

**RESOURCE MANAGEMENT ACT 1991**

**FORM 5**

**SUBMISSION ON NOTIFIED PROPOSED PLAN CHANGE  
TO CENTRAL OTAGO DISTRICT PLAN**

*Clause 6 of Schedule 1, Resource Management Act 1991*



**To:** Central Otago District Council  
PO Box 122  
ALEXANDRA 9340

**Name of Submitter:** ..... Kawarautrust Orchard Limited, 14 Pearson Road, Cromwell .....  
(Full name)

This is a submission on proposed Plan Change 13 to the Central Otago District Plan (the proposal).

We ~~could~~/could not\* gain an advantage in trade competition through this submission.  
(\* Select one)

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

The whole of proposed Plan Change 13  
.....  
.....  
.....

(Please give details and continue on additional page if necessary)

**Our submission is:**

.....  
.....  
.....

(Please include:

- whether you support or oppose the specific provisions or wish to have them amended; and
  - reasons for your views;
- and continue on additional page if necessary)

**We seek the following decision from the local authority:**

Proposed Plan Change 13 be declined in full  
.....  
.....  
.....

(Please give precise details)

**We wish/~~do not wish~~ to be heard in support of our submission.**  
(Please strike out as applicable)

**If others make a similar submission, we will consider presenting a joint case with them at a hearing.**  
(Please delete if you would not consider presenting a joint case)

.....  
**A J Logan**  
**Lawyer for Kawarau Trust Orchard Limited**

20 June 2018 .....

**Date**

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..... Barristers & Solicitors .....  
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..... DX: YP80015, Dunedin .....

**Contact Person:** ..... Alastair Logan, Partner .....  
(name & designation, if applicable)

**SUBMISSIONS CLOSE IN RESPONSE TO PROPOSED PLAN CHANGE 13 ON**  
**WEDNESDAY 20 JUNE 2018**

**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.

**Our submission is:**

We oppose proposed Plan Change 13 ("PC13") because:

**General**

1. If approved, the resulting scale and intensity of development would detract from the rural/rural residential amenity enjoyed by us.
2. There will be the loss of land available for horticultural production, which is consistent with the existing zoning of the PC13 site.
3. PC13 represents undesirable and ad hoc expansion of the Cromwell township.
4. Adoption of PC13 pre-empts the comprehensive and logical approach to managing the development of Cromwell, promoted by the Central Otago District Council when it initiated the "*Eye to the Future*" masterplan.

**Traffic**

5. The traffic assessment supporting PC13 considers that traffic will likely use State Highway 6 to travel to and from Cromwell from the plan change site.
6. State Highway 6 is unsuitable for pedestrian and cyclist travel to and from Cromwell.
7. There will be increased congestion on State Highway 6.
8. There will be a significant increase in traffic volumes on Pearson Road, State Highway 6 and Bannockburn Road.
9. The high speed environment of State Highway 6 and the increasing delays as the PC13 site becomes more fully developed will lead to more traffic using Sandflat Road/Pearson Road/Bannockburn Roads to travel to and from Cromwell. The transport assessment recommends upgrading part of Sandflat Road only.
10. No assessment of the current state and suitability of the southern part of Sandflat Road and the other rural roads which serve as alternative routes to Cromwell have been provided.
11. Part of Sandflat Road is not sealed, so the effects of increased traffic on this part of the road network could be significant.
12. The PC13 transport assessment contends that pedestrian and cycle connections to Cromwell are unnecessary due to distance. The proposal aims to include a portion of affordable housing and will continue to rely on the amenities and commercial services provided in the Cromwell town centre. On that basis, safe pedestrian and cycle routes are essential.

13. If the PC13 site is not close enough to the Cromwell town centre to warrant pedestrian and cycle infrastructure, it is not a suitable location for urban development, and affordable housing.

