

## S32AA assessment of the red updates to the RTRA provisions

The following tables contain the Section 32AA evaluation of the proposed new or modified provisions in the updated (red) PC13 provisions attached to the closing submissions of RTDL.

### 1. Objective 20.3.10 - Reverse Sensitivity and Policy 20.4.10 – Reverse sensitivity

Modification to the objective and policy as follows:

#### 20.3.10 Objective – Reverse sensitivity

~~Existing a~~Activities adjacent to the Resource Area are protected from adverse reverse sensitivity effects, particularly Highlands Motorsport Park, Cromwell Speedway and horticulture activities/orcharding, so that constraints on those activities resulting from reverse sensitivity effects are avoided

#### 20.4.12 Policy – Reverse Sensitivity

Avoid reverse sensitivity effects on ~~existing~~ land uses in the neighbourhood, particularly the Highlands Motorsport Park, Cromwell Speedway, horticulture / orcharding activities, and the Cromwell aerodrome.

The word “existing” is removed from the objective and policy in response to submissions by Mr Logan.

The objective and policy now recognise existing and future operations within the noise-generating sites nearby and that the existing and future operations can be considered in decision making to ensure they are protected.

In doing so the objective is the most appropriate to achieve the Act’s purpose because it recognises the existing and potential future activities and ensures that they are not adversely affected by reverse sensitivities.

The modification to the policy serves the objective appropriately; there are no additional costs arising from this modification and there are benefits from avoiding risk to the nearby noise generating operations from reverse sensitivity effects.

### 2. Rule 20.7.1 (j) Car parking

The rule is modified to require 2 carpark spaces per dwelling, as follows:

#### (j) Carparking

A minimum of ~~1-2~~ carpark spaces per dwelling shall be provided on site, ~~and at least 2 spaces per dwelling including on street parking shall be provided~~, plus an additional carpark shall be provided in association with a home occupation.

The new rule is evaluated against the relevant objective(s) of the RTRA as follows:

Relevant Objective(s)	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
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<p><b>20.3.3 Objective – Well-designed built environment</b></p> <p><b>A well-designed built environment that provides for and positively responds to roads and open spaces, provides high quality amenity for residents, and contributes to public safety.</b></p> <p><b>20.3.6 Objective – Road network</b></p> <p><b>A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the existing transport network and possible future development in surrounding areas.</b></p>	<p>The requirement for 2 on site car parks rather than 1 (as notified) responds to the concerns raised in the s42A report and in Mr Whitney’s closing comments, and by some submitters.</p> <p>The additional carpark supports a family situation or a flatmate situation where there may be more than one vehicle, or for a boat or trailer.</p> <p>The costs of including this rule are borne by the developer and by future property owners in the reduction in space for the dwelling or outdoor living area, or the need to create a double story dwelling to accommodate indoor living space as well as providing for the additional car park and outdoor living space.</p> <p>The benefits include less potential for on-street parking.</p> <p>Site and building design can easily take into account the additional park on site, and the benefits outweigh the costs.</p> <p>The additional rule is necessary for ensuring the provisions are the most appropriate for achieving the objectives of a well-designed development and a safe and efficient road network.</p>
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**3. Rule 20.7.3(viii)(f): Subdivision – Periphery treatment at boundaries of the Resource Area.**

The rule is modified to require that planting should not be trimmed below a minimum height of 5m, amend the references to consent notices and change the use of the word “barrier” to fence” to be consistent with the rest of the rule. The modifications are as follows:

**(f) Periphery treatment at boundaries of the Resource Area**

- (i) At the time of subdivision, every lot within Residential Sub-Areas A or B with a boundary adjoining the western boundary of the ~~River Terrace~~ Resource Area and adjoining Section 98, Block I Cromwell SD shall be planted in vegetation to provide a suitable buffer from the potential effects of rural activities on the opposite side of the boundary. The planting shall:
  - (a) be a width of 2m parallel with the Resource Area boundary;
  - (b) be evergreen, and have a minimum height at planting of 2m and planted at a density of not less than 1m centres;
  - (c) not be trimmed below a minimum height of ~~3m~~ 5m;
  - (d) be retained and maintained in perpetuity, and this shall be ensured by the imposition of a consent notice on the record of title of each affected lot.

