

BEFORE THE ASHBURTON DISTRICT COUNCIL

UNDER

The Resource Management Act 1991

AND

IN THE MATTER OF

Proposed Private Plan Change 6 to the Ashburton
District Plan: Rezoning of 259 Ashford Forest Road,
Ashburton

REPORT AND RECOMMENDATIONS OF INDEPENDENT HEARING COMMISSIONER

John Scheele

13 February 2025

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PRELIMINARY

Introduction

1. This report contains the recommendations of John Scheele, the Independent Hearing Commissioner appointed to consider Private Plan Change 6 (PC6) to the Ashburton District Plan (the District Plan) and the decisions sought from the submissions received. Proposed PC6 relates to rezoning of 259 Alford Forest Road, Ashburton, from Residential D to Residential C.
2. Schedule 1 of the Resource Management Act 1991 requires a local authority to hold a hearing if any person who made a submission on a plan change request has requested to be heard (clause 8B).
3. I have received and reviewed the evidence of both the Council Officer (Ms Wright) and for the Plan Change Applicant (Mr Harford). No submitters have sought to be heard. The Council Officer has indicated in their Section 42A report¹ that they do not consider a hearing necessary. The Plan Change Applicant has stated in their evidence that they are satisfied for a decision to be made “off the papers” unless I have matters or concerns that I wish to discuss in person².
4. I consider I have sufficient information to make a recommendation on Plan Change 6 based off the papers before me and I have no questions for any parties. Therefore, it is my view that a hearing was not necessary.

The Plan Change

5. Proposed PC6 is a privately requested plan change by Pajanti Ltd (the applicant) which seeks to rezone 259 Alford Forest Road, Ashburton (Lots 14, 16, 17, 31 and 34-36 DP 864 and Lot 1 DP 41503, comprising approximately 1.0091 hectares) from Residential D to Residential C zone.
6. The specific amendments proposed to the District Plan include the addition of new rules:
 - a. Rule 4.9.18 (Residential Chapter):

Pajanti Outline Development Plan, Ashburton

- a) *Any development within the Pajanti Outline Development Plan shall be undertaken in general accordance with that Outline Development Plan attached in Appendix 4-7*

- b. Rule 9.8.12 (Subdivision Chapter) Plan:

Pajanti Outline Development Plan

- a) *Any subdivision and/or development within the Pajanti Outline Development Plan shall be in general accordance with the Outline Development Plan in Appendix 4-7*

¹ Paragraph 2.1.4 of the Section 42A report

² Paragraph 3.1 of Mr Harford’s evidence

- c. Inclusion of a new Outline Development Plan as Appendix 4-7 showing the proposed roading layout, right of way location, and building line restriction along the western boundary.
7. The insertion of new rule 4.9.18 will require subsequent renumbering of the Residential Zone rules. This will maintain consistency within the District Plan by grouping all rules relating to developments being undertaken in general accordance with outline development plans being located together.
8. The Plan change seeks to enable medium density residential development with the ability to connect to existing services and infrastructure.
9. No other additional rules or changes are proposed to the District Plan.

Background to PC6

10. The plan change was requested by Pajanti Ltd to rezone their 1.0091ha property at 259 Alford Forest Road from Residential D to Residential C to enable medium-density residential development. The current Residential D zoning requires minimum 4,000m² lots, while Residential C allows for smaller lots of 360m².
11. The applicant's key reasoning for the plan change is that the site's location opposite existing Residential C zoning, along with available urban infrastructure, makes it suitable for more intensive residential use. They argue that 4,000m² sections are inefficient given the site's urban fringe location and servicing capabilities. Their proposal identifies future development of up to twelve residential lots ranging from 588-793m², providing housing choice while maintaining reasonable section sizes.
12. The request underwent initial Council review in April 2023, leading to refinements addressing roading layout, street trees, servicing, and natural hazards. The final requested plan change was accepted for notification in July 2024, incorporating an Outline Development Plan showing a future road layout and building restriction line along the western boundary. New Zealand Transport Agency Waka Kotahi (NZTA) and Environment Canterbury (ECan) submitted neutral responses, with NZTA's primary concern being appropriate separation between the new road access and the Farm Road intersection.

