

DECISION OF THE CENTRAL OTAGO DISTRICT COUNCIL

REQUESTED PLAN CHANGE 15 :

THE CLYDE CLAIM LIMITED, HOULAHAN ENTERPRISES LIMITED, COLIN FREDERICK FOSTER & VICKI ANNE GEYTHA GILLIES AND OSTEX CORPORATION LIMITED, CLYDE : PC 0015

1.0 INTRODUCTION

On 3 March 2020 The Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Limited (the requestors/requestor) requested a change to the Central Otago District Plan (Operative District Plan/District Plan) pursuant to section 73(2) and clause 21(1) of Part 2 of Schedule 1 to the Resource Management Act 1991 (the Act/RMA).

The requested plan change provides for the zoning of land to the south-east of the existing town of Clyde from Rural Resource Area [subject to the Rural Residential notation] to Residential Resource Area to make additional land available for future residential subdivision and development at Clyde. The plan change also applies the Building Line Restriction notation to part of the land subject to the requested plan change. The land subject to the requested plan change, as described in the request document, has a total area of approximately 13 hectares and includes Lot 2 DP 18990 (Record of Title 17D/327 – 11 Sunderland Street), Lot 2 DP 331535 (RT 129618 – 74 Mutton Town Road), Lot 1 DP 525753 (RT 842309 – 86 Mutton Town Road), Lot 2 DP 525753 (RT 842310 – 98 Mutton Town Road) and part of Mutton Town Road (to be stopped).

The Council accepted the request pursuant to clause 25(2)(b) of Part 2 of Schedule 1 to the Act on 3 June 2020.

2.0 PUBLIC NOTIFICATION, SUBMISSIONS & FURTHER SUBMISSIONS

The requested plan change was publicly notified as Plan Change 15 on 11 July 2020 and the closing date for submissions was 10 August 2020. It was understood that some 14 submissions were received in response to the requested plan change.

A summary of the 14 submissions referred to above was notified for further submissions on 29 August 2020, with further submissions closing on 11 September 2020. Some 4 further submissions were lodged by the requestors in response to four of the 14 submissions.

On 23 September 2020 it was found that a submission had been made in response to Plan Change 15 by Waka Kotahi NZ Transport Agency (Waka Kotahi). That submission had been lodged via email on 10 August 2020 with the Council but unfortunately had been overlooked when the submissions on Plan Change 15 were collated for further processing.

A supplementary summary of the submission by Waka Kotahi was notified for further submissions in response to that submission only on 3 October 2020, with further submissions in response to the Waka Kotahi submission closing on 16 October 2020. A further submission was lodged by the requestors in response to the submission by Waka Kotahi.

On 8 October 2020 Waka Kotahi lodged further submissions in response to two of the 14 submissions received in response to Plan Change 15. As the submission by Waka Kotahi was omitted from the summary of submissions notified on 29 August 2020; Waka Kotahi was not notified of the summary of the 14 submissions referred to above or of the period for lodging further submissions. As a consequence the further submissions by Waka Kotahi were prepared and lodged with the Council subsequent to the closing date for further submissions being 11 September 2020.

Section 37 of the Act provides for a local authority, in any particular case, to extend a time period or to waive a failure to comply with the time for serving documents. Having taken into account the matters listed in section 37A(1) of the Act and, in particular, the interests of the community in achieving adequate assessment of the effects of Plan Change 15, the late further submissions by Waka Kotahi are hereby accepted pursuant to section 37 of the Act.

A composite summary of all submissions and further submissions received in response to requested Plan Change 15 has been posted on the Council's website at <https://www.codc.govt.nz/publications/plans/district-plan/plan-changes/Pages/default.aspx>.

3.0 HEARING

The Council's Hearings Panel conducted a hearing with respect to requested Plan Change 15 and submissions and further submissions relating thereto at Alexandra on 19 November 2020 pursuant to clauses 29(1) and 8B of Schedule 1 to the Act.

The requestor exercised its right to appear pursuant to clause 29(3) of Schedule 1; and also as a further submitter. The requestor was represented by Mr Peter Dymock of Paterson Pitts Limited Partnership; and he was accompanied by Messrs Colin Foster, Pat Houlahan and Mark Laing who represented the requestors. Also present was Mr Simon Kelsall, a representative of Health Providers Associates (HPA), being the project managers and designers of a proposed retirement village planned for the Plan Change 15 land. Evidence for the requestors had been lodged with the Council by Mr Dymock and dated 5 November 2020; and Mr Dymock also presented written submissions in support of the requested plan change at the hearing. Those accompanying Mr Dymock were available to answer questions from the Hearings Panel.

