



David Harford
CONSULTING LTD

Request for Plan Change under the Resource Management Act 1991

Pajanti Ltd

259 Alford Forest Road, Ashburton

July 2024

Ashburton District Council

Reference: 20-206

Revision: Final



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APPLICATION PREPARED BY

David Harford.

DAVID HARFORD CONSULTING LIMITED

PO Box 603, Ashburton, 7776

P: 03 3077 164

M: 029 3077 164

Email: david@dhconsulting.co.nz

Request for Plan Change

Pursuant to Section 73(2) and part 2 of the First Schedule of the Resource Management Act 1991

TO: The Ashburton District Council

Pajanti Ltd requests the following change to the Ashburton District Council:

To rezone 259 Alford Forest Road being Lots 14,16, 17, 31 & 34-36 DP 864 & Lot 1 DP 41503 Ashburton from **Residential D** to **Residential C**.

1. **The names** of the owner and occupier (other than the applicant) of any land to which this application relates are as follows:

Pajanti Ltd and TP Marriott

2. **The location** to which this application relates is:

259 Alford Forest Road, Ashburton: The land is held in Records of Title CB 19A/476, CB 19A/1166 and CB 821/79.

3. In accordance with Section 73(2) and Part 2 of the First Schedule of the Resource Management Act, is an explanation for the Proposed Plan Change and Assessment of Environmental Effects is undertaken. An evaluation under Section 32 of the RMA is included.



.....
(Signature of applicant or person authorised to sign on behalf)

DATED:.....2nd July 2024.....

Address for service:

David Harford Consulting Limited
PO Box 603
ASHBURTON
Attention: D Harford
Telephone: (03) 3077 164
Mobile: 029 3077 164

Address for Applicant and for all Council fees:

Pajanti Ltd
Attention: Paul Marriott
Mobile: 0276 68 7996

INTRODUCTION

OVERVIEW

1. Pajanti Ltd ('the applicant') requests the Ashburton District Council ('the Council') change the Ashburton District Plan by rezoning the land described above at 259 Alford Forest Road, Ashburton ('the site') from Residential D to Residential C and adopt the operative provisions of the Residential C zone ('the proposal').
2. The evaluation under section 32 of the Resource Management Act 1991 (the RMA) and Assessment of Environmental Effects (AEE) has been prepared on behalf of the applicant in support of and forms part of the proposal.

PURPOSE OF THE PLAN CHANGE

3. The purpose of the Plan Change is to rezone some 1.0091ha on the Ashburton town boundary from Residential D to Residential C to provide for greater intensity of land use for residential development at the site.
4. This proposed plan change aligns with use of land opposite this site which is existing Residential C zoned land and could connect to existing in ground essential services for high pressure water, wastewater, electricity and fibre telecommunications.
5. The Outline Development Plan for the proposal is included as Annexure 3. The site is considered more beneficial for medium density residential in this location on the fringe of the town boundary with ability to connect to essential services, as opposed to low density residential (Residential D) status.
6. The ability to develop up to twelve allotments at the site enables a good utilisation of existing infrastructure and services under a Residential C zoning.
7. An Outline Development Plan, (ODP) has been prepared as part of this Plan Change alongside a Section 32 of the RMA Assessment which validates the suitability of the site for a more medium density zoning and activity.

OVERVIEW OF STATUTORY FRAMEWORK

8. The Resource Management Act (1991) is the principal legislation for the management of the natural and physical resources of New Zealand. The Act provides a framework within which a Plan Change proposal may be exercised, which is detailed as follows:

Section 5 – Purpose of the Act

9. *Section 5 outlines the Act's purpose as follows:*
 - (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
 - (2) *In this Act, "sustainable management" means managing the use, development and protection of natural and physical resources in a way, or at*

a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:

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

Section 6 – Matters of National Importance

10. Section 6 – Matters of National Importance sets out the matters of national importance that shall be recognised and provided for:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area) wetlands, and lakes and rivers and their margins, and the protection of them in appropriate subdivision, use and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga*
- (f) The protection of historic heritage from inappropriate subdivision, use and development.*
- (g) The protection of protected customary rights.*
- (h) The management of significant risks from natural hazards.*

Section 7 – Other Matters

11. Section 7 sets out other matters to which particular regard shall be had:

- (a) Kaitiakitanga*
- (aa) The ethic of stewardship:*
- (b) The efficient use and development of natural and physical resources:*
- (ba) The efficiency of the end use of energy:*
- (c) The maintenance and enhancement of amenity values:*

- (d) *Intrinsic values of ecosystems*
- (e) *repealed*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon:*
- (i) *The effects of climate change:*
- (j) *The benefits to be derived from the use and development of renewable energy.*

12. The matters of relevance to this Plan Change are the efficient use of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment. The formulation of this Plan Change has had regard to these matters, and particular regard was had as part of this planning process and the development of the ODP.

Section 8 – Treaty of Waitangi

13. Section 8 requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be considered.

Section 31 - Functions of Territorial Authorities

14. Section 31 outlines the functions of territorial authorities regarding giving effect to the Act as follows:
- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its District*
 - (a) *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District:*
 - (aa) *The establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the District:*
 - (b) *The control of any actual or potential effects of the use, development, or protection of and, including for the purpose of:*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *Repealed*
 - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision or use of contaminated land:*
 - (iii) *the maintenance of indigenous biological diversity:*
 - (c) *repealed*
 - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*

(f) *Any other functions specified in this Act*

Statutory Requirements of Section 32 of the Act

15. Section 32 of the Resource Management Act requires evaluation of a private plan change by the person making the request. The evaluation, carried out under Section 32 of the RMA, must examine:
- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

The evaluation is required to consider:

- The benefits and costs of policies, rules, or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods. Specifically, section 32(2) requires identification and assessment of benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions including opportunities for:
- Economic growth that is anticipated to be provided or reduced; and
- Any matters relating to constraints of the land use in terms of Section 106 of the RMA.
- Employment that is anticipated to be provided or reduced

The Guidance Note on section 32 analysis on the Quality Planning website makes the following statement:

*Appropriateness - means the suitability of any option in achieving the purpose of the RMA. To assist in determining whether the option (whether a policy, rule or other method) is appropriate the **effectiveness** and **efficiency** of the option should be considered:*

- **Effectiveness** - means how successful a particular option is in addressing the issues in terms of achieving the desired environmental outcome.
- **Efficiency** - means the measuring by comparison of the benefits to costs (environmental benefits minus environmental costs compared to social and economic costs minus their benefits).

16. In this case it is the appropriateness of rezoning low density residential land for medium density residential land use that needs to be examined.
17. An analysis of this Proposed Plan Change pursuant to Section 32 is provided as a separate document to be read in conjunction with this document.

Section 73 – Preparation and Change of District Plans

18. Section 73(2) sets out that any person may request a territorial authority to change a District Plan in the manner set out in Part 2 or 5 of Schedule 1 of the Act. Clause 22 of Part 2 of Schedule 1 states that a plan change request must:
- Explain the purpose and reasons for the request.

- Contain an Evaluation report prepared in accordance with Section 32 for the proposed plan change.
- Assess the environmental effects, considering clauses 6 and 7 of the Fourth Schedule of the RMA, in such detail as corresponds with the scale and significance of actual or potential environmental effects anticipated from the implementation of the requested plan change.

19. These matters are addressed in the sections that follow.

EXPLANATION

20. The site the subject of this application is shown in Figure 1 below. A more detailed plan and the relevant Records of Title are attached in Annexure 1.

