

Resource Management Act 1991

Submission on Notified Proposed Plan Change to Central Otago District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

(FORM 5)

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

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02/09/2022
CODC

Details of submitter

Cairine Heather MacLeod

Postal address: Submitter Address: Po Box 248 Cromwell 9342
(Or alternative method of service under [section 352](#) of the Act)

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This is a submission on proposed Plan Change 19 to the Central Otago District Plan (the proposal).

I am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991

The specific provisions of the proposal that my submission relates to are:

Refer to the attached submission document and supporting information.

This submission is:

Refer to the attached submission document and supporting information.

We seek the following decision from the consent authority:

Refer to the attached submission document and supporting information.

I wish to be heard in support of this submission

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.



pp Craig Barr

1 September 2022

Signature

Date

Submissions close at 4pm on Friday 2 September 2022

Submissions can be emailed to districtplan@codc.govt.nz

Note to person making submission:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that a least 1 of the following applies to the submission (or part of the submission):

- *it is frivolous or vexatious:*
- *it discloses no reasonable or relevant case:*
- *it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:*
- *it contains offensive language:*
- *it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*

Overview of the submission

The Submitter, Cairine Heather MacLeod owns five properties located within, and on the edge of Bannockburn in the Hall Road, Domain Road, Miners Terrace and Terrace Street areas, including properties with established dwellings at 50 Domain Road and 24 Terrace Street.

The properties of interest to PC19 are identified in **Table 1** and **Figure 1** below.

Table 1. Description of properties within the Bannockburn area of interest to PC 19.

Legal Description	Address	Area
Lot 1 & Lot 4 DP 414299	36 Miners Terrace	13.97ha
Lot 2 DP 414299	35 Miners Terrace	2.09ha
Section 57 Block I Bannockburn SD	Not listed	11.65ha
Section 52 Block I Bannockburn SD	97 Hall Road	5.4ha
Lot 1 DP 444666	50 Domain Road	2943m ²
Lot 1 DP 16462	24 Terrace Street	1748m ²