Several submitters and further submitters appeared at the hearing. These included (in order of appearance) Gemma Kean and Lisa Clifford, being a Senior Planner and a Senior Safety Engineer, respectively, for Waka Kotahi New Zealand Transport Agency; David Smythe; Esther Weatherall; and Mark Weatherall. It is noted that Ms Kean participated in the hearing remotely; and that the Weatheralls made a joint presentation.

The Hearings Panel was provided with a copy of each submission and further submission; and it is emphasised that the contents of all submissions and further submissions have been considered by the Hearings Panel irrespective of whether individual submitters or further submitters appeared at the hearing.

The Council's Hearings Panel has now given consideration to the contents of requested Plan Change 15 and to the contents of all submissions and further submissions lodged in response thereto.

4.0 SCOPE OF PROPOSAL

Plan Change 15 amends Map 11 in Volume 2 of the Operative Central Otago District Plan to apply the Residential Resource Area to approximately 13 hectares of land that has frontage to Mutton Town Road, Hospital Street, Sunderland Street and State Highway 8, generally to the south-east of the existing town of Clyde. Map 11 is also to be amended to apply the Building Line Restriction notation offset 20 metres from the legal boundary of State Highway 8 on that part of the Plan Change 15 land that is adjacent to State Highway 8.

Plan Change 15 as notified amends Section 7 : Residential Resource Area in Volume 1 of the Operative Central Otago District Plan to insert a new Rule 7.3.5(viii) that stipulates that

subdivision and residential development on the Plan Change 15 land prior to the provision of a reticulated wastewater disposal scheme at Clyde that is capable of servicing the Plan Change 15 land is a non-complying activity; to insert a new Rule 7.3.6(vi)(h) that stipulates that no residential lots on the Plan Change 15 land shall have direct access to State Highway 8, Sunderland Street and Mutton Town Road and that road access to any subdivision and residential development on that part of the Plan Change 15 land closest to Sunderland Street shall be from Sunderland Street only (breach to be a non-complying activity); to insert a new Rule 7.3.6(xii)(c) that stipulates that new residential buildings within 80 metres of the seal edge of State Highway 8 meet noise performance standards (breach to be a discretionary (restricted) activity); and to insert a new Rule 7.3.6(xiii) that requires a landscaped strip within the 20m Building Line Restriction (breach to be a discretionary activity).

Plan Change 15 also makes provision for any necessary consequential amendments to the Central Otago District Plan resulting from the provisions of Plan Change 15 as summarised above.

5.0 DOCUMENTS IN SUPPORT OF REQUESTED PLAN CHANGE

5.1 Request Document

The private plan change request document entitled “The Clyde Claim Limited & Houlahan Enterprises Ltd, Colin Foster, Vicki Geytha Gillies & Ostex Corporation Ltd Request for a Change to the Operative Central Otago District Plan” prepared by Paterson Pitts Limited Partnership (Alexandra Office) that is dated 27 February 2020 provides background information relevant to the proposed plan change. The request document provides information with respect to the site, the existing environment, the purpose and reason for the request (the objectives of the request), the proposed changes to the Operative District Plan sought in the request, and a discussion of the relevant statutory matters.

The purpose and reason for the request (being the objectives of the request) are stated in Section 4.0 of the request document as follows:

“There is a demand for more residentially zoned land in Clyde to accommodate projected population growth in the township. However, Clyde has reached the limits of its existing urban zoning. There is no more land available for future subdivision and development in Clyde. Clyde does not currently have a reticulated waste water system and this has prevented any further expansion of the township’s urban form – effectively an “urban growth ring”, with the inevitable escalation of property prices that goes with restricting the supply of land. The current requirement for a minimum lot size of 800m² (because of the lack of reticulated wastewater) has also prevented any infill development of existing residential sections. However, the instigation of the Clyde Wastewater project now provides the opportunity for Council to zone further “greenfields” land to cater for urban growth.

....

This site is the most suitable direction for Clyde to expand: ...

Clearly, it is self-evident that this site is the logical area to accommodate future residential growth in Clyde.’.”