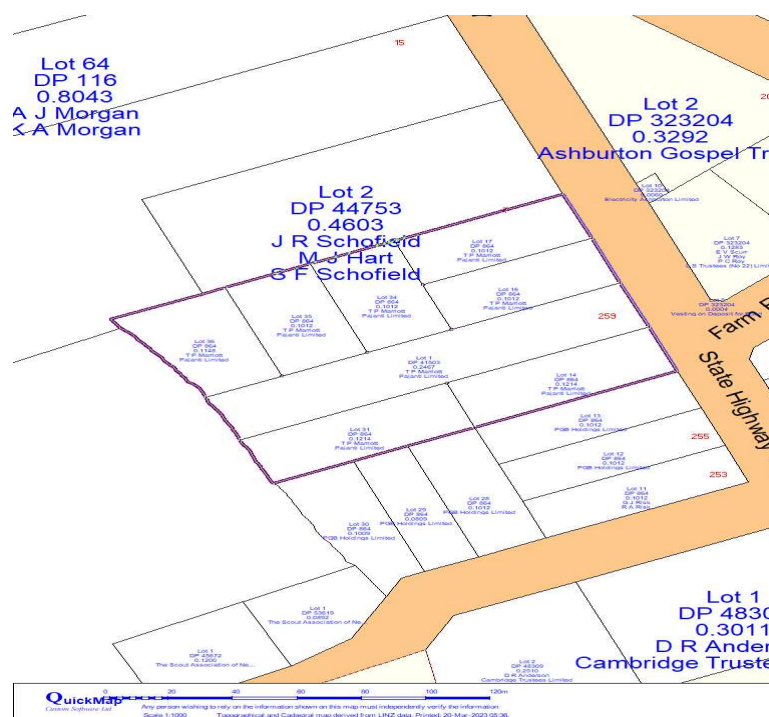


Figure 1: Site Location

21. The site includes a small, farmed area with an existing residential unit positioned closer to the eastern boundary of the site and setback circa 73m into the site from Alford Forest Road.
22. The site is located upon the terrace as the land slopes away beyond the site to the south toward the lower land below.
23. It is currently zoned Residential D in the District Plan and consists of three underlying titles included as Annexure 1.

THE SITE AND SURROUNDING AREA

24. The site has frontage to State Highway 77. The site includes predominantly pasture with a driveway running along the southern boundary of the site to the existing residential unit and accessory buildings to the rear of the site.
25. It shares internal boundaries with a property to the south which includes a yard with storage sheds and includes a residential unit. This property is known as PGB Holdings Ltd and has frontage to both Alford Forest Road and Melrose Road.
26. To the west adjoining the site below the terrace are smaller farming operations owned by Bennett and Cartwright. On the northern boundary is a larger residential lifestyle property owned by Schofields.
27. The site is relatively flat toward the road frontage but rises toward the west heading toward the back of the property before the land drops away from the terrace to the lower land below.
28. A shelterbelt runs in a west-east direction along the boundary of the property.
29. The Environment Canterbury on-line GIS shows the soils of this site being predominantly *undulating floodplains, low terraces and fans below 600 m asl with shallow (20-45 cm) and stony silt loam to sandy loam textured Recent soils in low to moderate (500-1000 mm) rainfall areas, with a marked summer moisture deficit.*
30. These soils are typically free draining and can become droughty in very dry periods. It has a land use classification (LUC 4) which is not highly productive land but suitable for grazing and some arable cropping.
31. This site is within the urban fringe of Ashburton. It is opposite the established residential area of Farm Road/Harrison St and Alford Forest Road (Residential C) and adjoins residential and rural zoned land with a mix of activities currently being undertaken.
32. This area has ability to be connected and serviced by all essential services such as sewer, water, power, communications and sealed roading. An Infrastructure Report is included as Annexure 7 which demonstrates it is feasible to service this site in accord with the details in the report. Note this report shows and refers to the site being accessed via a right of way to access those lots not accessed via State Highway 77. Note that the site will now be accessed by road to serve all lots as shown on the Outline Development Plan (ODP) included as Annexure 3. This doesn't affect the ability for the site to be serviced in accordance with the infrastructure plan.
33. The land to the east beyond State Highway 77 is residential and includes the Plymouth Brethren Church at the apex of Harrison St/Alford Forest Road.
34. State Highway 77 is an arterial road with a speed limit of 50km/hr along the site frontage. The road is straight in alignment and visibility in both directions is well over 250 metres in either direction.
35. There are no designations, heritage buildings, structures or significant trees affecting the application site.

NATURE OF THIS PLAN CHANGE

Changes to the District Plan

36. The Plan Change seeks to zone the site from Residential D to Residential C.

37. It is not proposed to delete any existing text from the District Plan; however, it is proposed that the following additions, shown in bold be made to Chapter 4 (Residential) and 7 (Subdivision) of the District Plan.

Chapter 4 and 7

Add a new rule:

Rule: Pajanti Outline Development Plan

Any subdivision and/or development within the Pajanti Outline Development Plan shall be undertaken in general accordance with that Outline Development Plan included within Appendix 4.7 of the Residential Zone Chapter of the District Plan.

38. The above new rule can be included as a site standard within each chapter. The future access to the site is via a road which will serve the allotments as shown on the proposed subdivision scheme plan included with the application.
39. There is no need to include any additional rules or assessment matters in the District Plan other than those mentioned in this application as these will be covered by existing provisions in the plan. By including the Outline Development Plan (ODP) and the new rule linking to that ODP, this will provide for the development's intent.

PURPOSE OF THE PLAN CHANGE

40. The purpose of this Plan Change is to enable residential activity to be undertaken on the site within the provisions of the existing Residential C zone provisions.
41. The Outline Development Plan and the proposed subdivision scheme plan quantify the suitability of this site for its new zoning and provides a workable and co-ordinated framework for future development.
42. The Outline Development Plan is included as Annexure 3 and the details of its urban design are included within this application. The proposed servicing for this site is also discussed further in this document.

REASON FOR THIS PLAN CHANGE

43. 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.
44. This Plan Change has come about because there is demand for future residential housing in Ashburton and it is the applicants view that offering some larger allotments (>800m²) provides an option for future landowners of a lower residential density allotment which enables manageable land area as part of residential living whilst maintaining a level of open space around the residential units on each allotment.

CONTEXT OF REZONING REQUEST TO DISTRICT PLAN

45. Chapter 5 of the Canterbury Regional Policy Statement makes provision for any adverse effects of development within the wider region. Issue 5.1.1 states.

Development, including the associated use and provision of infrastructure and services, is important to enabling people and communities to provide for their social, economic and cultural well-being, but where not appropriately managed can result in significant adverse effects on the environment.

46. Connected to this is consideration of any inappropriate design, location and function of development within the wider region. In particular.

Growth and development, if inappropriately designed and located, can reduce the community's well-being or health and safety.

Development can either enable or adversely affect the ability of people and communities to provide for their social, economic and cultural well-being, and health and safety. Once development is established it is likely to exist for several generations. Changing the form and structure of established urban, rural-residential and rural areas can be difficult and expensive.

Therefore, it is important to achieve a robust form of development that is responsive in the long term to changing needs of people and communities. Unless the design, location and function of development is carefully managed, it will not necessarily be able to:

- 1. respond to changes in the demographic structure of the population;*
- 2. enable socially cohesive and resilient communities*
- 3. improve the efficiency of energy use;*
- 4. reduce vehicle trip frequency, trip generation and distance, and improve modal choice to reduce adverse effects on the environment of high energy consumption and associated discharges to air resulting from dependence on private motor vehicles;*
- 5. make efficient use of physical resources within communities;*
- 6. efficiently and effectively provide public infrastructure such as roads, sewerage, stormwater and potable water;*
- 7. respond to the effects of climate change;*
- 8. recognise the relative value of land for urban, rural-residential and rural uses;*
- 9. recognise and avoid reverse sensitivity effects; and*
- 10. maintain or protect people's health, well-being and amenity.*

47. This proposed plan change will be appropriately designed and is an efficient use of the land for residential use to provide for people's health, well-being and amenity.
48. The proposal can meet or at least be considered to meet most if not all the matters raised in points 1 – 10 above. Infrastructure is available to the site and the development to a limited number of allotments is an efficient use of the land and infrastructure available to service the land.
49. The site can be utilised for the proposed development with no reduction in community well-being. The land is currently zoned for lifestyle residential development however its position on the edge of the town and opposite existing residential zoning with ability to be connected to inground infrastructure makes this an opportunity for a more intensive use of available land.