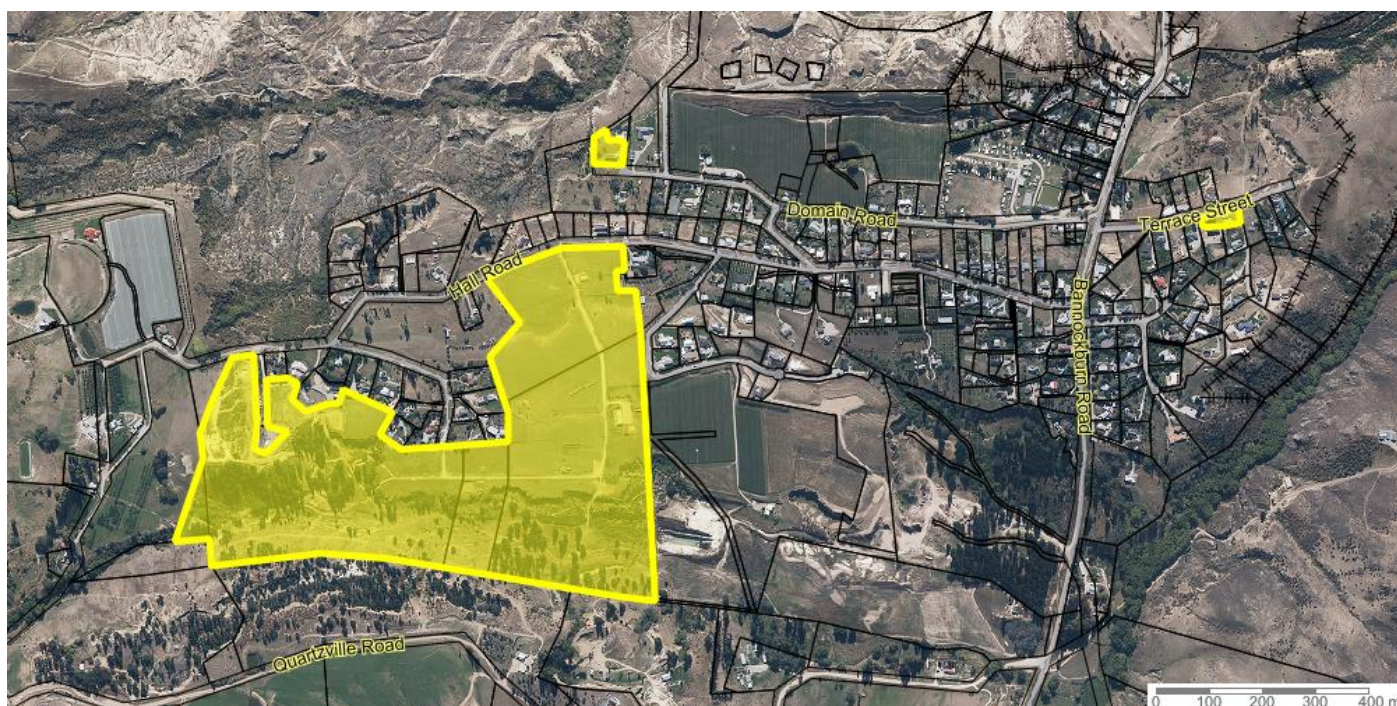


Figure 1. Properties owned by the Submitter within the Bannockburn area of interest to PC 19 (shaded yellow).

The land zoned for residential purposes in the Bannockburn area is notified under PC19 as Large Lot Residential with a 2000m² minimum site size/residential density. The Operative District Plan zoning and rules provide for a lot size of 1500m² and that an average of 2000m² is achieved.

Primary Relief sought

The Submitter requests the following:

1. That the land legally described as Section 57 Block I Bannockburn SD is rezoned in part from Rural Resource Area to Large Lot Residential, as shown in the plan in **Attachment A**, the area sought to be rezoned is approximately 3.5ha.

2. That the entire land area of Section 52 Block I Bannockburn SD zoned by PC 19 as Large Lot Residential, and that portion of Section 57 Block I Bannockburn SD which is requested to be rezoned, has a minimum allotment size for residential activity/residential density of 1200m² and average allotment size of 1500m².
3. That the properties at 50 Domain Road and 24 Terrace Street, zoned by PC19 as Large Lot residential, have a minimum allotment size for residential activity/residential density of 1200m² and average allotment size of 1500m².
4. That rules LLRZ-S1 and SUB-S1 are amended so that the residential density and subdivision site standards in the Large Lot Residential Zone at Bannockburn are 1200m² minimum and 1500m² average.

Amendments to the Central Otago District Plan

The rezoning can be facilitated by way of the following amendments to the Central Otago District Plan and notified PC19 objectives and provisions:

- Amending the District Plan maps to rezone the site from Rural Resource Area to Large Lot Residential as shown in **Attachment A**.
- Adding text including any purpose statement text, objectives and other methods such as policies, rules and assessment matters to facilitate the zoning and location specific minimum allotment size.

Reasons for the Submission

The Site and Rationale for the Rezoning Design

The portion of Section 57 Block I Bannockburn SD which is sought to be rezoned is approximately 3.5ha. The area of land adjoins the Submitters site to the north (Section 52 Block I Bannockburn SD) which has road frontage and water and wastewater connections at both Hall Road and Lynn Lane, located at the eastern boundary of Section 57 Block I Bannockburn SD. There is also a wastewater main running through Section 52 Block I Bannockburn SD.

The land is an appropriate area for a contiguous and logical extension of the existing Bannockburn urban settlement.

The site is located on the edge of the existing Bannockburn Township. The site does not contain any identified overlays or features on the District Plan Maps.

The proposed approach to development by the Submitter is to retain the land further to the south and the adjoining land to the west as Rural Resource Area.

