

# **ASHBURTON DISTRICT PLAN**

## **PLAN CHANGE 6**

**Pajanti Limited – 259 Alford Forest Road**

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

**Final – 21 January 2025**

## TABLE OF CONTENTS

<b>1</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>2</b>	<b>INTRODUCTION.....</b>	<b>6</b>
2.1	REPORTING OFFICER.....	
2.2	THE PURPOSE AND SCOPE OF THIS REPORT .....	
<b>3</b>	<b>PLAN CHANGE 6 OVERVIEW .....</b>	<b>7</b>
3.1	BACKGROUND TO THE PLAN CHANGE.....	
3.2	SUMMARY OF THE PLAN CHANGE .....	
<b>4</b>	<b>STATUTORY CONSIDERATIONS.....</b>	<b>11</b>
4.1	THE RESOURCE MANAGEMENT ACT 1991 .....	
<b>5</b>	<b>STATUTORY AND OTHER INSTRUMENTS .....</b>	<b>12</b>
5.1	NATIONAL POLICY STATEMENT.....	
5.2	REGIONAL POLICY STATEMENT .....	
5.3	IWI MANAGEMENT PLANS (IMP) .....	
<b>6</b>	<b>ASHBURTON DISTRICT PLAN .....</b>	<b>12</b>
6.1	OVERVIEW .....	
<b>7</b>	<b>MATTERS RELEVANT TO THE PLAN CHANGE PROPOSAL.....</b>	<b>13</b>
7.1	ASSESSMENT OF EFFECTS RAISED IN SECTION 32 REPORT.....	
<b>8</b>	<b>ANALYSIS AND EVALUATION OF SUBMISSIONS.....</b>	<b>13</b>
8.1	OVERVIEW OF SUBMISSIONS .....	
8.2	SUMMARY OF SUBMISSIONS .....	
8.3	ANALYSIS OF SUBMISSIONS.....	
8.4	SUMMARY OF CONSULTATION .....	
8.5	OUTSTANDING MATTERS.....	
<b>9</b>	<b>SECTION 32 AND 32AA EVALUATION .....</b>	<b>15</b>
<b>10</b>	<b>CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>15</b>
	<b>APPENDIX 1 – PLAN CHANGE 6 AS NOTIFIED AND SECTION 32 EVALUATION .....</b>	<b>16</b>
	<b>APPENDIX 2 – DISTRICT PLAN AS AMENDED BY PLAN CHANGE 6.....</b>	<b>17</b>
	<b>APPENDIX 3 – TABLE OF SUBMISSIONS WITH RECOMMENDATIONS AND REASONS .....</b>	<b>18</b>

## LIST OF ABBREVIATIONS

<b>CRPS</b>	Canterbury Regional Policy Statement
<b>IMP</b>	Iwi Management Plans
<b>PC6/ the plan change</b>	Proposed Plan Change 6
<b>RMA / the Act</b>	Resource Management Act 1991
<b>s32</b>	Section 32 evaluation
<b>the Council</b>	Ashburton District Council
<b>the Plan/the District Plan</b>	Ashburton District Plan

## 1 EXECUTIVE SUMMARY

- 1.1.1 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 6 (**the plan change / PC6**) to the Ashburton District Plan (**the Plan**) and submissions.
- 1.1.2 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 PC6. In addition to this report, the Section 32 report prepared by David Harford Consulting Ltd. and associated documentation relating to PC6 (**Appendices 1 and 2**) should be considered.
- 1.1.3 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.
- 1.1.4 The discussion and recommendations included in this report are intended to assist the Hearing Commissioner, Council and submitters on PC6. 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.
- 1.1.5 Pursuant to Clause 29 of the First Schedule of the Act, the Ashburton District Council may, after considering the request, decline, approve or approve the plan change with modifications, and must give reasons for its decision.
- 1.1.6 Plan Change 6 covers the following areas:
- a. Rezoning 1Ha of Residential D land at 259 Alford Forest Road to Residential C and to adopt the operative provisions of the Residential C Zone onsite in order to facilitate a medium-density residential subdivision.
  - b. The addition of the *Pajanti Outline Development Plan* to the Residential Zones Chapter (Proposed Section 4.9.18 and Appendix 4-7).
  - c. The addition of the *Pajanti Outline Development Plan* to the Subdivision Chapter (Proposed Section 9.8.12)
- 1.1.7 The standard RMA Schedule 1 process is being followed in assessing this plan change.
- 1.1.8 Two submissions were received on PC6. Both submitters considered themselves to be neutral in response to PC6 and did not seek any amendments to the notified plan change. No further submissions were received.

