

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: WERNER MURRAY
(Full name)

This is a submission on proposed Plan Change 14 to the Central Otago District Plan (the proposal).

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

I am/am not* directly affected by an effect of the subject matter of the submission that-

- (a) adversely affects the environment; and
- (b) ~~does not relate to trade competition or the effects of trade competition.~~
(Delete entire paragraph if you could not gain an advantage in trade competition through this submission)
(* Select One)

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

The entire proposal

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

My submission is:

Please see attached

(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)

I seek the following decision from the local authority:

Decline the proposal in its entirety - does not meet the purpose of the RMA.

(Please give precise details)

I wish/do not wish to be heard in support of my submission.
(Please strike out as applicable)

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


.....
Signature of Submitter

(or person authorised to sign on behalf of submitter)

(A signature is not required if you make a submission by electronic means)

12/12/2019
.....
Date

Electronic address for service of submitter:

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Contact Person:

.....
(name & designation, if applicable)

**SUBMISSIONS CLOSE IN RESPONSE TO PROPOSED PLAN CHANGE 14 ON
WEDNESDAY 18 DECEMBER 2019**

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.

12/12/2018

Submission to Central Otago District Council Plan change 14

Werner Murray

The proposed development is out of centre, not suitable to its surrounds, not integrated into the community and above all pre-empted the district plan review that is a public process that Central Otago District Council are currently undertaking.

The Cromwell Community (rate payers) have committed over \$1million to ensuring that this process is done right. While it is acknowledged that a land owner may request a plan change at any time my submission below will demonstrate how out of step and inappropriate the proposal is with the locality, that the objectives put forward cannot meet part 2 of the RMA.

Zoning

A residential subdivision of allowing for a minimum lot size of 2,000m², in the Rural Resource area, disguised under the name of "rural residential" land is not an efficient use of Highly Productive Land.

The CODC District Plan is not like other district plans where the Rural Residential zone/resource area, is a separate zone. In the CODC Plan the Rural residential zone is a subset of the rural resource area. Minimum lot sizes in this resource area are large enough for these lots to still have a productive use. For instance, areas around Ripponvale Road, and Pearson Road are some of the most productive cherry growing areas in the basin and is zoned Rural Residential.

The application states that the proposal is for rural zoning:

Regardless of whether Cromwell itself is an "urban environment", the current and proposed zoning of the application site is rural.

Within the context of the CODC plan Rural Area means all that area of the District that is not urban area. Chapter 4 of this district plan states the following (underlined for emphasis):

*The Rural Resource Area comprises the rural environment of the District. This area has been identified as distinct from the urban areas of the District on the basis of its environmental character. The amenity values of the rural environment are dominated by Central Otago's unique, semi-arid landscape of broad basins separated by low mountain ranges with sparse vegetation, covered in tussock grassland and exotic pasture, and broken by schist rock outcrops. This landscape retains a high natural character and has significant scenic values and some of it is identified in this District Plan as an outstanding natural landscape or outstanding natural feature. These values can be enhanced by human made elements which **include orchards and vineyards; homesteads accompanied by stands of trees (often poplars); remnant stone cottages; small irrigation and stock water dams and water races; energy generation facilities; and shelter belts of trees.** Former mining sites also give the District a distinctive character. For many people it is the reason they reside and recreate here, and that became particularly apparent during the community consultation phase of the Rural Study which was carried out in 2005 and 2006. Activities that locate within the rural environment do so generally for one of four reasons.*

- (i) They are **reliant upon the resources of the rural area.** For example, farming activities need large areas of open land, while horticulture and viticulture activities need particular soil

types in combination with a number of other factors, particularly climatic conditions and irrigation.

- (ii) They need to be **close to an activity that is reliant upon the resources of the area**. For example, a pack house or a juice factory needs to locate near the fruit source and a winery/wine making facility needs to locate near the grape source.
- (iii) They **need a large open space where they can generate effects without significantly affecting more sensitive activities**. For example, an abattoir which generates discharges (including odour) or a transport yard which generates high levels of traffic. (iv) Persons wish to enjoy the lifestyle opportunities offered by its open space, landscape and natural character amenity values.
- (iv) **They need to locate directly adjacent to the resource**. For example, mineral extraction and related activities do not have the ability to locate anywhere other than directly adjacent to where the deposit occurs. The provisions of Section 4 apply within the area shown as Rural Resource Area on the planning maps.

The proposal is for lots as small as 2000m². In accordance with the reasons for activities locating to the rural resource area above, the proposal does not meet these. The debate around reliance upon the resources of the rural area as a reason to locate to the rural area is a long one. In a nutshell there is no need for a 2000m² site to locate to the rural resource area as there is no reliance on the resource. In fact 2000m² sites and the uses that can occur on those sites are readily available in the Residential Resource Areas (RRA). For instance RRA(4).

