

ASHBURTON DISTRICT PLAN

PLAN CHANGE 7

Coniston Park Ltd - Farm and Racecourse Roads, Ashburton

**PLANNING OFFICER'S REPORT UNDER SECTION 42A OF THE
RESOURCE MANAGEMENT ACT 1991**

24 November 2025

1. Executive Summary

1. I have been asked by the Council to prepare this report pursuant to Section 42A of the Resource Management Act 1991 (**the Act/RMA**). This report summarises the privately initiated Plan Change 7 (**the plan change / PC7**) to the Ashburton District Plan (**the Plan**) and submissions.
2. This report forms part of the Council's ongoing reporting obligations to consider the appropriateness of the proposed provisions; the benefits and costs of any policies, rules or other methods; and the priorities raised in submissions on PC7. In addition to this report, the Section 32 report prepared by David Harford Consulting Ltd and associated documentation relating to PC7 (Annexures 1 - 18) should be considered.
3. 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 discussion and recommendations included in this report are intended to assist the Hearing Commissioner, Council and submitters on PC7. The recommendations contained within this report are not the decision of the Hearing Commissioner or Council and it cannot be assumed that the decision makers will come to the same conclusions.
4. Pursuant to Clause 29 of the First Schedule of the Act, the Ashburton District Council (**the Council**) may, after considering the request, decline, approve or approve the plan change with modifications, and must give reasons for its decision.
5. Plan Change 7 seeks to:
 - a. Rezone approximately 16.32ha of located on the north-west corner of Farm and Racecourse Roads, Ashburton, from Residential D to Residential C. This would allow for a higher density of development, in accordance with the Residential C Zone provisions.
 - b. Add an Outline Development Plan (**ODP**) to the Residential Zones Chapter (as new Appendix 4.7: Coniston Park Outline Development Plan) and add two additional Site Standards (to Chapter 4 (Residential) and Chapter 7 (Subdivision) respectively), to require any future subdivision or development of the site to adhere to the ODP (proposed rules 4.9.20(b) and 9.8.12), along with related new assessment matters (new section 4.11.16).
 - c. Add a further Site Standard in Chapter 4 (Residential) to require 1.8m high fencing for all residential buildings adjoining the Rural A zone (proposed rule 4.9.20(a)), along with a new section in the Reasons for Rules in Chapter 4 (new section 4.7.32) relating to the fencing requirement.
6. The standard RMA Schedule 1 process is being followed in assessing this plan change.
7. Seven submissions were received on PC7. Three submissions oppose PC7 in full; three oppose in part and seek amendments to address their concerns; one supports in part; and one is neutral. No further submissions were received.
8. Having considered the notified plan change material and the submissions received, I have evaluated the proposal and recommend that PC7 be approved with minor amendments.

9. In recommending the acceptance of PC7 with minor amendments, I generally agree with the evaluation of David Harford Consulting Ltd undertaken under Section 32A of the RMA, and in addition to further evaluation set out in this report, consider the provisions of PC7 to be the most appropriate way to achieve the objectives of the Plan and the purpose of the RMA.

2. Introduction

Qualifications and Experience

10. My full name is Elizabeth (Liz) Jane White. I am an independent planning consultant, having been self-employed (Liz White Planning) for the last four years. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
11. I have over 18 years of planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports, as well as providing planning input in Environment Court processes. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents, and preparing and processing resource consent applications and notices of requirements for territorial authorities.
12. I have been engaged by the Council to assist with the processing of PC7. This has included reviewing the original application for completeness and identifying further information required to better understand the proposal and its potential effects, reviewing the further information received, reviewing all submissions lodged and preparing this s42A Report. I have also undertaken a site visit on two occasions which included familiarising myself with the immediately surrounding residential and rural area.
13. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Purpose and Scope of this Report

14. This report has been prepared in accordance with Section 42A of the RMA to assist the Commissioner in considering the submissions received for PC7. It summarises the issues raised in the submissions received, outlines consultation that has been undertaken by Council and the Applicant and makes recommendations on PC7.
15. The purpose of this report is to:
 - a. Highlight relevant information and issues regarding PC7 in terms of the statutory requirements; and
 - b. Consider the points raised in submissions, and then make recommendations on whether to accept or reject each submission.
16. The scope of this report includes:

- a. A brief overview of PC7, including background and summary of matters relevant to the plan change;
 - b. Procedural matters;
 - c. Statutory considerations and relevant planning instruments;
 - d. An overview, analysis and evaluation of submissions received;
 - e. An analysis of the plan change against the identified statutory matters;
 - f. Comment on the s32 assessment and further analysis under s32; and
 - g. Conclusions and recommendations.
17. Any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioner or the Council in any way. It should not be assumed that the Hearing Commissioner will reach the same conclusions or recommendations having considered all the evidence to be brought before them by the applicant and submitters.
18. In preparing this report I have:
- visited the site and the surrounding area;
 - reviewed the original plan change request and the further information received;
 - read and considered all the submissions received on the plan change request;
 - reviewed the statutory framework and other relevant planning documents; and
 - reviewed, and where necessary relied on, the evidence and peer reviews provided by other experts on this plan change.
19. This report effectively acts as an audit of the detailed information lodged with the plan change request prepared by David Harford Consulting Ltd on behalf of Coniston Park Ltd and associated technical reports. A full copy of the plan change request, further information provided, submissions, summary of submissions and other relevant documentation can be found on the Council website (<https://www.ashburtondc.govt.nz/home-and-property/planning-guidance-and-resource-consents/notifications/changes-to-district-plan>)
20. As such, this report seeks to provide as little repetition as possible and accepts those parts of the application where referred to. If a matter is not specifically dealt with in this report, it can be assumed that there is no dispute with the position set out in the plan change application.

3. Plan Change 7 Overview

Background to the Plan Change

21. PC7 was lodged with Council by David Harford Consulting Ltd on behalf of Coniston Park Ltd on 19 December 2023.
22. Following lodgement, an initial request for further information was made on 27 February 2024. In addition to other matters, this request included that the application and related technical reports be updated, as necessary, to assess the effects arising from the density of development

that would be enabled through the Residential C zoning, rather than assessing the density envisaged in the Concept Plan submitted with the application (contained in Annexure 5 to the final application).

23. After reviewing the response received, a peer review of the updated Integrated Transport Assessment (contained in Annexure 7 to the final application) was undertaken, which identified further matters to be addressed. This was responded to by the applicant on 15 July 2024. The peer review and response are contained in Annexure 8 to the final application.
24. A further request for information was made on 2 September 2024, which focused on the management of stormwater. An initial response to this was received on 2 May 2025 (contained in Annexure 12 to the final application). This was reviewed by the Council's Development Stormwater Consultant and responded to on 6 June 2025, identifying matters still outstanding. A further response, including an updated ODP was received on 22 July 2025. The Council review and response are contained in Annexure 13 to the final application. The updated ODP is also contained in Annexures 3 and 4 to the final application. The Council confirmed that it approved the proposed stormwater discharges (under the ADC global stormwater consent CRC186263) in principle, based on the concept designs provided, and subject to approval of detailed design during the subdivision and development phase (should the rezoning be granted). This is contained in Annexure 14 to the final application.
25. PC7 was accepted by the Council for notification under Clause 25(2)(b) RMA on 1 September 2025.

Site and Surrounding Area

26. The Plan Change site and surrounding area are outlined in paragraphs 23-32 of the request. I generally agree with that outline. Key aspects to note are:
 - a. The site is located on the corner of, and has frontage to both, Farm Road and Racecourse Road. Farm Road is a collector road with a 60km/hr speed limit along the majority of the Farm Road frontage, reducing to 50km/hour to the south-west. Racecourse Road is a principal road with a 60km/hr speed limit along the site's Racecourse Road frontage, increasing to 100km/hour to the north, and reducing to 50km/hour to the south.¹
 - b. Although zoned Residential D, the site has not been developed, and is currently vacant land used for farming. It is a relatively flat site, and plantings previously located along the stream have been removed.
 - c. The site is located at the rural-urban fringe, with the surrounding zoning being a mix of Rural (to the north), Residential C and Open Space A (to the south-east and south-west); and Residential D (to the west and north-east), as shown in Figure 1 below.

¹ The speed limits I have referred to here are taken from the Integrated Transport Assessment contained in Annexure 7 to the final application, which I note is slightly different to the summary provided in paragraphs 30-31 of the Application. The latter refers to a 70km/hr speed limit along the majority of the frontages. I note that the Integrated Transport Assessment refers to Farm Road as being a local road, but it is correctly referred to in the application as a collector road, as set out in Appendix 10-1: Roading Hierarchy of the Plan.

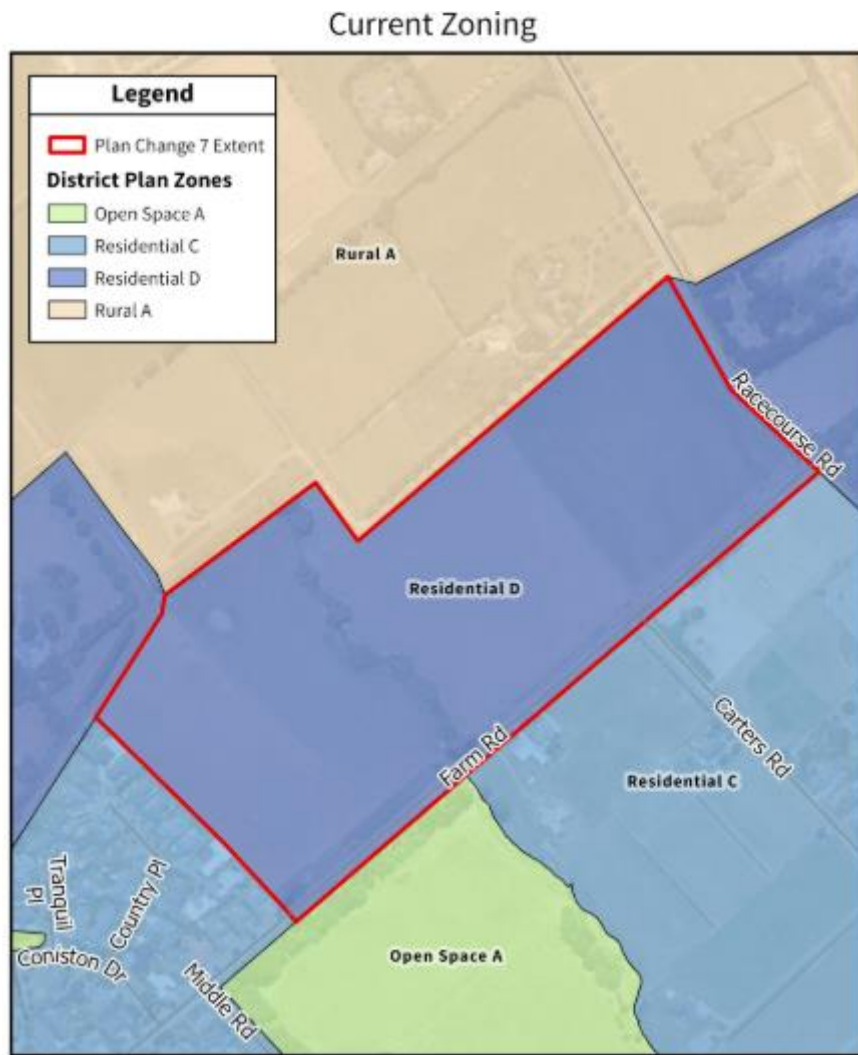


Figure 1: District Plan Zones

Summary of the Plan Change

27. The Request seeks to rezone the Site from Residential D to Residential C. Within the Plan Residential C is referred to as “Medium-Low Density”, and is applied to suburban residential areas. The intent is for the zone to provide a residential area with sufficient open space for tree and garden plantings and with minimal adverse environmental effects experienced by residents. By contrast, Residential D is referred to as “Low Density” with the intent of the zone being as per Residential C, but with a very low density residential area with “ample” open space. Residential D is also expected to form part of the rural-residential interface and include rural productive activities in addition to residential activities. As such, the key distinction between these two zones is in terms of density and the extent of private open space (which in turn allows for some smaller-scale pastoral farming activities.)