50. The Ashburton District Plan considered growth projections for this District as part of its zoning considerations. This plan has been operative for nearly ten years and in that time, Ashburton has seen some reasonable levels of growth.
51. The population within this District has well exceeded 30 000 people since the previous District Development Plan was first started back in 2005.
52. This site had been identified as suitable for greenbelt residential zoning or what became a Residential D zoning. As time has moved on and with those existing Residential C zonings being developed, this Proposed Plan Change will seek to establish a more intensive residential use but as can be seen on the Subdivision Scheme Plan, the allotments proposed will be larger than the minimum 360m² allotment size.
53. This Plan Change provides a new zoning for the site with the intention to provide a minimum allotment size ranging from 588m² - 793m² (subject to survey) which allows for a larger allotment area for dwellings, accessory buildings and ample outdoor space for amenity.
54. The applicants have considered that there is only a limited amount of land available for the Plan Change proposal and it is underutilisation of the land simply providing minimum 4000m² lots considering there is ability to service this land from infrastructure available through roading and essential services.
55. Informal property market feedback is that land purchasers do not want to larger parcel of land to maintain. Allotments within the 3-4000m² range are too low density and will create surplus land. Certainly, this will be within the thinking of open space/greenbelt type environment however we must think of the end user, in this case the purchaser, who in general will erect a dwelling and accessory buildings, landscape the site with appropriate vegetation, gardens, lawns, etc. This could all be created within the proposed site areas as part of the subdivision. A minimum 4000m² site (and larger) would create excess land to maintain.
56. By way of example the rural residential zone on Forest Drive in Methven has created allotments a minimum area of 4000m² however it adjoins and is directly opposite land that is Residential C zoned. It can be said that this land would now lend itself and be better utilized as a residential zone for further development. The problem is that it is extremely difficult to now further develop this existing Residential D zoned land for infill housing, create road and walkway linkages and install additional infrastructure due to the way this current zone has been developed. The growth patterns in the Methven area, like the Ashburton District as a whole, have exceeded predicted growth patterns. This new proposal creates an option to alleviate such a situation occurring again.
57. What the applicant intends to create is an option for purchasers of larger allotments that enables areas of open space and amenity within a given allotment. What must be factored as part of this proposal is that there is a limited availability of Residential C zoned land on the market or zoned as such at this time on this area of Ashburton that has the available services.
58. The applicant has therefore created sites that could potentially provide additional land to increase the housing stock without having to create additional infrastructural services.
59. The boundaries the applicant is proposing provide a logical mix of medium density development over varying section sizes with good connection via a the right of way to Alford Forest Road.
60. The plan change does provide a link to existing footpaths and access around the town edge including ability to connect to Melrose Road to the river trail and likewise along Farm Road to the large recreational area of Argyle Park. As a result, there is a recreational linkage that this development provides good connection too.

61. This proposed plan change is to be fully serviced with reticulated water, sewer, electricity and telecommunications.
62. In terms of some efficiencies and consideration for the proposed zoning.
- The essential infrastructure will be provided over the entire site affording a level of development commensurate with the cost of establishing and installing these services.
 - Landowner aspirations are subjective however sites created which are 3-4000m² are not considered good future proofing. The sites with a range 580m² – 800m² still create a larger residential site on the town periphery with some rural outlook by better utilising the available land.
 - The proposal does provide good vehicle and pedestrian connections and linkage to existing open space or recreational areas.
 - The traffic access has been well thought through with provision for connection into the existing road network.
 - The engineering services has been considered and some assessment at time of subdivision of the land will detail storm water management for both surface flooding, hardstand and roof storm water in rainfall events.
 - A geotechnical assessment was undertaken for the site and the land is deemed good ground for the proposed development. An area of land to the southwest of the site includes a building line restriction as detailed in the geotechnical report included as Annexure 9.
 - The financial contributions will be payable in terms of development contributions at the time of building for sewer and water. Roading contributions may well be required in terms of footpath provision and access formation to connect to State Highway 77.
63. The intention at this time is that each allotment in the interim shall not be further subdividable which will be encumbered on every Record of Title created, by way of a consent notice.
64. The Plan Change provides the framework for this development to occur within the standards and intent of the Councils District Plan. The proposed zoning will allow flexibility in a purchaser's choice of section and location within the site.

ASSESSMENT OF EFFECTS

Benefits of the Plan Change

65. Rezoning of this block of land will enable at least 12 new lots to be created for residential use. The development will then anchor up this northern edge of Ashburton as an area for medium density residential development. It also opens consideration therefore for the land adjoining to the north and south currently zoned Residential D to also be considered as a Residential C zone on the basis it is land with ability to connect to services and have similar if the same potential low effects as what this proposal has.
66. This area is limited to how much of the land can be developed for Residential C zoning as inground infrastructural services and the ability to service the land is close to this point, the road speed zone is only 50km/hr at this location however 200m further north that speed limit increases to 100km/hr and to be consistent with "squaring up" the Residential C zone any additional thoughts of a higher density possibly would not extend beyond that point opposite where Harrison Street meets State Highway 77.

67. There is only one main access to State Highway 77 from the site via a road connection.
68. At this point there is no requirement or need to provide internal linkages to adjoining land as that adjoining land is not proposed for Residential C zoning as part of this development albeit it could make sense to consider this linkage with adjoining sites however this requires deeper or greater research into access to State Highway 77.
69. Regarding medium density the benefits of the proposed medium density housing are:
- Enabling greater residential density with the development and within proximity to recreation.
 - Providing a choice of section size and house size within the development
 - Situating the higher density areas in a position where they are buffered by lower density development.
 - Some elements of the existing infrastructure will be able to be utilised creating efficiencies.
 - The scale of the development is such that connections into existing infrastructure for sewerage and water supply can be undertaken.
 - More generally the rezoning will ultimately result in growth which will increase the rating base and generate a higher level of development contributions.
 - The economic activity associated with the development includes land purchase and development, infrastructure construction and installation, built development and increased expenditure from new residents. There are also the consequential effects on the local economy including builders and new residents purchasing goods and services from other local businesses.
70. Development associated with the development of new residential areas is therefore expected to generate direct expenditure over all phases of the development as well as subsequent flow on effects. The proposal would enable on-going rates of construction that would provide employment for FTEs over the life of the development.
71. Regarding the positive impact on the local economy development of the rezoned land will add notably to the local economy.
72. Comment was sought from a Real Estate Agent as to the availability of medium density sections around the western side of Ashburton. The comments and attachments are included as Annexure 10.

Servicing

73. Details of the servicing requirements which involve connection to Council services including electricity and fibre communications are detailed in the Infrastructure Report included as Annexure 7. Initial consultation has been undertaken with Ashburton District Council asset engineering and EA Networks engineers regarding ability to connect. These are summarised as follows:
- Wastewater will be catered for through gravity connections to existing infrastructure. It is anticipated that the fall or gravity will be sufficient to connect to the existing manhole currently located on the site frontage within State Highway 77. A new 150mm main is anticipated to be required to be installed within the right of way.

- Water reticulation will involve connecting into the existing water mains located within State Highway 77. It may be that an extension to the existing main is required for this development however it is likely that individual water connections will be required to the water main.
- Roof stormwater from the site will be discharged to ground via soakholes. All other stormwater emanating from roads, berms and lot frontages will be collected by sumps and pipes and directed to disposal systems designed for the future subdivision. The development will be designed to ensure that secondary flow will safely drain through the site.
- Power and telecommunications will be provided to all sites to utility company and industry standards. Fibre telecommunications are not available for the development. All cables will be placed underground, and all kiosks will be constructed on separate individual lots.
- Roading will simply be access via vehicle crossings to State Highway 77.

Soil Contamination

74. A Preliminary Site Investigation (PSI) on potential for soil contamination has been undertaken by Fraser Thomas for the site in terms of the Ministry for the Environment's Contaminated Land Management Guidelines No 1: Reporting on Contaminated Sites in New Zealand, 2011. A copy of the Preliminary Site Investigation is included as Annexure 11.
75. The Ecan Listed Land Use Register (LLUR) for this site does not indicate any former or current HAIL activities that have been undertaken over this site.
76. The PSI has confirmed that *most of the site appears to have been undeveloped and largely vacant since at least 1942, with inferred grazing of animals and some cropping the main land uses identified. Minor residential activity has occurred in the south-western corner of the site, but no obvious sources of contamination because of this activity have been identified.*
77. There was an opinion raised that under Regulation 5(7) of the NESCS may apply to some activities however the recommendation that these potential HAIL areas may need to be further investigated. It is considered this can be done as a condition of the subdivision consent application post the Plan Change approval process.
78. The localised nature of PSI findings indicate that contamination issues can be dealt with at the future subdivision stage and are not of any significance such as to warrant further investigation in support of the Plan Change.

