

**BEFORE THE CENTRAL OTAGO DISTRICT COUNCIL**

**PLAN CHANGE 19**

**IN THE MATTER** of the Resource Management Act 1991  
("the Act")

**AND**

**IN THE MATTER** of submission #98 to Plan Change 19

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**EVIDENCE OF STEWART WILLIAM FLETCHER**

**On Behalf of John & Mary Fletcher**

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## **1 Qualifications**

- 1.1 I am a Consultant Planner and have been practicing as a Planner for approximately 23 years. I have a Bachelor of Resource Studies from Lincoln University and am a full member of the NZ Planning Institute.
- 1.2 I have worked in a number of planning roles and have operated my own consultancy for the past 11 years.

## **2 Expert Witness Practice Note**

- 2.1 In preparing my evidence I have reviewed and agree to comply with the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023. This evidence has been prepared in compliance with the Practice note. I confirm that the issues addressed in this statement of evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses, which I will specify. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.
- 2.2 I do note that while I am an expert planner and agree to comply with the Code of Conduct, my parents are John and Mary Fletcher, being the submitters on the application. Naturally, this does impact any perceived impartiality such that it is important the Hearings Panel is aware of this in their consideration of my evidence.
- 2.3 In preparing this evidence I have read the documentation provided as part of the Proposed District Plan including Council reports.

