshold for effects based on the assessment matters and policies, it is my view that any consent application for a development exceeding 100 visitor units would be extremely hard to obtain. I therefore consider that the rule package, with amendments suggested, to be sufficient in strength to give neighbouring properties a high level of certainty as to ongoing effects and further development.

## Visual and Landscape Effects

35. Stephen and Karen Clements have expressed concern regarding the effects of the proposed change on the quietness they enjoy, impact on their unobstructed views, and are concerned that this may affect their lifestyle, views and future property value. I have visited their property and viewed the site from their garden. I agree with their concerns regarding the rural character and consider that

the suggestions put forward by Mr Smith from a landscape context are appropriate and have therefore made some suggested changes to the rules. More discussion can be found on this later in my report.

36. In conclusion, the submitters raised many helpful points regarding the impact of the Plan Change proposal on both the local and wider environment. The submissions and further submissions received have been considered carefully and have assisted in the drafting of the amendments to the rules I suggest later in this report.

## Statutory Context

37. Once an application for a private plan change has been accepted by Council under Clause 25 (2)(b), then Part 1 of the First Schedule applies. After considering the request, the Council may decline, approve, or approve with modifications the request. Section 74(1) requires assessment of the request against the:

- The Council's functions under Section 31
- The Council's duty under Section 32; and
- The provisions of Part 2 of the RMA.

## Section 74 and 75

38. Section 74 of the Act sets out the matters to be considered by a territorial authority when preparing or changing its District Plan:

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

*(1) A territorial authority must prepare and change its district plan in accordance with—*

- (a) its functions under [section 31](#); and*
- (b) the provisions of [Part 2](#); and*

- (c) a direction given under [section 25A\(2\)](#); and*
- (d) its obligation (if any) to prepare an evaluation report in accordance with [section 32](#); and*
- (e) its obligation to have particular regard to an evaluation report prepared in accordance with [section 32](#); and*
- (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*
- (f) any regulations.*

*(2) In addition to the requirements of [section 75\(3\) and \(4\)](#), when preparing or changing a district plan, a territorial authority shall have regard to—*

*(a) any—*

- (i) proposed regional policy statement; or*
- (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under [Part 4](#); and*

*(b) any—*

- (i) management plans and strategies prepared under other Acts; and*
- (ii) [Repealed]*
- (iia) relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the [Heritage New Zealand Pouhere Taonga Act 2014](#); and*
- (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing), —*

*to the extent that their content has a bearing on resource management issues of the district; and*

- (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

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

*(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

39. Section 75 of the Act sets out the content of District Plans:

**75 Contents of district plans**

*(1) A district plan must state—*

- (a) the objectives for the district; and*
- (b) the policies to implement the objectives; and*
- (c) the rules (if any) to implement the policies.*

*(2) A district plan may state—*

- (a) the significant resource management issues for the district; and*
- (b) the methods, other than rules, for implementing the policies for the district; and*
- (c) the principal reasons for adopting the policies and methods; and*
- (d) the environmental results expected from the policies and methods; and*
- (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
- (f) the processes for dealing with issues that cross territorial authority boundaries; and*
- (g) the information to be included with an application for a resource consent; and*
- (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.*

*(3) A district plan must give effect to—*

- (a) any national policy statement; and*

- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

*(4) A district plan must not be inconsistent with—*

- (a) a water conservation order; or*
- (b) a regional plan for any matter specified in [section 30\(1\)](#).*

*(5) A district plan may incorporate material by reference under [Part 3](#) of Schedule 1.*

40. Section 74(2) of the RMA requires a Council to have regard to any Proposed Regional Policy Statement, and Proposed Regional Plan and any relevant management plans or strategies prepared under other Acts.

41. In accordance with Section 74(2) of the Act, this assessment must *have regard to* any proposed regional plan, and any other relevant management plans or strategies prepared under other Acts. My understanding is that “to have regard to” requires a material consideration, but does not mean that they should be determinative.

42. Section 75 requires Plan Changes to give effect to any National Policy Statement. I am in agreement with the applicant in that none of the National Policy Statements mentioned in the application are relevant, but note that post notification, a new National Policy Statement - the ‘National Policy Statement on Urban Development’ has been introduced. This new NPS seeks the removal of the minimum car parking requirements from some District Plan areas, including the Plan in question.

43. Relevant plans for consideration under section 74(2) are:

- Ashburton District Council LTP
- Ashburton District Biodiversity Action Plan 2017-22
- Canterbury Regional Land Transport Strategy 2012-42
- Canterbury Natural Resources Regional Plan

- Canterbury Land and Water Regional Plan.