28. To guide key elements of the future development of the Site, an ODP is also proposed to be added to the Plan², which is to be secured through new Site Standards requiring future subdivisions and development of the site to adhere to the ODP³.
29. One additional Site Standard is also proposed to be added to the Plan, requiring 1.8m high fencing to be established at the boundary of any site adjoining the Rural A zone, before a residential building is established⁴.
30. The Request also includes additions to the Reasons for Rules and Assessment Matters relating to the above ODP and Site Standards⁵.

4. Procedural Matters

31. The process for making a plan change request and how this is to be processed is set out in the 1st Schedule of the Act.
32. As noted earlier, the request was received by Ashburton District Council on 19 December 2023. Following the provision of requested further information (as summarised above), PC7 was accepted for notification on 1 September 2025. The request was publicly notified on 4 September 2025, with submissions closing on 1 October 2025. The summary of submissions was notified on 17 October 2025, and further submissions closed on 3 November 2025. No further submission were received.
33. After the notification of the summary of submissions, a late submission was received on 24 October from Bob & Sue Simpson. The commissioner has rejected the late submission and therefore it is not considered further in this report.
34. PC7 has reached the point where a hearing is now required (as per Clause 8B of the First Schedule to the RMA). Following the hearing, the Council is required to give a decision on the plan change and the associated submissions (Clause 10 of the First Schedule to the RMA).

5. Statutory Framework

35. Section 73(2) of the RMA allows for any person to request that a change be made to the District Plan, in accordance with the process set out in Part 2 or Part 5 of Schedule 1. Part 5 of Schedule 1 is not relevant to this particular plan change application as it relates to the use of the 'streamlined planning process', which is not proposed in this instance.
36. Clause 21(2) of Part 2 of Schedule 1 requires that the plan change request: explain the purpose of, and reasons for, the proposed change and contain an evaluation report prepared in accordance with section 32 of the RMA; and where environmental effects are anticipated, describe those effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change. The application considered the actual and potential effects of the plan change on the environment,

² Appendix 4.7: Coniston Park Outline Development Plan

³ Rules 4.9.20(b) and 9.8.12

⁴ Rule 4.9.20(a)

⁵ Section 4.7.32 and section 4.11.16

and where relevant to matters raised in submission, I discuss these further in Section 6 of this report.

37. My understanding of the matters set out in the Part 2 of Schedule 1 are that PC7 requires assessment in terms of whether:
- a. it is in accordance with the Council's functions (s74(1)(a));
 - b. it is in accordance with Part 2 of the RMA (s74(1)(b));
 - c. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - d. the objectives of the proposal (in this case, being the stated purpose of the proposal) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
 - e. the provisions in PC7 are the most appropriate way to achieve the objectives of the District Plan and the purpose of the proposal (s32(1)(b)).
38. In addition, assessment of PC7 must also have regard to:
- a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
 - c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.
39. These matters are considered in more detail in the Statutory Analysis section of this report. The following section sets out and discusses the matters raised in submissions, which are then in turn discussed in the Statutory Analysis section as they relate to the statutory requirements.

6. Analysis and Evaluation of Submissions

40. The plan change was notified on 4 September 2025, with submissions closing on 1 October 2025. Further submissions were invited from 17 October 2025 and closed 3 November 2025. Eight separate submission forms were received on PC7, but as two were received from the same submitter (Judith Kingsbury S5), this has been treated as one submission in the summary of decisions requested. The summary, along with copies of full submissions made on PC7 can be viewed on the Council website at <https://www.ashburtondc.govt.nz/home-and-property/planning-guidance-and-resource-consents/notifications/changes-to-district-plan>
41. This section provides an assessment of the submission points received and a summary of the information included with the application and the expert evidence commissioned to inform the overall recommendations of this report and to make a determination on the relief sought by submitters.

42. I consider that the key matters either raised by submitters, or necessary to be considered in ensuring that the Council's statutory functions and responsibilities are fulfilled, are:
- a. Construction effects
 - b. Access
 - c. Flooding and stormwater management
 - d. Visual and amenity impacts
 - e. Connectivity
 - f. Servicing
 - g. Education facilities
 - h. Reverse sensitivity
 - i. Traffic
 - j. Ecological and cultural effects
 - k. Other effects
 - l. Other matters

Overarching Positions

Submissions

43. G & R Tait oppose the plan change in part, seeking that (S1.1) the issues outlined in their submission are addressed within the rules applying to the zoning, if the rezoning is granted. They state that the rezoning will substantially alter and affect their enjoyment of the semi-rural, peaceful lifestyle and views they currently enjoy. They note, in particular, the time over which the subdivision of the site and then subsequent building construction will occur and the impacts of that. The specific issues they raise in their submission have been set out and addressed further below in relation to the types of issues raised. G & R Tait further request (S1.2) that the developers of the site do not dismiss the impact the proposed rezoning and subdivision will have on existing neighbours and their quality of life.
44. D & H Ward (S2) oppose the plan change in part and seek that various measures are out in place if the rezoning is granted. Each specific request (S2.1 – S2.5) is detailed below.
45. G Barrett (S4.1) opposes the plan change, and seeks that full consideration against this rezoning is given.
46. J Kingsbury (S5.1) opposes the plan change, and seeks that *"the present status of the land as Rural D"* be kept.
47. C Crozier (S7.1) opposes the plan change and seeks that the site remain as farmland.

Analysis

48. The matters set out above reflect the overarching position of submitters. The more detailed reasons for those positions – either reasons why a submitter seeks that the plan change is declined, or if approved, matters which they seek to be addressed – are set out and evaluated in the following sections on a topic basis.
49. The exception to this is in relation to G & R Tait's request (S1.2) that the developers of the site do not dismiss the impact the proposed rezoning and subdivision will have on existing neighbours and their quality of life. In my view, the zone framework and other district plan rules provide a framework within which developers can operate. However, neither the Plan (nor the RMA) provides an opportunity to compel the developer to act in a certain way when operating within the framework. However, the wider of the rezoning and subsequent subdivision that it would enable, and the impact of this on neighbouring landowners is considered further below. This includes consideration of whether these impacts are acceptable, or whether mitigation is appropriate to address them. While I recommend that the submission point (S1.2) be rejected, I note that the underlying concerns of the submitters regarding impacts on neighbours is considered further in the following sections.

Construction Effects

Submissions

50. G & R Tait are concerned about the increase in noise levels during the subdivision of the site and then subsequent building construction arising from hours of work, heavy machinery, workers on site and increase in traffic which will impact their enjoyment of their property and which they consider could scare horses grazing. G & R Tait (S1.1) request that the hours of construction during development and then the building stage be restricted to Saturday mornings only with no Sunday work allowed. D & H Ward (S2.1) also raise concerns about noise pollution arising for close residents from major site works and in order to provide relief from noise during evenings and weekends request that works are carried out between 7.30am and 5.30pm weekdays only. G Barrett (S4.1), who opposes the rezoning, also mentions noise as a factor.
51. G & R Tait (S1.1) are concerned about dust from building and construction works being blown into their property and question what measures are proposed to mitigate the effects of dust. D & H Ward (S2.2) also have concerns that site works will increase dust and dirt in the air and in windy conditions will travel to neighbouring properties. They request that no work is carried out in winds which would carry dust/dirt to neighbouring properties.
52. G & R Tait (S1.1) are concerned about the impacts on the grass verge adjoining their property if used by large vehicles and machinery and seek that during construction this verge is not destroyed by their excessive use.

Analysis

53. I firstly note that the residential properties adjoining the site to the south-east and south-west are zoned Residential C. As such, the rezoning would facilitate development of the site in the

same manner as has been provided for in those adjoining areas (regardless of when or whether those sites have been developed).

54. With respect to construction noise, this is already regulated under the District Plan. This requires construction noise to comply with the New Zealand Standard that is specific to such noise (being NZS 6803:1999 Construction Noise). The rezoning, while allowing for an increase in the density of development of the site, does not alter this requirement, i.e. the same noise limits would apply to manage construction development under the Residential D framework. The limits applying under this standard allow for greater noise on weekdays, with the highest limits applying between 7.30am and 6pm (with other limits applying between 6.30-7.30am and 6pm-8pm). Construction noise is also provided for on Saturdays between 7.30am and 6pm. This is set out in the table below.

	Weekdays			Saturdays			Sundays/public holidays		
	L10	L95	Lmax	L10	L95	Lmax	L10	L95	Lmax
6.30am–7.30am	60	45	70	*	*	*	*	*	*
7.30am–6pm	75	60	90	75	60	90	*	*	*
6pm–8pm	70	55	85	*	*	*	*	*	*
8pm–6.30am	*	*	*	*	*	*	*	*	

55. A key aspect of the Plan Change is that greater density would be enabled on the site, and while the level of construction noise allowed for would not change, the period over which this could occur will likely increase, due to the increased number of houses being built. However, the application of NZS 6803:1999 applies to manage such noise across the District, and commonly applies to construction and development across the country. It is therefore a well-accepted measure to manage noise arising from construction works. While noting that submitters have requested that construction be limited to weekdays only, and to slightly reduced hours on weekdays than those applying under NZS 6803:1999, I do not consider that there is anything particular about the site itself, or the neighbouring sites, that warrants a different regime being applied in this instance than otherwise applies to all construction noise across the District. I therefore recommend the requests (part of S1.1, S2.1 and part of S4.1) be rejected.
56. In terms of dust, I note that the following rules in the District Plan will apply to development of the site, if the rezoning is granted:
- Rule 9.7.3b) which requires a resource consent (as a controlled activity) to be obtained for earthworks associated with subdivision up to a maximum volume of 5,000m³ on any one site per annum. Where within this limit, consent must be granted, but conditions can be imposed on matters such as the location and scale of earthworks, the duration of earthworks and hours of operation, and site management matters including control of dust.
 - Rule 9.8.5b) (and 9.7.5a)) which applies a discretionary status to earthworks associated with subdivision in a residential zone, which exceed 5,000m³ per subdivision. Where a consent is triggered under this rule, the matters that the Council can consider and impose conditions on are not limited, and if warranted, the consent could be declined.