Notification and submissions

13. Proposed PC6 was publicly notified 19 September 2024 with submissions closing 18 October 2024. Two submissions were received, from NZTA and ECan. Further submissions were invited from 7 November 2024, closing 21 November 2024. No further submissions were received.
14. The main issues raised by the submitters as summarised in the s42A³ report were:
 - a. Road location and safety: NZTA's main concern was ensuring adequate separation between the proposed road and the SH77/Farm Road intersection. NZTA approved

³ s42A report, paragraph 8.2

the location shown in the Pajanti Outline Development Plan, though noted further approvals would be required during subdivision.

- b. Regional policy consistency: ECan adopted a position that the proposed plan change generally aligns with the Canterbury Regional Policy Statement objectives and policies concerning urban development, infrastructure, and land use.
15. Te Runanga o Arowhenua was consulted under Schedule 1 Clause 3 of the RMA⁴. While they raised no direct issues with the proposal, they noted that future subdivision could incorporate accidental discovery protocols and indigenous landscape planting conditions to address cultural matters.

Updates to the Outline Development Plan

16. The evidence of Mr Harford on behalf of the applicant recommended one minor modification to the ODP. Specifically, Mr Harford suggested removing the cadastral outlines showing the underlying current cadastral boundaries from the ODP diagram, while retaining all other elements. Mr Harford's reasoning was that showing the existing cadastral boundaries may create confusion when people read the District Plan, as they may mistakenly interpret those as being the intended layout, rather than just the current cadastral boundaries⁵.
17. I consider this a sensible recommendation that will improve clarity and interpretation of the ODP without affecting its substantive content or purpose. The removal of the cadastral boundaries will assist future plan users focus on the key development control elements of the road layout, right of way location and western building line restriction.
18. The applicant submitted an updated version of the ODP on 10 February 2025 which removes the cadastral boundaries while maintaining all other elements. I have reviewed this updated ODP and confirm it appropriately implements the recommended change while preserving all necessary development control elements.

Information considered

19. In making this recommendation, there has been consideration of:
- a. Proposed PC6 and the accompanying s32 Report;
 - b. The request for further information and the applicant's response on various matters and justification for the plan change;
 - c. The written submissions from New Zealand Transport Agency Waka Kotahi and Canterbury Regional Council;
 - d. The s42A Report and its appendices on the plan change; and
 - e. The evidence on behalf of the Plan Change Applicant, Pajanti Ltd, including the updated outlined development plan submitted on 10 February 2025.

⁴ Paragraph 5.3.2 of the Council Officers s42A report

⁵ Section 3.3 of Mr Harford's evidence

Existing environment

20. The existing environment is described in the applicant's s32 report⁶ and summarised in Council's s42A report⁷, which I adopt.
21. Of relevance, the surrounding environment is reflective of a transition between urban and rural activities. Adjacent land to the north and south is zoned Residential D, containing larger residential lifestyle properties. Rural land and smaller farming operations lie to the west below the terrace.
22. The site is located adjacent to State Highway 77 (Alford Forest Road) which forms one of the main entrances to Ashburton township. The change in speed limit from 100km/hr to 50km/hr occurs approximately 200m north of the site, assisting in defining the urban/rural boundary.
23. The site has access to full urban services including water, sewer, power and telecommunication infrastructure within the road corridor.

Matters of agreement

24. I note that both Mr Harford and Ms Wright are in general agreement as to the assessment of relevant matters, and the assessment and conclusions reached by Mr Harford, which I have summarised below.

Site development potential

25. The proposed plan change represents an opportunity to rezone 1 hectare of land from Residential D to Residential C, enabling medium density residential allotments on Ashburton's urban fringe. The location is assessed as suitable for residential development with minimal adverse impacts on existing urban form.

Infrastructure capacity

26. The site demonstrates sufficient capacity for efficient infrastructure connection, including water, wastewater, electricity and telecommunication services. Existing network infrastructure can accommodate the proposed development with minimal upgrades.

Natural hazards

27. Technical assessments, including a geotechnical evaluation, confirm land suitability that identifies minimal natural hazards risks. The proposed development includes appropriate building line restrictions (required to mitigate slope stability risks) and is expected to have negligible environmental impact.