Natural hazards and geotechnical constraints

79. A Geotechnical investigation has been prepared as part of this Plan Change Application. This is included as Annexure 9.
80. The findings of this report are that there are no unusual issues from a geotechnical perspective and that proposed residential development at the subject site should not be an issue. There is a recommendation for a building line restriction on the southwest of the site and this shown on the ODP at Annexure 3.
81. *The site is, in general, considered suitable for its intended use, with satisfactory conditions for future residential building development, subject to the recommendations and qualifications reported herein, and provided the design and inspection of foundations are carried out as would be done under normal circumstances in accordance with the requirements of the relevant New Zealand Standard Codes of Practice.*

82. *The crest of a slightly to moderately sloping terrace side slope abuts the south-western boundary of the subject site. The side slope generally slopes with a south-westerly aspect at slope angles of between approximately 14° to the horizontal (1V: 4.011H) and 30° to the horizontal (1V: 1.73H) for a vertical height of approximately 3.0 m.*
83. *Given the steepness of some parts of the side slope abutting the south-western site boundary, there is, in our opinion, a risk that this side slope may be subject to future shallow instability, which may adversely affect any proposed shallow foundations that are located in close proximity to the crest of the slope. In order to mitigate the risk of any instability of the existing terrace side slope in this area adversely affecting any future proposed shallow foundations, within the subject site, this section of the report provides the location of a “Recommended Building Line Limitation” (RBLL) for the site. The RBLL is set back from the crest of the terrace side slope.*
84. This RBLL will appropriately avoid, remedy or mitigate potential geotechnical hazards on the land subject to the application, in accordance with the provisions of Section 106 of the Resource Management Act. Of note is there is a rule in the District Plan for the Residential C zone that requires a 1.8m internal boundary setback for residential buildings in any event so the RBLL is not a significant impediment. It does however affect accessory buildings which may otherwise have considered locating closer to the internal boundary.
85. The site is outside any defined flood zones in the District Plan and as shown on Flood Map F05 is outside of the river hazard or high-risk area. The location is above the riverbed and flood plain area and is upon a terrace.
86. There are no other known potential natural hazards that could affect the Plan Change site. In particular the site is not likely to be subject to material damage from erosion, falling debris, subsidence, slippage of inundation from any source.

Water quality

87. Effluent treatment and disposal or stormwater generated by increases in impervious surface coverage have the potential to adversely impact water quality, and in particular, groundwater quality. There will be no adverse effects from effluent treatment and disposal due to the development being connected into the Council’s reticulated system within Ashburton.
88. Appropriate infrastructure will be installed within the subdivision to connect to the Council’s reticulated system.
89. All stormwater generated on site will be collected and then discharged to ground in accordance with Council’s requirements of residential stormwater to ensure that groundwater quality is not adversely impacted. The groundwater has been recorded as being 3m to 5m deep within the site which limits the potential for contamination of groundwater from surface activities. Any consents will be obtained from Environment Canterbury for this discharge if required.
90. High pressure water is available within the road network to service the land.

Potential Reverse Sensitivity

91. Activities on neighbouring properties are a mix of residential, recreational, community, industrial/service and rural.
92. There is no intensive animal production in the vicinity of the Plan Change area however it is noted that there is some vegetable growing land (namely potatoes) and pasture farming between the site and the riverbed.

93. To the north on the opposite side of the road is the Plymouth Brethren Church building and grounds and residential housing.
94. To the west is low density residential or lifestyle land.
95. To the east are residential dwellings and land that has been used as a yard with storage buildings. Beyond this is the existing business zoned land which is a mix of light industry and service activities. These industrial and service type activities have been existing in this location for several decades and are well established. They are typically daytime operational businesses with some limited evening and weekend hours. In terms of a potential effect on new residential owners and occupiers in this location, this is not considered to be a significant effect at all. There is ample separation between the proposed site and the closest industrial and service activities on the east side of Melrose Road. The nature of those business will pose no reverse sensitivity effect on the future residential development.
96. To the rear of the site to the south below the terrace is farmland, which is bound by Melrose Road, the riverbed and adjoining rural land further westward. On the matter of Melrose Road, there is a proposal for subdivision and land use consent to widen this road in part to enable connection to the Business D zoned land beyond the Allenton Rugby Football Club. There will be no effects in so far as the existing Business zone is concerned and as the road is a public road now and this is a proposal to widen the road to enable higher and a better standard of surface for traffic movements, this is not envisaged to be an effect. There is already a level of traffic using Melrose Road now including heavy traffic movements accessing the riverbed and aggregate storage area off Melrose Road.
97. The block proposed to be rezoned is expected to largely border on residential and rural land and border an arterial road.
98. There is potential for people living on the edge of townships to be impacted by noise, odour, and traffic impacts of rural activities as is partly the case here. 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. There is therefore potential for amenity impacts and consequent complaints by residents to farmers. The alternative to this of course is often people who reside on the town fringe may be familiar with farming practices and have no issue with this whatsoever. In fact, often people enjoy the outlook and readily accept farming activities as their neighbour.
99. Complaints however is not expected to occur rather the location of the interface will change. Given the proposed Residential C zoning and the limitation to the number of lots, these lots are larger and the actual rural activities and below the subject land and screened by existing shelter to a degree.
100. Detailed subdivision design and landscaping can also adopt techniques to soften the interface if required (e.g., larger front yards or landscaping) and the allotment sizes will enable this to a degree. This could also be achieved within the immediate area.

Well-functioning Urban Environment

101. The proposed Outline Development Plan captures the essential components of an underlying conceptual subdivision plan while retaining a measure of flexibility to respond to additional opportunities and constraints provided by adjoining properties i.e., should adjoining Residential D zone properties to the east and west consider a potential rezone or the Council propose a zone change.
102. In summary the ODP either facilitates or enables:
- Vehicle access via a proposed road connection to Alford Forest Road

- Residential density of up to twelve residential units to the hectare for this site which is a low density and enable for a variety of residential house types and scale.
 - Active transport modes with footpath and cul-de-sac roadway included.
 - Ability to serve the development with essential services with minimal upgrades or works required to complete the development.
103. The zoning will enable a range of section sizes and housing typologies providing future residents with choice including more affordable options. Medium density housing is generally to be located close to open spaces to provide those residents with additional opportunity for outlook, active and passive recreation and car parking.
104. In addition, the public open space compensates for smaller rear yards and reduced recreation opportunity on adjacent more compact housing typologies/sections. In addition, higher numbers of dwellings near to open spaces (walking and cycling tracks, Allenton Rugby grounds) promotes their active use, making better use of the land resource and more easily justifying investment and maintenance costs.
105. Walking and cycling is promoted through the provision of streetscapes with different formations depending on their role within the development and the wider area. The connected roading or access patterns and lower residential densities encourage use of recreational spaces.
106. These elements above will contribute to a well-functioning urban environment.

STATUTORY DOCUMENTS

107. The policy and planning framework relevant to the residential development is extensive including policy statements, plans and legislation at national, regional and district level. The following provides an assessment of the proposed plan change for rezoning in relation to this framework.

National Policy Framework

Part II of the Resource Management Act 1991

108. The most relevant sections of Part II are sections 5 and 7 as there are no relevant matters of national importance that are relevant to this proposal. As there is already Residential C zoned land opposite the site and considering the ability for this site can connect to essential services and is limited in scale, it is considered that the proposal is an efficient and sustainable use of the land resource. This increase in housing supply within Ashburton will provide more choice in housing options.
109. The ODP is intended to achieve a level of integration with existing and future neighbouring areas being developed for residential purposes. This will be achieved primarily through roading connections and associated infrastructure servicing.

National Policy Statement on Urban Development 2020

110. The National Policy Statement on Urban Development (NPS-UD) is intended to ensure regional policy statements and regional and district plans provide adequate opportunity for land development for housing and business to meet community needs. This is to be achieved by improving the responsiveness and competitiveness of land and development markets to support productive and well-functioning urban environments.
111. Ashburton District is a Tier 3 local authority. Tier 3 Authorities *are strongly encouraged to do the things that tier 1 or 2 local authorities are obliged to do under Parts 2 and 3 of this National Policy*

Statement, adopting whatever modifications to the National Policy Statement are necessary or helpful to enable them to do so.