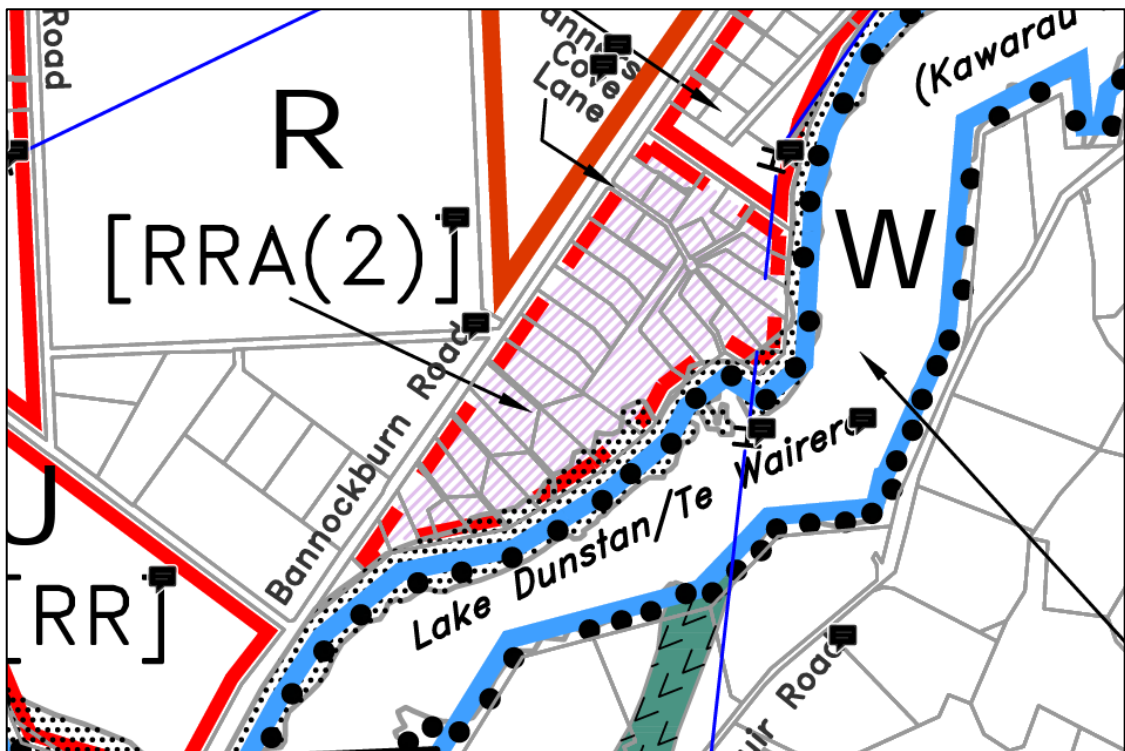
## **3 Scope of Evidence**

- 3.1 The purpose of this evidence is to assist the Hearings Commissioners in their consideration of the submission of John & Mary Fletcher (the Fletchers) on Plan Change 19 to the Central Otago District Plan.
- 3.2 The Fletchers own and reside at 247A Bannockburn Road, Cromwell. A submission was lodged seeking that Proposed standards LLRZ – S1 and SUB – S1 (and any related provisions), as they relate to the zone – Large Lot Residential – Precinct 3, are amended to provide for a smaller allotment size and that proposed standard LLRZ - S4 is amended to provide for a higher building coverage.
- 3.3 The reasons for this were that the proposed minimum lot size is larger than what is currently provided for in the Operative District Plan, a smaller allotment size will still maintain the amenity and character of the area, there is no difference in character between this precinct and other areas close by which provide for a smaller allotment size and further analysis could be undertaken to determine what

the appropriate allotment size should be. With regards to site coverage, the reasons for this opposition include, but are not limited to, that the current site coverage provisions are understood to provide for up to 40% building coverage and a reduction to 10% is considered to be a significant drop and that further analysis could be undertaken to determine what the appropriate coverage requirement should be.

#### 4 Current Provisions Under Central Otago District Plan

4.1 Under the current provisions of the District Plan the Fletchers property is zoned Residential Resource Area 2. Under this zoning a key provision is the minimum permitted lot size. The rule specifies that the minimum permitted lot size for a subdivision is 4,000m<sup>2</sup> but that there needs to be an average lot size of no less than 1ha across the subdivision. The below image provides an indication of the extent of the Residential Resource Area 2 for the local area.



4.2 It is also noted that current plan standards include a permitted site coverage of 40%.

#### 5 Proposed Density Provisions

5.1 Under Plan Change 19 it is proposed that the Residential Resource Area 2 area will now be zoned Large Lot Residential – Precinct 3. The implications of this change could be described as less significant and the main change is regarding

minimum lot size. It is proposed that there will be a minimum lot size requirement of 6,000m<sup>2</sup>. No average lot size requirement, like there is in the existing rules, is proposed under the new rules.

- 5.2 Generally, most of the other rules and standards remain the same, but it is noted that the permitted site coverage rule for buildings will reduce from 40% down to 10%.
- 5.3 A copy of the plan showing the extent of the proposed Large Lot Residential – Precinct 3 zone is below:



## 6 Proposed Density

- 6.1 In understanding the reasoning for the proposed change to density provisions, it is noted that the following analysis is provided in the section 42A report:

### **Analysis**

169. *The differences in the minimum densities within the LLRZ reflect that there are a number of areas within the Operative Plan where different zones (Residential Resource Areas 1-13) are used to largely apply different site-specific densities. PC19 has attempted to rationalise the variation in densities, while recognising that in some areas, it is appropriate to retain the current densities to maintain existing amenity and character. I therefore do not consider it appropriate to amend the densities such that the number*

*of variations increase further, particularly where the change sought does not relate to maintaining existing amenity and character. It is also important to note that PC19 proposed minimum allotment sizes only, and does not continue to also apply average lot sizes. Therefore, while some of the minimum lot sizes proposed in PC19 are higher than the current minimum lot sizes applying, they are consistent with the current average and overall existing amenity and character. I therefore support the proposed densities being retained in Pisa Moorings and Bannockburn, rather than having additional variations, or re-introducing differences between minimum and average lot sizes.*

170. *With respect to reducing the density to 600m<sup>2</sup>, in my view, this would not be consistent with the objectives of the LLRZ and would be more akin to the density of development in the LRZ, therefore losing the distinction between the LRZ and LLRZ. I do consider that to be appropriate. I accept that as the densities are largely consistent with the current zonings, 'additional' infill development opportunities are not enabled. However, in my view this should be considered in the context of the overall package of zonings in PC19, which are anticipated to provide sufficient supply to meet projected demand.*

171. *With respect to Precinct 3, this has been applied to areas currently zoned Residential Resource Area 2, 7 & 9. The current minimum allotment areas for these are 4000m<sup>2</sup> (but with an average of 1ha), 1ha and 6000m<sup>2</sup> respectively. Given this, I consider that the application of a 6000m<sup>2</sup> minimum is consistent with the character and amenity anticipated under the Operative Plan.*

6.2 In consideration of the above, I understand the desire to rationalise or simplify the number or range of zones. In reviewing the section 32 analysis for the Plan Change, where such a rationalisation should be based, I have not identified any meaningful analysis of the current density for the area and what an appropriate density should be.