⁶ s34 report, paragraphs 24-35

⁷ s42A report, paragraphs 3.1.4-3.1.5 and section 3.2

Development approach

28. The plan change provides benefits including housing variety, medium-density residential development, efficient land utilisation, and contribution to the district's housing supply. It represents a balanced approach to urban expansion that considers both developmental potential and community needs.

Findings as to above Matters of Agreement

29. Both Mr Harford and Ms Wright agree with the above assessment and conclusions, and I have not been presented with any contrary opinions or evidence. I agree with and adopt the above assessments.

Remaining matters of contention

30. The remaining area of contention (though there remains general agreement) between Mr Harford and Ms Wright relates to residential density.
31. I have considered this matter below.

Residential density

32. The applicant proposes a self-imposed limitation of twelve residential lots⁸, with lot sizes ranging from 588m² to 793m². As stated at paragraph 53 of their plan change request:

"This Plan Change provides a new zoning for the site with the intention to provide a minimum allotment size from 558m² - 793m² (subject to survey) which allow for larger allotment area for dwellings, accessory buildings and ample outdoor space for amenity."

The applicant's rationale is explained at paragraph 55 where they outline that:

"Informal property market feedback is that land purchasers do not want to larger [sic] parcel of land to maintain. Allotments within the 3-4000m² range are too low density and will create surplus land."

33. In contrast, Council staff do not support including a maximum lot number restriction. As noted in paragraph 3.1.6 of the s42A report, they concluded:

"Matters such as servicing, amenity, urban form and reverse sensitivity would be appropriately addressed through the operative Residential C density standards."

34. The Council's position would enable development to occur at the full density as anticipated in the Residential C zone, which allows for minimum lot sizes of 360m². This means the 1.0091-hectare site could potentially accommodate more than 12 lots if developed to the maximum density allowed under the zone provisions.

⁸ As set out in the plan change request documents at paragraphs 6, 63 and 142 along with the indicative subdivision plan forming Annexure 4

35. This reflects a minor tension between the applicant favouring larger lots and Council's position that standard Residential C zone provisions enabling the potential for greater residential density should apply. The Council's view aligns with broader planning objectives around efficient use of urban land and infrastructure, while the applicant's position reflects market assessment and development preferences.
36. The final residential density will be determined through a future subdivision consent process. At that time, a detailed assessment will consider crucial factors including servicing capacity, amenity effects, urban form outcomes, and reverse sensitivity, among other potential effects. The number and potential location of future residential units will be evaluated against these matters, taking into account the agreed building restriction along the western boundary.
37. Given that these detailed assessments will occur during the subdivision process, and without sufficient information at this stage to justify a reduced density, imposing a maximum density restriction through the plan change is unwarranted. It is my view that the standard Residential C zone provisions provide an appropriate framework for assessing future subdivision proposals on their merits.

Statutory requirements

38. I agree with and adopt the assessment of Ms Wright, and Mr Harford, of the key statutory planning frameworks and District Plan provisions, which can be summarised as follows:

The National Policy Statement on Urban Development

39. The National Policy Statement on Urban Development require councils to remove unnecessary constraints and to plan for growth, with a focus on creating well-functioning urban environments. As a Tier 3 authority, Ashburton District Council must consider these requirements. Particularly Policies 1, 2, 5 and 8 which support enabling housing supply and urban development. The proposal aligns with these policies by enabling medium density development in an appropriate location with access to services and infrastructure.

The Canterbury Regional Policy Statement

40. The Canterbury Regional Policy Statement (RPS) provides the framework for integrated management of natural and physical resources in the region. The relevant chapters address land use, infrastructure and urban development matters. The key policies support consolidated urban growth and efficient use of infrastructure. The proposed plan change demonstrates consistency with the RPS direction on urban growth and development patterns.

The Ashburton District Plan

41. The Ashburton District Plan contains several relevant objectives and policies. Objective 4.1 addresses residential amenity values and character, seeking to protect and enhance residential amenity while providing for growth and housing diversity. Objective 4.2 focuses on residential

growth, providing for different forms of residential development in appropriate locations. Objective 9.1 relates to the effects of subdivision, ensuring subdivision maintains amenity while enabling efficient land use.