44. In addition to the above, Sections 75(1), 75(3), and 75(4) require the request to state objectives, policies and rules, and require those provisions to 'give effect to' any (operative) Regional Policy Statement (RPS) and to not be inconsistent with certain other regional plans with regard to those matters specified in Section 30(1) (being functions of Regional Councils). I therefore consider the following are relevant:

- Ashburton District Plan
- Canterbury Regional Policy Statement
- National Planning Standards
- Canterbury Land and Water Regional Plan
- Ashburton District Council Long Term Plan 2018-2028.

### Canterbury Regional Policy Statement (CRPS)

45. Chapters 5 and 9 of the CRPS require consideration with respect to this request. The applicant has assessed the objectives and policies of chapter 5 (Land Use and Infrastructure) and I accept the conclusions of that assessment. I note that Objective 5.2.1 seeks that development is located and designed so that it functions in a way that enables people and communities to provide for their social, economic and cultural wellbeing. It goes on to '*encourage sustainable economic development by enabling rural business activities in appropriate locations*' and to '*enable rural activities that support the rural environment including primary production*'. Furthermore, it seeks to '*avoid conflicts between incompatible activities*'.

46. Supporting policies direct that development is enabled which ensures adverse effects are avoided, remedied or mitigated where development would compromise the productivity of the region's soil resource. I draw attention to the comments within the economic assessment peer review regarding the use of land for non-rural productive uses. I note that the proposed plan change contains issues relating to both rural amenity and tourism activity. The Plan Change acknowledges that tourism activities can make a significant contribution to the District economy, providing

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employment and generating economic activity that 'enables communities to provide for their economic and social well-being'.

47. While the form of activity being established on the site is not strictly rural, the site currently operates in a way that reflects the surrounding rural character and includes rural elements, such as the interaction with farm animals and the ability to enjoy the lavender operation. The Plan Change contains policy direction by stating that the 'development should be managed to continue to ensure that commercial activities are focused on tourism activities that are connected to the rural environment'. The CRPS also directs that development is enabled which ensures that adverse effects are avoided, remedied or mitigated where development would compromise the productivity of the regions soil resources. While it is true that a portion of the land will be lost to rural production, the remainder of the land would be available to continue in use for rural productive purposes.

48. Policies relating to the provision, maintenance and upgrade of infrastructure are met through this Plan Change, and the development will, according to transport experts, have little impact on the sustainable and efficient movement of people. Policy 5.3.5.(1) relates to servicing, and according to the servicing report accompanying the application, and in review by Council staff, the development can be appropriately serviced.

49. Policy 5.3.12 requires that the natural and physical resources contributing to Canterbury's rural productive economy are maintained and enhanced. The proposed plan change meets this requirement. The Plan change does not preclude the use of land for rural productive purposes, and as discussed above, even when fully developed in accordance with the ODP, a high percentage of the land will be available for productive use. Reverse sensitivity relating to adjoining rural productive use will be mitigated against by a number of rules relating to landscaping, layout, setbacks and hours of operation.

50. In my view the proposed plan change meets the policy direction of the current Ashburton District Plan.

51. An objective of Chapter 9 (Ecosystems and Indigenous Biodiversity) is ‘9.2.2 Restoration or enhancement of ecosystems and indigenous biodiversity.’ Associated with this objective, policy 9.3.4 seeks:

*‘To promote the enhancement and restoration of Canterbury’s ecosystems and indigenous biodiversity, in appropriate locations, where this will improve the functioning and long term sustainability of these ecosystems’.*

52. In my opinion, the request will result in the outcomes that are consistent with the outcomes sought in the relevant objectives and policies of the RPS and therefore having regard to the relevant parts of the CRPS, it is my view that the proposed plan change will give effect to these policies and objectives and therefore to the policy direction of the CRPS.

#### Ashburton District Council LTP

53. The Ashburton District Council Long Term Plan 2018-2028 was prepared with the involvement of community consultation, and is the primary document through which the community expresses its views with regard to the future direction and development of the District. A list of outcomes is identified by the community which are then used by the Council to develop appropriate policy. The outcomes considered to be of the highest priority generally relate to the provision of efficient and affordable servicing facilities. With regard to this, the proposed visitors’ accommodation and tourist facilities can be serviced affordably and efficiently by making use of both new and existing infrastructure.

#### Ashburton District Biodiversity Action Plan 2017-22

54. The vision of this document is that *“the Ashburton District community values and cares for biodiversity and accepts the shared responsibility to work together to ensure it is sustained and enhanced, both now and into the future”*. Five objectives seek to achieve this vision. One of these objectives is to engage with landowner in the identification, protection and enhancement of

biodiversity. One of the actions to achieve this is to promote integration and use of appropriate indigenous species in modified environments (rural and urban). At present the land is used for tourist-based activities and for agricultural purposes. The proposal is for landscaping to contain a predominance of indigenous vegetation. This will result in enhanced indigenous biodiversity within the zone.