- (ii) At the time of subdivision, a solid fence of minimum height 2m shall be constructed along the Resource Area boundary adjoining Lots 1 – 3 DP25841 and Section 98, Block I Cromwell SD.
- (iii) At the time of subdivision, a solid fence ~~of~~ shall be constructed along the Resource Area boundary adjoining Sections 33 – 36, Sarita Subdivision. The fence shall:
  - (a) be 3m high above the ground based on the final contours along its length;
  - (b) have a surface density not less than 10kg/m<sup>2</sup>;
  - (c) have no gaps, and if palings are used they shall be overlapped or the joints battened to prevent gaps appearing;
  - (d) have no gaps along the bottom between the barrier-fence and the ground.
- (iv) The fences required by (ii) and (iii) above shall be retained and maintained in perpetuity, and this shall be ensured by the imposition of a consent notice on the record of title of each affected lot within the Resource Area.

The substantive modification to the rule (the increase from 3m to 5m in clause (i)(b)) is evaluated against the relevant objective(s) of the RTRA as follows:

Relevant Objective(s)	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><b>20.3.10 Objective – Reverse sensitivity</b></p> <p><b>Activities adjacent to the Resource Area are protected from adverse reverse sensitivity effects, particularly Highlands Motorsport Park, Cromwell Speedway and horticulture activities/ orcharding, so that constraints on those activities resulting from reverse sensitivity effects are avoided.</b></p>	<p>The substantive modification requires that the proposed hedgerow along the western boundary be maintained to a minimum height of 5m rather than 3m.</p> <p>This is in response to the evidence of Ms Wickham for Public Health South that 3m would be too low to avoid the effects of spray drift crossing the boundary because the orchard trees are higher than 3m, but that 5m would be effective in managing spray drift.</p> <p>The costs are borne by the developer as part of the subdivision works, and in the ongoing maintenance, to be carried out by the individual landowners.</p> <p>The benefits include an effective method of mitigation of the potential effects of spray drift.</p> <p>The benefits outweigh the costs, and the modification is necessary to ensure that the rule is appropriate in contributing to achieving the objective.</p>

#### 4. Rule 20.7.3(viii)(l) Subdivision – Stage One development works

An addition to the rule is added to include alternative widths as approved by Council, as follows:

**(m) Stage One development works**

Stage One of the subdivision of the Resource Area shall comprise at least 400 residential lots, and shall include the following works:

- (i) The sealing of the balance of Sandflat Road to Pearson Road;
- (ii) The shoulder sealing of Pearson Road between Sandflat Road and Bannockburn Road;
- (iii) The intersection upgrades required at the State Highway 6 / Sandflat Road intersection under Rule 20.7.7(ii) (left turn deceleration and acceleration lanes);
- (iv) A formed off-road walkway/cycleway 3m wide, along
  - (aa) Sandflat Road, State Highway 6 and Cemetery Road (to the Cemetery Road / Chardonnay Street intersection); or
  - (bb) Sandflat Road and Pearson Road connecting River Terrace to Bannockburn Road; or
  - (cc) Any alternative route, width and distance approved by the Council.

The amendment to the rule is evaluated against the relevant objective(s) of the RTRA as follows:

<b>Relevant Objective(s)</b>	<b>Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits</b>
<b>20.3.6 Objective – Road network A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the existing transport network and possible future development in surrounding areas.</b>	<p>The modification is in response to Mr Whitney’s closing comments that the full 3m width may not be available at one point, and hence the modification provides discretion to the Council in relation to width.</p> <p>There are no particular costs of this addition to the rule, other than the potential for an alternative walkway / cycleway route to be less than 3m at a point, subject to the Council’s discretion that also includes the route / distance.</p> <p>The benefits include the ability for this matter to be addressed as necessary when the walkway / cycleway and any alternative options are proposed.</p> <p>The benefits outweigh the costs, and the method is the most appropriate in achieving the objective of walking and cycling links between the RTRA and other areas.</p>