42. The supporting policies in the District Plan address managing different residential areas and densities, setting environmental standards for development, promoting variety in residential development, providing necessary infrastructure services, and using outline development plans for larger developments. The proposed plan change demonstrates consistency with this planning framework.

Statutory requirement conclusion

43. I agree with both planners' assessment that the proposal is consistent with and appropriately implements the statutory planning framework. The rezoning from Residential D to Residential C enables appropriate intensification in a location with available infrastructure, maintains residential amenity through the Outline Development Plan approach, provides for housing choice and efficient use of urban land, includes appropriate development controls and standards, and represents consolidated urban growth in accordance with high order policy direction.

Submissions

44. Two submissions were received on Proposed Plan Change 6.
45. The NZTA submission centred on the placement of the proposed road, specifically requesting it remain setback from the SH77/Farm Road intersection as shown in the Outline Development Plan. Though NZTA initially sought to be heard, they withdrew this request.
46. The ECan submission confirmed their opinion that the proposal is generally consistent with the Canterbury Regional Policy Statement objectives and provisions. ECan have not sought to be heard.
47. Having reviewed the Council's officer's s42A report, I note that the reporting officer has recommended both submissions be accepted in full. The submissions from NZTA and ECan took neutral positions on Plan Change 6 and sought no amendments as notified. I have considered the officer's analysis and reasoning and adopt their recommendation to accept both submissions in full.

Section 32AA

48. Section 32AA of the Act requires a further evaluation for any changes to the proposal since the original s32A evaluation was completed. While one minor change has been recommended to Plan Change 6 following notification, namely the removal of cadastral boundaries from the Outline Development Plan to improve clarity and interpretation, this amendment is not

substantive in nature and does not alter the fundamental elements or effects of the plan change proposal.

49. The recommended change to the outline development plan is purely presentational. It removes the potential for confusion by eliminating the display of existing cadastral boundaries while retaining all other substantive elements. As the modification does not affect the development outcomes or environmental effects assessed in the original s32 elevation, that elevation remains valid and no further elevation under s32AA is required. This aligns with the purpose of s32AA which is to evaluate substantive changes to proposals rather than minor amendments that do not affect the underlying assessment.

Overall conclusion

50. Based on the assessment of the plan change request, submissions received, and evaluation against relevant statutory requirements, I recommend that Private Plan Change 6 be approved as notified, for the following reasons:

- a. The proposal represents an appropriate use of urban land, enabling medium-density residential development in a location with existing infrastructure capacity and good connectivity to Ashburton township
- b. Technical assessments confirm the site's suitability for development, with minimal natural hazards risks and sufficient infrastructure capacity to support the intended residential use
- c. The plan change aligns with the relevant objectives and policies of the National Policy Statement on Urban Development, particularly regarding enabling housing supply and creating well-functioning urban environments
- d. The proposal demonstrates consistency with the Canterbury Regional Policy Statement's direction on urban growth and consolidated development patterns
- e. The rezoning implements the objectives and policies of the Ashburton District Plan, particularly regarding residential growth, amenity protection, and efficient land use
- f. The inclusion of an Outline Development Plan provides appropriate controls for future development, including roading layout and building line restrictions
- g. The matters raised in the submissions from NZTA and ECan will be appropriately addressed through the existing provisions of the District Plan and insertion of a new Outline Development Plan
- h. The standard Residential C zone provisions will provide an appropriate framework for assessing future subdivision proposals without need for additional density restrictions

51. Therefore, I recommend that the Ashburton District Council:

- a. Accepts the submissions from New Zealand Transport Agency Waka Kotahi and Environment Canterbury

- b. Adopt Private Plan Change 6 to rezone 259 Alford Forest Road, Ashburton from Residential D to Residential C, including:
 - i. the proposed amendments to Rules 4.9.18 (and subsequent renumbering of the Residential Chapter) and 9.8.12
 - ii. the inclusion of the Pajanti Outline Development Plan dated 10 February 2025 as Appendix 4-7

Overall recommendation

52. Having considered the evidence, and for the reasons set out above, it is recommended that the Council:

- a. Adopt PC6 with the wording as set out in Appendix One; and
- b. Accept the submissions on PC6 as set out in Appendix Two.