## Canterbury Regional Land Transport Strategy 2012-42

55. The vision of this document is that Canterbury has an accessible, affordable, integrated, safe, resilient and sustainable transport system. While there are a number of objectives, the objective that is particularly relevant to this request is to *“ensure an integrated transport system”*. Key relevant results are listed as:

- Reduced greenhouse emissions from use of the domestic transport system
- Improved land use and transport integration
- Improved personal safety.

56. I consider the request will integrate with the existing roading system, will provide a safe road layout and will provide for reduced greenhouse emissions through the provision for bus access to the new zone.

## Canterbury Land and Water Regional Plan.

57. The Canterbury Land and Water Regional Plan aims to provide clear direction on how land and water are to be managed in the region. Relevant objectives of this plan are:

*‘3.1 Land and water are managed as integrated natural resources to recognise and enable Ngāi Tahu culture, traditions, customary uses and relationships with land and water.’*

*'3.5 Land uses continue to develop and change in response to socio-economic and community demand.'*

58. I consider the request will meet these objectives.

## Part 2 and Section 32 of the Act

59. Part 2 of the RMA provides the overarching framework for assessment under the Act. To grant the request, the decisionmaker must be able to conclude that the request represents the promotion of sustainable management of natural and physical resources in both an efficient and effective way.

60. Section 73(2) of the Act provides that:

*Any person may request a territorial authority to change a District Plan, and the Plan may be changed in the manner set out in Part 2 or 5 of Schedule 1. Part 2 of Schedule 1 relates to these plan changes, and requires that a plan change request include an explanation of the purpose of and reasons for the plan change and an evaluation report prepared in accordance with s32.*

61. Clause 22 also states that:

*(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual and potential effects anticipated from the implementation of the change, policy statement or plan.*

## Section 32 and Section 2

62. The request contains a detailed s32 assessment, which examines the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act. S32 (1)(b) of the Act requires that an evaluation report examine whether the provisions in the

proposal are the most appropriate way to achieve the objectives, assessing the efficiency and effectiveness of the provisions in achieving the objectives and summarising the reasons. I agree with the general conclusions reached in the s32 assessment, but wish to cover a few matters in more detail now.

63. Given that the plan change provides for an entirely new zone, with very little crossover between existing policies in other parts of the plan, and the new objectives, the most relevant objectives of the Ashburton District Plan that must be considered in relation to this are:

***Objective 10.3 Transport Safety and Accessibility***

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

***Objective 11.1 Effects of Noise***

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

64. The purpose of the Act is to ‘*promote the sustainable management of natural and physical resources*’. Sustainable management is defined in the Act as:

*Managing the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:*

- a) Sustaining the potential of natural and physical resources (excluding minerals), to meet the reasonably foreseeable needs of future generations; and*
- b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
- c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

65. The current Ashburton District Plan was formulated under the RMA, and can be considered to give effect to the Act. All private plan changes, in order to be granted, must reflect in the changes proposed, outcomes that also achieve the purpose of the Act.

66. The current request formulates an entirely new zone that is proposed to be inserted into the District Plan. Hence assessment of the new set of objectives, policies and rules is needed to ensure that these proposed components reflect and achieve the purpose of the Act.

67. Section 6 of the Act sets out matters to be considered of national importance. None of these matters are particularly relevant to this proposal. Section 7 lists a number of matters to which particular regard must be had. The following clauses are most relevant:

- b) the efficient use and development of natural and physical resources,*
- c) the maintenance and enhancement of amenity values,*
- f) maintenance and enhancement of the quality of the environment,*
- g) any finite characteristics of natural and physical resources.*

68. The plan change request meets all these requirements, and will align with the outcomes sought within this section of the Act.

## Effects on the Environment

69. In considering the purpose of District Plans, in conjunction with the Council's functions and duties under the RMA, I have assessed the plan change request using the following criteria:

- i) Effects of the proposed land uses on the environment
- ii) Consistency of the proposed plan change with relevant statutory documents
- iii) The statutory requirements under Section 32 of the Act.

## Visual and amenity matters

70. In coming to conclusions with regard to visual and amenity matters, I have drawn from both the landscape assessment provided as part of the application and from the peer review provided by Paul Smith of Rough and Milne Architects (see Appendix F). I have also visited the site and viewed it from surrounding roads and from a neighbouring property, who was generous to allow myself

and the landscape architects from both the Council and applicant onto their property to consider the effects.