112. The NPS-UD has the primary objective of creating well-functioning urban environments now and into the future. Importantly regional policy statements and district plans are to enable people to live in urban environments near centres or other areas with employment opportunities or are well serviced by public transport and/or where there is a high demand for housing in the area.
113. Objectives of the NPS-UD also strive for (amongst other matters) urban environments that provide for social, economic and cultural well-being and planning decisions that improve housing affordability by supporting competitive land and development markets.
114. To achieve this, it is expected that there is provision of sufficient development capacity over the next 30 years to meet expected demand. The NPS-UD requires future development strategies to achieve this capacity.
115. Rezoning of land at Ashburton is assessed below in relation to the relevant policies of the NPS-UD: This assessment supports the rezoning as appropriate and an efficient means of implementing the NPS.

Policy 1 – Planning decisions

116. The rezoning is in a location which will enable easy access to jobs, community services, and open space and transport routes for both public and active transport. The outline development plan provides the basic form of development with medium and lower density areas. This will be further refined through the subdivision process where there is an option ensuring that a range of section sizes and shapes will provide for different housing types.
117. Resilience to likely current and future effects of climate change the primary way this can be achieved within new urban development through encouraging reduced greenhouse gas emissions. Given that the rezoning is providing for growth reduced greenhouse gas emissions can be achieved through a compact urban form, proximity to community and business services. The proposed development area lies within Ashburton's infrastructure boundary as such.
118. It is relatively close to key community infrastructure such as the Allenton Shopping Centre and the location is on a main route direct to key retail and business services within Ashburton's CBD alongside the EA Networks Centre and local recreational parks and reserves.
119. All these places are accessible by cycling. The main commercial area of Ashburton is a 5–6-minute drive and contains a range of amenities such as food, banks and medical facilities. Schools are also within a 5-minute drive.

Policy 2 – Development Capacity

120. The proposed rezoning has been calculated to provide for a minimum of twelve residential units for the site. This is a small number of units however it could well be there is ability to rezone adjoining land to this site as additional Residential C zoned land for the future. On that note, one of the landowners to the east has been consulted regarding this development and is supportive of any discussion for their land to be included as part of the rezoning.
121. It is understood that ADC are undertaking an investigation for the future availability of Residential C zoned land in this District. It can be said that this site at this location is considered suitable as it is on the fringe the Ashburton Town boundary now and can be connected to reticulated services and will therefore contribute in some way to the housing supply.

Policy 5 – Urban Form

122. *Regional policy statements and district plans applying to tier 2, and 3 urban environments enable heights and density of urban form commensurate with the greater of:*
- (a) *the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
 - (b) *relative demand for housing and business use in that location.*

123. Within this western part of Ashburton there is currently limited available Residential C zoned land. The only greenfield land zoned for that at present is land bounded by Farm, Carters, Allen’s and Racecourse Roads. Based on the small nature of this residential development (twelve residential units) there is some demand for lots larger than minimum 360m² lots.

Policy 8 – Responsiveness to plan changes.

124. This policy requires local authority decisions to be responsive to plan changes that add significantly to development capacity and contribute to well-functioning urban environments even if the development capacity is not anticipated by current RMA documents or is out-of-sequence for planned land release. This is not the case with this proposal i.e., it does not add significantly to development capacity however it does contribute to a well-functioning urban environment. Due to the coming into force of the NPS-UD very few councils have yet defined the criteria for assessing what constitutes “significance” in terms of development capacity.

National Policy Statement – Highly Productive Land

125. This land is not Rural Zoned land, so this NPS is not relevant.

National Environment Standard – Soil Contamination

126. A Preliminary Site Investigation has been prepared for this site and is included as Annexure 11. There has been earlier discussion in this document regarding potential soil contamination.

Canterbury Regional Policy Statement (CRPS)

127. A key issue to consider is whether changing the zoning of the site in the District Plan would make the District Plan inconsistent with the RPS. For the purposes of this assessment, it is accepted that the District Plan, in its present operative form, is consistent with the RPS.
128. The proposed plan change has been assessed as being consistent with the relevant zone purpose, objectives, policies and performance standards of the District Plan, and any actual or potential cumulative adverse effects have been assessed as likely to be no more than minor. It is therefore considered that altering the zoning(s) of the site in the District Plan will not render the District Plan inconsistent with the RPS.
129. The CRPS sets out matters relevant to the growth of settlements within the region. Chapter 5 of the CRPS addresses concerns resulting from land use and infrastructure on a region-wide basis, and the objectives and policies of this chapter seek to ensure that development and growth does not have an adverse effect on the environment.

130. Assessment of the relevant objectives and assessment of Chapter 5 are set out below:

CHAPTER 5- LAND-USE AND INFRASTRUCTURE

5.2 OBJECTIVES

5.2.1 Location, design and function of development (Entire Region)

Development is located and designed so that it functions in a way that:

1. *achieves consolidated, well designed and sustainable growth in and around existing urban areas as the primary focus for accommodating the region's growth; and*
2. *enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:*
 - a. *maintains, and where appropriate, enhances the overall quality of the natural environment of the Canterbury region, including its coastal environment, outstanding natural features and landscapes, and natural values.*
 - b. *provides sufficient housing choice to meet the region's housing needs.*
 - c. *encourages sustainable economic development by enabling business activities in appropriate locations.*
 - d. *minimises energy use and/or improves energy efficiency.*
 - e. *enables rural activities that support the rural environment including primary production.*
 - f. *is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure.*
 - g. *avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure.*
 - h. *facilitates the establishment of papakāinga and marae; and*
 - i. *avoids conflicts between incompatible activities.*

131. The key aspect of this objective is to achieve consolidated, well designed and sustainable growth in and around existing urban areas. The proposed rezoning will meet this outcome as it is within an identified boundary for Ashburton which has been developed over time to address the desire for a compact and consolidated urban area.

132. The rezoning of the block will address the second element as it will enable the community to provide for their social, economic and cultural wellbeing through provision of additional housing as part of an established town. The development areas will also provide for future generations as the development of this block is expected to be medium term development.

133. Clause 2 set out location and design parameters. These are assessed as follows:

- There are no areas of particular or significant natural values, nor is there any significant regional infrastructure other than State Highway 77.

- The area has the primary purpose of provision of housing choice for people of the region, and in particular, greater Ashburton District.
- The development does not specifically provide for business use. However economic and business activity is continually expanding within Ashburton District and in and around Ashburton.
- The land being rezoned is currently used for relatively limited productive purposes.
- Potential conflict is expected to be limited due to the land use history of the area.

5.3.7 Strategic land transport network and arterial roads (Entire Region)

In relation to strategic land transport network and arterial roads, the avoidance of development which:

1. *adversely affects the safe efficient and effective functioning of this network and these roads, including the ability of this infrastructure to support freight and passenger transport services; and*
2. *in relation to the strategic land transport network and arterial roads, to avoid development which forecloses the opportunity for the development of this network and these roads to meet future strategic transport requirements.*

134. The impact of the additional traffic generated by the requested residential rezoning is minimal across the site and will be low potential effects on the receiving State Highway network.
135. The additional traffic can be accommodated into the existing, new and planned elements of the road network serving Ashburton and the District without any adverse safety impacts. NZTA consultation in that regard has been undertaken and comments are contained within Annexure 6.
136. Regarding safety, the level of service of some intersections used by residents and visitors close to and beyond the immediate area is expected to reduce slightly resulting from a small increase in waiting time. This degree of impact is of such a small scale that it is of no regional significance. The rezoning will be consistent with Objective 5.3.7.
137. The proposal implements the requirements of consolidation and integration. The rezoning provides additional housing choice for the community and will connect into existing and new infrastructure. The rezoning combined with the development requirements such as reticulation of services, ensures that the completed proposal will have minimal effects on the physical environment, as set out in the assessment of effects.
138. Chapter 12 of the RPS deals with settlement and the built environment. Objectives and policies in this section address the effects of development on the environment and on the natural and physical resources. Relevant objectives and policies in Chapter 12 include Objective 1 and Policy 2, which deal with managing the effects of urban development and settlement expansion on amenity values. The proposal has been assessed as unlikely to result in any adverse effects on amenity values owing to the provision of the existing comprehensive set of rules applicable to the Residential zones.
139. In summary, there will be no adverse effects which result in environmental outcomes which are not consistent with the above objectives and policies.