**5. Rule 20.7.3(viii)(m) Subdivision – Stage Two development works**

A minor rule amendment is made to remove “for future roading purposes” as this wording is redundant, as follows:

**(m) Stage Two Development works**

Stage Two of the subdivision of the Resource Area (being the stage which enables the 401st residential lot to be created) shall include provision for an area of land at the Sandflat Road / State Highway 6 intersection to be vested in or transferred to the New Zealand Transport Agency ~~for future roading purposes~~. The area of land shall be located and dimensioned as determined by NZTA as being sufficient and appropriate to enable a roundabout (as designed by NZTA) to be constructed at the Sandflat Road / State Highway 6 intersection.

The amended rule is evaluated against the relevant objective(s) of the RTRA as follows:

Relevant Objective(s)	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><b>20.3.6 Objective – Road network</b> A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the existing transport network and possible future development in surrounding areas.</p> <p><b>20.3.7 Objective – Public infrastructure</b> Adequate connections to public infrastructure systems and appropriate distribution of infrastructure through the Resource Area, and an appropriate total number of dwellings within the Resource Area in line with servicing capacities.</p>	<p>The words “for future roading purposes” are redundant as the land vested or transferred to the NZTA would be used for the purposes that NZTA would determine at the time, in accordance with the balance of the rule.</p> <p>This amendment to the method is efficient to remove unnecessary language.</p> <p>There are no costs to this rule.</p> <p>The benefits are that the NZTA is not constrained by the wording of the rule.</p> <p>The amendment to the rule is therefore appropriate for achieving the objectives of a safe and efficient roading network and adequate connections to existing infrastructure.</p>

**6. Delete Rule 20.7.3(ix): Travellers Accommodation in Residential Sub Areas A and B**

The rule (as a restricted discretionary activity) is to be deleted:

~~**20.7.3 Travellers Accommodation in Residential Sub-Areas A and B**~~

~~Travellers accommodation in Residential Sub-Areas A and B is a discretionary (restricted) activity. The Council's discretion is restricted to the effects of~~

- ~~1. Compatibility with surrounding land use, character and amenity values;~~
- ~~2. Noise, lighting and loss of privacy;~~
- ~~3. Traffic generation, vehicle access and parking;~~
- ~~4. The nature and scale of the buildings and activities;~~
- ~~5. Hours of operation.~~

~~Reason:~~

~~The effects of travellers accommodation activities within the residential areas of the Resource Area have the potential to compromise residential amenity values through larger buildings and the generation of traffic and noise. Discretionary (restricted) activity status enables the Council to impose conditions that will ensure amenity standards are maintained, or if necessary to refuse consent for a proposal if adverse effects cannot be adequately avoided or mitigated by conditions.~~

The rule is to be relocated to 20.7.5(ix) (non-complying activities), as follows:

**(ix) Travellers Accommodation**

Reason:

The purpose of the Resource Area to provide for residential activities should not be undermined by development of travellers accommodation.

The modification from restricted discretionary status to non-complying status is evaluated against the relevant objective(s) of the RTRA as follows:

Relevant Objective(s)	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><b>20.3.1 Objective – Diversity of housing product and housing affordability and availability</b></p> <p><b>Increased short term (within 3 years) and medium term (within 10 years) housing supply, variety and choice by creating a well-designed residential development comprising a range of housing densities and typologies to enable a range of affordable price options available as soon as possible.</b></p>	<p>This rule is deleted in response to some submitters' and Mr Whitney's opposition to the rule. The removal of the rule reinforces the intent of the RTRA as a residential accommodation area, and recognises that providing for visitor accommodation has the potential to affect the residential supply, especially for long term rentals.</p> <p>Costs are to homeowners who may wish to use their residential property for traveller's accommodation.</p> <p>Benefits are to the stock of housing potentially available for longer term rental (as opposed to short term visitor rental) and to wider community from having permanent residents in an area contributing more to the sense of community.</p> <p>The modifications are an effective and efficient method for protecting the RTRA for residential accommodation and affordability.</p>