57. I consider that these rules already taken into account, and provide a framework for managing, dust associated with the earthworks required to develop the site for residential purposes. I consider that this addresses the concerns raised by G & R Tait (S1.1) and D & H Ward (S2.2), noting that the specific mitigation measures applying to the site will be determined at the time a specific subdivision is applied for. I consider this to be appropriate to manage dust arising from increased construction that the rezoning would facilitate. While I recommend that these submission points be rejected (part of S1.1 and S2.2), this is because I consider that the underlying concern is already managed under the District Plan framework.
58. With respect to the potential for vehicles used during the construction period to damage grass verges, I note that the Council has the ability to place conditions on any future subdivision consent in regard to this (as matters that can be considered and consent conditions imposed on include “*managing construction effects*”). The Council is also able to require a bond as part of the subdivision consent conditions, which can be used to restore any damage created through the subdivision (as matters that can be considered and consent conditions imposed on include “*...bonds, payments and other guarantees*”). This is confirmed in the memo received from the Council’s Roading Manager, Mr Chamberlain (attached as **Appendix 3**), who notes that any damage to road berms would need to “made good” by the developer / contractor, and this could be through a consent condition and would be part of the construction contract conditions. He further notes that potential for damage can be mitigated through ensuring the site access is of a sufficient size to allow heavy vehicles to turn in without having to drive on the berm opposite. In my view, this demonstrates that there are sufficient measures already in place to address potential damage to neighbouring grass verges arising from construction traffic. I therefore recommend that this submission point (part of S1.1) be rejected, again noting that this is because the underlying concern is already adequately managed under the District Plan framework.

Access

Submissions

59. G & R Tait (S1.1) request that the site access is not located between Wakanui Creek and the northern side of their dwelling (at 102 Farm Road) in order to alleviate their concerns about noise, dust and impact on views.

Analysis

60. The proposed ODP includes two proposed intersections along Farm Road serving the plan change site. The effect of including these on the ODP is that where a future subdivision application conforms with the ODP (including location of intersections), it will be assessed as a restricted discretionary activity (under Rule 9.7.4.a). Where the subdivision and/or development is not in general accordance with the ODP, the application would become fully discretionary activity (under Rule 9.7.5.a and proposed new standard 9.8.12). The latter would allow the Council to consider a wider range of matters when processing the subdivision. As such, the intersection location on the ODP is not ‘fixed’ and an alternate could be proposed in future but would be subject to greater scrutiny. From a practical perspective, it is likely that if a subdivision were to be proposed with different intersection locations, the potential impacts on traffic flow and safety would be looked at more closely; however unless there is good reason to

shift the intersection, I would expect the developer to propose a subdivision which confirms with the ODP locations.

61. It is my view that the key consideration regarding location of intersections should be about traffic movement and safety. As part of the application, an Integrated Transport Assessment (ITA) has been provided.⁶ The ITA includes assessment of the key transport-related effects arising from the proposed rezoning, and is based on the proposed intersection locations. This notes that the proposed intersection locations meet the requirements in the District Plan for intersections to be spaced a minimum of 125m apart; (under Rule 10.9.11.a and assuming the speed limit of Farm Road is reduced to 50 km/hour in this location) and provide a minimum sight distance of 110m (under Rule 10.9.10.a). The ITA concludes that the proposed intersections will provide appropriate connections to wider road network for vehicle traffic arising from the subdivision and development of the site at a Residential C density. The ITA therefore confirms that the proposed locations are appropriate, and from a transport effects perspective there is nothing to indicate the intersection should be shifted. The Council's Roding Manager, Mr Chamberlain, notes that the proposed location of the access is not an issue from a roading operational point of view, but that equally, an alternate location meeting the District Plan requirements would also be suitable.
62. With respect to the reasons why the submitter has requested the shifting of the intersection, as noted above, I consider that noise and dust impacts arising from construction can be appropriately managed through the existing District Plan framework, including through more detailed consideration as part of any future subdivision consent. I do not consider that these effects are sufficient to warrant moving the proposed location of the intersection between the plan change site and Farm Road. Mr Chamberlain also notes his preference for the new road location to be used for access during construction, rather than a separate temporary access being used. In terms of impact on views, I am unclear how the location of the intersection will impact on this, unless what is sought is for the road connection to be located so that the road provides a "viewshaft" to the north. I have been unable to find anything in the District Plan that seeks to protect such a viewshaft. I also note that under the current Residential D zoning, a development with the same intersection location could be proposed, and as noted above, would comply with the requirement of the District Plan. I therefore do not consider there to be any particular impacts views arising from the rezoning that would warrant the intersection being shifted.
63. Giving the above, I do not consider that there is sufficient reason to warrant moving the proposed location of the intersection and recommend that this aspect of submission point (S1.1) be rejected.

Flooding and Stormwater Management

Submissions

64. G & R Tait (S1.1) note that there is a ditch running along the west side of Farm Road to Wakanui Creek from the Racecourse Road end. They are concerned that the proposed filling of this ditch

⁶ Annexure 7 of the application.

will increase the risk of flooding to neighbouring properties given that the ditch is relied on to capture flood waters. They question how it is planned to mitigate this.

65. G Barrett (S4.1) states that the site is subject to flooding and therefore unsuitable for housing.
66. J Kingsbury (S5.1) states that they are aware that stormwater flows into the plan change site and ponds after rain. The submitter states that at the time of the adjoining subdivision, they were advised that stormwater from that subdivision would flow through to the farmland and into Wakanui Creek, with any overflow of the Creek flowing on through the paddocks to Racecourse Road. They are concerned that due to the contour of the land, stormwater from either side of the Creek will flow into Wakanui Creek during a flood and impact home owners further downstream, as far as the Netherby area. The submitter further states that between 2007-2010 Council staff and Councillors made a decision not to re-zone the plan change site "due to flooding expectations", given their familiarity with the land and its issues and farming knowledge.
67. C Crozier (S7.1) states that they have noticed an area within the plan change site where water pools during heavy rain and that taking into account the drainage from the Coniston Waters area, they consider that there is enough housing in this area already. They express concerns about adding more housing in a flood risk area and seek that the land remains as farmland.

Analysis

68. The District Plan maps includes sites identified as being at risk from flooding. The site is not located in or near an identified flood risk area. I therefore do not consider that flood risk is a reason to refuse the rezoning.
69. Residential development of the site is already provided for under the current Residential D zoning, albeit at a lower density. In my view, it is therefore necessary to consider the stormwater effects arising from this increased density, and how they can be managed, in order to confirm that the effects can be appropriately managed and do not preclude the rezoning. This includes 'downstream' effects arising from stormwater discharges from the plan change site and the capacity of the network to accommodate the discharges. This has been a matter traversed in detail as part of the further information request and responses to it. This is summarised in the evidence of Ms Tisch (attached at **Appendix 4**), a Principal Engineer, who sets out the matters in the initial design that the Council held concerns about, and how this has been addressed in the revised design. He confirms that the Council has provided written approval in principle to the revised approach to stormwater management, that the approach is technically feasible and that the impacts of increased density on stormwater quality and quantity have been adequately addressed. He notes that this is subject to further consideration of the detailed design, and notes matters that will need to be addressed or met through the detailed design (for example, maintenance of overland flow paths and flood storage capacity).
70. Mr Tisch has also specifically responded to the comments of the above submitters, noting that in his view, the applicant's conceptual design for stormwater attenuation will mitigate the additional runoff produced by the development, but that as part of the detailed design phase, the following will need to be addressed:
 - a. mitigation of flood risk from a North Branch breakout.

- b. ensuring that any flow path which provides drainage utility must be retained as-is, or if changed, must provide similar or better utility.
 - c. Ensuring, based on flood modelling, that overland flow paths will not be obstructed.
- 71. He further notes that past Council decisions which may have related to flood risk do not preclude the site being rezoned at this time, provided that stormwater is able to be adequately accommodated. I agree with Mr Tisch.
- 72. Based on Mr Tisch's advice, it is my view that the plan change includes sufficient measures to manage the increase in stormwater discharges arising from the rezoning, and that the applicant has demonstrated the ability to appropriately manage stormwater arising from the development that the rezoning would facilitate. This takes into account that the detailed stormwater management measures will still need to be considered at the time of subdivision, and address those matters referred to by Mr Tisch, and identified in the Council's approval in principle (contained in Annexure 14 to the final application). However, the information provided indicates that the indicative Stormwater Management Areas included in the ODP are likely to be of a sufficient size to appropriately manage stormwater arising from the rezoning and that the overall concept for stormwater management is feasible. Therefore I consider that the concerns of the submitters have been sufficiently addressed; and that the stormwater effects arising from the increased density are able to be appropriately managed such that the rezoning is not precluded on stormwater grounds. I therefore recommend that the submission points relating to this (part of S1.1, part of S4.1, S5.1 and S7.1) are rejected.

Visual and Amenity Impacts

Submissions

- 73. G & R Tait (S1.1) are concerned about the impact of the development on their views and request that no two-storey houses be built along Farm Road from the Wakanui Creek north and no high fencing along the roadside.
- 74. D & H Ward state that sections on Farm Road were purchased and developed on the basis of the land on the opposite side of the road being zoned Residential D "*and not available for intense urbanisation*". They state that they do not object to progress, but wish to ensure their current mountain views to the north and west are not compromised and to prevent the loss of open space which was guaranteed under the Residential D density. To address this, they request that:
 - a. sites 147-164 are height restricted to be single storey dwellings only (S2.3); and
 - b. no roadside fencing is higher than 1m (S2.4); and
 - c. the proposed design with larger section sizes on Farm and Racecourse Roads be "adhered to" if the rezoning is accepted (S2.5).
- 75. G Barrett (S4.1) is concerned about the impact of the rezoning on the value of their home and destruction of their rural outlook, along with lighting impacts.

76. J Kingsbury (S5.1) states that they were previously advised that only 100 houses were proposed for the plan change site, and that in previous discussions with the Council about their own property, they understood the Council did not support smaller houses being built at high density. They question how many of the sites within the plan change area will be large, and how many will be 420m². They also state concern about the rural views of adjoining landowners being “obliterated”.

Analysis

77. The proposed rezoning will facilitate a higher density of development than the current Residential D zoning, resulting in a change in the balance between open space and built form than is currently anticipated. This will have a more profound impact on landowners who currently have views into and beyond the site, and derive a certain level of amenity from this. However, I do not consider that the RMA, or the District Plan requires protection of the amenity derived from the current use of the Site by surrounding landowners. For example, there is nothing in the District Plan that seeks to protect views through this site. In general, any increase in density within an urban area will alter people’s experience of that area and in my view it is not reasonable to expect that townships remain static. I note that the NPS-UD expressly anticipates that urban environments, including their amenity values, will develop and change over time.⁷ I also note that the current amenity derived from the Site by adjoining landowners results from the current land use; not from the development anticipated under the current (Residential D) zoning. I therefore do not consider that changes to the outlook of the Site experienced by surrounding landowners provides sufficient reason to decline the rezoning request.
78. With respect to requests to limit the height of housing in particular parts of the site, I note that the rezoning would already result in a reduction of the height limit, from 10m (under Residential D) to 8m (as per Rule 4.9.3.a). A further reduced limit would result in bespoke limits applying to this site that do not apply in any other Residential C area (with the exception of one area within the Village Green ODP). In my view, there is nothing particular about this site which warrants a different approach being taken in this instance.
79. With respect to limits on fencing height, I note that the District Plan does not generally limit fence heights in either the Residential C or D zones. Again, there is an exception to this within the Village Green ODP, with a 1m limit applying along boundaries that adjoin the open space/farmland area; or restricted entirely along Huntingdon Avenue. Having considered the reasons for this exception (refer Section 4.7.15) I consider it to be unique to the Village Green ODP area and that the same circumstances, and therefore justification for a reduced fencing height, do not apply in this instance. Again, in my view, there is nothing particular about this site which warrants a different approach being taken to fencing heights in this instance.
80. With respect to requiring larger section sizes on Farm and Racecourse Roads, I note that this is shown as part of a concept plan (contained in Annexure 5 to the final application) for how the site could be developed if the zoning is approved. As stated in the application, the concept plan is intended to provide a realistic example of how the entire site could be developed post plan change and subdivision approval. However, the concept plan is not linked to the plan change in any way, and rather it is the ODP that is key in terms of the framework against which any

⁷ Objective 8.

subdivision application would be assessed. As the Concept Plan is more akin to a subdivision application, I do not consider it appropriate to “tie” the applicant to the design at this stage. Rather, I consider that the specific range of lot sizes and layout is more appropriately considered at the time of subdivision (should the rezoning be granted). I do not consider there to be any particular reason to require larger lots to be located alongside Farm and Racecourse Roads, noting that the Residential C zone framework would not preclude this being put forward in a future subdivision application.