The Evaluation under Section 32 of the Act (Appendix E to the request document) states in Section 1.0 the objectives of the request as being:

- *To re-zone the site to provide sufficient residential development capacity to satisfy the reasonably foreseeable demand for new residential housing in Clyde*
- *To provide for a wide range of section sizes to enable more affordability and choice of housing typologies to cater for changing demographics and market preferences, including the possibility of a retirement village.*
- *To retain flexibility to respond to changing market place preferences in an efficient manner.*
- *To provide for a high level of residential amenity that is compatible with that of the existing Clyde Township and a safe and efficient transport network that integrates well into the existing Clyde Township.*

The request document in Section 5.0 presents the proposed amendments to the Operative Central Otago District. Attached to the request document is a plan showing the Plan Change 15 land (Appendix A); the Records of Title for the Plan Change 15 land (Appendix B); a plan showing that part of Mutton Town Road to be stopped (Appendix C); an Assessment of Environmental Effects (Appendix D); and an Evaluation under Section 32 of the Act (Appendix E). Also attached to the request document are supporting technical assessments and reports as follows:

- Clyde Residential Growth & Demand Analysis prepared by Market Economics Limited (ME Consulting) dated 28 February 2020 (Appendix F).
- Integrated Transport Assessment prepared by WSP dated 28 February 2020 (Appendix G).
- Detailed Environmental Site Investigation & Preliminary Environmental Site Investigation [Soil Contamination Assessment] both prepared by Insight Engineering and both dated 2 March 2020 (Appendix H).
- Infrastructure Report prepared by Paterson Pitts Limited Partnership dated 27 February 2020 (Appendix I).

6.0 MATTERS RAISED IN SUBMISSIONS

To avoid preparing an unnecessarily lengthy decision, and to avoid repetition, matters raised in submissions and discussed at the hearing (including modifications accepted by the requestor) are addressed throughout this decision and particularly when addressing the effects on the environment of the proposal; and matters raised in submissions are not discussed on a submission by submission basis.

As noted above 15 original submissions have been received; and 7 further submissions have also been received. An analysis of the original submissions lodged indicates that 10 (66.7%) unconditionally support and 2 (13.3%) conditionally support Plan Change 15. Three submissions (20.0%) oppose Plan Change 15; these submissions opposing the proposal in whole or in part. In summary 12 submissions (80.0%) support or conditionally support Plan Change 15; and 3 submissions (20.0%) oppose in whole or in part Plan Change 15.

7.0 CLYDE & MUTTON TOWN ROAD LOCALITY

7.1 Clyde

Clyde was established at the time of the gold rushes and was the administrative centre of Central Otago in the 1860s. The Otago Central Branch Railway (that passed through Clyde) was closed in 1980.

In recent decades residential subdivision has occurred at Clyde. This includes the subdivision of land formerly occupied by Otago Central Branch Railway (by the then Housing Corporation); a subdivision at Albert Drive adjacent to State Highway 8; the Sunderland Estate subdivision to the north-west of Sunderland Street; and the subdivision of land generally between Shields Street and State Highway 8.

The Vincent County District Scheme, which became operative on 18 December 1987, zoned land for residential subdivision and development at Clyde. Such Residential zoning was carried through (as the Residential Resource Area) into the Central Otago District Plan which became operative on 1 April 2008.

All land of any scale included in the Residential Resource Area at Clyde that enabled substantial greenfields subdivision and development has now been subdivided and largely developed for residential purposes.

Further growth at Clyde has been constrained by the absence of a reticulated wastewater disposal system. In the absence of such a system no initiatives have been taken to extend the existing Residential Resource Area at Clyde.

Furthermore the absence of a wastewater disposal system has constrained opportunities for intensification within the existing Residential Resource Area (particularly in the older parts of Clyde). Rule 7.3.3(i)(b) of the Operative District Plan stipulates that where a reticulated sewerage system is not installed in the Residential Resource Area the minimum size of allotments is that which can effectively assimilate waste provided that in no case shall the minimum size of allotments be less than 800m².

Statistics contained in the Clyde Residential Growth & Demand Analysis prepared by ME Consulting (Appendix F to the request document) confirms that in 2018 Clyde contained 786 dwellings and a resident population of 1,161 persons.

The number of dwellings increased from 630 in 2006 to 786 in 2016 being an overall growth of 24.8%. Of particular note is that the share of unoccupied dwellings declined from 34.8% in 2006 to 28.6% in 2018. This reflects the trend for holiday homes to be transitioned into occupied dwellings (including long term rental and retirement properties).

During the period 2006 – 2018 the resident population of Clyde has increased from 906 to 1,161. This growth has been facilitated by both the increase in the number of dwellings and by the transition of some unoccupied dwellings to occupied dwellings.

