

Report to	Commissioner Dean Chrystal
From	Rachel Hickling – Planner
Date	5 November 2025
Subject	Late Submission on Plan Change 7 – Farm Road, Ashburton

RECOMMENDATION

1. PURPOSE

To determine a course of action in relation to a submission that Ashburton District Council has received on plan change 7, being a private plan change request by Coniston Park Ltd, following the close of the submission period.

2. HISTORY / BACKGROUND

Coniston Park Ltd lodged a request with the Council to change the Operative Ashburton District Plan (ODP). This request was ‘accepted’ by Council and notified on 3/09/2025 Submissions closed at 5pm on 1 October 2025.

Council received a submission at 12pm on 24 October 2025 (**Appendix 1**) on behalf of Bob and Sue Simpson, outside of the submission period, and thereby considered late.

3. DISCUSSION

Section 37A of the Resource Management Act 1991 refers to the requirements for waivers and extensions of time limits. As these apply to plan changes, s37A requires that:

(1) A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account—

- (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
- (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
- (c) its duty under section 21 to avoid unreasonable delay.*

(2) A time period may be extended under section 37 for—

- (a) a time not exceeding twice the maximum time period specified in this Act; or*
- (b) a time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.*

As set out above, the submission from Bob and Sue Simpson in relation to Plan Change 7 was received 23 days after the close of submissions.

Coniston Park Ltd have advised that they oppose the acceptance of the late submission (**Appendix 2**). It is considered that, in accordance with the RMA, compliance with the time limit can be waived/extended to allow the acceptance and further consideration of the submission.

For completeness, I consider that:

- a) The summary of submissions has been notified, and the acceptance of this late submission may result in timeframe and cost implications to the proponent.
- b) The subsequent delay required if the submission were to be accepted could constitute an unreasonable delay.

4. OPTIONS

I consider that there are two options available to the Commissioner:

1. Accept the submission from Bob and Sue Simpson received after the close of the original submission period and direct Council to take any necessary steps to include the submission in the further submissions and subsequent s42A Report.
2. Reject the submission from Bob and Sue Simpson received after the close of the original submission period.

As the proponent of the plan change has indicated that they object to the submission being accepted, Option 2 is recommended.



Rachel Hickling
Planner

Commissioner Decision

I accept the recommendation above and consider that the submission from Bob and Sue Simpson received after the close of the original submission period be rejected for the following reasons:

1. The submission is some 23 days out of time;
2. Acceptance of the submission has been opposed by the Applicant, and I am required to consider their views as they are directly affected by any extension in time;
3. The effects referred to by Mr and Mrs Simpson appear to be unrelated to the proposed plan change property and stem from another property. I do not consider the interests of the community in achieving adequate assessment of the effects of the plan change will better be served by allowing the submission; and
4. Submissions have already been publicly notified and the period for lodging further submissions has closed. There is a duty to avoid unreasonable delay and, in my opinion, accepting the Simpson's submission and thus triggering another period for further submission will create further delays in the process.



Commissioner Dean Chrystal

Date: 12 November 2025

Appendix 1: Bob and Sue Simpson Submission

Submission on Proposed Plan Change 7 to the Operative Ashburton District Plan

Clause 6 of the First Schedule, Resource Management Act 1991

To: Ashburton District Council

Note to person making submission:

The submission period for Proposed Plan Change 5 closes **5pm Wednesday 1st October 2025**.

Your submission (or part of your submission) may be struck out if the Council is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

1. Submitter Details

Please note: all fields marked with an asterisk () are compulsory:*

Name of submitter(s)* Bob & Sue Simpson

Submitter address* 273 Racecourse Road
R.D. 6 Allenton

City/Town* Ashburton 7776 Postcode* 7776

Contact name (if different from above) _____

Contact organisation (if different from above) _____

Contact email address simbob@xtra.co.nz

Contact address (if different from above) _____

City/Town ASHBURTON Postcode 7776

Contact phone number 027 434 7955

Please Note that by making a submission your personal details, including your name and address, will be made publicly available in accordance with the Resource Management Act 1991. This is because, under the Act, any further submission supporting or opposing your submission must be forwarded to you as well as to the Council.