81. With respect to lighting, I note that the District Plan includes control on lighting which would apply to both development undertaken under the current Residential D zoning, or to the proposed Residential C zoning (Rule 4.10.4). I consider that this is appropriate to manage lighting associated with residential development, in the same manner as it is managed in other residential areas.
82. Overall, I consider that the types of adverse effects raised in these submissions are not of such significance as to preclude the rezoning of the site, and therefore recommend these points (part of S1.1, S2.3, S2.4, S2.5, part of S4.1 and part of S5.1) be rejected.

Connectivity

Submissions

83. DG & CM Williamson Settlement Trust (S3.1) request that proposed ODP is amended to include a full width legal road / vehicle connection and services connection to the existing undeveloped Residential D land to the west of the plan change site. They state that this connection could be located anywhere along the boundary between the plan change site and the adjoining Residential D site. The submitter states that councils generally require connectivity between similarly zoned residential land to achieve an integrated urban form particularly when land is being rezoned. They consider that such connectivity supports efficient movement within neighbourhoods, reduces reliance on arterial roads, improves access for emergency services and utilities, makes better use of existing infrastructure and public investment, and aligns with district plan objectives for sustainable and coordinated growth. They note that the Council has previously indicated that long cul-de-sacs are undesirable, and if a connection through the plan change site is not provided, note that the adjoining Residential D landowner would be forced to service any future development of their site with such a cul-de-sac, accessed off the Methven Highway. Servicing of that site would also be similarly limited.

Analysis

84. The ‘Issues’ outlined in the Plan’s Subdivision Chapter includes the following:

Cul-de-sacs create dead-ends that reduce accessibility to other parts of the subdivision and can create an ‘enclosed’ feeling once developed. There is often a dominance of vehicular transport with little consideration for pedestrians and cyclists. This is to be avoided.

85. Policy 9.2A then directs that the width and number of cul-de-sacs is controlled in order to provide safe and efficient vehicle access to all properties. The explanation to the policy states that cul-de-sacs create dead-ends that do not provide for connectivity, increasing walking distances across subdivisions and encouraging vehicle use rather than pedestrian activity; while

recognising that cul-de-sacs can provide quieter residential environments because they do not carry through traffic.

86. The ODP includes a pedestrian and cycle connection through to the adjoining land. This would provide connectivity for pedestrians and cyclists through the adjoining site, should it be developed in future. However, at present, it would not provide for a vehicle connection through to the adjoining land.
87. The matters of discretion that would apply to the subdivision of this site (under Rule 9.7.4.a) include consideration of the *“Overall subdivision design and layout connectivity and linkages (both within and beyond the subdivision)”*. As such, consideration of a connection through to the adjoining Residential D land could be considered at the time of subdivision. However, given the concerns raised in the District Plan about cul-de-sacs and to facilitate a greater level of integration between development of the plan change site and the adjoining land, I consider it appropriate to amend the ODP to explicitly include a vehicle connection as sought by the submitter and therefore recommended that the submission point (S3.1) be accepted. This connection would provide greater direction that such a connection is expected to improve integration between the development of separately-owned landholding.
88. In terms of s32 of the RMA, I consider that this would better align the ODP with Policy 9.1H, which seeks to promote a consolidated urban form in managing growth, which achieves efficient and effective provision and use of infrastructure, including transport links; and with Policy 10.3D which seeks to integrate land use and transport by ensuring all substantial new developments provide access and linkages in accordance with an outline development plan. I consider that the costs of requiring a connection are outweighed by the benefits arising from improved connectivity and integration between different developments.
89. For completeness, I note that that applicant originally proposed a potential roading linkage through to the adjoining Rural site along the north-western boundary of the site. This was removed at the request of the Council through the further information request process, as it was not considered to be necessary as either a pedestrian or roading link. I consider that this is different to the submitter’s request, because the potential linkage was to a rurally-zone site, which is not currently anticipated to be developed for residential purposes.

Servicing

Submissions

90. J Kinsbury (S5.2) raises concerns regarding the sewerage capacity.

Analysis

91. The application includes (as Annexure 10) an infrastructure assessment. It outlines the design of the preliminary infrastructure servicing for the site under a Residential C zoning. With respect wastewater, it proposes that the wastewater main along Farm Road can be used to convey wastewater by gravity system into the public wastewater network along Farm Road, Carters Road, to the new proposed wastewater pump station located in Allens Road.

92. Although not raised in submission, the infrastructure assessment also noted in terms of water supply, the ability to construct a potable water main network within the site to service future allotments, with the new water supply main connecting into the existing public water reticulation along Farm Road.
93. The Council's asset staff reviewed the infrastructure assessment and did not raise any concerns regarding the capacity of the water and wastewater networks to accommodate the proposed increase in density. Mr Tisch also notes in his evidence that he is satisfied that there is no fundamental impediment to water supply servicing for the plan change area, and that should further upgrades be required, that these are feasible. In relation to wastewater, he is similarly satisfied that there is no fundamental impediment to wastewater servicing for the plan change area and that Allens Road wastewater pump station and the network have capacity required to meet the expected demand.
94. Overall, I therefore consider that the Site is able to be appropriately serviced to meet the increased demand facilitated by the proposed increase in density. I therefore recommend that this aspect of the submission point (S5.2) be rejected.

Education Facilities

Submissions

95. G & R Tait (S1.1) seek that any proposed pre-school or education facility is positioned within the subdivision and not along the Farm Road, as they consider that such a facility would have a significant impact on traffic and noise.
96. The Ministry of Education (S6.1) states that they are neutral in regard to the intensification proposed through the plan change, but seeks clarity on timeframes and scale of the residential development resulting from the increased density enabled by the rezoning proposed. It states that while residential growth is expected within existing residential areas, the increase in residential capacity that is proposed has the possibility of creating pressure and affecting the school networks' capacity in Ashburton. The submitter states that providing the anticipated plan change timeframes will assist the Ministry to better understand the implications of the proposed growth on the Ashburton District school network and enable informed investment decisions to be made by the Ministry around school network capacity. If the plan change is approved, the Ministry request that the applicant commit to ongoing communication with the Ministry and nearby schools with regarding timing of development. It suggests that this could form part of a condition of the plan change as follows:

Consult with the Ministry on the development, staging and timing

Analysis

97. I note that the plan change proposal does not seek to authorise a preschool or education facility within the site. The ITA included an assessment of the traffic movements likely to arise from the rezoning, and in addition to the development of dwellings, also allowed for "*a local service such as a preschool*". This is because such an activity has a higher volume of traffic and therefore allows for a more 'worst case scenario' assessment of traffic that might arise from development of the site over time. However, the rezoning, if granted does not authorise a preschool and if

one is proposed in this location in future it would need to obtain a resource consent (under Rule 4.8.4.b). The consent process would consider the specific details of any proposed preschool, and a range of effects would need to be considered, including the impact of the location of the facility in terms of traffic and noise. I do not consider it appropriate to expressly exclude any particular location within the site for such an activity, as the traffic assessment does not indicate a traffic issue which would warrant this, and I do not consider there to be any other reason for a preschool to be treated differently in this site than anywhere else in the Residential C zone. I therefore recommend this aspect of the submission point (S1.1) be rejected.

98. With respect to the request from the Ministry, I accept that the rezoning will facilitate a greater number of people (and therefore more school-aged children) living in this part of Ashburton Township. I therefore understand the desire for the Ministry to have some indication around the timing over which this might occur. However, I do not consider this to be any different to the timing of development for other zoned areas, and note that if the rezoning is approved, this will provide lead-in time to reconsider and respond to any changes to the school network in the area. The matters of control applying to a subdivision already allow for consideration of the staging of development and timing of works, and therefore any proposed staging will be known (and as such, be publicly available information) at the time a specific subdivision proposal is put forward.
99. I am not aware of any other plan provisions around the country that include an explicit requirement to consult with the Ministry on the staging and timing of development, nor am I clear how the Ministry sees this consultation “condition” working in the regulatory framework. In my view, this is a matter that is best addressed outside the District Plan, for example, through ongoing liaison between the Ministry and the Council in regard to what subdivision or significant land use consents have been lodged that might impact on school role growth. I do not consider it appropriate to place a “requirement” on the applicant / developer in relation to this, why this should apply in this circumstance when it does not apply to other zoned land, nor how such a requirement would assist in achieving the objectives of the District Plan. I therefore recommend that this submission point (S6.1) be rejected.

Reverse Sensitivity

100. Reserve sensitivity is not a matter raised in submissions, but I consider that it is relevant to consideration of the appropriateness of the plan change request under s32 of RMA.
101. Currently, there are very few areas of Residential C zoned land located in Ashburton which adjoin the Rural zone. Instead, it is common for Residential D zoning to be located at the interface between rural and urban areas. The Residential D zone, because it anticipates a much lower density than Residential C, as well as rural production activities within the zone itself, therefore acts as a buffer or transition area between the rural zone and more intensive residential activities. This will be removed by the rezoning, with an increase in the number of sensitive activities located near existing rural activities. The application acknowledges the potential for reserve sensitivity to arise as a result of effects of anticipated rural activities, including noise and odour, stating that it *“is expected that new residents living near or adjoining rural areas will have chosen to live on these sites with some expectation of these impacts. However, this cannot be assured in all cases.”* To mitigate this potential, the proposal includes a proposed new standard requiring fencing at the boundary with the Rural A zone, to a

minimum of 1.8m in height. The application also notes that the adjoining rural site is used for pastoral farming. New residential development is therefore likely to be less sensitive than might be the case if the adjoining land use was a more intensive primary production activity. The application also notes that potential for reverse sensitivity effects are reduced by the rural land adjoining the plan change site containing a wide driveway and a well-established vegetation, along with an existing water race. It is states that these will help in providing additional buffering or mitigation between the rural and residential land uses, although it is acknowledged that the applicant has no control over the retention of these features.