An analysis of the age profile of the population discloses that the number of residents aged 65 and over at Clyde has doubled since 2006; the over 65s now being 29% of the total resident population. These figures confirm that Clyde has proven to be a popular location for retirement living.

The ME Consulting Analysis also confirms that in 2013 73% of the Clyde workforce commuted to work outside of Clyde; and of the commuters 68% commute to Alexandra, 21% to Dunstan [being the rural area around Alexandra/Clyde] and 11% to Cromwell. The Council has some reservations with respect to these figures given the employment opportunities that existed in the Queenstown Lakes District in 2013; and the likelihood that some Clyde residents will have commuted to work beyond Cromwell.

It is anticipated that much of the growth in dwellings and population experienced in Clyde in recent years has been accommodated in the new greenfields subdivisions that have occurred in the existing Residential Resource Area at Clyde. To date no additional land has been zoned for residential purposes at Clyde to accommodate future growth.

7.2 Clyde Wastewater Project

A new reticulated wastewater system is being constructed that will enable the replacement of the existing septic tanks and disposal fields at Clyde. The Clyde wastewater pipeline has been installed in the Otago Central Rail Trail corridor; and a wastewater pipeline has recently been installed at Graveyard Gully Road, Alexandra. It is expected that the wastewater pipeline will be constructed across the Manuherikia River bed in 2021. This will complete the link between Clyde and the Alexandra wastewater plant at Graveyard Gully.

The reticulated wastewater system will be installed at Clyde in three stages as depicted on the map at Figure 4.7 of the ME Consulting report (Appendix F to the request document). The first stage is the installation of a reticulated system in the central Clyde area in 2020 – 2021; while two further stages that cover the remainder of the town are now scheduled for 2028 – 2033 and 2038 – 2043. The installation of Stage 1 has been delayed due to Covid-19; Stage 1 comprising a wastewater pipeline, a pump station and the reticulated wastewater system for central Clyde.

The staging allows the older septic tanks to transition to the new reticulated network first; and the newest septic tanks to transition last. The Clyde Wastewater Project will enable further intensification of subdivision and development to occur within the existing town of Clyde; and will facilitate greenfield expansion of the Residential Resource Area at Clyde. In essence the Clyde Wastewater Project removes a significant impediment to residential growth at Clyde.

While the Clyde Wastewater Project will provide for intensification within the existing Residential Resource Area at Clyde; the additional supply of housing in such locations is likely to be constrained. There is likely to be limited capacity for resubdivision of existing sites in the newer residential subdivisions at Clyde; as often large modern homes are centrally located on the sections. In older parts of Clyde the location of existing dwellings (in some instances heritage buildings) on existing sections is likely to constrain the potential for subdivision; and elsewhere the release of sections will be dependent upon the individual preferences of property owners.

7.3 Mutton Town Road Locality

The land subject to Plan Change 15 has frontage to Mutton Town Road, Hospital Street, Sunderland Street and the Clyde-Alexandra Road (State Highway 8). This land is located immediately to the south-east of the existing Residential Resource Area at Clyde, being the Sunderland Estate subdivision. The land subject to Plan Change 15 is generally flat; and the four private properties subject to Plan Change 15 (as notified) vary between 1.387 ha (Lot 1 DP 525753) and 6.1405 ha (Lot 2 DP 18990) in area. The requestor has advised that the land does not have access to an irrigation water supply and that no significant productive use is made of this land. There are two dwellings and various sheds located on the Plan Change 15 land.

Dunstan Hospital is located across Mutton Town Road to the south-west of the Plan Change 15 land. Properties to the south and east of Plan Change 15 land that have frontage to Mutton Town Road are generally used for rural lifestyle purposes. Some properties are used for grazing; and there is one property used as a vineyard on the south side Mutton Town Road.

Most properties at Mutton Town Road were historically subdivided as 10 acre (4 hectare) blocks under the legislation that preceded the Local Government Act 1974. At that time territorial local authorities had no effective control of subdivision into small parcels. When the Central Otago

District Plan was prepared in the 1990s the Rural Residential notation was generally applied to land to the north of Mutton Town Road and to land elsewhere in the District that had been subject to historic 10 acre subdivision. The Rural Residential notation provides for subdivision of land subject to that notation on the basis that an average allotment size of no less than 2 hectares is achieved. This mechanism has permitted rural lifestyle subdivision and development to occur on land subject to the Rural Residential notation at Mutton Town Road; including some of the land subject to Plan Change 15 (resulting in the creation of Lots 1 and 2 DP 525753 & Lot 2 DP 331535).