- 1.1.9 Having considered the notified plan change material and the submissions received, I have evaluated the proposal and recommend that PC6 be approved with no amendments.
- 1.1.10 In recommending the acceptance of PC6 with no amendments, I generally agree with the evaluation of David Harford Consulting Ltd. undertaken under Section 32A of the RMA and consider the provisions of PC6 to be the most appropriate way to achieve the objectives of the Plan and the purpose of the RMA.

## 2 INTRODUCTION

### 2.1 REPORTING OFFICER

2.1.1 My full name is Lauren Elizabeth Wright. I am employed as a Planner within the Compliance and Development Team, of the Ashburton District Council (**the Council**). I have been in this role since 2022, prior to which I held the Graduate Planner and Planning Administration Officer positions at Council for three years respectively.

2.1.2 I hold a Bachelor of Applied Science - Environmental Management degree from the University of Otago.

2.1.3 I have visited the site and am familiar with the surrounding environment and the town of Ashburton.

2.1.4 Although no Hearing is anticipated in this instance, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and I agree to comply with it. I confirm that I have considered all the material facts I am aware of that might alter or detract from the opinions that I express. I confirm this evidence is within my area of expertise, except where I state I am relying on the evidence of another person. I am authorised to give this report on behalf of the Council.

### 2.2 THE PURPOSE AND SCOPE OF THIS REPORT

2.2.1 This report has been prepared in accordance with Section 42A of the RMA to assist the Commissioner in considering the submissions received for PC6. It makes recommendations on PC6, summarises the submissions received and outlines consultation that has been undertaken by Council and the Applicant. As I have not recommended any amendments be made to the proposed Plan Change, I have simply reviewed and subsequently provided support for the Applicant's assessment of the proposed Plan Change in terms of Section 32A of the RMA.

2.2.2 The purpose of this report is to:

- a. Highlight relevant information and issues regarding PC 6 in terms of the statutory requirements
- b. Consider the points raised in submissions, and then make recommendations on whether to accept or reject each submission.

2.2.3 The scope of this report includes:

- a. A brief overview of PC6, including background and summary of matters relevant to the plan change;

- b. Statutory considerations and instruments as outlined in the S32 report;
- c. Overview of the relevant Ashburton District Plan Objectives & Policies as outlined in the S32 report;
- d. Matters relevant to the Plan Change;
- e. An overview, analysis and evaluation of submissions received, and recommendations;
- f. Comment on the s32 assessment; and
- g. Conclusions and recommendations.

2.2.4 Any conclusion and recommendations made in this report are my own and are not binding upon the Hearing Commissioner or the Ashburton District Council in any way. The Hearing Commissioner is required to consider all submissions and evidence presented at the hearing. It should not be assumed that the Hearing Commissioner will reach the same conclusions as I have when they have considered all evidence presented.

### **3 PLAN CHANGE 6 OVERVIEW**

#### **3.1 BACKGROUND TO THE PLAN CHANGE**

- 3.1.1 Plan Change 6 was lodged with Council by David Harford Consulting Ltd. on behalf of Pajanti Ltd. on 23 July 2024 and accepted by Council under Clause 25(2)(b) RMA on 23 July 2024.
- 3.1.2 The Applicant has outlined the purpose of rezoning 1Ha of Residential D to Residential C land as to provide for greater intensity of land use for residential development. Through PC6, the Applicant is seeking the ability to create higher density residential development than what is currently provided for by the Residential D zoning. The proposed plan change would require the future vesting of a road with Council at the time of subdivision and a building restriction line has been noted along the western boundary as illustrated in the Pajanti Outline Development Plan Appendix 4-7.
- 3.1.3 A previous version of the application was lodged with Council in April 2023. Internal review by Council Roding, Assets, Open Spaces and Planning Teams identified matters relating to the proposed road layout, street trees, servicing and natural hazards. These matters were addressed in the application lodged and accepted for notification on 23 July 2024 (as included in **Appendix 1**).
- 3.1.4 During the initial review of PC6, Council Staff considered whether the creation of what may best be described as a “Residential C peninsula” on the southern side of Alford Forest Road (see Figure 3) could be considered an appropriate planning outcome from an urban form perspective. Ultimately, Council Staff acknowledged the availability of services to the site, and proximity to the

existing Residential C Zone would contribute to a well-functioning Residential C Zone and urban environment.