71. Several submitters have expressed concerns relating to the visual and inherent change that will occur to the site should this plan change be approved by Council. I appreciate their concerns and agree that the visual and landscape change that will occur over the site as a direct response to this application is a key issue that must be addressed in determining the effects of the proposal. The application includes a detailed landscape assessment, and a concept plan that indicates the potential layout and landscape design that could occur should this plan change proposal be approved. I have considered this, in conjunction with the peer review provided to me by Mr Smith. Importantly, he distinguishes, early in his report, the difference between 'landscape effects' and 'visual effects'. I have included his definitions below:

***Landscape effects** are changes in the physical landscape that may alter its attributes, values, character and/or 'experience' of the landscape.*

***Visual effects** are changes to views, which may change the visual amenity experienced by people.*

72. I consider it is fair to say that neighbouring submissions are concerned about both these aspects. The Canterbury Plains are characterised by wide open spaces, punctuated by shelterbelts and hedgerows, and more recently, by irrigators, large sheds, and increasing numbers of dwellings. Intermittent views are available towards the Southern Alps, and a general feeling of openness is common and expected by inhabitants of the area.

73. Mr Smith summarises the requirements for maximum building and impervious surfaces in his report. I have extrapolated these into Table 1 below for ease of use:

Table 1: Maximum building and Impervious Surfaces in each Area

Land parcel	Permitted	Restricted Discretionary	Discretionary	Non-complying
Area 1	Combined total area of <b>all impervious surfaces and buildings</b> is $\leq 25\%$ of Area 1  Total gross floor area of commercial activities is $\leq 4,000\text{m}^2$	Total gross floor area of commercial activities is $> 4,000\text{m}^2$	n/a	Total area of impervious surfaces and buildings $> 25\%$ of Area 1.
Area 2	Combined area of <b>all buildings</b> is $\leq 10\%$ of Area 2.  Total gross floor area of centralised services and facilities is $\leq 4,000\text{m}^2$	Total area of all buildings $> 10\%$ of Area 2 and $\leq 15\%$  Total gross floor area of centralised services and facilities is $> 4,000\text{m}^2$	n/a	Combined area of <b>all buildings</b> is $> 15\%$ of Area 2.
Area 3	Combined total area of <b>all impervious surfaces and buildings</b> is $\leq 5\%$ of Area 3.		n/a	Total area of impervious surfaces and buildings is $> 5\%$ of Area 3.

74. The applicant provided two concept plans. I have chosen to focus my consideration on the plan identified as option 3, as it shows a worse case scenario for development across the site. It is important to recognise that this plan is merely a concept, but it does add value in terms of providing insight into the potential effects of the Plan Change. The concept plan shows a development with multiple visitor accommodation units, with a large central visitor complex.

75. Mr Smith's peer review indicates that the Proposed Plan Change will change the current rural character of the site to one associated with tourism or event activities. He recognises that the change in character will be limited to the site, but goes on to consider that the clustering in Area 1 and 2 will avoid potential reduction in open space and sprawl of built form throughout most of the site.

76. I benefited, along with the two landscape architects involved in the project, from viewing the subject site from the neighbouring property to the southeast. The applicant set up a scissor lift at

various heights so that we could view what the 9m height limited looked like from the neighbouring property.

77. Mr Smith carefully examines the plan change from a landscape perspective and raises issues in relation to some of the proposed rules. He expresses concern relating to the potential bulk of building on the site. He has calculated that the proposed plan change will allow for 22700m<sup>2</sup> of building coverage and impervious surfaces across the site.
78. Mr Smith identifies that the proposed mitigation measures, including setbacks, planting and limiting bulk of buildings, will reduce the visibility of the activities provided by the Proposed Plan Change, but does not consider that the measures will mitigate the potential adverse landscape effects. He then concludes that, given this, the mitigation measures will not reduce the initial significant effects on the rural character of the site, and reflects that the current rural character of the site will change. Mr Smith suggests that to retain the open space values of the site and to address the cluster built form within Area 1 and 2, that Area 3 should not contain any buildings. Based on this, he advises that he considers that if this recommendation is adopted, that the Proposed Plan Change will adversely affect the landscape values of the site to a low-moderate degree.
79. He goes on to consider the landscape requirements proposed as part of the proposed plan change. He then indicates that as the buildings will not be rural in character, that screening is increased, and proposed 'a shelterbelt, two rows deep, maintained at a minimum height of 8m, included on the outer perimeter of the 15m buffer and planted within the first planting season post the approval of a resource consent following the Plan Change.' He notes that if this was adopted, that he would agree with Mr Watson's comments regarding effects.
80. I share Mr Smith's concerns regarding bulk and the impact of the plan change on the rural character of the site. Given this I consider that his recommendations relating to a change in the landscaping required is not unreasonable, and consider that a rule to that effect would be appropriate to ensure the effects can be mitigated. I do however recognise that the applicant may suggest a different rule that may have the same effect as Mr Smith's proposed rule.