Some of the land subject to Plan Change 15 and land elsewhere at Mutton Town Road has a rural lifestyle character consistent with the subdivision and development facilitated by the Rural Residential notation. Land opposite the Plan Change 15 land and to the south of Mutton Town Road is located in the Rural Resource Area and is not subject to the Rural Residential notation, and this land also generally has a rural lifestyle character.

8.0 EFFECTS ON ENVIRONMENT

The requestor has prepared an Assessment of Effects that is presented in Appendix D to the request document. This decision addresses the actual and potential effects on the environment of the proposal by adopting the headings and the order used in Appendix D of the request document in Parts 8.1 – 8.9 of this decision, below. It is emphasised that addressing effects in the same order as presented in Appendix D of the request document is done purely for convenience; and that this should not be taken as any assessment of the Council's ranking of relevant significance of these effects.

It is noted that a number of other effects and issues are relevant, most of which have been raised by submitters in response to Plan Change 15. These other effects and issues are addressed in Parts 8.10 – 8.19 of this decision. Again the order in which these effects and issues are addressed is not to be taken as any ranking of their relative significance.

8.1 Effects Relating to Urban Land Supply & Growth

The Clyde Residential Growth & Demand Analysis prepared by ME Consulting (Appendix F to the request document) contains population and dwelling growth projections for Clyde based on the Council's 2018 – 2048 Growth Projections prepared by Rationale Limited.

Figure 3.2 of the ME Consulting report shows that residential dwellings in the Clyde Census Area Unit (CAU) are projected to increase from 781 in 2018 to 1,055 in 2048. This is a total increase of 274 additional dwellings or a total growth of 35% (at an annual growth rate of 9 dwellings per annum). ME Consulting has also noted the projections for growth in the 'Outer Clyde' area being the rural periphery of Clyde. ME Consulting has assumed that indicatively 30% of the 51 additional rating units projected for Outer Clyde could be satisfied through urban properties. This equates to an additional 15 dwellings. As a consequence ME Consulting finds that Clyde may expect an additional 274-289 urban households by 2048, assuming no constraints on growth.

As noted above the absence of a reticulated wastewater system at Clyde has impeded the ability to provide for residential growth; and the Clyde Wastewater Project works that are currently underway will remove this impediment. Currently there is no greenfield capacity to provide for residential growth at Clyde; and, as discussed in Part 7.2 of this decision (above), infill and redevelopment opportunities within the existing Residential Resource Area at Clyde cannot be relied upon to any significant degree to cater for projected dwelling demand growth at Clyde.

The ME Consulting analysis has concluded that greenfield residential capacity is required if dwelling demand at Clyde is to be met.

Plan Change 15 indicatively provides for an additional capacity for some dwellings on the land subject to the plan change. If this land is subdivided into conventional residential allotments and the subdivision of this land is staged (ie. with 75 lots released by 2023 and a further 75 lots released by 2028) ME Consulting has calculated that the Plan Change 15 land would cater for projected residential growth at Clyde for the next 10 years or more, based on current data. At the hearing Mr Dymock advised that planning for a retirement village development on the Plan Change 15 land has reached an advanced stage; and he tabled a concept plan prepared by HPA that depicted such a development. If such development proceeds Plan Change 15 will not result in the creation of the number of conventional residential lots discussed in the ME Consulting report; but it will result in existing dwellings becoming available at Clyde (and beyond) as older residents take the opportunity to reside at the retirement village.

ME Consulting has identified the key economic benefits arising from Plan Change 15 as including:

- “● *Provides housing capacity in a location of strong market demand. Helps address a projected shortfall of dwelling capacity in the medium term.*
- *Provides a greater choice of housing for retirees, working households/families, renters and holiday homeowners within Clyde. This will facilitate greater churn in the local housing market, allowing households to shift within Clyde as their housing needs change with life stage.*
- *Facilitates population growth, including growth of the local work force – supporting economic growth within Clyde businesses and businesses in Cromwell, Alexandra and the rural surrounds.*
- *The development of the land at urban densities (as opposed to rural residential densities) will have a direct impact on the CODC economy (construction effects), helping to sustain the local and wider construction sectors over the short-medium term.*
- *Ongoing spend by new households (and users of holiday homes) within the proposed zone area creates demand for local goods and services, helping to sustain local businesses and investment.*
- *The location of the proposed residential zoning will result in a cohesive expansion of the existing urban area; this maximises the urban efficiency of Clyde as it expands to cater for growth, particularly in terms of trip making and provision of network infrastructure.*
- *Helps alleviate rising dwelling prices and rents driven by an imbalance between supply and demand.*
- *Provides greater opportunities for affordable housing options, including as a result of higher density development which was not otherwise feasible when septic tanks were required.”*