- 3.1.5 Staff further considered whether the Residential C Zoning should be extended to the south to include the “island” of Residential D Zone next to Melrose Road (see Figure 3). Staff concluded, based on the evidence available, that the mixed zoning of the general area, potential for reverse sensitivity, mixed site sizes, existing development, and limitations around vehicle access onto Alford Forest Road (State Highway 77) meant that this portion of Residential D land may be less suited to Residential C Zoning. Staff also noted that the Applicant had been unable to gain support from the landowners for inclusion of their land in the proposed Residential C Zoning. Staff concluded that the proposed PC6 zoning extent was appropriate.
- 3.1.6 Staff contemplated the use of the Applicant’s supplied draft scheme plan (see Figure 1) as part of the Outline Development Plan or rules for PC6, i.e. a limitation on lot numbers within the zone. It was concluded, as per the S32 report, that this was likely not required to achieve an appropriate planning outcome. Matters such as servicing, amenity, urban form and reverse sensitivity would be appropriately addressed through the operative Residential C density standards. It was noted that conditions relating to any future subdivision would be further assessed at the time of subdivision consent lodgement including the requirement for the Applicant to seek approval from NZTA for any vehicle access to Alford Forest Road (State Highway 77).
- 3.1.7 The key considerations relevant to the plan change are considered to have been adequately discussed in the S32 report accompanying the plan change application.