81. I have also carefully considered Mr Smith's comments relating to lighting, and agree that restrictions on lighting should apply to both Area 1 and 2 to ensure that effects are adequately mitigated. I consider that it would be reasonable to assume, as an inhabitant of a rural zone in mid Canterbury, that light pollution should not occur, and agree that the rule should be amended accordingly.
82. Whilst on site, it is evident that the site and neighbouring sites are characterised by open space and views across the plains. Mr Smith notes that a 15 metre landscape treatment is required along the boundaries with Area 2 and 3, but notes that a 10 metre setback from roads is proposed. I agree with Mr Smith that this divergence should be corrected, and that a 15 metre setback should be proposed to ensure that the rules are clear, enforceable and consistent.
83. While I note that shelterbelts are also part of the character of the plains, and do frequently block views, I agree with Mr Smith's comments in relation to shelterbelts and the effects of the proposal on the view from the neighbouring property at 54 Long Beach Road. For this reason, I consider it would be appropriate to include provision for a view shaft to allow for openness and views to Little Mt Peel and Mount Peel. While views are not protected under the RMA, I consider that in this instance, balancing off the loss of some views and openness, and the inclusion of a large tourism activity means that the inclusion of a view shaft through Area 3 to benefit the neighbouring property on Longbeach Road would be reasonable.
84. With regards to issues of glare, I agree with Mr Smith that a Light Reflectance Value (LVR) of 40% on its own will minimize visual prominence and glare on the receiving environment. I would recommend that the applicant considers this issue and provides some amendment to ensure that glare will not be an issue for the surrounding properties. Having considered issues of landscape amenity and visual amenity, it is my view that, subject to the changes to the rules suggested by Mr Smith, that the proposed plan change would represent an efficient use of land from a landscape perspective, and would result in a modified environment that would in fact have some positive effects in terms of an increase in tree and vegetation cover.

## Effects on Traffic and Transportation

85. I have considered the transport assessment accompanying the application, as well as the submission by the NZTA, and taken advice from Mr Antoni Facey who has provided a brief peer review of the traffic assessment (see Appendix E).
86. I have included several changes to the rules package in response to the NZTA's submissions, but note that I consider the issue of fencing the State Highway corridor would be better addressed through some other format. I note the existence of the new NPS, which now requires that some District's no longer require minimum parking levels. In any case, and having regard to Mr Facey's comments, I consider that the issues of safety, parking and access can be adequately mitigated through the amended policies, and at the time of resource consent application for the future development of the site.

## Servicing Effects

87. A servicing report accompanies the Plan Change application. The report identifies characteristics of the site which will direct the types of servicing treatment which will be most effective. The soils of the site are free draining. As a consequence, there are three possible options for the disposal of wastewater:
- Discharge control (2A sand) trench
  - Drip Irrigation field
  - Engineered mound (ecoTrench).
88. As the site has an area of 21ha, sufficient space exists for any of the above options to be used to dispose of wastewater from the site. The groundwater in the vicinity of the site is relatively shallow with a seasonal high of 2.4m. Secondary treatment to remove nitrogen will be required and various suitable options are available. Ultra-violet treatment may also be required if the treatment system located in a position where it could lead to contamination of the water supply well. A resource consent to discharge contaminants onto land will need to be obtained in association with the disposal and treatment of wastewater on the site.

89. The site has an existing consent to take water for irrigation purposes (CRC183036). This resource consent will need to be varied as it is proposed that water will also be taken for the tourist accommodation and associated activities on the site. Section 6 of Appendix 8 of the application shows that there is sufficient water available and consented at the site for the proposed development.

90. Four main sources of stormwater exist in relation to the proposed activities. These include:

- Roof water
- Paved areas not used by vehicles
- Land used for carparking, driveways and vehicle access
- Land used for the storage and handling of diesel associated with an emergency generator.

91. Stormwater from these sources will be disposed of as follows:

- Roof water will be discharged to a soak pit and will not be treated.
- Stormwater from paved areas that are not used by vehicles will be passively discharged to land or the land will be graded so that water flows to a collection sump and then a soak pit.
- Stormwater from land used for carparking, driveways and vehicle access will require treatment before it is discharged to land. The treatment options include treatment in a rain garden or infiltration basin or using an inground proprietary filter.
- Stormwater from land used for the storage and handling of diesel associated with an emergency generator will need to be contained to prevent any diesel from spills being discharged to a soak pit or adjacent land.

92. The treatment options for the disposal of stormwater from land used for carparking, driveways and vehicle access include treatment in a rain garden or infiltration basin or using an inground proprietary filter. Treatment of water using a rain garden and infiltration basin will include first flush treatment for the first 25mm of rain. Beyond this level, stormwater will flow straight to a soak pit. Treatment of stormwater via an inground proprietary filter will require an assessment to be made of the typical intensity of rainfall in the area. Further assessment will also need to be undertaken to determine the capacity needed for soakage pits to discharge to land.