While all information in your submission will be included in papers which are available to the media and public, your submission will be used only for the purposed of the Plan Change Process.

2. Trade Competition Declaration*

Part A

☒ I could not gain an advantage in trade competition through this submission. (If you tick this box please proceed straight to Section 3 of this form).

OR

☐ I could gain an advantage in trade competition through this submission. (If you tick this box please complete Part B).

Part B (please ~~strikeout~~ the following option that does not apply to you).

I am / am not directly affected by an effect of the subject matter of the submission that:

- (a) Adversely effects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

3. Hearing options*

Do you wish to be heard in support of your submission? If you choose yes, you can choose not to speak when the hearing date is advertised.

☒ Yes ☐ No

If others are making a similar submission would you considered presenting a joint case with them at the hearing? You can change your mind once the hearing has been advertised.

☒ Yes ☐ No

4. Submission Details *

☒ Yes I am enclosing further supporting information to this submission form.

The specific provisions of the proposal that my submission relates to (please give details):

Uncontrolled storm water flooding having an
extreme detrimental impact on our property
and driveway.

My position on this provision is:

☐ Oppose in part

☐ Oppose in full

☒ Support in part

☐ Support in full

The reason for my/our submission are (please give details):

Stormwater runoff through our property is -

- 1 Regularly flooding our driveway
- 2 Having a detrimental impact on our Oak trees.
- 3 Impeding access to our house and property.
- 4 Submerging and severely eroding the driveway.

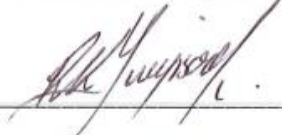
In summary, excess stormwater flows in quantity, into and through our property before preceding into, and flooding the new subdivision.

I seek the following decision from the local authority (please give precise details):

We are seeking a resolution which will mitigate the excessive flow of stormwater through our property and ultimately accumulating in the new subdivision. We would like to work with the developers and the Council to arrive at an agreeable solution which will resolve this on going problem.