Ashburton District Plan

140. The Ashburton District Plan promotes the sustainable management of the Ashburton District through the use, development and protection of natural and physical resources. The District Plan identifies issues, and each issue has a relevant set of objectives, policies and rules. The zone statement for the Residential C zone is.

4.3.3 Residential C: Medium-Low Density

The Medium Density Residential Zone covers the suburban residential areas of Ashburton (Kapuka), Methven and Rakaia, along with the small villages of Mt Somers, Hinds (Heketao), Chertsey, Mayfield (Te Puke Tai), Fairton, Lauriston and Barrhill, and the residential areas through the Aquatic Park Zone. This zone provides principally for moderate to low density, generally permanent living accommodation. There are some variations within the zone for specific areas, generally subject to an Outline Development Plan. The purpose of the zone is to maintain residential areas with open space for tree and garden plantings and with minimal adverse environmental effects experienced by residents.

141. This Plan Change will introduce a Residential C zone. The purpose of this zone is to provide for medium density residential housing on reasonable sized sections.
142. The Plan Change does not propose to delete any text from the District Plan but proposes additional rules in Chapters 4 and 9 referring to the Outline Plan and that the number of lots created by the Plan Change shall not exceed 12. It is considered that this Plan Change is in keeping with the policy direction of the District Plan.

Assessment of Ashburton District Plan Township Section Objectives and Polices

Objective 4.1: Residential Amenity Values and Character

To protect and enhance the amenity values and character of residential areas, recognising the potential for some growth, whilst considering the characteristics of each residential area, the need to provide for a diversity of residential lifestyles, and making provision for non-residential services and activities that meet community needs.

Policy 4.1A

Manage the different residential areas located within the Ashburton District, whilst considering:

- *existing character.*
- *any anticipated change in character.*
- *the need for diversity of residential lifestyles.*
- *a demand for growth over time.*

143. The character of the area was described in the application with residential dwellings existing in proximity to the site including a Residential C zone opposite the site. Further to this, with the on set of residential units developed on the site this will change the character from what currently exists at the site however it does offer a growth option with a limited number of residential units which will not create pressures on land already zoned Residential c that is yet to be developed on this western side of Ashburton.

144. The District Plan refers to ...” *an individual’s stage in life and socio-economic factors. While detached family homes may be the predominant residential property, they are not representative of the needs of the community, the elderly or retired, disabled, or single person. The Plan must recognise and provide for diversity in living environments consistent with satisfying these needs. The differing residential needs of the population will be met through the provision of different densities of housing in certain locations”.*

Policy 4.1B

Impose environmental standards on development and land use in the Residential Zones that provide the community with a level of certainty and protect and enhance residential character and amenity values.

145. The proposal is for a Residential C zone however the proposed development is in accordance with an Outline Development Plan which is essentially providing a roading network enabling up to twelve residential units within the development. Based on the minimum site density provisions for the Residential zone of 360m², there is ability for potentially more allotments but the section layout and roading pattern for the site provides for a subdivision of twelve medium size allotments with compliant shape factors and ability for good medium sized dwellings and accessory buildings with outdoor areas to be created. The applicant is happy for the proposed subdivision layout for this site to be approved based on a maximum twelve lot development and this can be included as an additional rule in the District Plan residential and/or subdivision zone rules if required. Therefore, there is a level of certainty in terms of the scale of this development proposal without affected the amenity values of the area.

Policy 4.1D

Promote variety and innovation in residential development to meet the changing needs of current and future generations, including opportunities to incorporate sustainable practices in housing design and siting that result in enhanced amenity, sustainable energy use and increased efficiency of site utilisation.

146. The framework within the District Plan ensures a variety of lot sizes, areas and shapes can be provided within low and medium density areas. The density requirements along with the rule’s framework allow a range of living environments and housing choice to be achieved. In this regard the rezoning and development will be well placed to implement this policy.
147. The use of this land area for Residential C development as opposed to the current Residential D zone, is a far more efficient utilisation of the land as it can be serviced with reticulated services and has provision for access and vehicle crossings with limited traffic effects, being onto an arterial road with high visibility in each direction and a 50km/hr speed zone, with limited effects to the traffic network.

Objective 4.2: Residential Growth

To provide areas of growth and expansion of different forms of residential development, in a range of areas around the district that meet the needs of the community and promote the efficient use of energy and services, whilst also protecting the productive potential of the rural area.

Policy 4.2A Provide for some growth of residential areas, whilst continuing a policy of consolidation to avoid sprawl and unnecessary extension of urban areas.

148. The proposal does provide for some growth and the position of the site does not create urban sprawl as the land is currently a Residential D zone. The proposal will enable a greater number of lots to be created which will be seen as consolidation that does not create urban sprawl.

Policy 4.2B Provide a compact urban form focussed on commercial activities and employment opportunities to promote accessibility and the efficient use of energy and infrastructural services.

149. The proposal is for residential development, but use of the existing infrastructure does promote the efficient use of energy and existing infrastructure

Policy 4.2C Avoid urban growth in areas where there would be significant adverse effects on infrastructure services, that cannot be avoided, remedied or mitigated.

150. This proposal does not create significant adverse effects on infrastructure services as it is within an area that can be serviced with water, sewer, power and telecommunications.

Policy 4.2D Encourage the use of outline development plans where large areas of land are to be rezoned or redeveloped, whether by Council or a developer, 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.

151. An Outline Development Plan is proposed for this Plan Change even though it is a smaller development. However, the principal of an ODP is the same in that it shows the transport linkage being the access within the site which will include a formed and sealed road at an appropriate width with provision for a footpath to enable both cycle and pedestrian movements to the local road network. The scale of it does not require any open space within the site but the position of the development is close enough to existing recreation such as the Ashburton River track and sports grounds along Melrose Road and further west along Farm Road is Argyle Park and further east along State Highway 77 is the EA Networks Centre.

Objective 4.3: Natural Hazards

To avoid or mitigate potential effects of natural hazards on residential areas and development

Policy 4.3A Consideration of risk from natural hazards when managing growth and development of residential areas, including avoidance of residential development in areas of high natural hazard risk.

152. This site area is not at high risk of natural hazard, such as from inundation from floodwaters. The site is on elevated land above the lower areas where the Ashburton River flows some 3-400m from the site area to the south and west. The flood hazard maps in the Ashburton District Plan do not show this land as at risk from flooding.
153. The geotechnical report recommends an area of land at the rear of the site have a building line limitation (RBLL). This area is shown on the plan CHO1763-G-01 included in the Geotechnical Report and this line is reflected on the ODP included as Annexure 3. The intent of the RBLL is to avoid any building structure crossing into this area.

Objective 9.1: Effects of Subdivision and Development

To ensure that subdivision and associated development maintains and enhances amenity, character, and natural and visual qualities of the environment, while enabling the effective and efficient use of land.

Policy 9.1A Encourage and facilitate innovative design that enables subdivisions to connect with, reflect and enhance the surrounding environment, as well as creating desirable places to live, work and enjoy.

154. The proposed subdivision design, as shown on the scheme plan annexed to this application, provides a design that shows up to twelve allotments created over the site. All the proposed lots are larger than the minimum 360m² for the Residential C zone but equally they vary in scale from 500m² through to circa 800m² to provide some flexibility in the density for future owners.

Policy 9.1B Ensure that the size, shape and location of the boundaries of allotments is compatible with the physical characteristics of the site including the underlying topography.

155. The proposed shape and location for the subdivision is compatible with the physical characteristics of the site.

Policy 9.1G Ensure a diversity of residential environments by providing for a range of allotment sizes in urban areas, with the highest densities of residential development being close to the existing town centres of Ashburton (Kapuka), Methven and Rakaia, and associated services and facilities, supporting accessibility, convenience and the efficient functioning of infrastructure including a reduction in the number of trips generated.

156. The proposed Residential C zoning for this land is seen as a logical extension of the zone being opposite an existing Residential C zone with ability to connect to reticulated services.