102. While I accept that many people who purchase a property adjoining the rural area will understand and even expect to experience adverse effects arising from rural activities, this is not guaranteed, and reverse sensitivity effects can still arise. I agree with the applicant that the requirement for a 1.8m fence along this boundary will help to mitigate some of this potential. I also agree that the nature of the adjoining activity and current use of the adjoining space also helps reduce the potential for conflict to arise. However, I do not consider that these factors will completely avoid the potential for reverse sensitivity effects to arise.
103. In terms of how this could be further managed, I note that the assessment matters for subdivision (under 9.10.4) list consideration of the *“effects on permitted adjacent activities and the need for any consent conditions to avoid reverse sensitivity effects”*. However, my understanding is that where a subdivision is proposed which is in general accordance with the ODP, the subdivision would be a restricted discretionary activity (under Rule 9.7.4.a), and there is no matter of discretion listed that would allow for this type of consideration. It would only be if a subdivision is proposed that is not in general accordance with the ODP that it would become fully discretionary under 9.7.5.a. (as a consequence of proposed new Standard 9.8.12) and allow for consideration of how reverse sensitivity effects might be further managed. I consider that there are additional measures that should at least be able to be considered at the time a specific subdivision layout is proposed. This could include:
- a. Consideration of, and if necessary requiring changes to, the number of lots proposed along the rural boundary, e.g. larger sections could reduce the number of allotments (and therefore the level of risk) and provide more of a transition between rural activities and residential development;
 - b. consent conditions to require planting, in addition to fencing along the rural boundary to provide a greater buffer between rural activities and residential development; and/or
 - c. identification of buildings platforms on the lots adjoining the rural boundary, or a condition applying an increased minimum setback for dwellings from this boundary, to provide a greater buffer between rural activities and residential development.
104. I have considered whether some or all of the above measures could be added as standards applying to this ODP area, but I consider that it is more appropriate to allow for an assessment as part of a subdivision application, as some of these measures would be hard to prescribe in a rule framework (e.g. the nature and scale of landscaping), or be unusually detailed for an ODP (e.g. identification of specific building platforms) and depending on the overall subdivision proposal may not be necessary (e.g. a greater setback from this boundary may not be required if the lots along the boundary are larger and landscaping is proposed).

105. Overall, I consider that the potential for reserve sensitivity effects to arise as a consequence of the intensification of the urban/rural boundary in this location requires further consideration, but that this can be, and is best, considered at the time of subdivision. I recommend that this is addressed through an additional matter of discretion being added, as follows:
- *Within the Coniston Park Outline Development Plan, any mitigation measures proposed or required to avoid reverse sensitivity effects arising in relation to adjoining rural zones.*
106. In terms of s32, I consider that this additional consideration is appropriate to help ensure that future subdivision of this site aligns with Objective 9.1, which seeks to enable the effective and efficient use of land – in this case being both the facilitation of further urban development, but also this development being undertaken in a manner that ensures ongoing efficient and effective use of the adjoining rural land. I consider that the additional assessment matter will also help implement Policy 9.1H, which seeks that urban growth is managed in a way that is consistent with protecting the productive potential and operational requirements of uses of the District’s rural areas.
107. In considering the costs and benefits of the additional measure, I consider there to be limited costs, which arise from additional assessment being required as part of the subdivision application process, and potentially, through the requirements of any consent condition imposed. For example, if specific landscaping along the boundary is required, there will be costs associated with this landscaping being established. The benefits of the approach are that they allow for consideration of how reserve sensitivity effects are managed in any specific subdivision proposal, and if necessary, allow for imposition of consent conditions relating to this. I consider that these benefits outweigh the costs. As noted above, I have, in the alternate considered the imposition of specific standards. I consider that such an approach would be less efficient, as it would be less flexible and while it might have similar costs (e.g. in terms of landscaping requirements, or restrictions on building location), these costs would be incurred in all circumstances. The assessment matter approach instead ensures that the need for any measures is considered in the context of a specific proposal and costs only incurred where considered necessary following a specific assessment. As such, I consider the proposed assessment matter is an efficient and effective way to implement Policy 9.1H and achieve Objective 9.1.

Traffic

108. No submitters have specifically raised an issue in relation to the traffic effects of the proposed rezoning (except, as noted above, in relation to effects of construction-related traffic). However, I consider that it is relevant to consideration of the appropriateness of the plan change request under s32 of the RMA.
109. As noted earlier, an ITA has been provided as part of the application, which provides an assessment of the key transport-related effects arising from the proposed rezoning. The ITA was peer reviewed by Mat Collins, from Abley. This identified matters on which Mr Collins considered the ITA scope should be expanded to include; along with matters for the Council to consider in more detail at the time of subdivision and engineering plan approvals. The matters raised by Mr Collins were responded to by the applicant’s transport engineer, and are contained in Annexure 8.

110. Mr Chamberlain, the Council's Roading Manager confirms that he has reviewed the ITA, the peer review and the applicant's response and is satisfied that the additional traffic generated by the change in zoning can be accommodated safely into the transport network, and that he does not have concerns about traffic effects arising from the rezoning. I therefore consider that there are no traffic effects arising from the increased density facilitated by the rezoning that would preclude the rezoning.

Open Space

111. No submitters have specifically raised an issue in relation to the provision of open space or the proposed open space areas identified on the ODP. However, I consider that it is relevant to consideration of the appropriateness of the provisions in the plan change request, under s32 of the RMA.
112. In the Council's request for further information dated 2 September 2024, a request was made for the cross sections of the Wakanui creek and esplanade reserve (near Lots 26 and 48 on the Subdivision Layout Plan) to be provided so that the appropriate width for this reserve can be determined and agreed prior to the finalisation of the ODP. These cross-sections were included in the revised ODP (contained in Annexure 4 to the final application). In addition, the 2 September 2024 letter outlined changes to the ODP that had been identified by Council officers as being appropriate, with a request made for these to be considered, and the ODP amended accordingly. The requested changes are now reflected in the final ODP. Given the changes requested by the Council have been made, I consider the provision of open space aligns with Policy 9.1J by ensuring the provision of open space is of a suitable nature, size and shape to provide open space / recreation reserves to meet the recreational needs of the residents of the subdivision, and to provide certainty about open space connections in accordance with Policy 9.2J.

Ecological and Cultural Effects

113. Ecological and cultural effects have not been a matter raised in submissions, but I consider that they are relevant to consideration of the appropriateness of the plan change request under s32 of RMA. These effects are relevant to this plan change because a water body - the Wakanui Creek - runs through the site. In my view, a higher density of development in proximity to an existing waterbody could result in adverse effects on this waterbody, both from an ecological and a cultural perspective. The proximity of future development to the waterway is also likely to trigger a resource consent requirement from the regional council. It is therefore necessary to confirm that there is nothing in the regional plan framework that is likely to preclude the development that is anticipated under the Residential C framework.
114. These matters were raised in a request for further information, and responded to through the provision of an Ecology Report (Annexure 17 to the application) and a response on cultural matters from Aoraki Environmental Consultancy Ltd (Annexure 18 to the application).
115. The Ecology Report outlines the potential impacts of increased residential density, and I note, in summary, include:

- a. The potential impact on fish passage from culverts associated with the development of the site, but which can be mitigated through the culverts meeting the specifications prescribed in the National Environmental Standards for Freshwater;
 - b. Acknowledgement that discharge of stormwater into Wakanui Creek will have sporadic effects on surface water levels and flow rates in the Creek, but that the temporary increase in flow and surface water depth is not expected to significantly impact ecology within the waterway;
 - c. That the proposed native riparian planting, if established along the banks of the Wakanui Creek in accordance with the Urban Design Report (contained in Annexure 9 of the final application), will sufficiently filter any additional stormwater run-off and will enhance ecological function in the Creek.
 - d. That discharge from the proposed stormwater retention basins may temporarily reduce water clarity during and after flood events, but only for short periods, and this is not expected to adversely impact on aquatic ecology any more than at present.
116. In their response, Aoraki Environmental Consultancy (**AEC**) request that if the plan change (and subsequent subdivision) is approved, and given the cultural significance of Wakanui Creek and the disturbed nature of the surrounding environment, that the recommendations put forward in the Ecology Report are imposed. These relate to adherence to the NES-F in relation to culverts, and establishment of riparian planting. In relation to these, AEC state:
- It is important to Arowhenua that fish passage within the creek is retained and a dense indigenous riparian zone along both banks of Wakanui Creek is established (rather than sewing the area in grass) to enhance mahika kai. The planting recommended will serve to enhance ecological pathways along the waterway, and between aquatic life-stages and winged-adult life-stages of insects and birds which utilise bank vegetation. Arowhenua and AECL also further recommend that indigenous trees and shrubs are planted within/around reserve areas to attract indigenous insects and birds to the area.*
117. A peer review of the Ecological Report was also provided by the Council's Ecologist/Biodiversity Advisor (and attached at **Appendix 5** to this report). Mr Chukwuka accepts the recommended mitigation outlined in the Ecological Report, and in addition, recommends that:
- a. An environmental management plan be required during development to identify how run-off from the site will be managed;
 - b. The stormwater retention pond should be designed to receive all stormwater runoff, limiting discharge to Wakanui/Mill Creek, with the design being at least within 1 in 100 years event or 1 in 200 years event;
 - c. Stormwater discharge be required to comply with the Council's global discharge consent, with no water run-off from the development site, roads or from the retention ponds into Wakanui Creek
 - d. Current water flow width should be built into the design, in addition to the proposed planting buffer on both sides of the Creek from the water edges.

- e. Riparian planting should be limited to only native vegetation occurring naturally in Ashburton (ecosourced) with the concept plan and species list to be approved by the Council.
 - f. Council should undertake a post-completion inspection of the creek and the planting to ensure that it follows the plan.
118. The proposed ODP includes a proposed 5m wide esplanade reserve. This is consistent with the requirement that applies under the subdivision standards for esplanade provision (under Rule 9.8.1.a). The Urban Design Report submitted with the application (Annexure 9) includes proposed native planting in this reserve area, including a planting strategy, which the Ecology Report refers to; however this is not explicitly included in the ODP. Under the District Plan rules (applying to both the Residential C and D zones), any buildings are required to be setback at least 4m from the bank of any water body (Rule 4.10.3.b); however the proposed esplanade reserve would result in a greater setback be achieved, due to its 5m width, and the requirement for buildings in the Residential C zone to be setback 1.8m from this boundary (under Rule 4.9.6.a).
119. If rezoned, subdivision of the site (under 9.10.4) would be subject to the various considerations set out in Rule 9.7.3. These include “*esplanade provision*” and “*effects on ... resources of significance to Takata Whenua, including waahi tapu sites and waihi ta*”. Further detail on those matters to be considered in terms of esplanade provision is set out in the assessment matters at 9.10.2. This does not include any mention of potential planting requirements. While the Wakanui Creek is significant to Takata Whenua, there is no clear link between the advice provided from AEC and the specific provisions applying to this site.
120. It is my view, given the recommendations in the Ecology Report, and the cultural response from AEC, that more explicit consideration needs to be given to planting of the riparian area. I recommend that this is addressed through an additional matter of discretion for subdivision, as follows:
- Within the Coniston Park Outline Development Plan, the effectiveness of native planting in the riparian margins of Wakanui at filtering stormwater run-off and enhancing ecological function and mahika kai.*
121. As an alternate to this, the ODP could be amended to include additional reference to native planting in the proposed esplanade reserve area.
122. I have also considered the additional recommendations of Mr Chukwuka, but note that in terms of stormwater management, this has been considered in detail by Mr Tisch, including in terms of the ability of the Council to accept the stormwater discharges as part of the conditions of the Council’s global consent. I consider that the detail of stormwater management can be further considered at the time of subdivision. I consider that other matters raised by Mr Chukwuka are also more appropriately considered at the time of subdivision, including management of run-off from construction earthworks, the specific type of planting proposed, and the need for Council inspections. I consider that the matters of discretion applying to subdivision already provide for consideration of these matters, such that further changes to the plan provisions are not required.