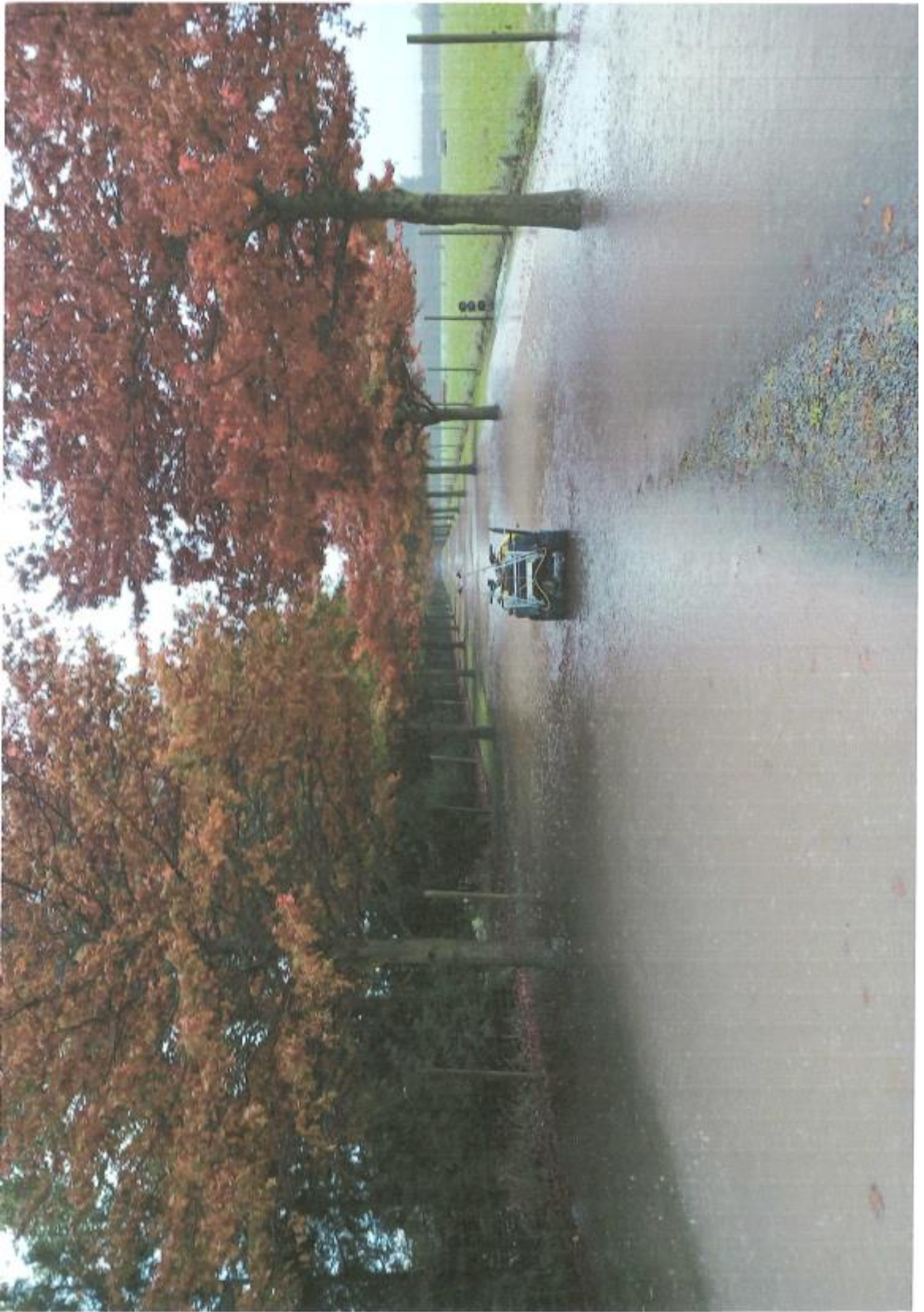
Signature of Submitter (or person authorised to sign on behalf of submitter):