Policy 9.1H Promote a consolidated urban form in managing growth consistent with:

- **achieving effective and efficient provision and use of infrastructure, including essential services and transport links.**
- **ensuring a scale and intensity of development consistent with other requirements of the Plan; and**
- **maintaining and enhancing neighbourhood qualities, character and amenity values reflecting community expectations.**

157. As detailed in this assessment there is ability to connect to existing reticulated services as they are available within the road network on the site frontage. Some extensions may be required but this is not significant in terms of the development.

158. The scale and intensity is appropriate considering the sites location. The current Residential D zoning is not considered appropriate based on the ability to service this land, its size and scale opposite an existing Residential C zone.

159. The character of the neighbourhood is one of mixed use as detailed earlier in the application however within a low-speed zone and on the urban fringe of Ashburton this proposal will not detract from the neighbourhood amenity. It is more likely than not to enhance it with medium

density housing which in time will be landscaped and fenced so creating a high level of quality for the area.

Objective 9.2: Providing for Servicing of Subdivisions

To ensure the provision of the necessary services to subdivided allotments in anticipation of the likely use of land, while managing adverse effects on the environment.

Policy 9.2A

Provide safe and efficient vehicle access to all properties in subdivisions by controlling the width and number of rights of way and cul-de-sacs.

160. The proposal will have only one right of way to serve up to six lots from the State Highway and three lots will have individual vehicle crossings.

Policy 9.2B

Provide for pedestrian and amenity linkages within new subdivisions and to the surrounding area that are designed to consider usability, safety and the principles of Crime Prevention Through Environmental Design (CPTED).

161. There will be pedestrian ability within the road proposal. The access enables two-way vehicle movement into and out of the site being up to 16m in width with a minimum carriageway of narrowing to 6m. This enables the ability for a footpath, kerb and channel. Grass berms, street plantings and lighting and ability for in-ground service installation.

Policy 9.2C

Require that all new lots be provided with a means of connection to a reticulated potable water supply system, where such a system is available, or alternatively can be supplied from a bore or community supply and ensure that water supplies are of a sufficient capacity and a potable standard, and there is capacity and sufficient water pressure for firefighting requirements.

162. There is a 375mm high pressure water main that is in front of the property within Alford Forest Road. This main extends from Farm Road and the proposal is that an extension to this main will be provided from the subdivision to enable connections for the allotments.
163. In terms of fire fighting capability whether a fire hydrant is required within the proposed subdivision is to be considered at the time of subdivision application however there is an existing fire hydrant located opposite the adjoining property 255 Alford Forest Road approximately 60 metres from the proposed right of way connection with State Highway 77.

Policy 9.2D

Ensure disposal of stormwater 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.

164. There will be stormwater design factored into the roading as part of the development. The site is located with the ADC Stormwater Management Plan Area. No land beyond the subdivision area will be subject to flooding from this proposed development.

Policy 9.2E

Ensure that anticipated development is provided with a connection to a reticulated sanitary sewer system, where such a system is available, or onsite or standalone communal treatment systems can be installed, subject to any discharge consents required from the Canterbury Regional Council, whilst avoiding or managing adverse effects on the environment, in particular the contamination of ground water.

165. There is a 150mm sewer main the extends out from Farm Road into Alford Forest Road. A manhole exists in the centre of Alford Forest Road near the intersection with Farm Road. The infrastructure report provides the necessary details.

Policy 9.2F

Ensure that in the Residential and Business Zones adequate provision is made for the supply of reticulated energy and communication facilities and that the method of reticulation is appropriate to the amenities of the area.

166. There is ability to connect to electricity and telecommunications for this proposed development.

Policy 9.2J

Expect the use of outline development plans where large areas of land are to be rezoned or redeveloped, whether by Council or a developer, to provide a level of certainty for the community as to connections to the local road network, layout, location and area of open space.

167. An Outline Development Plan (ODP) has been proposed for this development more so that the road access to the site is shown being on a State Highway frontage and that services can be provided to the development.

Consultation

168. In terms of Clause 6(1)(f) of the Fourth Schedule of the RMA, persons affected by the proposal are to be identified, along with *the consultation undertaken, if any, and any response to the views of any person consulted.*

The applicant has however undertaken consultation with the following groups.

- NZTA
- Ashburton District Council – Planning and Assets department.
- EA Networks – Electricity and communications
- Adjoining landowners (253 and 255 Alford Forest Road)

169. In terms of the NZTA (Waka Kotahi) consultation (included as Annexure 6) there was initial consultation regarding the right of way proposal. This subsequently changed to the roading proposal. In principle the NZTA roading engineer (s) were happy with the proposed roading layout and position at the site. As can be read in the consultation NZTA will await the notification of the Plan Change before they would provide a submission at that time.

170. It is considered that the persons with the potential to be affected by the proposal are possibly the neighbouring residents in the adjoining Residential D and Rural A Zone.
171. On that, Plan Change documents and plans were sent to both the landowners at 253 and 255 Alford Forest Road. No formal response was received from either, but a verbal discussion was had with the immediate adjoining landowner, PCB Holdings Limited at 255 Alford Forest Road. The discussion was in general support of the proposal and consideration of the same zone being sought by the applicant could be applied to the PGB Holdings site.
172. However, it should be noted that under Clause 1AA of the Fourth Schedule of the RMA:
- To avoid doubt, clause 6 (3) [of the Fourth Schedule] obliges an applicant to report as to the persons identified as being affected by the proposal, but does not -*
- (a) oblige the applicant to consult with any person; or*
- (b) create any ground for expecting that the applicant will consult with any person.*
173. It should also be noted that, under Clause 25 of Part 2 of the First Schedule of the RMA, should the Council agree to accept the plan change request, the proposal must be publicly notified for submissions. Public notification is a form of consultation, and the number of parties that will be made aware of the proposal will be much greater than those with whom the applicant can or will consult with directly.

STATUTORY REQUIREMENTS OF SECTION 32 ASSESSMENT

174. Section 32 of the Resource Management Act requires evaluation of a private plan change by the person making the request. The evaluation, carried out under Section 32 of the, must examine:
- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.
The evaluation is required to consider:
- The benefits and costs of policies, rules, or other methods; and
 - The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
175. Specifically, section 32(2) requires identification and assessment of benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions including opportunities for:
- Economic growth that is anticipated to be provided or reduced; and
 - Employment that are anticipated to be provided or reduced.
176. The Guidance Note on section 32 analysis on the Quality Planning website makes the following statement:

177. Appropriateness - means the suitability of any option in achieving the purpose of the RMA. To assist in determining whether the option (whether a policy, rule or other method) is appropriate the effectiveness and efficiency of the option should be considered:
- *Effectiveness - means how successful a particular option is in addressing the issues in terms of achieving the desired environmental outcome.*
 - *Efficiency - means the measuring by comparison of the benefits to costs. (Environmental benefits minus environmental costs compared to social and economic costs minus their benefits).*
178. In this case it is the appropriateness of rezoning rural land for residential use that needs to be examined.

Objectives and Policies of the Ashburton District Plan

179. The Proposed Plan Change does not seek to add to or alter any objectives or policies of the Ashburton District Plan. Accordingly, examination under Section 32(3)(a) of whether the objectives of the District Plan are the most appropriate way of achieving the purpose of the Resource Management Act is required. However, because the District Plan is operative, it is assumed that the objectives are the most appropriate way to achieve the purpose of the Act. It is also assumed that as no policies are being added or altered, that they are the most appropriate means of achieving the objectives of the District Plan.
180. Although an assessment of the appropriateness of the objectives and policies of the Plan is not required, it is worthwhile to consider the proposed Plan Change against the objectives and policies contained within the Ashburton District Plan relating to providing for urban growth. An assessment of these objectives and policies has been undertaken earlier in this assessment and it concludes that requested rezoning of the site would meet the outcomes sought for urban growth and new residential areas.
181. Overall, it is considered that the Proposed Plan Change is consistent with the strategic outcomes sought for residential development by Ashburton District Council. Additionally, the resulting amenity is consistent with the outcomes required under the District Plan.
182. Given the conclusions within Sections 5 on the effects of the proposal on the environment and the above assessment, the proposed rezoning of the site is an appropriate means of achieving the outcomes sought by the objectives and policies of the District Plan.