National Policy Statement Urban Development 2020 (NPSUD)

PC19 and the accompanying section 32 evaluation should be more contemplative of rezoning additional land for housing.

The Council's section 32 evaluation states that the NPSUD does not apply to the Central Otago District and the District Plan because the District does not qualify as an urban environment¹:

Additionally, the Section 32 report also acknowledges that the PC19 is consistent with the direction in the NPSUD which future proofs the plan change if the District becomes an urban environment.

¹ Council Section 32 report at [78].

While the Section 32 report has not erred in its application of the NPSUD at the current time, it is considered that the District is a valid candidate to be treated as though it were a Tier 3 local authority under the NPSUD, particular where the NPSUD definition of urban environment is relatively open in terms of an area qualifying as an urban environment:

urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and*
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people*

Collectively, the urban settlements within the Cromwell Ward encompassing the PC19 residential zoned areas of Cromwell, Bannockburn, Lowburn and Pisa Moorings are more likely than not to fall as an urban environment within the planning period of the PC19, up to the next review of the residential areas of the District Plan.

Because of the population growth in the Cromwell area, the length of time between plan reviews initiated by the Council, and the fact that the Cromwell and Vincent Spatial Plans are informative (albeit non-statutory) documents, the NPSUD is more important and has greater relevance than to the extent referred to in the PC19 section 32 evaluation report.

It is also noted that a recent Covid-19 Fast Track consent decision where the Expert Consenting Panel stated the following with regards to whether Cromwell qualified as an urban environment²:

[309] We agree with Brookfields that Cromwell is part of a housing and labour market of at least 10,000 people. As we understand it, that housing and labour market is not required to be predominantly urban in character.

[310] Thus, the Panel accepts the position advanced by the Applicant and Brookfields that Cromwell (and adjacent areas identified for future urban zoning) would fall within the meaning of an “urban environment” under the NPS-UD.

The NPSUD is relevant in terms of the positive obligations placed on local authorities to provide for housing and a diversity of housing options.

Provision 1.5(1) of the NPSUD strongly encourages Tier 3 local authorities to do the things that Tier 1 and Tier 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.

The following objectives and policies of the NPSUD are relevant to PC19 and the rezoning proposal, although acknowledging that they are not a mandatory requirement to be given effect to through the District Plan.

Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets.*

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) have or enable a variety of homes that:*
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and*
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*

² Record Of Decision Of The Expert Consenting Panel Under Clause 37 of Schedule 6 To The FTA: Wooing Tree Estate Project. 29 September 2021.

- € *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) *support reductions in greenhouse gas emissions; and*
- (f) *are resilient to the likely current and future effects of climate change.*

This rezoning proposal will help the Council and the District Plan achieve Objectives 1 and 2 of the NPSUD by contributing to a well-functioning urban environment.

Partially Operative Otago Regional Policy Statement 2019 (RPS)

The proposed rezoning is consistent with, and would give effect to, the RPS.

Section 75(3)(c) of the Act requires that a district plan must give effect to any Operative Regional Policy Statement. Section 74(2)(a) of the RMA requires that a territorial authority have regard to any Proposed Regional Policy Statement when preparing or changing a District Plan.

The key provisions of the RPS relevant to this evaluation are:

- Objective 1.1 - Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities;
- Objective 1.2 – Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago, and allied policies relating to integrated management;
- Policy 3.2.6 – Maintain or enhance highly valued natural features, landscapes and seascapes by ...avoiding significant adverse effects on those values which that contribute to the high value of the natural feature, landscape or seascape; avoiding, remedying or mitigating other adverse effects; encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape.

In this case the site is not identified in the District Plan as a high valued natural feature or landscape and the proposal does not engage with Section 7(c) and Policy 3.2.6 (nor Policy 3.2.4 for Outstanding Natural Features and Landscapes).