**7. Removal of Rule 20.7.3(x): Development of between 750 and 900 residential units within the Resource Area and additional clause 20.7.7(ii)(c) (General standards)**

Rule 20.7.3(x) is to be removed:

~~(x) Any subdivision or development which will result in the total residential units within the Resource Area exceeding 750. For the purposes of this rule a unit in a retirement development, intended for retirement living, is deemed to be 0.4 of a residential unit.~~

~~The Council's discretion is restricted to the effects on the safety and efficiency of the intersection of Sandflat Road and State Highway 6.~~

*Reason:*

*Development of more than 750 units within the Resource Area is likely to require an upgrade to the intersection of State Highway 6 and Sandflat Road. Discretionary (restricted) activity status enables the Council to assess the effects of any additional units on the performance of the intersection and either refuse the consent or impose conditions in respect of the performance of the intersection.*

The rule is replaced by an additional standard 20.7.7(ii)(c), as follows:

**Rule 20.7.7(ii): State Highway 6 / Sandflat Road intersection upgrade**

- (a) No more than 40 residential lots shall be created within the Resource Area until a median separated left-turn deceleration lane is constructed at the State Highway 6 / Sandflat Road to the NZ Transport Agency standards or as otherwise agreed with NZ Transport Agency.
- (b) No more than 300 residential lots shall be created within the Resource Area until a left-turn acceleration lane is constructed at the State Highway 6 / Sandflat Road intersection to the NZ Transport Agency standards or as otherwise agreed with NZ Transport Agency.
- (c) No more than 400 residential lots shall be created within the Resource Area until a Transportation Assessment is undertaken on the impact of stages of the development following Stage 1 on the safe and efficient operation of the SH6/Sandflat Road intersection, so as to determine the intersection improvements required (if any) to enable such stages of the development to be undertaken. The Transportation Assessment evaluation methodology and recommendations should be independently peer reviewed and any intersection improvements required for the SH6/Sandflat Road intersection agreed with the NZ Transport Agency. Any intersection improvement works required to mitigate the effects of the development at the SH6/Sandflat Road intersection shall be implemented as required by the outcome of that Transportation Assessment to the NZ Transport Agency standards or as otherwise agreed with the NZ Transport Agency.

*Reason:*

*Development within the Resource Area will require upgrades to the State Highway 6 / Sandflat Road intersection.*

modified to include an additional requirement that no more than 400 residential lots are created before the benefit of the Transportation Assessment in the impact of the development on the intersection, as follows:

The modifications are evaluated against the relevant objective(s) of the RTRA as follows:

<b>Relevant Objective(s)</b>	<b>Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits</b>
<b>20.3.6 Objective – Road network</b> <b>A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the existing transport network and possible future</b>	The modifications are in response to the evidence of Mr Shaw for the NZTA and after additional consultation between the proponent and Mr Shaw. The rule amends the trigger for a further Transportation Assessment from 740 lots down to 401 lots, which satisfies NZTA’s concerns regarding traffic

<p>development in surrounding areas.</p> <p><b>20.3.7 Objective – Public infrastructure</b></p> <p><b>Adequate connections to public infrastructure systems and appropriate distribution of infrastructure through the Resource Area, and an appropriate total number of dwellings within the Resource Area in line with servicing capacities.</b></p>	<p>safety.</p> <p>There are no costs of the modifications other than the costs of the additional assessment but that would have been required in any case.</p> <p>The benefits are that the optimal roading solution can be assessed and established in conjunction with the NZTA.</p> <p>This benefit outweighs the cost, and the method contributes effectively to achieving the objectives.</p>
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**8. Rule 20.7.6(ii): Failure to comply with Rule 20.7.7(xii) within time period**

An amendment to the rule is proposed to as follows:

**(ii) Failure to comply with Rule 20.7.7(xii) within time period**

- (a) The sale of 200 affordable lots and 200 affordable houses as required by Rule 20.7.7(xii) must be completed within three years after the date Plan Change 13 (creating the Resource Area) becomes operative, subject to subclause (b) below.
- (b) The three year period referred to in subclause (a) above shall be extended by the following periods (excluding any part of such periods between the date the Council requests further information in order to process the relevant application and the date the applicant supplies that information to the Council):
  - (aa) if any application for resource consent necessary to comply with Rule 20.7.7(xii) is publicly notified, that period between the date of public notification and the date the resource consent becomes operative;
  - (bb) if the Council fails to process any resource consent application required to comply with Rule 20.7.7(xii) within three months after the application is lodged, the period by which the time taken to process the resource consent application exceeds three months;
  - (cc) if the Council fails to process any application for subdivision engineering approval required to comply with Rule 20.7.7(xii) within three months after the application is lodged, the period by which the time taken to process the application for engineering approval exceeds three months;
  - (dd) if the Council fails to process any application for s224(c) certification required to comply with Rule 20.7.7(xii) within one months after the application is lodged, the period by which the time taken to process the application for s224(c) certification exceeds one month;
  - (ee) if the Council fails to process any building consent application required to comply with Rule 20.7.7(xii) within three months after the application is lodged, the period by which the time taken to process the building consent application exceeds three months
  - (ff) If any affordable lot or affordable house required to be sold under Rule 20.7.7(xii) is completed and



marketed for sale at a price within the required price range, and does not sell, the period between the date one month after marketing commences and the date the affordable lot or affordable house is sold.

- (c) If this standard is breached, any subdivision or land use which requires resource consent is a prohibited activity during the period between the date of breach and the date the breach is remedied provided that this subclause does not apply to any application for subdivision or land use consent required to remedy enable the breach to be remedied so that the requirements under this rule are complied with.

The modifications are evaluated against the relevant objective(s) of the RTRA as follows:

Relevant Objective(s)	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><b>20.3.1 Objective – Diversity of housing product and housing affordability and availability</b></p> <p><b>Increased short term (within 3 years) and medium term (within 10 years) housing supply, variety and choice by creating a well-designed residential development comprising a range of housing densities and typologies to enable a range of affordable price options available as soon as possible.</b></p>	<p>The modification to the rule ensures that the developer cannot take advantage of the time extensions available under the rule by not responding to any further information request.</p> <p>There are no costs of this modification.</p> <p>The benefits include the incentivisation of responding to any further information requests in a timely manner.</p> <p>The method is appropriate for achieving the objective, in relation to providing affordable product as soon as possible, and incentivising this outcome.</p>

**9. Rule 20.7.7(viii): Reverse sensitivity covenants and Rule 20.7.7(ix): Reverse sensitivity – Orchard activities**

Rule 20.7.7(viii) is modified to make minor changes to ensure the legal intent of the rule is carried out, as follows:

**(viii) Reverse sensitivity covenants**

...

- (b) For the purposes of this rule a “restrictive no-complaint covenant” is a restrictive covenant which:
  - (i) is registered against the records of title(s) to all of the burdened land on which the activities will take place (being all of the land within the Resource Area) for the benefit of the benefited land; and is registered upon deposit of the Stage One subdivision plan;
  - (ii) in the case of the Motorsports Covenant Land prevents any owner or occupier of the burdened land from complaining about or taking any steps to prevent or limit motorsports and related activities lawfully carried out as authorised by the terms and conditions of resource consent numbers RC070149 and RC150225

including any variations operative prior to 19 May 2018.