It is acknowledged, in the context of the third bullet point item above, that the submission by Jessica Grace Chick (3/1) and other supporting submissions have expressed support for Plan

Change 15 in terms of economic benefits; including jobs and the expenditure of money in the local economy. In essence these submitters have emphasised the economic benefits resulting from Plan Change 15.

ME Consulting has identified potential economic costs associated with Plan Change 15 as being those typically associated with urban expansion including loss of capacity for rural residential dwellings on the fringe of the Clyde; the potential opportunity cost of slower price rises for current Clyde dwelling owners; and the additional pressure on local services, schools, roads, parking and infrastructure associated with additional households (including short term visitors). ME Consulting has acknowledged that there is a cost associated with meeting this demand, although that cost depends on the ability of services and infrastructure to absorb further growth using current resources.

The Council finds that any opportunity cost in terms of the loss of capacity for rural residential/rural lifestyle dwellings on land subject to the Rural Residential notation at Mutton Town Road is outweighed by the benefits that will result from the more efficient use of the land resource to provide for residential growth and development at Clyde at a location that is adjacent to the extent of the existing Residential Resource Area of Clyde.

ME Consulting has found that the economic benefits of Plan Change 15 outweigh the potential economic costs. The Council concurs.

The Council's conclusion is that the proposal will have a positive effect by increasing the urban land supply at Clyde by catering for projected residential growth of Clyde. If a large retirement village development occurs on the Plan Change 15 land it is anticipated that a positive displacement effect will occur as the occupiers of existing homes at Clyde move to the retirement village, freeing up existing homes for new residents.

8.2 Effects in Relation to Transport

8.2.1 Existing Road Network

An Integrated Transport Assessment prepared by WSP is attached to the request document at Appendix G. The Road Network in the vicinity of the Plan Change 15 land is described in Part 2.3 of the WSP Assessment.

State Highway 8 runs along the north-east boundary of the land subject to Plan Change 15 and provides the means for regional travel. State Highway 8 is classified as Arterial State Highway in the One Network Road Classification; and is identified as a Rural State Highway and Arterial Road in Schedule 19.7 to the Operative District Plan. State Highway 8 carries approximately 6,000 vehicles per day adjacent to the Plan Change 15 land. State Highway 8 has a posted speed limit of 100 kph albeit that an operating speed closer to 110 kph is assumed by the WSP Assessment given the straight alignment adjacent to the Plan Change 15 land.

Sunderland Street provides the primary southern access to Clyde and is located adjacent to the north-western boundary of the Plan Change 15 land. Sunderland Street is an Urban Arterial Road as listed in Schedule 19.7 to the Operative District Plan. Sunderland Street carries approximately 1050 vehicles per day. The posted speed limit on Sunderland Street is 100 kph to a point 210 metres west of State Highway 8; and a 70 kph posted speed limit then applies to Sunderland Street; transitioning to a 50 kph posted speed limit at Dunstan Street in Clyde.

Mutton Town Road is located adjacent to the south-western boundary of the Plan Change 15 land; and extends from the Hospital Street intersection to an intersection with State Highway 8 (to the

south). Hospital Street links Mutton Town Road to Sunderland Street. Mutton Town Road provides an alternative access (to Sunderland Street) to the Dunstan Hospital and Clyde; and the WSP Assessment advises that Mutton Town Road provides access to 12 properties. Mutton Town Road is a Rural Local Road in terms of the roading classification provided in Schedule 19.7 to the Operative District Plan. Mutton Town Road carries 330 vehicles per day. The posted speed limit on Mutton Town Road is 100 kph dropping to 70 kph 30 metres short of the intersection with Hospital Street.

State Highway 8 is designated for “State highway” purposes and for “Limited Access Road” purposes in the Operative District Plan. All legal roads vested in the Council (including Sunderland Street, Hospital Street and Mutton Town Road) are designated for “Road” purposes in the Operative District Plan. Mutton Town Road is also designated as a Limited Access Road; and this Limited Access Road designation was originally applied to Mutton Town Road [and to part of Sunderland Street] when it was part of State Highway 8 (in 1975). State Highway 8 was subsequently re-routed to the current State Highway 8 alignment as part of works associated with the Clyde Dam Project. The Central Otago District Council is the requiring authority responsible for the Limited Access Road designation of Mutton Town Road.