The Residential Resource Area 4 states:

The area is capable of accommodating low density residential development in a manner that provides privacy for the occupiers of dwelling houses and maintains the rural character of Bannockburn.

There is plenty of land that has zoning capable of accommodating 2000m² sites without classifying them as **“rural residential”** in order to have this type of development approved in the rural resource area. Further RRA(2), RRA(6), and RRA(7) also refer to residential lots having rural amenity.

Categories of development in the Residential Resource Area and minimum lot sizes:

Residential Resource Areas		Residential Resource Areas that allows for rural amenity	
RRA(1)	3000m ²	RRA(2)	4000m ²
RRA(3)	1000m ²	RRA(4)	1500m ²
RRA(5)	3000m ²	RRA(6)	4000m ²
RRA(8)	1500m ²	RRA(7)	1ha
RRA(9)	6000m ²		
RRA(10)	800m ²		
RRA(11)	400m ²		
RRA(12)	500-1000m ²		
RRA(13)	600-1000m ²		

Table 1: Existing Residential resource areas and minimum lot sizes

The appropriate policy test for this proposed plan private plan change is as converting rural land to urban residential land in a receiving environment completely surrounded by rural development.

Adverse effects of this plan change on the environment, scarce and hotly contested resources (like water and agricultural land) and the cultural impacts on a community living within in the Cromwell Basin will be significant. As such it is my view that the purpose of the Act cannot be met should the proposed plan change go ahead.

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 well-being 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.*

Due to the location, and scale of the proposal, effects generated by the proposal cannot be remedied or mitigated and therefore it is my view that the proposed uses be avoided and the Plan Change should be declined.

Sound Resource Management Practice

Further given that the CODC are currently going through a plan change process it is my view that the plan change should be rejected on the grounds that the request or part of the request is not in accordance with sound resource management practice. An example of this is that the Queenstown airport started on a private plan change process but given that the QLDC were going through a Council lead plan change they opted to abandon the private plan change process in favour of the Council lead plan change process due to the difficulties around running two processes in tandem. As such the private plan change was abandoned as the sound resource management practice was to run one process at a time.

Urban Development Bill

Not addressed

Highly Productive Land

This has been attempted to be addressed through an assessment on productive soils. As the NPS for Highly Productive Land indicates the assessment of the loss of productive land is far more comprehensive. Given that the proposal is located in a very well established horticultural area the assessment undertaken as part of this proposal does not assess these effects noting the requirements under Schedule 1 that any information required by this schedule, must be specified in sufficient **detail** to satisfy the purpose for which it is required.

There is no assessment around how the residential uses within the site might respond to the reverse sensitivity on the site.

Efficient, co-ordinated, integrated greenfields development

While co-ordinated and efficient green-fields development are desirable outcomes for a district plan, especially in a town that is experiencing rapid growth, this plan change does not achieve this outcome for the following reasons.

- Plan Change 14 is not a logical progression for residential development (noting that rural residential development has been applied for) for Cromwell,
- This plan change will result in out of centre development,
- Cromwell is going through a process of a master plan and a district plan review year at great cost in both time and money to the community and this plan change will undermine that process. Further it is not in accordance with the Cromwell Master Plan,
- Successful development needs to be supported by infrastructure which is not present

Diversity of housing product, economies of scale and housing affordability

Increased density does not mean affordable housing on its own.

Public infrastructure

Oppose all provisions that support this objective – Extending services to this part of the basin at this point in time are not economically viable for the community in the long run. While it is acknowledged that the developer will indirectly fund the installation of the infrastructure (after which it will pass to the new home owners in the land cost), this will then become a council and ratepayer burden. Further to this I add:

- The wastewater ponds capacity have not been calculated only speculated, insufficient evidence provided in terms of capacity
- Infrastructure will be too expensive for a satellite development.
- Impact on Community and services offered - such as employment opportunities, libraries, recreation areas, swimming pools have not been taken into account.

G6.1 – Compatibility with surrounding activities

Cromwell is in a basin that is constrained for space due to the lake, and steep mountains. Add to this the competition for good agricultural land, industrial land and land suitable for dwellings. As previously mentioned Central Otago District Council has spent considerable time and effort in addressing these issues in an appropriate and holistic way. This plan change request falls well short of conducting such an in-depth study, and is naïve in presuming that because the adjoining orchards have been dealt with by way of covenant that all compatibility issues go away.

The airport has noise effects that extend beyond its boundaries.

Gas guns that go all day, and helicopter frost fighting that starts up from 2-3am onwards have noise effects that reach from across the State Highway – these have not even been considered.

Reverse sensitivity from agricultural sprays on residential activities have not been adequately addressed.

None of this considers the integrated way in which the basin functions and what impacts this plan change will have on a small community that will almost be doubled by this plan change.

Other matters

- Excess light emission is an issue in our district – this has not been addressed.
- Trails and public access are a positive effect of the development.