Assessment of the Benefits and Costs of the Proposed Change

183. To assess the effectiveness and efficiency of the proposed rezoning, the benefits and costs of the proposed Plan Change, together with an examination of the risks of acting or not acting based on the information provided is required. To determine the relative benefits and costs of the proposed change, options other than the proposal should also be examined. In terms of this proposal the options considered are:
- Option 1 – Leave the area zoned Residential D
 - Option 2 – Rezone the land as Residential D by private plan change.

- Option 3 – Wait for Council to rezone land as a Residential C Zone
- Option 4 – Apply for resource consent for proposed subdivision and development.

184. The following is an assessment of these options.

BENEFITS AND COSTS OF OPTION 1 – LEAVE THE AREA ZONED RESIDENTIAL D

| <u>BENEFITS/ADVANTAGES</u> | <u>COSTS/DISADVANTAGES</u> |
|---|---|
| <ul style="list-style-type: none"> • Maintains the existing character of the area. • Allows the Council to implement plan change proposal within their own timeframe. | <ul style="list-style-type: none"> • Does not fulfil the District Plan's objective of an equitable process to rezoning land. • Does not implement any Proposed Change to any CRPS which seeks a settlement pattern that provides sufficient land for future growth. • Reduces the level of choice for potential purchasers of residential allotments. • Does not contribute to the cost of existing reticulation of services. |

BENEFITS AND COSTS OF OPTION 2 – REZONING LAND AS RESIDENTIAL C BY PRIVATE PLAN CHANGE

| <u>BENEFITS/ADVANTAGES</u> | <u>COSTS/DISADVANTAGES</u> |
|---|---|
| <ul style="list-style-type: none"> • Implements the National Policy Statement on Urban Development Capacity • The area is not dependent on the development of other land to provide access or infrastructure, such as stormwater disposal. • Provides an alternative for prospective purchasers of residential allotments within Ashburton District and elsewhere. • Economic benefit to Council from larger rating base through additional properties being added upon subdivision, and the payment of development contributions for new and existing infrastructure. • Provides long-term certainty for both the developer and potential | <ul style="list-style-type: none"> • Loss of rural land for productive purposes. • Change in character of the area from Residential D to Residential C. • Increase in traffic generated within and around Ashburton. • Does not consider other land that may be suitable to provide for growth. |

| | |
|---|--|
| <p>purchasers as to the use of the land.</p> <ul style="list-style-type: none"> • Supports and extends existing Council reticulated services, e.g., sewer system and water supply. • Costs of assessments and development of ODPs fall on the developer, not the Council. | |
|---|--|

BENEFITS AND COSTS OF OPTION 3 – WAIT FOR COUNCIL TO REZONE LAND AS RESIDENTIAL C

| Benefits/Advantages | Costs/Disadvantages |
|--|--|
| <ul style="list-style-type: none"> • Implements the National Policy Statement on Urban Development Capacity • Provides an alternative for prospective purchasers of residential allotments within Selwyn District and elsewhere. • Economic benefit to Council from larger rating base through additional properties being added upon subdivision, and the payment of development contributions for new or existing infrastructure upgrades. • Provides long-term certainty for both the developer and potential purchasers as to the use of the land. • Supports and extends existing Council reticulated services, e.g., sewer system and water supply. | <ul style="list-style-type: none"> • Could result in uncertainty and delay regarding rezoning for urban growth as Council has indicated it does not want to be directly involved in rezoning land. • Council would have to determine which land is to be rezoned and so undertake detailed comparative analysis. • Council would have to undertake detailed assessments (e.g., geotech, soil contamination,) which are a cost to the ratepayer. • Council would have to develop ODPs for the rezoned areas which are not something it normally undertakes, and which would be at a cost for ratepayers. • Loss of rural land for productive purposes. • Change in character of the area from rural to residential. • Minor Increase in traffic generated within and around Ashburton. |

BENEFITS AND COSTS OF OPTION 4 – DEVELOP THE LAND BY RESOURCE CONSENT

| | |
|---|---|
| <ul style="list-style-type: none"> • Council can place stricter controls on the development through consent conditions than may be possible through a plan change. • Potential for greater environmental benefit through Council having greater control over development and being able to require some land for environmental compensation for the use proposed. | <ul style="list-style-type: none"> • Potential social cost arising from lack of long-term certainty for future purchasers and adjoining neighbours as to the use of the land, as additional consents to alter conditions can be sought. • Potential and future purchasers would need to obtain consent if they were to alter uses, for example home occupation rules from the residential zone would still apply. |
|---|---|

| | |
|--|---|
| | <ul style="list-style-type: none"> • Restricted timeframe in which land must be developed and houses built, leading to potential economic costs for landowner/developer. • Less flexibility in being able to develop the land. • Possibly higher costs to develop land through the placing of tighter controls on the development by way of strict conditions on a consent. • Unwanted precedent in terms of allowing medium density residential activity in the lower density Residential D zone through consent only. |
|--|---|

185. The above assessment highlights that the advantages and benefits of rezoning this area of land for residential use (Option 2) by way of private plan change outweigh the potential costs and disadvantages. The costs or disadvantages of the other options clearly indicate that they are not the most appropriate method.

Effectiveness

186. In determining the effectiveness of the Plan Change and other options to achieve the objectives, it is considered appropriate to include within “the objectives” the relevant broader policy documents. These matters are considered in this application. They set out, at a strategic level, how growth should be provided for within the Ashburton District.

187. On this basis the proposed Plan Change is assessed to be the most effective to achieve the objectives of the District Plan, and of implementing the proposed Change to Canterbury Regional Policy Statement.

188. The same rezoning could be achieved through incorporation of a proposed rezoning into a review of the Ashburton District Plan should that occur. However, there is no immediate proposal to review the current District Plan currently.

189. Therefore, the only avenue is the initiative of rezoning to be taken by landowners who are familiar with the detailed characteristics of the land block as well as the challenges of developing them in a way that ensures integration with existing residential development or land able to be developed for Residential use.

190. The proposed Plan Change is the only method that can ensure all the following:

- Residential development of an appropriate density
- Development in accordance with an outline development plan
- Integration of development with existing infrastructure
- Specific amenity standards to be achieved in final development.
- Enables the block of land to be planned, designed and physically constructed in a timely manner to meet the anticipated demand for new residential sections in Ashburton.

Efficiency

191. In determining efficiency, it is necessary to compare the costs and benefits of the four options listed in the tables above. These costs and benefits relate to a variety of matters including environmental, process and land use compatibility. In relation to all these matters Option 2 has a greater number of benefits/advantages as compared to Options 1, 3 and 4 while Option 2 has the same or lesser costs/disadvantages.
192. However, based on the scale of the development Option 4 could have been pursued based on a limited number of allotments being created for the development. That said, the issues that arise, as detailed in the table for option 4, create some disadvantages and potential issues that may “open the door” to other land zoned in a similar manner to seek allotments smaller than what the minimum density requirements for the current zone are i.e., in this case 4000m² minimum area allotments.

Assessment Regarding Information Provided

193. There is a large amount of information available about the site and the effects of the proposed rezoning; as such it is considered that there are no risks in acting.

Overall Assessment

194. Based on the assessment above, the overall conclusion is that the Proposed Plan Change is an appropriate method for achieving the objectives and policies of the District Plan than the existing plan provisions or the alternatives canvassed above. It is also concluded that the environmental, social and economic benefits of the Proposed Plan Change outweigh any of the costs. On this basis, the proposed rezoning is an appropriate, efficient and effective means of achieving the purpose of the Resource Management Act.

ANNEXURE 1: RECORDS OF TITLE

ANNEXURE 2: LOCATION OF PROPOSED PLAN CHANGE

ANNEXURE 3: OUTLINE DEVELOPMENT PLAN

ANNEXURE 4: SUBDIVISION SCHEME PLAN

ANNEXURE 5: PLANNING MAP

ANNEXURE 6: NZTA COMMENTS

ANNEXURE 7: INFRASTRUCTURE REPORT

ANNEXURE 8: RIGID VEHICLE TRACKING CUL DE SAC

ANNEXURE 9: GEOTECHNICAL REPORT

ANNEXURE 10: REAL ESTATE COMMENTS

ANNEXURE 11: PRELIMINARY SITE INVESTIGATION