- Objective 4.5 - Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments, and related Policy 4.5.1 (repeated in full):

Providing for urban growth and development

Provide for urban growth and development in a strategic and co-ordinated way, including by:

- a) *Ensuring future urban growth areas are in accordance with any future development strategy for that district.*
- b) *Monitoring supply and demand of residential, commercial and industrial zoned land;*
- c) *Ensuring that there is sufficient housing and business land development capacity available in Otago;*
- d) *Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6*
- e) *Coordinating the development and the extension of urban areas with infrastructure development programmes, to provide infrastructure in an efficient and effective way.*
- f) *Having particular regard to:*
 - i. *Providing for rural production activities by minimising adverse effects on significant soils and activities which sustain food production;*

- ii. *Minimising competing demands for natural resources;*
- iii. *Maintaining high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- iv. *Maintaining important cultural or historic heritage values;*
- v. *Avoiding land with significant risk from natural hazards;*
- g) *Ensuring efficient use of land;*
- h) *Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;*

Policy 4.5.1 is an important policy in terms of directing urban development within the Otago Region. It is noted that the Cromwell Spatial Plan is not a future development strategy, but is a non-statutory document, albeit an important document to the Council which has been mandated by the Council. Rezoning proposals therefore do not need to accord with the Cromwell Spatial Plan in order to be consistent with and implement Policy 4.5.1.

Limb (e) requires that the extension of urban areas with infrastructure development is coordinated with programmes, to provide infrastructure in an efficient and effective way. The site is located adjacent to an existing urban settlement and offers efficiencies in terms of servicing, including any necessary infrastructure upgrades.

- Objective 5.3 – Sufficient land is managed and protected for economic production;

The rezoning will involve a small loss of existing Rural Resource area land but is not of a scale that results in the rezoning proposal being contrary to this policy. The benefits of the rezoning outweigh the costs of not providing for additional housing opportunities.

- Policy 5.3.1 – Rural Activities – Manage activities in rural areas, to support the region’s economy and communities, by ... restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects; providing for other activities that have a functional need to locate in rural areas.

Housing will be able to be managed so that it is not incompatible with existing or future productive activities. The area has an existing presence of housing and viticulture.

The proposal is consistent with the RPS.

Operative Central Otago District Plan

The proposal is consistent with the District Plan, including the following objectives and policies:

Section 4: Rural Resource Area

4.3.1 Objective - Needs of the District’s People and Communities

To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.

The proposal will achieve this objective by way of provision of additional housing opportunities and a logical and sensitive expansion of an existing urban settlement.

4.3.7 Objective - Soil Resource

To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.

The proposal will achieve this objective by way of provision of additional housing opportunities and a logical and sensitive expansion of an existing urban settlement.

4.3.3 Objective - Landscape and Amenity Values

To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.

The proposal will not result in the loss of valued rural amenity, nor will it affect the character of any open natural character of the hills and ranges. The proposal will avoid development on hills and ranges and would not result in inappropriate urban development in an area with valued rural landscape.

Section 6: Urban Areas

6.3.1 Objective - Needs of People and Communities To promote the sustainable management of the urban areas in order to:

- (a) Enable the people and communities of the district to provide for their social, economic and cultural wellbeing and their health and safety; and*
- (b) Meet the present and reasonably foreseeable needs of these people and communities*

6.4.2 Policy - Expansion of Urban Areas

To enable the expansion of urban areas or urban infrastructure in a manner that avoids, remedies or mitigates adverse effects on:

- (a) Adjoining rural areas.*
- (b) Outstanding landscape values.*
- (c) The natural character of water bodies and their margins.*
- (d) Heritage values.*
- (e) Sites of cultural importance to Kai Tahu ki Otago.*
- (f) The integrity of existing network utilities and infrastructure, including their safe and efficient operation.*
- (g) The life supporting capacity of land resources.*
- (h) The intrinsic values of areas of significant indigenous vegetation and habitats of significant indigenous fauna.*

The extension of the urban environment will maintain the existing amenity of Bannockburn. The urban extension will result in the relatively small loss of potential rural productive land. The effects on rural character will be avoided and mitigated so that the benefits of the proposal outweigh the costs.