- (iii) in the case of the Speedway Covenant Land, prevents any owner or occupier of the burdened land from complaining about or taking any steps to prevent or limit speedway and stock car track and related activities lawfully carried out as authorised by the terms and conditions of the planning consent for those activities issued by the (former) Vincent County Council dated 29 September 1980 including any variations operative prior to 19 May 2018;
- (iv) in the case of any Orchard Covenant Land, prevents any owner or occupier of the burdened land from complaining about or taking any steps to prevent or limit:
  - (aa) noise being **lawfully** generated in the normal course of orcharding activities being undertaken on the benefited land, including noise from frost-fighting, bird-scaring and orchard-related helicopter activities;
  - (bb) smoke from the burning of wood and foliage on the benefited land as a result of orchard tree trimming and replacement activities;
  - (cc) spray drift resulting from orchard spraying activities on the benefited land;
- (v) in the case of the Aerodrome Covenant Land, prevents any owner or occupier of the burdened land from complaining about or taking any steps to prevent or limit aerodrome activities;
- (vi) is binding on successors in title;
- (vii) is in the format detailed in Rule 20.7.13, Rule 20.7.14 or Rule 20.7.15 (whichever is applicable) or alternative wording approved by the Council. In the case of the Aerodrome Covenant Land, the covenant shall be in the format detailed in Rule 20.7.14 except that the Approved Activities will be activities associated with the operation of an aerodrome on the Aerodrome Covenant Land.

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The modifications are evaluated against the relevant objective(s) of the RTRA as follows:

Relevant Objective(s)	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><b>20.3.10 Objective – Reverse sensitivity</b></p> <p><b>Existing activities adjacent to the Resource Area are protected from adverse reverse sensitivity effects particularly Highlands Motorsport Park, Cromwell Speedway and horticulture activities/orcharding, so that constraints on those activities resulting from reverse sensitivity effects are avoided.</b></p>	<p>The modifications ensure that the restrictive covenants are registered against the titles to all of the RTRA land upon the deposit of the first plan of subdivision for Stage One, to ensure that all of the RTRA land is subject to the covenants from the outset of the development.</p> <p>There are no costs to the amendments; the covenants would be registered at some point in time so the costs arise regardless.</p> <p>The benefit is that the covenants are registered early in the RTRA development process.</p> <p>The additions assist in and are appropriate for</p>

	ensuring that the objective for protecting adjacent activities from reverse sensitivity effects is achieved.
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**10. Rule 20.7.7(x): Heating**

The rule is modified to reflect the correct Otago Regional Council Air Shed particulate emission rates; as follows:

**(x) Heating**

Any ~~wood burner~~ domestic heating appliance installed has a discharge of less than 1.5g/kg of dry wood burnt particulate emission rate of 0.7g/kg or less of fuel burnt and has a thermal efficiency of not less than 65%.

The modified rule is evaluated against the relevant objective(s) of the RTRA as follows:

Relevant Objective(s)	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><b>20.3.11 Objective – Healthy buildings</b></p> <p>Construction of buildings that provide quiet and healthy internal environments that protect residents, to the extent necessary, from effects of existing activities adjacent to the Resource Area.</p>	<p>The modifications impose the Airshed One control criteria over home heating appliances and to include coal burning appliances, to ensure that the standards within the RTRA are same as those that apply in Central Cromwell.</p> <p>There are no costs arising from this modification, and benefits from consistency with controls applying elsewhere in Cromwell.</p> <p>The method is effective in achieving the objective.</p>

**11. Rule 20.7.7(xii): Sale prices**

An amendment to the rule is added to ensure that family concessions are not gained (in terms of affordability), as follows:

**(xii) Sale prices**

- (c) Compliance with this standard shall be demonstrated by delivery to the Council of a copy of the relevant sale and purchase agreement together with written confirmation from a law firm that the affordable lot or affordable house was sold at the price specified in the sale and purchase agreement and that the purchaser was not related to the vendor.

The modification is evaluated against the relevant objective(s) of the RTRA as follows:

Relevant Objective(s)	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><b>20.3.1 Objective – Diversity of</b></p>	<p>The addition to the rule responds to concerns</p>

<p><b>housing product and housing affordability and availability</b></p> <p><b>Increased short term (within 3 years) and medium term (within 10 years) housing supply, variety and choice by creating a well-designed residential development comprising a range of housing densities and typologies to enable a range of affordable price options available as soon as possible.</b></p>	<p>expressed that the developer may seek to evade the obligations imposed under the rule by selling to a related entity.</p> <p>There are no particular costs arising from this addition.</p> <p>The benefit is that the rule better states the proponent's intent.</p> <p>The benefits outweigh the costs and the rule is the most appropriate way to achieve the objective for affordable housing product.</p>
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