123. In terms of s32, I consider that the additional measure I have recommended is necessary to reflect the recommendations of the ecological and cultural advice, which in turn ensures that future subdivision and associated development maintains and enhances the natural qualities of the environment, while still enabling the use of land outside the esplanade area for residential development as per Objective 9.1. This also helps ensure that subdivision avoids or mitigates adverse effects on significant nature conservation values, takata whenua values and water quality, as directed in Policy 9.1C; and results in urban growth that maintains and enhances a particular the qualities of the plan change site, as per Policy 9.1H. It also specifically aligns with the intent in Policy 9.1L to encourage the retention and improvement, including planting of natural open water bodies, to provide for the sustainable disposal, attenuation and treatment of stormwater.
124. In considering the costs and benefits of the additional measure (whether the implementation method is a change to the ODP or an additional matter of discretion), I note that there will be additional costs associated with the planting requirements, but that these have been anticipated in the Urban Design Report. Given the scale of development facilitated by the rezoning, I do not consider the costs associated with planting the riparian area to be unreasonable. I consider that there are environmental and cultural benefits from more explicitly requiring riparian planting which include the filtering of any additional stormwater run-off, enhancement of the ecological function of the Wakanui Creek, and enhancement of mahika kai.

Other Effects

125. The application also identifies and considers other effects that may arise from the rezoning, including contamination issues (paras 66-69 of the application), geotechnical constraints (paras 70-73 of the application), and effects on water quality (paras 79-80 of the application). I agree with the assessment of these effects, which indicates that there are no issues arising in respect of these matters that would preclude the rezoning.

Other Matters

Submissions

126. J Kingsbury (S5.1) is concerned that no mention is made in the application of the cables and manholes that are situated in a three metre easement running from Farm Road along the southern boundary of the block of land adjoining stage two of Coniston Waters. They also state (S5.2) they have been made aware of a high voltage cable having been installed to provide power to the Coniston Farms irrigation system which they believe runs between the most northern boundary of Coniston Waters and the southern boundary of the plan change site, and that there is no mention of this in the application or any easement for this.
127. Both J Kinsbury (S5.1) and C Crozier (S7.1) note that the previous landowner (Mr Robinson / Robinson Family Trust) intended to retain this area as farmland.

Analysis

128. With respect to existing easements, I note that these will need to be addressed at the time of subdivision. In my experience, unless it is proposed to relocate any cables and manholes for which easements exist, the existing easement will remain on any subsequent titles to which it

currently applies. Agreement with the other party to the easement would be required if any changes are proposed, e.g. realignment of cables. With respect to high-voltage cables, these will again need to be identified and addressed at the time of subdivision, including through addition of any easement that may be required moving forwards. I do not consider that the location of these assets precludes or affects the rezoning as it is not sufficient to preclude development of lots in this area at the density anticipated by the Residential C zoning.

129. With respect to the intention of a previous landowner, I do not consider that any weight can be given to this, as this was not secured through a legal mechanism such as a covenant on the land titles. I do not consider that a subsequent landowner can be expected to be bound by the intentions of a previous landowner, and in any case note that the current zoning already enables residential development of this land.
130. I therefore recommend that these parts of the identified submission points (S5.1, S5.2 and S7.1) be rejected.

7. Statutory Analysis

Functions of Territorial Authorities

131. The functions of Council as set out in s31 of the RMA include:
- a. the establishment, implementation and review of objectives, policies and methods to:
 - i. achieve integrated management of the effects of the use, development and protection of land and associated natural and physical resources; and
 - ii. ensure there is sufficient development capacity in respect of housing land to meet the expected demands of the District; and
 - b. the control any actual or potential effects of the use, development or protection of land.
132. I consider that the plan change accords with these stated functions, providing for the use and development of land for more intensive residential activities, with the proposed ODP and rule amendments ensuring this development is appropriately integrated. I consider that the effects of the development are able to be appropriately controlled through the framework in the District Plan, including existing rules and processes (e.g. consideration of future subdivision consent applications) along with the additional standards and ODP proposed as part of the plan change. The rezoning will also assist in providing additional development capacity for housing, because the change in zoning will allow for an increased density of development.

Part 2 Matters

133. Under s 74(1)(b), any changes to the District Plan must be in accordance with the provisions of Part 2 of the RMA. This sets out the purpose of the RMA (s5), matters of national importance that must be recognised and provided for (s6) and other matters that particular regard is to be had to (s7).

134. I consider that the purpose of the Act is currently reflected in the objectives and policies of the District Plan which PC7 does not seek to change. Rather, PC7 seeks to change the Plan's zoning pattern. The appropriateness of the purpose of the plan change in achieving the purpose of the RMA is also a requirement under s32, which is considered below.

Statutory Documents

135. As noted earlier, the District Plan (including as amended by any plan change) must:
- a. give effect to any operative national policy statement (s75 (3)(a)) and any regional policy statement (s75 (3)(c));
 - b. have regard to any management plan or strategy prepared under other Acts (s74 (2)(b)(i));
 - c. 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 (s75(2A)); and
 - d. must not be inconsistent with any regional plan (s75(4)(b)).
136. The content of these documents as they relate to PC7 is discussed in the application and set out further below.

National Policy Statement on Urban Development 2020 (NPS-UD)

137. The applicant has identified the provisions within the NPS-UD that they consider are relevant to this proposal, and included an assessment against them.⁸ This includes Policies 1, 2, 5 and 8. I generally agree with the applicant's assessment, as I consider that that the rezoning will contribute to a well-functioning urban environment, as that is defined in the NPS-UD Policy 1, for the reasons set out in the application. As a consequence, I consider the proposal aligns with Objective 1, which broadly seeks well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. I also consider that in providing more Residential C zoned land, the rezoning will support competitive land and development markets as sought in Objective 2.
138. I also note that Objective 4 anticipates that urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations. As set out earlier in this report, I acknowledge that the rezoning will impact on the amenity values currently derived from the site by neighbouring properties. However, I note that the current amenity values differ from those that would arise from the site being developed in accordance with its current Residential D Zoning; and I further consider that as anticipated by Objective 4, the amenity values can be expected to change over time. In this instance, the level of residential development provided for by the Residential C zoning will provide for a level of amenity that is consistent with the surrounding residential areas, and respond to demand for additional residential housing at this density, as evidenced in the Real Estate Report contained in Annexure 16 to the final application.

⁸ Pages 20-22 of the Plan Change Application.

139. Overall, I consider the proposal is consistent with and will assist in giving effect to the NPS-UD.

National Policy Statement for Highly Productive Land 2022 (NPS-HPL)

140. I agree with the applicant that the NPS-HPL is not engaged by this rezoning because the current zone is not rural or rural production.

Canterbury Regional Policy Statement (CRPS)

141. The application identifies Objective 5.2.1 and Policy 5.3.7 as being relevant to the proposal.⁹ I generally agree with the assessment provided. I consider that Objectives 5.2.2, and Policies 5.3.1, 5.3.2, 5.3.3, 5.3.5, 5.3.8 and 5.3.12 are also relevant, which I have set out and assessed as follows:

Provision	Assessment
5.2.2 Integration of land-use and regionally significant infrastructure (Wider Region) In relation to the integration of land use and regionally significant infrastructure: 1. To recognise the benefits of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA. 2. To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that: a. development does not result in adverse effects on the operation, use and development of regionally significant b. adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable. c. there is increased sustainability, efficiency and liveability.	The proposed rezoning is able to be integrated with infrastructure and managed so that it will not adversely impact the operation of regional significant infrastructure. I note that by definition, this includes “Community land drainage infrastructure” and therefore incorporates the Council’s stormwater network. The management of the effects of increased density on the ability to manage stormwater have been addressed in detail above and in the evidence of Mr Tisch. This has determined that stormwater from the site can be managed in a way that the Council, as the operator of the stormwater network, is satisfied with.
5.3.1 Regional growth (Wider Region) To provide, as the primary focus for meeting the wider region’s growth needs, sustainable development patterns that: 1. ensure that any a. urban growth; and b. limited rural residential development occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development; 2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation; 3. promote energy efficiency in urban forms, transport patterns, site location and subdivision layout; 4. maintain and enhance the sense of identity and character of the region’s urban areas; and	The site is consistent with this direction as it will concentrate residential development within the existing urban area, and achieve a coordinated pattern of development that results in urban consolidation. It will provide greater housing choice, and will maintain the character of Ashburton’s residential areas.

⁹ Pages 22-24 of the Plan Change Application.

5. encourage high quality urban design, including the maintenance and enhancement of amenity values.	
5.3.2 Development conditions (Wider Region) To enable development including regionally significant infrastructure which: 1. ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose: a. existing or consented regionally significant infrastructure; b. options for accommodating the consolidated growth and development of existing urban areas; c. the productivity of the region's soil resources, without regard to the need to make appropriate use of soil which is valued for existing or foreseeable future primary production, or through further fragmentation of rural land; d. the protection of sources of water for community supplies; e. significant natural and physical resources; 2. avoid or mitigate: a. natural and other hazards, or land uses that would likely result in increases in the frequency and/or severity of hazards; b. reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas; and 3. integrate with: a. the efficient and effective provision, maintenance or upgrade of infrastructure; and b. transport networks, connections and modes so as to provide for the sustainable and efficient movement of people, goods and services, and a logical, permeable and safe transport system.	The development enabled by the rezoning is not expected to compromise regionally significant infrastructure, nor does it foreclose future growth of the township, or result in fragmentation of rural land. Potential reverse sensitivity effects resulting from adjoining rural land uses is addressed earlier. The site's development can be integrated with infrastructure provision and the surrounding transport network.
5.3.3 Management of development (Wider Region) To ensure that substantial developments are designed and built to be of a high-quality, and are robust and resilient: 1. through promoting, where appropriate, a diversity of residential, employment and recreational choices, for individuals and communities associated with the substantial development; and 2. where amenity values, the quality of the environment, and the character of an area are maintained, or appropriately enhanced.	The rezoning will facilitate a substantial development. It will contribute towards a diversity of residential opportunities (noting that the overall diversity in residential options is provided through the range of residential zones the Plan provides for) and the amenity values and character of the development will be consistent with that of the surrounding residential area and as anticipated under the Residential C zone framework.
5.3.5 Servicing development for potable water, and sewage and stormwater disposal (Wider Region) Within the wider region, ensure development is appropriately and efficiently served for the collection, treatment, disposal or re-use of sewage and stormwater, and the provision of potable water, by:	The site is able to be appropriately and efficiently served in terms of stormwater, wastewater and potable water supply, in a timely manner.

1. avoiding development which will not be served in a timely manner to avoid or mitigate adverse effects on the environment and human health; and 2. requiring these services to be designed, built, managed or upgraded to maximise their on-going effectiveness.	
5.3.8 Land use and transport integration (Wider Region) Integrate land use and transport planning in a way: 1. that promotes: a. the use of transport modes which have low adverse effects; b. the safe, efficient and effective use of transport infrastructure, and reduces where appropriate the demand for transport; ...	The development will provide walking and cycling connections, which in turn connect into the wider active transport network. As demonstrated through the ITA, the development of the site will not compromise the safe, efficient and effective use of transport infrastructure.
5.3.12 Rural production (Wider Region) Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by: 1. avoiding development, and/or fragmentation which; a. forecloses the ability to make appropriate use of that land for primary production; and/or b. results in reverse sensitivity effects that limit or precludes primary production. ...	For the reasons sets out earlier, I am satisfied that the higher density of development enabled through the rezoning is able to be managed to avoid reverse sensitivity effects arising that would limit existing primary production activities.

142. Overall, I consider the proposal is consistent with and assists in giving effect to the CRPS.

Canterbury Land and Water Regional Plan (LWRP) and Canterbury Air Regional Plan (CARP)

143. Under s75(4)(b) of the RMA, the District Plan cannot be inconsistent with a regional plan, which in respect to this application include the LWRP and the CARP. The establishment of activities within the plan change site will either need to meet the permitted activity conditions of these plans or be required to obtain a resource consent. In broad terms I consider that the effects associated with requirements under these regional plans can be considered at the time of detailed development, and note that there is nothing particular about the site or its proximity to other land uses that I would consider would impede the ability to appropriately mitigate effects such that consent could be obtained. Therefore, I consider that the Request is not inconsistent with the LWRP and the CARP.