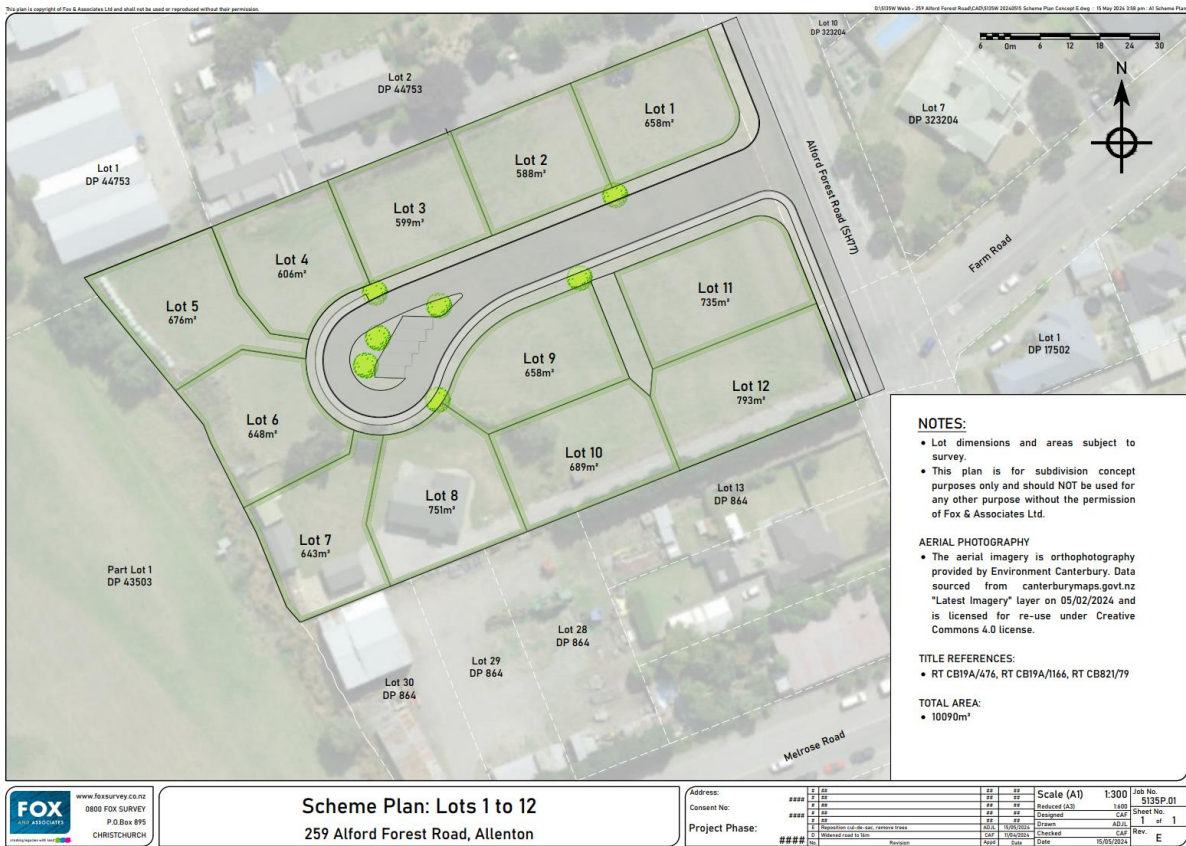


Figure 1. Draft Scheme Plan 259 Alford Forest Road

### 3.2 SUMMARY OF THE PLAN CHANGE

3.2.1 Plan Change 6 would affect the Residential Zones Chapter and Subdivision Chapter of the Ashburton District Plan. The plan change would require the addition of a new Site Standard to both abovementioned Chapters, as well as the addition of the Pajanti Outline Development Plan Appendix 4-7:

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

**9.8.12 Pajanti Outline Development Plan** - 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.

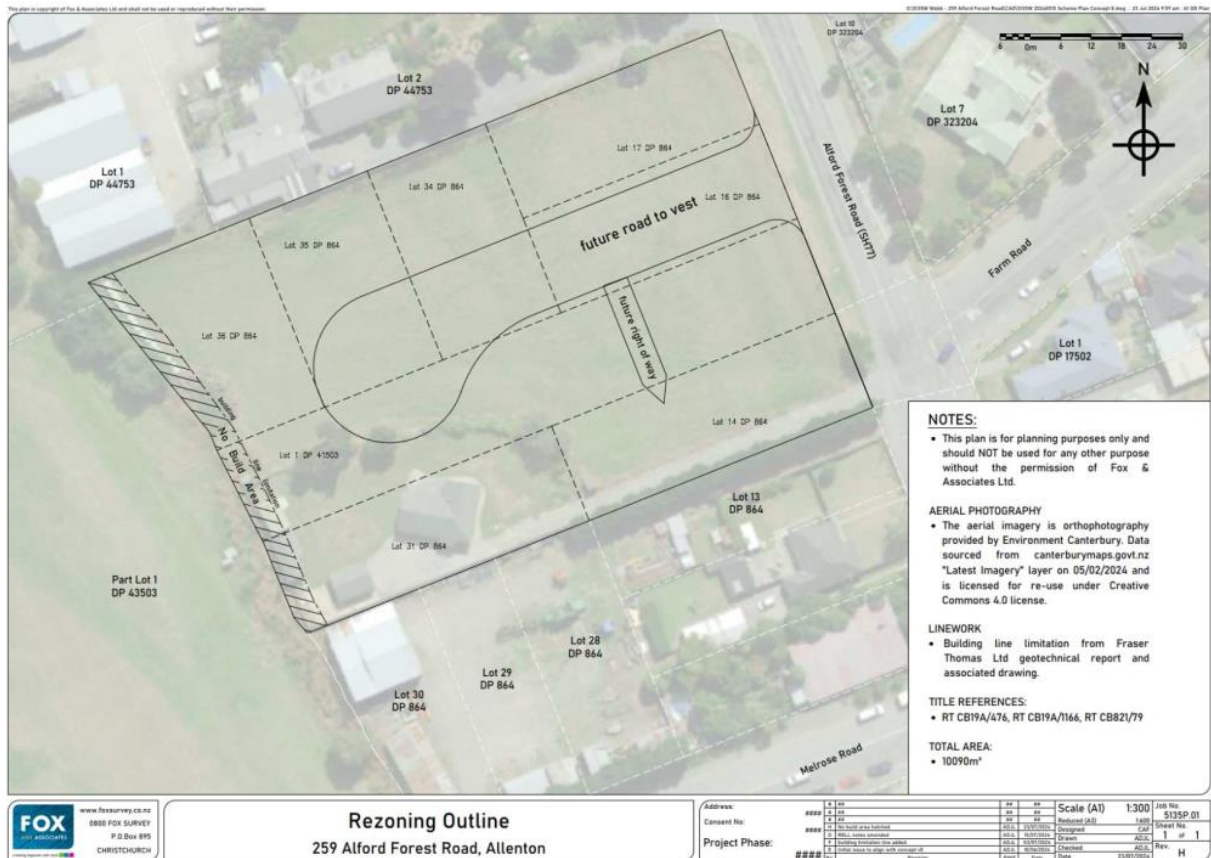


Figure 2. Proposed Pajanti Outline Development Plan Appendix 4-7

3.2.2 The extent of the proposed zone change at 259 Alford Forest Road is illustrated by the District Planning Map GIS Layer below:

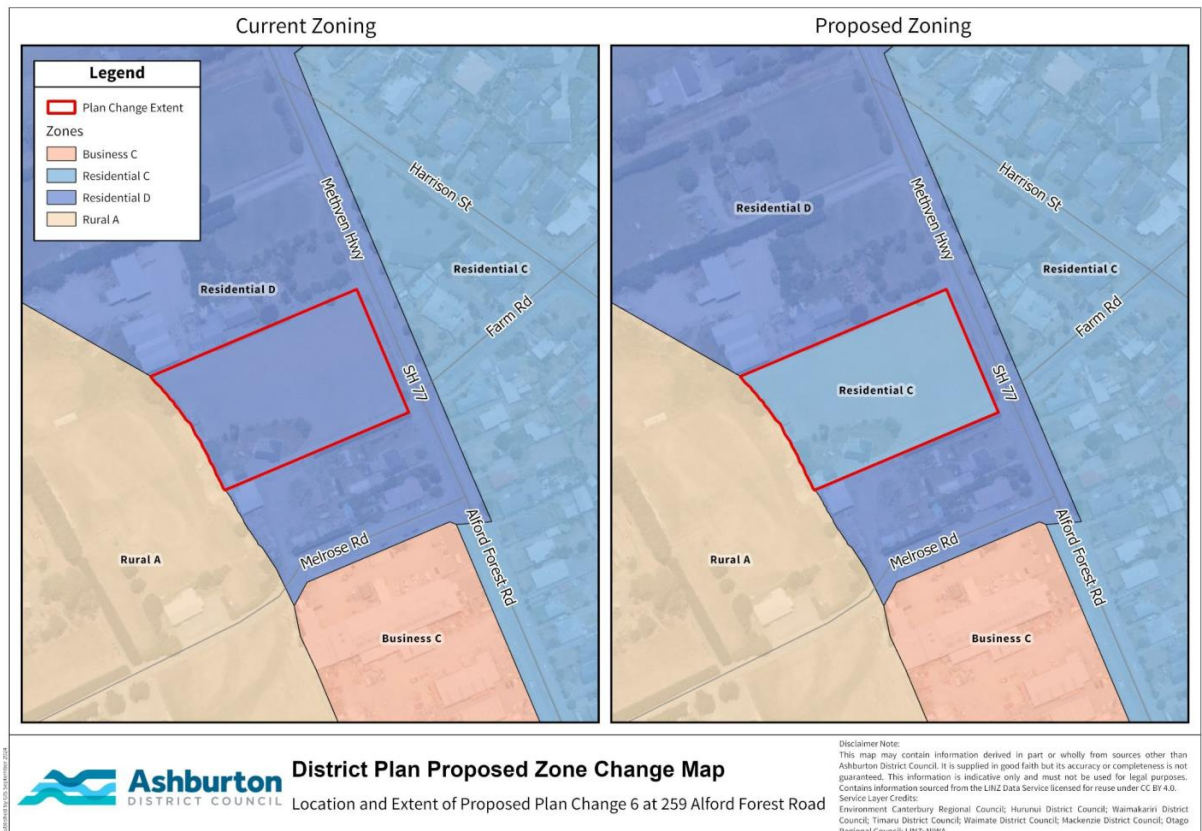


Figure 3. Proposed Zone Change at 259 Alford Forest Road through PC6

3.2.3 A copy of the notified plan change application and s32 assessment is contained in **Appendix 1**.

## 4 STATUTORY CONSIDERATIONS

### 4.1 THE RESOURCE MANAGEMENT ACT 1991

4.1.1 The s32 assessment included in **Appendix 1** provides an outline of the key RMA matters to be considered by the plan change. I agree with the summary in that report.

4.1.2 The statutory requirements of the Resource Management Act 1991 (**RMA**) are summarised in the decisions of *Long Bay-Okura Great Park Society Incorporated v North Shore City Council*<sup>1</sup> and *Colonial Vineyard Limited v Marlborough District Council*<sup>2</sup>.