The rezoning area can be serviced and does not require any significant extension of infrastructure due to the site's location adjacent to an existing urban settlement with reticulated water and wastewater.

The proposed rezoning can be undertaken to provide good amenity for future inhabitants and will maintain amenity values for the wider Bannockburn area. The urban expansion will avoid adverse effects on adjoining rural areas and outstanding landscape values and indigenous biodiversity, and other elements.

Sections 74 and 75 of the RMA and the Cromwell Spatial Plan

Despite not being identified in the Cromwell Spatial Plan, the rezoning from Rural Resource Area to residential is appropriate.

Section 75(3) of the RMA requires a district plan to give effect to:

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement*

Section 74(2)(b)(i) of the RMA requires that when preparing or changing a district plan, a territorial authority shall have regard to management plans and strategies prepared under other Acts.

Regard is able to be had to the Cromwell Spatial Plan, however PC19 and the District Plan is not required to 'give effect to' the Cromwell Spatial Plan or any other plan endorsed by the Council in terms of the Local Government Act derived consultation documents.

The objectives and policies of the NPSUD (to the extent relevant to the District), the RPS and the District Plan are required to be given effect to by PC19 and this proposal. The Cromwell Spatial Plan is relevant, but only to the extent that regard shall be had to it, rather than it needing to be 'given effect to'.

The Cromwell Spatial Plan was completed in 2019, and the growth projections and population information appeared to be for the period 2013-2017 and the 2018 Census data. The Cromwell Spatial Plan identifies some additional growth for Bannockburn at the Domain Road vineyard.

The Spatial Plan identifies consolidation within Cromwell itself, and PC19 has identified several sites on the edge of Cromwell as appropriate for urban zoning, including a relatively large area of existing Rural Resource Area zoned land adjacent to SH8 as rezoning from Rural Resource Area with established horticulture activities to Medium Density Residential (Freeway Orchard Site) and land at Bannockburn (Domain Road Vineyard) from Rural Resource Area to Large Lot Residential.

Notwithstanding that the Spatial Plan does not identify the land for residential development/zoning, it is considered an appropriate candidate for rezoning for the following reasons:

- It is adjacent to existing reticulated water and wastewater and can be serviced.
- There are sufficient roading connections to the local road network.
- The land has capacity for urban development and will not affect any significant amenity landscapes or ONF/L.
- The loss of productive land or soil resource is small in the context of the residual Rural Resource Area land owned by the Submitter.
- The urban extension is a logical and contiguous extension of an established urban area, the proposed zoning is not a spot zone and is not isolated from existing urban areas.