93. Resource consent to discharge contaminants onto land will need to be obtained in association with the disposal and treatment of stormwater on the site.

94. Having read and considered the information supplied by the applicant concerning servicing, I conclude that the activities covered by the request can be appropriately serviced for water, wastewater and stormwater. Environment Canterbury consents will be required at such time as development proceeds on the site. It is important to note that there are technical solutions available to service the site effectively and efficiently.

### Reverse Sensitivity Effects

95. Reverse sensitivity can be an issue when non-farming activity establishes in a rural zone. This application seeks to allow for the establishment of up to 100 hotel style accommodation units. While there is potential for reverse sensitivity effects to occur, particularly with regard to noise or smell, I would note that it will be very clear to all inhabitants of the subject site, that the site is located in a rural area, and that rural activities should be expected. Furthermore, the landscaping and setbacks proposed will assist in minimising reverse sensitivity effects.

### Noise

96. The proposal allows for a commercial hub within Area 2 shown on the ODP, which may comprise an I-site, restaurant and bar, function centre, as well as outdoor spaces, staff service areas. The application included a noise assessment provided by AES which outlined in detail the noise levels that could be expected as a result of the activities permitted by this plan change. In summary, AES asserted that it is realistic that noise levels created by the activity proposed will comply with existing Ashburton District Plan noise standards. They identified the possible noise sources as follows:

- Noise from peak occupancy of the facilities, including people and music noise
- Noise from people in the outdoor areas of accommodation units and associated activities
- Noise from vehicles as they travel on site
- Noise from external plant associated with the activities.

97. The report then goes on to outline a scenario on which they have based their assessment, which in my opinion seems realistic. They considered noise occurring both during the day and at night and considered that noise level requirements in the District Plan would be met.
98. Marshall Day examined the AES report on a peer review basis (see Appendix D), and concluded that worst case noise levels will comply with the current requirements of the Plan. They did draw attention to an issue relating to a technical non-compliance relating to the road reserve, which would automatically make all activities in the proposed zone a restricted discretionary activity. A method to address this technical issue is now included in the rule package. I note that both AES and Marshall Day recommend that Rural zone rule 3.9.4 and particularly 3.9.4(c) be retained in the proposed Rural Tourism zone. I concur with this view. Having considered both the AES and Marshall Day assessment, I am comfortable that effects relating to noise will be minimal.

### Economic Effects and the Soil Resource

99. The application contained an assessment of economic effects written by Brown Copeland and Co Ltd, which was peer reviewed by Phil Osbourne of Property Economics Ltd, for the Ashburton District Council (refer to Appendix C). The Property Economics assessment is in general agreement with the BCC report, and agrees that the proposed expansion of the Farmers Corner site will have net positive economic outcomes for the District, whilst considering that the BCC has overstated the economic effects.
100. The Property Economics review does express concern with some of the assumptions made in the BCC report, but concludes that the economic benefits of the Plan Change will outweigh any potential economic costs by 'some margin'. The Property Economics report also touches on the issue of rural land productivity, but acknowledged that given extensive rural land supply in the District, that the small loss of rural productive land is not a 'consequential concern in this instance'. Having regard to these two assessments, I can conclude that the Proposed Plan Change does not have any detrimental economic effects, and may indeed result in beneficial positive effects, particularly for tradespeople and individuals that may be involved in the construction of the new development on the site and ongoing operation of the business on the site.

## Effects on Cultural Values

101. The requestor/applicant has liaised with iwi - Te Runanga o Arowhenua, and they have not submitted on the application. Given the circumstances of the application, and the indigenous landscaping included, no particular effects on cultural values are expected.

## Plan Change 3 Objectives, Policies and Rules – an Assessment

102. The Plan Change involves the creation of an entirely new zone for the Ashburton District Plan, to be known as the Rural Tourism zone. The land in question is currently zoned rural, and if rezoned, will continue to be surrounded by rurally zoned land. If this plan change is granted, the current suite of rural zone rules will no longer be applied to the assessment of any future resource consent application in this zone. Currently, Farmers Corner is referred to in the Plan, in 3.2.4 Business Development in the Rural Area, which recognises that business activities in the rural area can result in loss of amenity values and other adverse effects on the rural area, however it does recognise that some business activities will need or wish to be located in rural areas. The Plan also states that:

*‘other activities may seek to located in the rural area due to their scale. The development of activities such as Farmers Corner, require large sites to provide for retail activities, a café, and extensive car parking. They also need to be easily accessible from the main routes through the District. A suitable site is only likely to be found in the rural area.*