<sup>1</sup> *Long Bay-Okura Great Park Society Inc v North Shore City Council* ENC Auckland A078/08, 16 July 2008, at [34].

<sup>2</sup> *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55, at [17].

## **5 STATUTORY AND OTHER INSTRUMENTS**

### **5.1 NATIONAL POLICY STATEMENT**

5.1.1 The National Policy Statement on Urban Development (**NPS UD**) requires councils to remove unnecessary constraints to and plan well for growth, both up and out, and ensure a well-functioning urban environment. While Ashburton is a Tier 3 Local Authority, Policies 1, 2, 5 & 8 are considered relevant to this proposal. The s32 report contains a copy of the relevant parts of the NPS UD and considers the appropriateness of the proposed change in giving effect to it. I agree with that assessment.

### **5.2 REGIONAL POLICY STATEMENT**

5.2.1 The Canterbury Regional Policy Statement (**CRPS**) provides an overview of the resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources. These methods include directions for provisions in District Plans.

5.2.2 The s32 report contains a copy of the relevant parts of the CRPS and considers the appropriateness of the proposed change in giving effect to it. I agree with that assessment.

### **5.3 IWI MANAGEMENT PLANS (IMP)**

5.3.1 The Iwi Management Plan of Kāti Huirapa and the Mahaanui Iwi Management Plan provide a policy framework for the protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources.

5.3.2 Te Runanga o Arowhenua were consulted by Council staff under Schedule 1 Clause 3 of the RMA and did not raise any issues with the proposal. It was acknowledged that in the event of future subdivision, accidental discovery protocol and indigenous landscape planting conditions could be implemented, but for the purposes of this assessment, no changes to the proposed plan change are considered necessary to align with the relevant IMP.

## **6 ASHBURTON DISTRICT PLAN**

### **6.1 OVERVIEW**

6.1.1 The relevant District Plan provisions also need to be considered in preparing a plan change and considering any submissions on the change. The S32 report attached to Plan Change 6 contains an evaluation of the notified proposal against the relevant District Plan objectives and policies. I agree with that assessment in full.

## 7 MATTERS RELEVANT TO THE PLAN CHANGE PROPOSAL

### 7.1 ASSESSMENT OF EFFECTS RAISED IN SECTION 32 REPORT

7.1.1 The S32 report (included in **Appendix 1**) provides an assessment of effects associated with this plan change. I consider the potential effects of PC6 to have been adequately outlined in that report. This includes, but is not limited to, consideration of urban form, servicing, and natural hazards.

## 8 ANALYSIS AND EVALUATION OF SUBMISSIONS

### 8.1 OVERVIEW OF SUBMISSIONS

8.1.1 The plan change was notified on 19 September 2024, with submissions closing on 18 October 2024. Further submissions were invited from 7 November 2024 and closed 21 November 2024. For Plan Change 6, the Council received two initial submissions (numbered as **SX** in Table 1) requesting two separate decisions (submission points numbered as **SX.Y** in Table 1).

8.1.2 Copies of full submissions relevant to Plan Change 6 can be viewed on the Council website at <https://www.ashburtondc.govt.nz/home-and-property/planning-guidance-and-resource-consents/notifications>

8.1.3 The submissions **S1.1 & S1.2** by **NZ Transport Agency Waka Kotahi (NZTA)** and **S2.1** by **Canterbury Regional Council (ECan)** are considered to be within scope of this plan change. The points raised in submissions are summarised below:

- Point 1: That the proposed access road must be adequately setback from the SH77/Farm Road intersection, specifically in accordance with the location illustrated in the proposed Outline Development Plan.
- Point 2: That the proposal as notified is generally consistent with the objectives and provisions of the Operative Canterbury Regional Policy Statement.

8.1.4 NZTA initially requested to be heard in support of their submission but has since retracted this request on 3 December 2024. This is further discussed in Section 8.4.1 of this report.