Dated this 13th day of February 2025

A handwritten signature in black ink, appearing to read 'John Scheele', with a long horizontal flourish extending to the right.

John Scheele
Independent Hearing Commissioner

Appendix One: Plan Change 6 as Recommended by the Commissioner

For the purposes of these amendments, the operative Ashburton District Plan text is shown as normal text, with topic headings also in bold text.

Amendments proposed by this recommendation as a result of Private Plan Change 6 are shown as **bold underline text** with strikeouts shown as ~~**bold strikethrough**~~.

4.9 Site Standards

...

4.9.18 Pajanti Outline Development Plan, Ashburton

- a) **Any development within the Pajanti Outline Development Plan shall be undertaken in general accordance with that Outline Development Plan attached in Appendix 4-7.**

4.9.1819 Reverse Sensitivity

- a) Any new residential unit or habitable accessory building or additions and/or alterations to the same, which is located within 80 metres of the legal boundary of State Highway 77 within the area known as the Lochhead Outline Development Plan (Appendix 4-3.) shall be designed so that noise from vehicle traffic using State Highway 77 (allowing for an increase in noise arising from increased traffic growth during a period of not less than 10 years from the commencement of construction) shall meet the internal noise guidelines outlined in AS/NZS 2107:2000 "Acoustics – Recommended design sound levels and reverberation times for building interiors". The particular performance standards to be achieved are that internal sound levels shall not exceed 35dB LAeq (24 hour) in bedrooms and 40 dBLAeq (24 hour) for other habitable rooms.
- b) A report from a suitably qualified and experienced acoustic engineer shall be supplied with any application for building consent demonstrating compliance with this rule.

4.9.1920 Landscaping

- a) Any landscaping including vegetation undertaken within sites along the State Highway 77 boundary within the area known as the Lochhead Outline Development Plan (Appendix 4-3.) shall not be planted closer to the traffic lanes than 2.5 times the anticipated full grown height.