#### **Objectives, Policies and Rules**

14. The proposed Objective, Policy and Rule framework are deficient. By way of example only:
15. Policy 20.4.11 is to manage reverse sensitivity effects on nearby activities. This policy framework is not strong enough to prevent adverse effects on existing lawfully established activities. The policy should be to "avoid" adverse effects because of the gravity of those effects, particularly reverse sensitivity effects.
16. Rule 20.7.3(viii)(f) requires a 2m width vegetation buffer for sites on the boundaries of the plan change site. This appears to be in response to the NZ Standard for the Management of Agrichemicals. The NZS requirements are not provided verbatim in PC13, but it appears that these requirements relate to shelterbelts. The rule requires a minimum height at planting of 2m, however there is no minimum height at maturity specified for this vegetation buffer. There is no certainty that a 2m high vegetation buffer is capable of providing the "shelter" envisaged in the New Zealand Standard.

#### **National Policy Statement for Urban Development Capacity**

17. The National Policy Statement seeks effective and efficient urban environments that enable people to provide for their social, economic, cultural and environmental wellbeing. It promotes urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other. The documents supporting PC13 only focus on the urban environment being created within the plan change area, and not the wider environmental context.
18. For the reasons already given, the PC13 site is unsuitable for residential use and will not provide for the wellbeing of its residents.
19. PC13 relies on the amenities and services of the Cromwell township, but the PC13 site is a significant distance from the town centre, and no attempt has been made to provide for connections back to the Cromwell township, except by private vehicle using State Highway 6.
20. The NPS also requires decision makers to consider the effects of urban development at the local, district, regional and greater scales. Both the horticultural industry and the Highlands Motorsport Park have a significant economic benefit to the Cromwell area and beyond. This proposal has the potential to severely compromise the viability of these lawfully established activities and reduce their social and economic contribution to the community.
21. PC13 is not required nor justified by the National Policy Statement on Urban Development Capacity.

#### **Other Planning Instruments**

22. PC13 is contrary to the purpose and principles of the Resource Management Act.

23. PC13 is contrary to and does not give effect to the Operative Regional Policy Statement, in particular 5.4.1, 5.4.2, 5.5.2, 5.5.3, 5.5.4, 9.4.1, 9.5.2, 9.5.3, 9.5.4 and 9.5.5.
24. PC13 is contrary to and does not have regard to the Proposed Regional Policy Statement, in particular Chapter 1, Objective 3.1, Policy 3.1.7, Objective 4.3, Objective 4.5, Policies 4.5.1 to 4.5.3, Objective 5.3, and Policy 5.3.1.
25. PC13 is contrary to the objectives and policies of the Central Otago District Plan, in particular Objectives 4.3.1 and 4.3.7, Policies 4.4.3, 4.4.6, 4.4.8, 4.4.9 and 4.4.10, Objectives 6.3.1, 6.3.2, 6.3.3, 6.3.4 and 6.3.6, Policies 6.4.1, 6.4.2 and 6.4.4, Objectives 7.1.1 and 7.1.2, Policy 7.2.1, Objectives 13.3.1, 13.3.2 and 13.3.5, Policy 13.4.2, Objectives 16.3.1, 16.3.2, 16.3.4 and 16.3.5, and Policies 16.4.1, 16.4.3 and 16.4.7.

### **Resource Management Principles**

26. Spot rezoning of the kind contemplated by PC13 is undesirable and inappropriate. Expansion of Cromwell should take place in a rational, orderly and comprehensive manner. The Central Otago District Council has initiated "*An Eye to the Future*" masterplan to inform the systematic and orderly development of the township. That process and related initiatives should not be pre-empted by adoption of PC13.
27. Any expansion of the township should be carried out in a careful, strategic and coordinated manner. PC13 does not represent a careful, strategic or coordinated extension of the township.
28. The proposed development is disconnected from the Cromwell Town Centre and does not represent a logical extension of the township.
29. The PC13 site does not readily connect with or integrate into the existing urban area of Cromwell.
30. PC13 is an unjustified and ad hoc urban encroachment into the Rural Resource Area.
31. The PC13 site is inappropriate for the proposed form, density and type of land development and use.
32. There is currently sufficient land available for residential purposes in Cromwell without adopting PC13.