### 8.2 SUMMARY OF SUBMISSIONS

Submitter	Submission No.	Decision No.	Request	Decision Sought
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NZ Transport Agency Waka Kotahi (NZTA)	S1	S1.1	Neutral	<ul style="list-style-type: none"> <li>That the proposed road to be vested with Council remain in the location shown in the Pajanti Outline Development Plan (ODP).</li> </ul> <p>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.</p> <p>Further approval from NZTA will be required at the time of subdivision consent under the District Plan and under the Government Roadway Powers Act 1989.</p>
Canterbury Regional Council	S2	S2.1	Neutral	<ul style="list-style-type: none"> <li>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).</li> </ul> <p>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.</p>

*Table 1. Summary of Submissions*

### 8.3 SUMMARY OF CONSULTATION

8.3.1 While NZTA initially requested to be heard in support of their submission, they have since retracted this request (3 December 2024) following a Teams Meeting with the Applicant and confirmation from Council Staff that subsequent amendments to vehicle access would require further consultation and land use consent to depart from the ODP. The key priority of NZTA was to ensure that the proposed access road was sufficiently setback from the intersection of SH77 and Farm Road which the Applicant has achieved.

8.3.2 With no parties objecting to the proposal and no parties wishing to be heard, *Commissioner Minute 1* was circulated to the submitters on 17 December 2024, directing the procedure and timeframes for the circulation of evidence and the proposed date for a hearing (if required).

### 8.4 ANALYSIS OF SUBMISSIONS

8.4.1 The points raised in the submissions have been considered and no amendments to the proposed plan change are recommended as a result. The matters raised by the submitters are considered to be appropriately addressed by the plan change as notified.

### 8.5 OUTSTANDING MATTERS

- 8.5.1 It is the understanding of the Reporting Officer that there are no outstanding matters requiring consideration or preventing the Commissioner from making a decision on whether to decline, approve or approve the plan change with modifications. Consultation with Council Staff, NZTA and Te Runanga o Arowhenua has highlighted that there will be ongoing discussion around the final subdivision design at the time resource consent is applied for, but that PC6 can be accepted in its current form and is appropriate.

## 9 SECTION 32 AND 32AA EVALUATION

- 9.1.1 Further evaluation under s32AA has not been deemed necessary in this instance as no proposed changes have been recommended to Plan Change 6. No amendments are considered necessary to proposed Plan Change 6 to achieve the objectives of the District Plan.
- 9.1.2 The District Plan objectives identified in the S32 report are considered to be the most appropriate way to achieve the purpose of the RMA.

## 10 CONCLUSIONS AND RECOMMENDATIONS

- 10.1.1 Having considered the submissions and reviewed all relevant instruments and statutory matters, I am satisfied that Plan Change 6 as notified will achieve the relevant District Plan Objectives and higher order direction.
- 10.1.2 I therefore recommend that:
- a. Plan Change 6 be approved with no amendments as set out in the attached **Appendix 2**; and
  - b. Submissions on the plan change be accepted as set out in **Appendix 3**.

## APPENDIX 1 – PLAN CHANGE 6 AS NOTIFIED INCLUDING SECTION 32 ASSESSMENT

A copy of the notified Plan Change and S32 Report can be accessed here:

<https://www.ashburtondc.govt.nz/home-and-property/planning-guidance-and-resource-consents/notifications>



**APPENDIX 2 – DISTRICT PLAN AS AMENDED BY PLAN CHANGE 6**

A copy of the Plan Change Overview can be accessed here:

[https://www.ashburtondc.govt.nz/\\_data/assets/pdf\\_file/0010/100081/Proposed-Plan-Change-6-Overview.pdf](https://www.ashburtondc.govt.nz/_data/assets/pdf_file/0010/100081/Proposed-Plan-Change-6-Overview.pdf)

## APPENDIX 3 -- TABLE OF SUBMISSIONS WITH RECOMMENDATIONS AND REASONS

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
New Zealand Transport Agency - Waka Kotahi (NZTA)	S1	S1.1	Neutral	<ul style="list-style-type: none"> <li>That the proposed road to be vested with Council remain in the location shown in the Pajanti Outline Development Plan (ODP).</li> <li>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.</li> <li>Further approval from NZTA will be required at the time of subdivision consent under the District Plan and under the Government Roding Powers Act 1989.</li> </ul>	<p><b>Accept in full</b> See Section 8.1 of S42A Report.</p>
Canterbury Regional Council	S2	S2.1	Neutral	<ul style="list-style-type: none"> <li>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).</li> <li>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.</li> </ul>	<p><b>Accept in full</b> See Section 8.1 of S42A report.</p>