6.3 If one examines the local area, on the eastern side of Bannockburn Road and within the proposed Precinct 3, it is recognised that there is a range of property sizes and broadly speaking that these tend to vary between 4,000m<sup>2</sup> and 10,000m<sup>2</sup> in area. Accordingly, I understand why 6,000m<sup>2</sup> might have been considered a suitable average for the area but it is respectfully suggested that consideration should be given to the character of the area and also the anticipated, or desired, character for the area. On the basis of 4,000m<sup>2</sup> sized properties already being provided for in the area it is suggested that there is already an anticipated character to the area and consideration could be given to simply reducing the minimum lot

size / density to 4,000m<sup>2</sup>. This would enable the existing character to be maintained which enabling small increases in density without changing that character.

- 6.4 In this vein I note that a property near the Fletchers property, being 247D Bannockburn Road, was approved for subdivision in 2021 by Council. The subdivision proposal sought to subdivide the property into two allotments, Lot 1 being 5475m<sup>2</sup> and Lot 2 being 4085m<sup>2</sup>. This would facilitate an average lot size of 4,780m<sup>2</sup> for the two allotments. A copy of the subdivision plan is attached, and I note that the decision letter specifies that it was determined that any effects on the environment from the subdivision will be no more than minor and that the granting of consent would not be contrary to the objectives and policies of the relevant district plan. On this basis it is suggested that Council already consider allotment sizes closer to 4,000m<sup>2</sup> to be appropriate for the area.
- 6.5 In addition to the above and in my opinion, as a planner, it is also suggested that Council needs to consider how the Precinct Area should be maintained and developed in the longer term. It is not uncommon that Council will identify areas around the fringe of a township for lower density living and in time, as the township grows those areas may change in zoning to become more urbanised. This is a common approach but the issue that can arise is that it becomes difficult to achieve desired densities in the future. For example, the erection of a dwelling in the centre of a property can make it hard to develop the property in the future. In this instance I recognise that it is less likely that the area will become fully urbanised in the medium to longer term but it is more realistic that Council may wish, in the future, to enable some increases in density. If one is to enable 6,000m<sup>2</sup> allotments now, it may then become difficult to increase the density of the area in the future, such as the creation of 4,000m<sup>2</sup> allotments. Accordingly, if one was to enable a higher density at this time while still achieving desired amenity and character for the area this can establish a better long-term outcome for the area.
- 6.6 With regards to other submissions on Plan Change 19 it is understood that some parties are suggesting the zoning of the area should be changed. I understand this when I compare the Large Lot Zone, to the north of the site, to Precinct 3 and the fact that there is little difference in appearance or character between the areas. While there is little difference in current appearance or character the Large Lot zone permits allotments of 2,000m<sup>2</sup> in size, compared to the 6,000m<sup>2</sup> permitted in Precinct 3. With regards to this I simply note that I am supportive of the areas being considered in a more holistic manner which may achieve the same outcome sought through the Fletchers submission.
- 6.7 Overall, it is suggested that currently Plan Change 19 seeks to impose density provisions which are not based on the current amenity and character of the area

and are instead moulding different zones together to provide an average. The area is already characterised by low density allotments and some of these are less than 6,000m<sup>2</sup> in size. It is my opinion that provision should be at least made for a minimum allotment size of 4,000m<sup>2</sup> which reflects what Council already considers appropriate for the area but consideration should also be given to the long term outcomes for the area. This may result in a smaller allotment size being considered appropriate.

- 6.8 Finally, if the Hearings Panel were to determine that the provisions, as they are currently proposed should remain, I note that there is no provision for dwellings to be constructed on existing undersized allotments. Therefore, if it was proposed to construct a dwelling on a 4,000m<sup>2</sup> allotment, that was created under the existing District Plan provisions, then to construct a dwelling would require a non-complying activity consent. It is suggested that this should be corrected.