8.2.2 Trip Generation

The WSP Integrated Transport Assessment has assessed residential trip generation rates associated with Plan Change 15. This anticipates that the 150 dwellings to be provided for in Plan Change 15 as notified [in the event of conventional subdivision and residential development occurring] equates to 135 trips per peak hour; and 1230 trips per day (both directions). Figure 12 of the WSP Assessment identifies expected traffic flows to and from the Plan Change 15 land. The most used mode of transport for travelling to work for Clyde residents is assumed to be private cars.

Transport effects of the proposal are assessed in Section 6 of the WSP Assessment. This notes that although the increase in traffic on Sunderland Street represents an increase in peak hour volumes of 50-70%; this is unlikely to have a significant effect on the road network, primarily due to low baseline volumes. Projected traffic volume increases on the Sunderland Street intersection with State Highway 8 has been tested utilising Sidra Intersection 8 Traffic Modelling Software. The results are shown at Table 5 of the WSP Assessment (on page 13) and indicate that there would be no discernible change to the Level of Service, Average Delays or Queueing as a result of traffic generated by Plan Change 15. Furthermore the WSP Assessment advises that there would be no discernible change in performance when accounting for traffic growth on State Highway 8.

Mr Dymock confirmed at the hearing that the WSP Assessment has been prepared on the basis of 150 residential allotments and not on the basis of a retirement village. Mr Dymock noted that retirement villages generate significantly less traffic movements than normal residential areas due to the age structure of the residents, many of whom do not drive. Mr Dymock presented calculations that predicted that total trip generation from the Plan Change 15 land (incorporating the proposed retirement village concept prepared by HPA and 37 residential allotments) would equate to 808 trips per day; and this contrasts with the 1230 trips per day as calculated in the WSP Assessment for 150 [conventional] dwellings.

In summary trip generation would be substantially reduced if a large retirement village, rather than conventional residential subdivision and development, is constructed on part of the Plan Change 15 land.

8.2.3 Road Safety

The WSP Integrated Transport Assessment also discusses road safety; and Figure 9 identifies the locations of the 18 crashes that have occurred over the past 5 years in this locality.

WSP advises that there has been one non-injury crash at the intersection of Sunderland Street with State Highway 8 in the last 5 years; caused by a south-bound vehicle failing to give way when turning into Sunderland Street. It is noted that Ms Clifford's evidence advised that one non-injury and two minor injury crashes have occurred at this intersection over the last 5 years; and that all three crashes were turning crashes. The WSP Assessment notes that the speed limit through the Sunderland Street/State Highway 8 intersection is 100 kph, which is likely to lead to high severity in the event of a crash. The WSP Assessment concludes that upgrading the intersection to a roundabout is unlikely to prove cost effective given the low traffic volumes, adequate visibility and high improvement cost.

The WSP Assessment identifies in Section 6.2.1 a more cost-effective measure to address increased crash risk at the Sunderland Street/State Highway 8 intersection as being to separate the north bound left turn lane with a median to reduce the obscuring effect of turning vehicles on vehicles waiting on Sunderland Street to negotiate this intersection.

One fatal and two non-injury crashes over the past 5 years have occurred at the State Highway 8/Mutton Town Road intersection. The fatal crash involved a car waiting to turn right into Mutton Town Road being hit from behind. The WSP Assessment considers it unlikely that demand for this movement will increase with Plan Change 15 given the time-saving and more direct route provided by Sunderland Street to the north.

8.2.4 Mutton Town Road/State Highway 8 Intersection

The intersection of Mutton Town Road and State Highway 8 is located at the southern end of a curve on State Highway 8, where the profile of the land obscures visibility between approaching drivers at the intersection to approximately 190 metres. The WSP Integrated Transport Assessment notes that there is sufficient sight distance to the south, but that insufficient sight distance is available to the north (measured to be 170 metres). In terms of the Austroads Guide a safe intersection sight distance is 300 metres, assuming an operating speed of 110 kph and a reaction speed of 2.5 seconds. The WSP Assessment considers it important to investigate safety improvements to treat the visibility deficiency at this intersection prior to completion of the Plan Change 15 development. Potential mitigations are discussed in Section 7 of the WSP Assessment.