Mahaanui Iwi Management Plan (IMP)

144. There are two Iwi Management Plans (IMPs) – being the IMP of Kati Huirapa 1992 and the Mahaanui IMP – which apply to this proposal. Under s74(2A) of the RMA, the Council, in considering this plan change, must take into account the IMP. The application includes an assessment of the relevant provisions within the IMP¹⁰. Key aspects of the relevant policies relate to ensuring that urban land use is considered in its wider context (e.g. integrated with consideration of water resources), sites of significance to Ngāi Tahu are protected and that effects on tāngata whenua values are appropriately addressed.

145. Annexure 18 of the application also includes comments from Te Rūnanga o Arowhenua (Arowhenua) and Aoraki Environmental Consultancy Limited (AECL). This confirms that Wakanui

¹⁰ Pages 31-33 of the Plan Change Application.

Creek is identified as being a Runanga Sensitive Area (wāhi tapu and wāhi taonga) within the Canterbury Land and Water Regional Plan due to the Creek and Lagoon at the coast being a traditional place name used by tīpuna (ancestors). This outlines that Arowhenua and AECL do not oppose the proposed rezoning or the development that this would facilitate, but request, given the cultural significance of Wakanui Creek and the disturbed nature of the surrounding environment, that the recommendations put forward by Aquatic Ecology are applied. In particular, retention of fish passage within the Creek and establishment of riparian planting along the banks are considered important. In my view, these measures align with the direction in the IMPs, in terms of ensuring that the development of the site is integrated with how the effects on the Wakanui Creek are managed; and that the values of the Wakanui Creek which make it significant are protected.

146. Overall, I consider that the relevant provisions in the IMPs have been appropriately addressed in the Plan Change request, subject to my additional recommendation in relation to riparian planting.

Consistency with the plans of adjacent territorial authorities

147. Cross-boundary issues are identified in the District Plan (in sub-section 1.12 of Section 1: Introduction). I do not consider that any of the identified issues arise in relation to this plan change request. As such, I do not consider that there are any matters arising from the proposed rezoning which create a consistency issue with respect to the district plans of adjacent territorial authorities.

Consideration of alternatives, benefits and costs

148. Section 32 requires the consideration and evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (s32(1)(a)); as well as an assessment of whether the provisions in the proposal are the most appropriate way to achieve the objectives (of both the proposal and the existing District Plan objectives), having regard to the efficiency and effectiveness of the provisions and having considered other reasonably practicable options (s32(1)(b)).

Extent to which the Objectives of the Proposal are the Most Appropriate Way to Achieve the Purpose of the Act

149. The Plan Change request does not involve any new objectives, or any changes to the existing objectives within the District Plan. The assessment required under s32(1)(a) is therefore the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the RMA. The stated purpose of the proposal is *“to enable residential activity to be undertaken on the site within the provisions of the existing Residential C zone”*. The application expands on this as follow:

40. Following investigation of the site and its surrounds it is considered this land is suitable for future residential development. This Plan Change seeks to initiate the rezoning which provides for continued and logical residential growth of Ashburton township and the District.

41. *This Plan Change has come about because these sites both adjoin and are opposite land that is zoned Residential C and that there is demand for future residential housing in Ashburton. This is addressed in the Real Estate Report included as Annexure 16. Within that report, comment was made that there is a build-up of demand for residential sections of Residential C style on the west side of Ashburton. The growth within this west side location has been impeded by the limited supply and availability of land. It is the applicants view that offering a mixture of allotment sizes and provides an option for future landowners of a medium residential density allotment which enables manageable land area as opposed to larger Residential D sites, as part of residential living whilst maintaining a level of open space around the residential units on each allotment.*
150. It is my view that the provision of additional Residential C zoned land in this location will allow for the use and development of the land resource in a way that will enable people and communities to provide for their social, economic, and cultural well-being (s5(2)) and which in turn will help meet the needs of future generations (s(5)(2)(a)). In particular, it will provide additional residential capacity to meet market demand, in a location that is suitable for this density of development. The earlier assessment of effects also demonstrates how the proposal will avoid, remedy and mitigate adverse effects on the environment arising from the increased density, in accordance with s5(2)(c), and ensure that the life-supporting capacity of water resources will be safeguarded (s5(2)(b)).
151. I consider that the following matter of national importance are relevant to PC7:
- (a) the preservation of the natural character of... lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development: and*
 - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
152. As noted above, Wakanui Creek is of significance to Arowhenua, being a wāhi tapu and wāhi taonga. AECL and Arowhenua are not concerned about the proposed increase in density, subject to the Creek being preserved and enhanced. In my view, the measures recommended will align with preservation of the natural character of the Creek, and its protection from inappropriate development as sought in s7(a). I further consider that Arowhenua's relationship with the waterbody is appropriately recognised through these measures, as they will manage potentially adverse effects on the waterbody arising from intensified residential development, as well as generally enhancing the waterbody.
153. In terms of other matters set out in s7 of the RMA, I consider that the following are relevant to the plan change:
- (b) the efficient use and development of natural and physical resources:*
 - (c) the maintenance and enhancement of amenity values: and*
 - (f) the maintenance and enhancement of the quality of the environment.*
154. I note that matters raised in submissions that relate to amenity values and quality of the environment have been considered in the assessment of issues raised in submissions set out

above, and in my view, the purpose of the proposal – i.e. the enabling of a higher level of density – aligns with s7(c) and 7(f) of the RMA.

155. I consider that providing for a higher density of development across a site that is currently vacant will result in a more efficient use of the land resource, in providing additional residential capacity. The proposed rezoning is able to be managed so that it does not compromise the ongoing efficient use of existing physical resources, specifically the transport and stormwater networks.
156. In considering the appropriateness of the proposal in achieving the purpose of the RMA, I also consider it necessary to take into account whether the Request gives effect to the NPS-UD and CRPS, which have been prepared to give effect to the purpose of the RMA, and in particular, provide direction on how the use, development and protection of natural and physical resources are to be managed to achieve the RMA's purpose. As noted earlier, I consider that the Request aligns with the relevant provisions of the NPS-UD and CRPS.
157. I also consider that the existing direction in the Ashburton District Plan should be considered in assessing the appropriateness of the proposal at achieving the purpose of the RMA, given that the Plan has been prepared to give effect to the purpose of the RMA. I note the application also includes an assessment of the Request against the objectives and policies of the District Plan.¹¹
158. I generally agree that the assessment has identified the relevant objectives, as well as a range of supporting policies. I agree with the applicant's assessment, except as set out below. Key aspects include that:
- a. The proposal will increase the supply of Residential C zoned land, but will correspondingly reduce the supply of Residential D zoned land. However, a supply of Residential D zoned land will remain, and therefore an overall diversity of options for residential lifestyles will be retained (per Objective 4.1 and Policy 4.1).
 - b. The rezoning will provide for growth to meet the needs of the community, in a way that consolidates existing urban area, while also protecting the productive potential of the rural area (per Objective 4.2 and Policy 4.2A)
 - c. The ODP contains a sufficient level of detail to provide certainty to the community as to connections to the local road network, layout, location, and area/s of open space (Policy 4.2D)
159. I note that the applicant has also provided an assessment in relation to the subdivision objectives and policies. I note however, that this tends to assess the concept plan (included as Annexure 3) against these provisions. However, the concept plan does not form part of the Plan Change and has no relevance to any future subdivision applications that maybe received. I consider that should the land be rezoned, any future application would need to be assessed against the identified provisions of Section 9. In terms of the current rezoning proposal, I consider that there is nothing about the rezoning or ODP that would conflict with the ability for a future subdivision to be designed to accord with these more detailed provisions (e.g.

¹¹ Pages 24-30 of the Application.

consideration of size and shape of allotments and of right of ways and cul-de-sacs per Policies 9.1B and 9.2A). This also includes:

- a. That future lots are able to be connected to a reticulated potable water supply system and reticulated sanitary sewer system (Policies 9.2C and 9.2E); and
- b. Stormwater disposal can be undertaken in a manner which maintains or enhances the quality of surface and ground water, as well as avoids inundation of land within or beyond the subdivision (Policy 9.2D)

160. I also consider Objectives 2.2 and 2.3 to be relevant to this proposal which seek:

The management of the District's natural and physical resources in such a way as to maintain and protect the relationship of Kati Huirapa and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taoka.

The recognition of the Maori World View (namely the interconnectedness of all aspects of the natural world, including people) in decision making and management of the District's natural and physical resources.

161. I consider these relevant because of the relationship of Arowhenua with Wakanui Creek; and because of the impact that increased residential development could have on this waterbody. I consider that the proposed approach to stormwater management appropriately takes into account the interconnectedness between land use and water resources, and that sufficient measures (including the additional matter of discretion or addition to the ODP in relation to riparian planting I have recommended) are proposed to protect Arowhenua's relationship with Wakanui Creek.

162. I also consider Objectives 10.1 and 10.2 to be relevant to this proposal, which broadly seek to maintain and enhance the sustainability of the District's transport system; and ensure the efficient use of the District's transport infrastructure and of fossil fuel usage associated with transportation. The following policies of relevance are:

Policy 10.1A - To mitigate the adverse effects of vehicle and fossil fuel usage by reducing potential travel times to home, work, community and business places, primarily through encouraging infill, intensification within the core area of Ashburton, and consolidated development of the District's towns. Provision for some essential services within residential and commercial areas will also assist to reduce travel times and distances e.g. Business A zones within residential areas.

Policy 10.1E - To encourage and enable the use of walking and cycling as sustainable forms of transportation.

Policy 10.2A - To provide for the efficiency of the transport network by implementing a policy of consolidation to avoid sprawl and unnecessary extension of urban areas.

163. I consider that providing Residential C zoning in this location aligns with these, as it will provide for intensification in a manner that will contribute to a consolidated urban form and which avoids sprawl, or further expansion of the existing urban area. The ODP includes walking and cycling linkages which will assist in encouraging these forms of transportation.

164. Overall, taking into account the provisions in Part 2 of the RMA and the relevant settled objective and policies of the District Plan which seek to achieve the RMA's purpose, I consider that the purpose of the proposal – being to enable the type of residential activity anticipated under a Residential C zone - is the most appropriate way to achieve the purpose of the RMA.
165. Because I have reached this conclusion, I recommend that those submission points seeking that the plan change is declined (S4.1, S5.1, S5.2, S7.1), be rejected.