## **7 Site Coverage**

- 7.1 As per earlier in this evidence it is proposed that, through the Plan Change, the permitted site coverage rule for buildings will reduce from 40% down to 10%. This is a significant reduction, and I am interested to know if any particular issues have arisen that necessitated the proposed reduction in permitted site coverage.
- 7.2 I do recognise that a site coverage of 10% does enable buildings of a larger size or coverage but it is also not uncommon for larger homes and sheds to be built on properties in the area. As such, a total building area of 600m<sup>2</sup> on a 6,000m<sup>2</sup> property may not be as far-fetched as it may sound. Council needs to determine whether it is necessary to introduce this level of control, and the need for resource consent, for a person who may simply seek a large home with a large shed.
- 7.3 It is also recognised that an appropriate site coverage would also depend on any findings regarding the above question of minimum allotment size for the Precinct.
- 7.4 It is suggested that further consideration needs to be given to the reasoning for the proposed change in site coverage provisions including whether it is addressing an adverse environmental effect or is again being lumped into an averaging out across zones. At the risk of plucking a figure out of the sky, if Council was to seek an alternative coverage requirement, a 20% coverage may be appropriate as it represents a halving of the current provisions and a doubling of proposed provisions, ie it provides middle ground.

## **8 Summary**

- 8.1 In summary, the Fletcher's have lodged a submission seeking amendments to Plan Change 19 to enable a higher residential density than currently proposed and

changes to permitted site coverage. It is suggested that the proposed density could be changed to facilitate a higher density of development which would be reflective of the current character of the area and what Council already considers appropriate. While changes to site coverage could occur it is considered that there needs to be reasoning for the change, particularly given the scale of change proposed.



# **Appendix 1**

## **Copy of Subdivision Consent**

12 January 2021

1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

Sharon Elford & OND Trustees Limited  
C/- Southern Planning Group  
PO Box 1081  
Queenstown 9348

Info@codc.govt.nz  
www.codc.govt.nz



Dear Sir/Madam

### **Application for Resource Consent: RC200375 - 247D Bannockburn Road, Bannockburn**

This is to advise that the application for subdivision consent to create two allotments around existing residential activities in Residential Resource Area (2) on a property situated on 247D and 247E Bannockburn Road, Bannockburn described as Lot 4 DP 23821 as contained in Record of Title OT15D/1192, has been approved by the Chair of the Hearings Panel, subject to the following conditions:

#### Subdivision Conditions:

##### General

- 1. The subdivision must be undertaken in general accordance with the subdivision plan dated 20 November 2020 and attached as Appendix 1 and the information contained in the resource consent application received by Council on 26 November 2020, except where modified by the following conditions:*
- 2. All subdivision works must comply with NZS 4404:2004 and the Council's July 2008 Addendum to NZS 4404:2004 as modified by these conditions of consent.*
- 3. Pursuant to Section 223 of the Resource Management Act 1991, the consent holder must ensure any easements required to provide or protect access or for access to services are duly granted or reserved.*

Note: The memorandum of easements prepared for the cadastral dataset submitted for Section 223 certification must show all existing easements, interests and consent notices carried down onto the new lots or cancelled as appropriate.

##### Water

- 4. Prior to Section 224(c) certification, the consent holder must evidence in writing to the Chief Executive that a suitably qualified professional has inspected the existing water connections and confirmed that these are in good order and that the meters and Acuflo equipment is performing correctly for each lot.*
- 5. Prior to Section 224(c) certification, the consent holder must provide evidence in writing to the Chief Executive that a static firefighting reserve of 20,000 litres is maintained on both Lots 1 and 2 at all times. Alternatively, the consent holder may provide evidence in writing to the Chief Executive that an 11,000 litre fire fighting reserve is made available to the buildings on each lot in association with a domestic sprinkler system installed in the buildings to an approved standard. A fire fighting connection is to be located within 90 metres of any existing and proposed building on the site. In order to ensure that connections are compatible with Fire and Emergency New Zealand equipment the fittings are to comply with the following standards:*