*Such activities, whilst providing for people’s economic well being have the potential to create a range of adverse effects. The visual impact of large scale buildings and ancillary structures, as well as the likelihood of significantly increased traffic generation is likely to have a cumulative adverse impact on amenity values such as privacy, rural outlook, spaciousness and quietness. In addition the lack of services in the rural area would necessitate these*

*activities to extract sufficient quantities of water for their development and also to establish appropriate large scale onsite waste disposal systems.'*

103. The application proposes a new Rural Tourism zone to be inserted into the Plan as Section 3A, post the Rural zones chapter, and before the residential chapter. This follows the methodology followed for other unique zonings created for sites such as the Aquatic Park – Lake Hood development and this recognizes that the character of the Rural Tourism zone will be different to those of the other rural zones. This means that a new set of issues, objectives and policies will be installed in the District Plan, should this application be successful.

104. The new issues, objectives and policies provide a framework for the new zone. Importantly, the wording states that 'the zone provides for a range of tourism activities to be undertaken in a way that integrates into the rural setting'.

105. The new wording also recognises change:

*'Further development within the zone will change the balance between built form and openness. It is important that this change is managed to minimize the effects on rural character and amenity of the wider area, and to ensure that the development does not become urban in nature and compromise the connection of the activities on the site to the rural resource base.'*

106. When a new set of issues, objectives and policies are inserted into a District Plan, it is important that they have sufficient 'teeth' to ensure that the anticipated environmental outcomes can be met. The detail included in this rules package appears to provide sufficient control over outcomes. Indeed, the wording seeks to: 'ensure that such activities compliment, rather than detract from, their rural setting'.

107. The Plan Change proposes a new objective - Objective 3A1 "provision for the Rural Tourism Zone" with the following policies proposed:

*'Policy 3A.1A To recognise the benefits of tourism activities undertaken within the Rural Tourism Zone to the District*

*Policy 3A.1.B To limit commercial activities to those aimed at the tourism market, or ancillary to the tourism activities onsite*

*Policy 3A.1C 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 minimize the potential adverse effects on the character and amenity of the surrounding rural area, and avoid reverse sensitivity effects arising*

*Policy 3A.1D To provide for the continued use of parts of the Rural Tourism Zone for rural and recreational activities*

*Policy 3A.1E To manage the effects of traffic generated by activities within the Rural Tourism Zone to ensure the safe and efficient functioning of the roading network and particularly State Highway 1*

*Policy 3A.1H To ensure that any development is appropriately serviced.'*

108. An objective is also included that relates to indigenous biodiversity – Objective 3A.2

*'Policy 3A.2A To require indigenous planting to be established to complement any additional built form*

*Policy 3A.2B To encourage indigenous planting throughout the zone that will result in a predominance of indigenous biodiversity.'*

109. All of the proposed objectives and policies do, in my view, represent an appropriate policy framework for the Proposed Plan Change. They identify each issue clearly, and will allow the

Ashburton District Council the ability to assess effects of future development with reference to both policies and rules.

110. I consider that a slightly stronger wording of Policy 3A.1C, as it relates to amenity might be more appropriate to meet the purpose of the Act. In my view, the use of the word ‘minimise’ is too weak in this instance, and would consider a stronger wording as more appropriate:

*‘To allow for the development of visitor accommodation in accordance with the outline Development Plan attached in Appendix 3A-1, while ensuring its location and design will **avoid** adverse effects on the character and amenity of the surrounding rural land, and avoid reverse sensitivity effects arising’.*

111. This change in wording has the result of elevating the importance of visual amenity and rural character, to be equal with that of reverse sensitivity effects. No changes are needed to the explanation and reasons as a consequence of my suggested change.

112. Clause 3A.5 includes the Environmental Results Anticipated. Again, in relation to adverse effects I suggest a change to phrase ‘mitigation of adverse effects on the surrounding rural environment’. I consider that the proposed use of the site should be able to meet a higher test – in that ‘avoidance’ of effects, while still being a rural tourism zone, should be the goal. In my view, the current wording indicates that the effects of the proposed plan change on the surrounding rural environment is of lesser importance than the vitality of the Ashburton Township and that in fact, the surrounding rural environment should be of equal importance in terms of the level of effects acceptable.

113. I also have recommended changes based on the submission of the NZTA – Policy 3A.1C, Policy 3A.1E, and a slight change to the environmental results anticipated. I have also proposed changes to Assessment Matters 3A.11.2 g), and included additional assessment matters h) and i), as suggested by the NZTA. I do not consider any of these changes are significant, and consider that they do continue to represent methodology that is appropriate.

114. 3A.6 Methods of Implementation contains a set of reasoning for the proposed rules. Consequential changes may be needed here to address the recommendations made above.