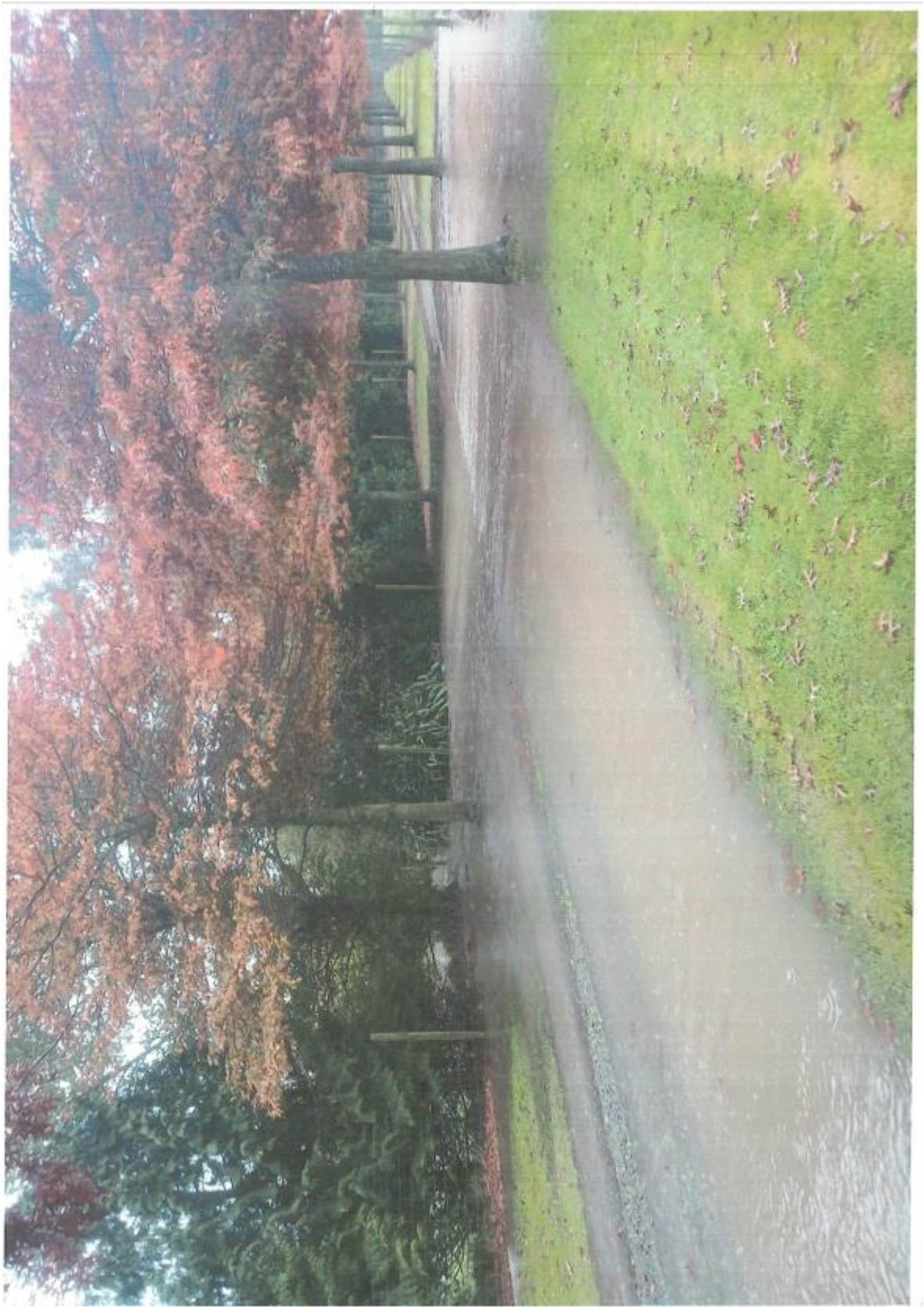
 _____ **Date:** 24/10/2025

Note: A signature is not required if you make your submission by electronic means.

Please return this form no later than **5pm Wednesday 1st October 2025**

- Scan and email it to info@adc.govt.nz (Subject Line: Proposed Plan Change 7)
- Post it to Ashburton District Council, Planning Team, P.O. Box 94, Ashburton 7740
- Deliver to Council Offices at 2 Baring Square East, Ashburton









Appendix 2: Proponent Advice

From: David Harford <david@dhconsulting.co.nz>
Sent: Tuesday, 4 November 2025 20:37
To: Brad Thomson <Brad.Thomson@adc.govt.nz>
Subject: RE: Your scan (Scan to My Email)

Hi Brad

The applicants are reluctant to accept this late submission. The basis for this is it is stormwater coming from above the applicant's property and onto their land. This is not something they feel they should need to address as they have enough on-site stormwater management, they will be designing to manage should the Plan Change be approved and the subdivision application provides the necessary information.

Kind Regards

DH

David Harford
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ASHBURTON 7700
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From: Brad Thomson <Brad.Thomson@adc.govt.nz>
Sent: Tuesday, 28 October 2025 1:43 pm
To: David Harford <david@dhconsulting.co.nz>
Subject: FW: Your scan (Scan to My Email)

Hi David,

Attached is the late submission. Could you please let me know ASAP on whether the applicant is happy with accepting as we will need to notify further subs this week.

Thanks,
Brad