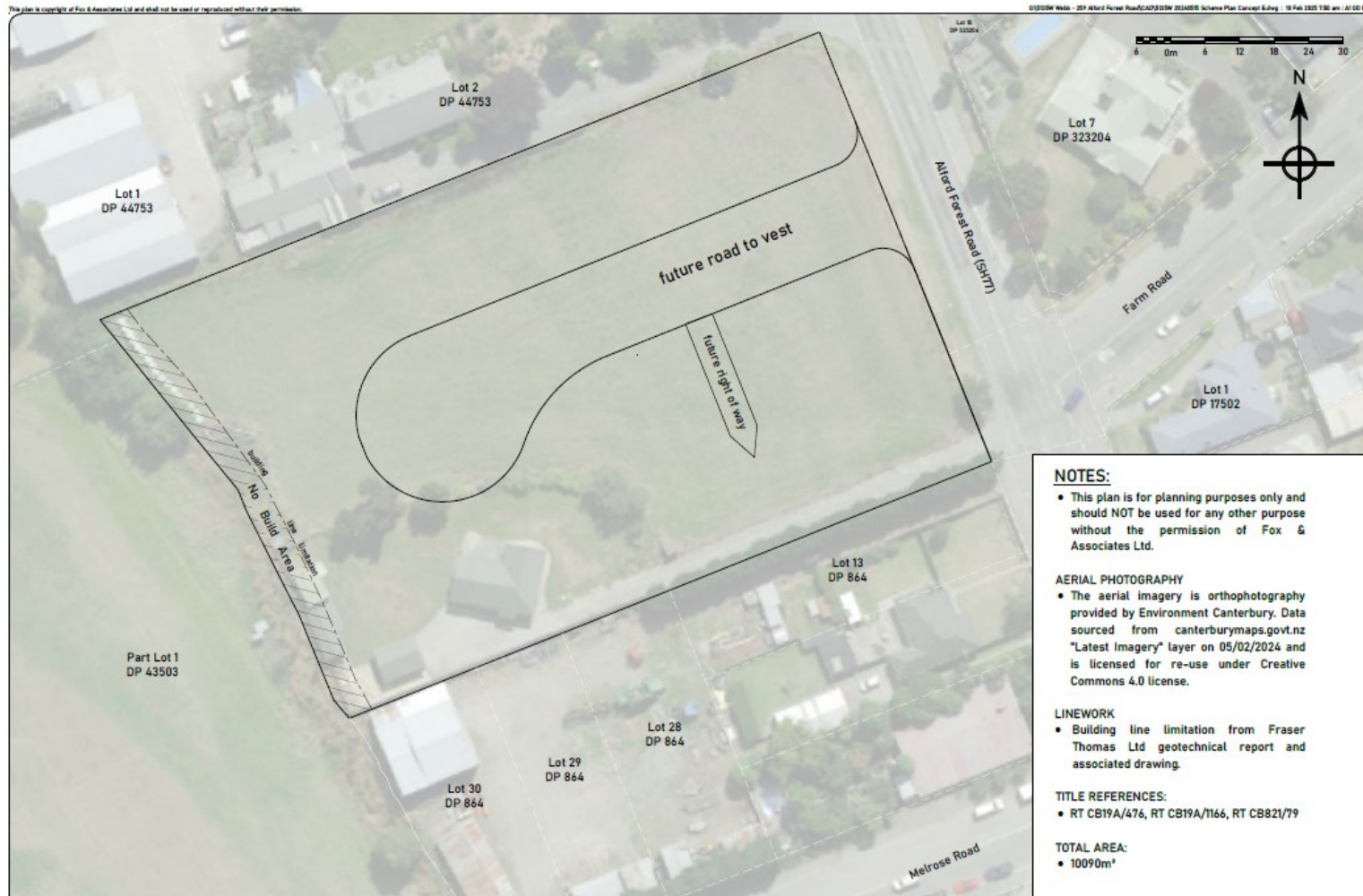
9.8 General Standards

...

9.8.12 Pajanti Outline Development Plan

- a) **Any subdivision and/or development within the Pajanti Outline Development Plan shall be in general accordance with the Outline Development Plan in Appendix 4-7**

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



NOTES:

- This plan is for planning purposes only and should NOT be used for any other purpose without the permission of Fox & Associates Ltd.

AERIAL PHOTOGRAPHY

- The aerial imagery is orthophotography provided by Environment Canterbury. Data sourced from canterburymaps.govt.nz "Latest Imagery" layer on 05/02/2024 and is licensed for re-use under Creative Commons 4.0 license.

LINWORK

- Building line limitation from Fraser Thomas Ltd geotechnical report and associated drawing.

TITLE REFERENCES:

- RT CB19A/476, RT CB19A/1166, RT CB821/79

TOTAL AREA:

- 10090m²



Rezoning Outline
259 Alford Forest Road, Allenton

Address:	###	###	###	###	Scale (A1)	1:300	Job No.	913SP.01
Consent No:	###	###	###	###	Reduced (A3)	1:600	Sheet No.	1 of 1
Project Phase:	###	###	###	###	Designed	###	Rev.	1
	###	###	###	###	Checked	###	Date	10/02/2025

Appendix Two: Summary of Submissions with Commissioners' Recommendations

Submitter	Submission No.	Decision No.	Summary of relief sought	Recommendation
New Zealand Transport Agency - Waka Kotahi (NZTA)	S1	S1.1	<ul style="list-style-type: none"> • That the proposed road to be vested with Council remain in the location shown in the Pajanti Outline Development Plan (ODP). • NZTA previously advised that the new road should be setback from the Farm Road intersection. The ODP illustrates this, and the proposed new road location is acceptable to NZTA. • Further approval from NZTA will be required at the time of subdivision consent under the District Plan and under the Government 	Accept in full
Canterbury Regional Council	S2	S2.1	<ul style="list-style-type: none"> • Environment Canterbury neither supports nor opposes the proposal. The proposal is generally consistent with the objectives and policies of the operative Canterbury Regional Policy Statement (CRPS). • Relevant CRPS policies include 5.3.1, 5.3.2, 5.3.3, 5.3.5, 11.3.1, 9.3.1, and 17.3.2. 	Accept in full