## Rules

115. As explained in detail in the application, the new package of rules allow for development of the site in accordance with an Outline Development Plan, delineated into three sub-areas with various different criteria applicable within the different areas. The rules package limits the number of visitor accommodation units to 100 except with a non-complying resource consent, and contains rules relating to landscaping, heights, setbacks, and other bulk and location requirements.

116. In my view, the rules package, in general, provides a sensible framework for ongoing development on the site, and restricts development in such a way that effects will be able to be clearly assessed against appropriate rules, policies and objectives. Some changes are considered appropriate, in particular relating to the landscape and visual effects discussed earlier in this report. A tracked changed copy of the rules package is attached as Appendix B to this report, in which my suggested changes are included. A brief summary of the key changes to the rules is as follows:

- *Rule 3A.8.6a) Non-complying activities*

The change to this rule adds that buildings in Area 3 are a non-complying activity, and means that while buildings in Area 3 may be applied for, a rigorous assessment will be undertaken on any application sought.

- *Rule 3A.9.1 Height of Buildings and 3A.10.6 Height of Buildings*

The removal of reference to Area 3 reflects the concerns raised by submitters and Mr Smith in his landscape assessment, and does, in my view represent an appropriate way to achieve the relevant objectives of the Plan.

- *3A.10.2 Landscaping*

The change to the landscape planting requirements suggested reflects visual amenity and

landscape amenity concerns and will result in rules that achieve the relevant objectives of the Plan.

- *3A.10.3 Hours of Operation*

Adding Area 2 to the rule relating to hours of operation is important to achieve the objectives and is an appropriate method to ensure effects are avoided, remedied or mitigated as required by the Act.

## Consequential Changes to the Plan

117. Twelve consequential changes are proposed to the Plan. All of these represent a sensible response to the issue, and ensure that the District Plan will not be inconsistent in its approach to different zones across the district in certain matters. I do however suggest the following amendments and additions for the reasons discussed below:

### 118. Change 2

It is proposed to amend the second paragraph of the Commercial and Business section 3.2.4 'Business Development in the Rural Area' as follows:

*"Other activities may seek to locate in the rural area due to their scale. The development of some commercial activities may ~~such as Farmers Corner~~, require large sites ~~to provide for retail activities, a café and extensive car parking.~~ They and also need to be easily accessible from the main routes through the District. A suitable site is only likely to be found in the rural area."*

119. I consider proposed change 2 to be appropriate, efficient and effective, however, I consider that the existence of the Rural Tourism Zone should be mentioned in the provisions of the Plan describing business development in the rural area. Consequently, I propose that the wording for this paragraph be changed as follows:

*"Other activities may seek to locate in the rural area due to their scale. The development of some commercial activities may ~~such as Farmers Corner~~, require large sites ~~to provide for retail activities, a café and extensive car parking.~~ They and also need to be easily*

*accessible from the main routes through the District. A suitable site is only likely to be found in the rural area. A Rural Tourism Zone has been created to the south of Tinwald in recognition of the commercial activities of Farmers Corner which requires a large site in the rural area.*

120. I also suggest the following additional consequential changes are made to the Plan:

121. **Change 13:**

*'9.6.5 Outline Development Plans*

*Outline Development Plans are intended to manage development within certain defined areas. The Aquatic Park zone provides for a specific form of development as set out in the Outline Development Plan and coordinated around the lake and canals. The Racecourse Avenue and Lochhead developments were specifically designed according to site constraints and these are set out in the applicable Outline Development Plans. The Trevors Road development provides for residential development with a range of densities whereas the Redmond development provides for low density housing around a central area of open space. The Village Green development provides for an area of residential cluster development. The Longbeach Road development provides for tourism activities and complementary visitor accommodation. Compliance with the Outline Development Plans is necessary to ensure that the form and layout of development is consistent with that intended for the land.'*

122. Overall, I consider the proposed changes will achieve the outcomes sought in an effective and efficient manner. I therefore consider that the request is the most appropriate way to achieve the purpose of the Act.

## Conclusions and recommendations

123. Having considered all the submissions, reports, peer reviews and statutory documents relating to this plan change request, I recommend that Plan Change 3 should be accepted, subject to the alterations suggested being made.

124. Having regard to the relevant parts of the Act, it is my view that the adoption of the Plan Change, with amendments will:

- Be the most appropriate way to achieve the overall purpose of the Resource Management Act 1991;
- Will give effect to the Canterbury Regional Policy Statement;
- Will reflect the intentions of the new National Policy Statement on Urban Development;
- Represents an efficient, effective and the most appropriate way to achieve the objectives of the Ashburton District Plan; and
- Achieves the Ashburton District Council's functions under s31 of the Act.

125. For those reasons I recommend that the Plan Change be accepted, with amendments outlined within this report.

Mary Clay

Consultant Planner

**Ashburton District Council**

August 2020