- i. *Either: 70 mm Instantaneous Couplings (Female) NZS 4505, or 100 mm Suction Coupling (Female) NZS 4505 (hose tail is to be the same diameter as the threaded coupling (e.g. 100 mm coupling has 100 mm hose tail) provided that the consent holder must provide written confirmation from Fire and Emergency New Zealand to the Chief Executive to confirm that the couplings are appropriate for firefighting purposes.*
- ii) *The connection must have a hardstand area adjacent to it to allow a Fire and Emergency New Zealand appliance to park on it. The hardstand area must be located at the centre of a clear working space with a minimum width of 4.5 metres. Access must be maintained at all times to the hardstand area.*
- b) *Firefighting water supply may be provided by means other than that provided for above if the written approval of Fire and Emergency New Zealand is obtained for the proposed method and that approval is submitted to the Chief Executive.*

Note: For more information on how to comply with Condition 5 above or on how to provide for FENZ operational requirements refer to the Fire and Emergency New Zealand Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 retrieved from [http://www.fire.org.nz/CMS\\_media/pdf/da516e706c1bc49d4440cc1e83f09964.pdf](http://www.fire.org.nz/CMS_media/pdf/da516e706c1bc49d4440cc1e83f09964.pdf). In particular, the following should be noted:

- For more information on suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.
- For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.

#### Wastewater

6. *Prior to Section 224(c) certification, the consent holder must provide evidence in writing from a suitable qualified and experienced professional to the Chief Executive, that the on-site wastewater system for each lot complies with the requirements of AS/NZ 1547:2012 On-site Domestic Wastewater Management, is in good working order, and entirely contained within the lot for which it is to serve.*

Note: On-site disposal shall comply with the Otago Regional Council requirements.

#### Stormwater

7. *Prior to Section 224(c) certification, a suitably qualified and experienced professional must confirm that the stormwater from buildings and impermeable surfaces on Lots 1 and 2 are contained entirely within the respective lot and do not cause a nuisance to any other property. Information in the form of drawings or design calculations regarding the current soakpit installations or water storage facility/ies must be provided to the Chief Executive as evidence of the systems in place for each lot.*

#### Access

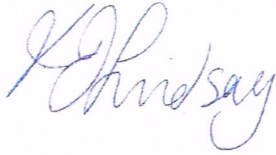
8. *Prior to Section 224(c) certification, the consent holder must confirm in writing to the Chief Executive that the existing shared access to Lots 1 and 2 complies with Part 29 of Council's Roading Policies January 2015 or upgrade the access accordingly.*
9. *Prior to Section 224(c) certification, the vehicle accessway to serve Lot 1 from Bannockburn Road must be constructed in accordance with Council's Roading Policies January 2015, Part 29.*

Note: Access construction will be subject to CODC Engineering approval

Following consideration of the application it has been determined that any effects on the environment will be no more than minor and that granting consent will not be contrary to the objectives and policies of the relevant district plan.