Whether the Provisions in the Proposal are the Most Appropriate way to Achieve the Objectives

166. Section 32(1)(b) of the RMA requires examination of whether the provisions in a proposal the most appropriate way are to achieve the objectives. This requires identification of other reasonably practicable options for achieving the objectives; consideration of the efficiency and effectiveness of the provisions in achieving the objectives (taking into account costs and benefits); and a summary of the reasons for deciding on the provisions. Section 32(3) and (6) require that this assessment is of both the purpose of the proposal, as well as the relevant existing objectives of the Plan.
167. The Request identifies and assesses the alternate options to achieve the purpose of the proposal – i.e. other options to enable the level and type of development anticipated under the Residential C zone provisions on the site¹². I agree with, and do not repeat that assessment. In essence, the assessment demonstrates that the alternate methods or pathways to facilitate a Residential C zoning are less appropriate than proceeding with the change by way of the private Plan Change application.
168. However, I consider that s32(1)(b) also requires more specific consideration of the provisions which are included in the plan change request, as to their appropriateness at achieving the objectives. These are:
- a. The insertion of the proposed Coniston Park Outline Development Plan as a new Appendix within the District Plan (proposed Appendix 4.7);
 - b. A new standard in Section 4 (Residential Zones) requiring a 1.8m high fencing for all residential buildings adjoining the Rural A zone (proposed Standard 4.9.20(a));
 - c. A new standard in each of Section 4 (Residential Zones) and Section 9 (Subdivision) requiring any future subdivision or development of the site to adhere to the ODP (proposed Standard 4.9.20(b) and 9.8.12);
 - d. A new sub-section in the Reasons for Rules section (proposed new section 4.7.32) relating to the above standards; and
 - e. Additional assessment matters for consideration of any breaches of the site standards (proposed new section 4.11.16).
169. The insertion of the proposed Coniston Park Outline Development Plan and rules requiring adherence to it (along with supporting additions to the 'Reasons for Rules' and assessment matters sections) will assist in implementing:

¹² At pages 35-39.

- a. Policy 4.2D, which encourages the use of outline development plans where large areas of land are to be rezoned, to identify key transport linkages including cycling and walking, and provide a level of certainty for the community as to connections to the local road network, layout, location and area/s of open space;
 - b. Policy 9.1A, by ensuring that future subdivisions appropriately connect with, reflect and enhance the surrounding environment;
 - c. Policy 9.1H, by managing urban growth in this location so that it achieves effective and efficient provision and use of infrastructure, including transport links;
 - d. Policy 9.1J, by providing appropriate areas of open space to meet the recreational needs of the residents of the subdivision; and
 - e. Policy 9.1L, by including measures that will retain and enhance Wakanui Creek (a natural open water body) and continue to provide for the sustainable disposal, attenuation and treatment of stormwater.
170. In turn, this helps to ensure that future subdivision and development of this site maintains and enhances amenity, character, and natural and visual qualities of the environment, consistent with Objective 9.1; and provides an area for urban expansion that meets the needs of the community and promotes the efficient use of services, consistent with Objective 4.2. I consider that there are limited costs of applying an Outline Development Plan, and that applying it will provide greater certainty (and therefore benefits to) the developer of the site around the key elements of future development. Additional benefits are that certainty is also provided to the community about transport connections, and the locations of open space areas. I therefore consider the application of an ODP to be an efficient and effective method to implement the identified policies and ultimately achieve the overarching objectives of the District Plan.
171. As noted earlier, I have also recommended an amendment to the ODP to explicitly include a vehicle connection along the boundary between the plan change site and the adjoining Residential D site, and provided a s32 assessment for this addition. I have recently advised the applicant about this recommendation and understand that they intend to make changes to the ODP to reflect this. However, this will be confirmed in their evidence and/or at the hearing.
172. Proposed standard 4.9.20(a), which requires installation of a 1.8m high fence for residential buildings adjoining the Rural A zone, is intended to help avoid or mitigate potential reverse sensitivity effects arising at the rural-urban interface. This is supported by additions proposed to the 'Reasons for Rules' and new assessment matters. I consider that this will help to implement Policy 9.1H, which seeks that urban growth is managed in a way that is consistent with protecting the productive potential and operational requirements of uses of the District's rural areas (and in turn, help achieve Objective 9.1). While there are costs associated with requiring this fencing, I consider that they are outweighed by the benefits of avoiding or reducing the potential for reverse sensitivity effects to arise, and the consequential impact these could have on the adjacent rural land uses. However, for the reasons set out earlier, I consider that fencing alone may not be sufficient to manage effects, and therefore this rule on its own may not be effective at achieving Objective 9.1. I have therefore recommended the inclusion of a further matter of discretion relating to this (the s32 assessment for which is set

out earlier). I consider that in combination, these measures are an efficient and effective way to achieve Objective 9.1.

173. In addition, I have also recommended the inclusion of a further matter of discretion relating to the planting of the proposed esplanade reserve area (or as an alternate, a change to the ODP to include an additional notation relating to native planting in the proposed esplanade reserve area). The s32 assessment for this is set out earlier. I have recently advised the applicant about this recommendation and understand that they intend to make changes to the ODP to reflect this. However, this will be confirmed in their evidence and/or at the hearing.
174. In terms of the specific drafting of these additional provisions, in **Appendix 1**, I have recommended minor amendments to the specific drafting proposed in the application, to align with the formatting and drafting style of the District Plan. With respect to the 'Reasons for Rules' relating to the fencing, I have also recommended additional reference to the purpose of the fencing being to reduce the potential for conflicts to arise with adjoining rural activities. I have also recommended removing reference to planting maintaining views as this is unrelated to the rule.

8. Conclusions and Recommendation

175. As set out in Section 5, the statutory matters that must be considered in relation to a plan change require the assessment of sections 31, 32, 74 and 75, and regard must be had to the overall purpose and principles set out in Part 2 of the Act.
176. Having considered the submissions and reviewed all relevant instruments and statutory matters, I am satisfied that Plan Change 7 is the most appropriate way to achieve the purpose of the RMA. I consider that the specific changes to the provisions in the Plan (including those recommended within this report) are in turn the most appropriate way to achieve the relevant District Plan Objectives.
177. I therefore recommend that:
- a. Plan Change 7 be approved as set out in the **Appendix 1**; and
 - b. Submissions on the plan change be accepted or rejected as set out in **Appendix 2**.



Liz White

24 November 2025

Appendix 1 - Recommended Changes to ODP Text

Note:

Additions proposed in the Plan Change Request are indicated using underline.

Changes to these, and further additions recommended in this report are indicated using red underline or ~~strikethrough~~.

Add the following to **Section 4: Residential Zones**

4.7 Reasons for Rules

4.7.32 Coniston Park Outline Development Plan

~~Within the~~ The Coniston Park Outline Development Plan, ~~development requires~~ a fence ~~is required to be~~ installed at the zone boundary to provide some screening between the properties. A lot of the Rural A zoned land that adjoins the proposed development consists of either irrigation race, the Wakanui or Mill Creek and in the case of the land to the northeast is part of adjoining land used as a driveway that has established trees. Therefore, there is some established separation on adjoining properties from the application site. The proposed fence is for the purpose of providing some screening and mitigation at the boundary, ~~to reduce the potential for conflicts to arise with adjoining rural activities.~~

~~It is likely that~~ Landowners may ~~also~~ landscape their boundary to provide some longer-term amenity in the form of trees and shrubs ~~maintained at a height maintaining views toward the west and north for residents.~~

4.9 Site Standards

4.9.20 Coniston Park Outline Development Plan

- a) All residential buildings adjoining the Rural A zone within the Coniston Park Outline Development Plan shall be fenced with a timber fence a minimum height of 1.8m.
- b) Any subdivision and/or development within the Coniston Park Outline Development Plan shall be undertaken in general accordance with that Outline Development Plan included within Appendix 4.8 of the Residential Zone Chapter of the District Plan.

4.11 Assessment Matters

4.11.16 Coniston Park Outline Development Plan

- a) The nature of the non-compliance with the Outline Development Plan in terms of activity and /or layout.
- b) The effect of any altered layout on amenity values of the locality considering the site density of the development, the compatibility of adjoining activities and the extent to which adverse effects such as traffic movements, noise, loss of privacy and open space may affect adjoining sites.
- c) Where relevant, ~~refer to~~ the assessment matters for the ~~residential~~ zone ~~for relating to~~ density, building coverage, landscaping including fencing type, building setbacks, height, and outdoor living space.

- d) Any type of boundary treatment other than timber fencing on the internal boundary with the Rural A zone.

Section 4 Appendices

Appendix 4-7: Coniston Park Outline Development Plan (Residential C Zone)

[Insert Annexure 4 to the final application, amended to include the addition of a roading connection to the adjoining Residential D site]

Add the following to **Section 9: Subdivision**

9.7 Rules – Subdivision

9.7.4 Restricted Discretionary Activities

- a) Any subdivision in the Residential Zones, Rural A and B Zones, and Aquatic Park Zone. Council shall restrict its discretion to those matters listed under Controlled Activities above and those listed below:
- Overall subdivision design and layout including connectivity and linkages (both within and beyond the subdivision)
 - Land and/or Facilities for Open Space and Recreation
 - Vegetation protection, landscape treatment, and effects on landscape and visual amenity values
 - All new allotments created by subdivision in Open Space Zones and Business Zones or for utilities, other than allotments for access, roads and utilities, that cannot prove an ability to provide firefighting water supply in accordance with New Zealand Fire Service Code of Practice for Firefighting Water Supplies, SNZ PAS 4509:2008 or obtain approval from the New Zealand Fire Service.
 - Within the Coniston Park Outline Development Plan:
 - any mitigation measures proposed or required to avoid reverse sensitivity effects arising in relation to adjoining rural zones; and
 - the effectiveness of native planting in the riparian margins of Wakanui at filtering stormwater run-off and enhancing ecological function and mahika kai.

9.8 General Standards

9.8.1~~23~~ Coniston Park Outline Development Plan

- a) Any subdivision and/or development within the Coniston Park Outline Development Plan shall be in ~~general~~ accordance with ~~that the~~ Outline Development Plan ~~included~~ in Appendix 4-8 ~~of the Residential Zone Chapter of the District Plan.~~

Appendix 2 – Recommendation on Submission Points

Submitter	Submission no.	Decision No.	Position	Decision Sought	Recommendation
Greg & Rachael Tait	S1	S1.1	Oppose in part	If the rezoning is granted, address the issues raised in the submission within the rules that apply to the zoning. <i>(Note: Issues raised relate to noise; dust and dirt; hours of construction; site access; flood water ditch; pre-school; two-storey houses and fencing; roadside use.)</i>	Reject
		S1.2	Oppose in part	That the developers does not dismiss the impact that this proposed re-zoning and sub-division will have on existing neighbours and their quality of life.	Reject
David & Hilary Ward	S2	S2.1	Oppose in part	Restrict work hours to 7:30am to 5:30pm on weekdays only.	Reject
		S2.2	Oppose in part	Do not allow work to be carried out in winds which would carry dust/dirt to neighbouring properties.	Reject
		S2.3	Oppose in part	Apply height restrictions on sites 147-164 to be single storey dwellings only.	Reject
		S2.4	Oppose in part	Do not allow roadside fencing over 1m.	Reject
		S2.5	Oppose in part	Adhere to larger section sizes on Farm and Racecourse Roads.	Reject
DG & CM Williamson Settlement Trust	S3	S3.1	Support in part	Require the applicant to amend the proposed outline development plan to include a full width legal road / vehicle connection and services connection to the existing undeveloped Residential D land to the west of the rezoning proposal site. <i>(Note: Diagram included in submission.)</i>	Accept

Gloria Barrett	S4	S4.1	Oppose in full	Give full consideration against the rezoning.	Reject
Judith Kingsbury	S5	S5.1	Oppose in full	Keep the present status of the land as Rural D which was the decision of the 2007-2010 Council.	Reject
		S5.2	Oppose in full	Keep it as farm land.	Reject
Ministry of Education	S6	S6.1	Not stated	Should the plan change be approved, require the applicant to commit to ongoing communication with the Ministry and nearby schools regarding timing of development. This could form part of a condition of the plan change as follows: " <i>Consult with the Ministry on the development, staging and timing</i> "	Reject
Cherry Crozier	S7	S7.1	Oppose in full	That the area remain as farmland.	Reject