Residential density

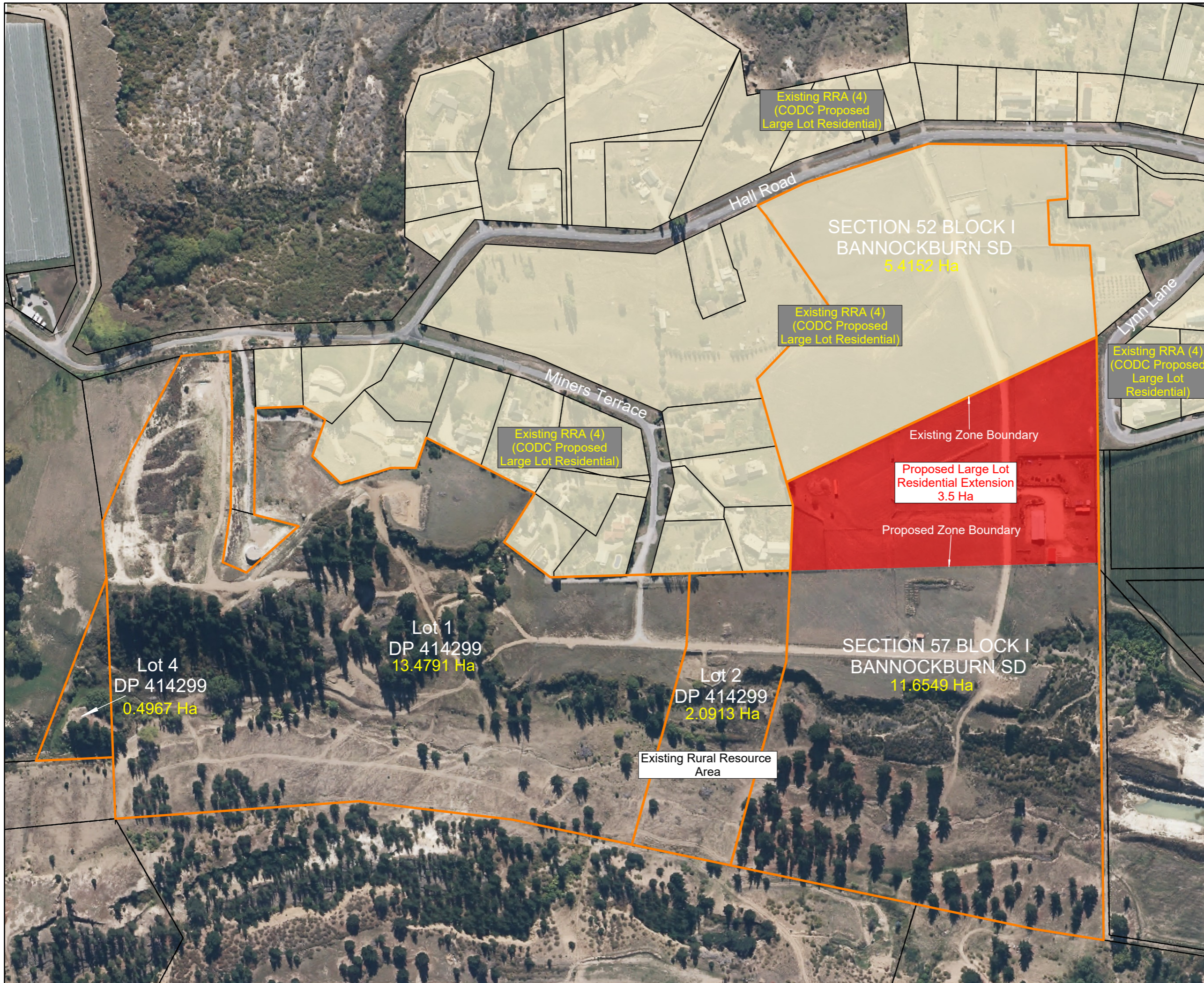
The Submitter considers that a slightly higher density of residential development is appropriate at Bannockburn than the minimum lot size of 2000m² applied through PC19.

A minimum lot size of 1200m² with an average of 1500m² will provide for greater flexibility in subdivision design, greater efficiencies in terms of servicing and infrastructure while still providing large lot spacious settlement pattern with sufficient room on site for amenity plantings and setback and buffers between dwellings.

Achieving Part 2 of the RMA 1991

The site does not contain any resources of national importance (i.e. it is not within an Outstanding Natural Landscape), nor any identified heritage or cultural resources and does not affect the natural character of waterbodies.

The rezoning will promote the sustainable management of natural and physical resources and will achieve Part 2 of the RMA.



NOTES:

- 1) Areas and dimensions are subject to survey.
- 2) Aerial image has been sourced from CODC online database and is for indicative purposes only.

Revision	Amendments	Date

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Project:
MACLEOD

97 HALL ROAD, 35/36 MINERS TERRACE

Title:
**PROPOSED REZONING OF
PART OF SECTION 57 BLOCK I
BANNOCKBURN SD**

REZONING PLAN

Copyright of this drawing is vested in C. Hughes & Associates Limited.
The Contractor shall verify all dimensions on site.

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