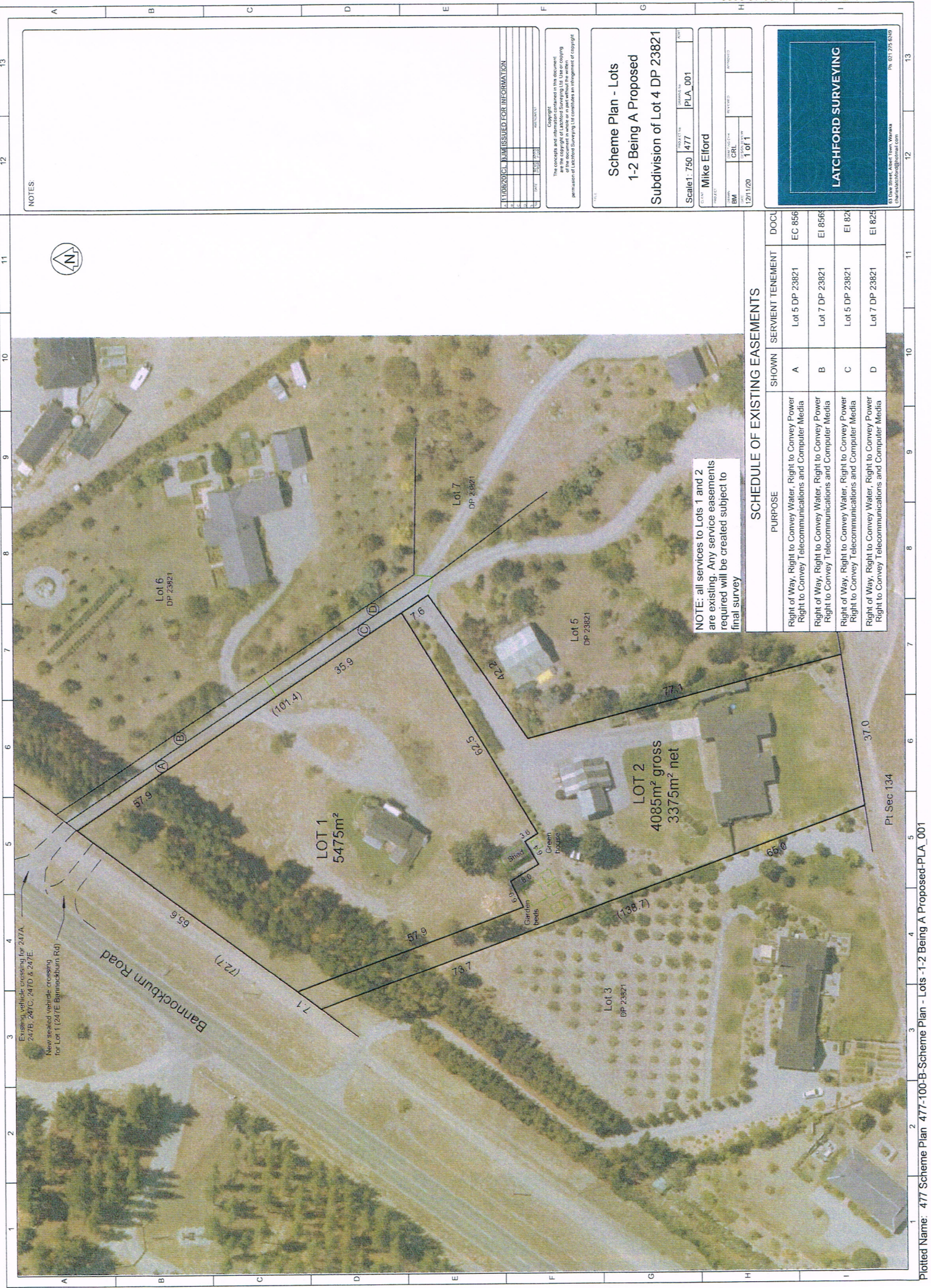
I draw your attention to Section 357C of the Resource Management Act 1991 which confers a right of objection to the Council to the conditions of consent, which must be done within 15 working days of receipt of this decision.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Kirstyn Lindsay', written in a cursive style.

KIRSTYN LINDSAY  
PLANNING CONSULTANT





NOTES

LATCHFORD SURVEYING INFORMATION	
DATE	12/11/20
PROJECT	PLA 001
SCALE	1:750
BY	Mike Eilford
CHECKED BY	
DATE	

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**Scheme Plan - Lots 1-2 Being A Proposed Subdivision of Lot 4 DP 23821**

SCALE	1:750	PLA 001
DATE	12/11/20	1 of 1
BY	Mike Eilford	
CHECKED BY		
DATE		

**LATCHFORD SURVEYING**

13 Duns Street, Albert Town, Wairarapa  
Ph: 071 776 6292  
charles@latchford.co.nz

NOTE: all services to Lots 1 and 2 are existing. Any service easements required will be created subject to final survey

**SCHEDULE OF EXISTING EASEMENTS**

PURPOSE	SHOWN	SERVIENT TENEMENT	DOC#
Right of Way, Right to Convey Water, Right to Convey Power, Right to Convey Telecommunications and Computer Media	A	Lot 5 DP 23821	EC 856
Right of Way, Right to Convey Water, Right to Convey Power, Right to Convey Telecommunications and Computer Media	B	Lot 7 DP 23821	EI 856
Right of Way, Right to Convey Water, Right to Convey Power, Right to Convey Telecommunications and Computer Media	C	Lot 5 DP 23821	EI 821
Right of Way, Right to Convey Water, Right to Convey Power, Right to Convey Telecommunications and Computer Media	D	Lot 7 DP 23821	EI 821

Existing vehicle crossing for 247A, 247B, 247C, 247D & 247E.  
New sealed vehicle crossing for Lot 1 (247E Bannockburn Rd)