Several of the mitigation measures proposed are beyond the control of the requestor as these involve potential upgrading of the Mutton Town Road/State Highway 8 intersection and/or earthworks on land under the control of other parties.

The WSP Assessment identifies the most cost-effective option as being to provide for access to the Clyde Claim Limited property (being Lot 2 DP 18990) via Sunderland Street only. This property is located at the north-western end of the Plan Change 15 land. WSP estimates that such a strategy would reduce the crash risk at the Mutton Town Road intersection with State Highway 8 by 60%. This recommended mitigation measure was adopted by the requestor and proposed Rule 7.3.6(vi)(h) of Plan Change 15, as notified, stipulates that road access to any subdivision and residential development in Lot 2 DP 18990 and part of Mutton Town Road (to be stopped) shall be achieved onto Sunderland Street only. Furthermore residential lots on the Plan Change 15 land are not to have direct access to State Highway 8, Sunderland Street and Mutton Town Road in terms of that rule.

In addition to the restriction of access from Lot 2 DP 18990 to Mutton Town Road; WSP recommends that signage direct traffic from the other private properties subject to Plan Change 15 to State Highway 8 via Sunderland Street. This is also intended to reduce the number of vehicles using the Mutton Town Road intersection.

8.2.5 Concerns of Waka Kotahi NZ Transport Agency

The submission by Waka Kotahi NZ Transport Agency (Waka Kotahi) raised significant issues with respect to Plan Change 15. Waka Kotahi, which manages the state highway system including State Highway 8, has promoted that Plan Change 15 be declined unless the issues raised in the submission are provided for. It is acknowledged that several of the points raised in the Waka Kotahi submission have been opposed by The Clyde Claim Ltd, Houlahan Enterprises Ltd, C Foster & V Gillies and Ostex Corporation Limited (107/1-5). The Council considers that the Waka Kotahi submission raises substantive issues which must be carefully addressed in the context of Plan Change 15.

Waka Kotahi (15/4 & 15/5) has noted the requestors' desire to avoid a "structure planned" development [as stated in clause 4.0 of the request document]. Waka Kotahi (15/4 & 15/5) was concerned that in the absence of an Outline Development Plan (ODP) there is insufficient detail to confirm that Plan Change 15 achieves land use and transport integration.

Waka Kotahi (15/12) noted that the requestor originally proposed one access to Sunderland Street and four access points to Mutton Town Road. This observation was derived from the plan showing the land subject to Plan Change 15 (Appendix A to the request document) and the reference to four access points includes an access point to Lot 1 DP 331535 being land not subject to the notified Plan Change 15 [discussed further in Part 8.10 of this decision]. Waka Kotahi (15/12) was concerned that the proposed access locations, in conjunction with the absence of an internal roading layout plan, does not provide confidence that most vehicles will enter State Highway 8 at the Sunderland Street intersection rather than the Mutton Town Road intersection.

Waka Kotahi (15/12) suggested that the requestor should explore access from all lots being to Sunderland Street, with access to Mutton Town Road being less preferable for safety reasons.

Waka Kotahi (15/14) observed that signage proposed by the requestor directing people to use Sunderland Street (rather than Mutton Town Road) does not resolve the potential safety issue at the Mutton Town Road intersection; and that there is no requirement for such signage to be installed under the existing District Plan provisions.

The WSP Integrated Transport Assessment and the submission by Waka Kotahi have been forwarded to Mr Antoni Facey of Avanzar Consulting Limited for review. Mr Facey, who is a qualified traffic engineer, has noted in his Review that is presented at Annex 1 to the section 42A planning report that the existing traffic count for Mutton Town Road (330 vpd) is more than would be expected from the 12 houses (less than 100 vpd) located on Mutton Town Road. Mr Facey observes that this suggests that people from Clyde use Mutton Town Road to access State Highway 8 to the south. It is also anticipated that Mutton Town Road provides a convenient route to access the Dunstan Hospital for people travelling to and from Alexandra (to the south).

Mr Facey advises that if Plan Change 15 properties have direct access to Mutton Town Road it can be expected that the traffic volumes using Mutton Town Road for access to State Highway 8 will increase significantly. An increase in traffic will increase the risk at the State Highway 8/Mutton Town Road intersection. Mr Facey supports the concerns expressed in the Waka Kotahi (15/11) submission that traffic from the Plan Change 15 development may not use the Sunderland Street intersection for access to State Highway 8.

The Plan Change 15 land is currently in four ownerships; and if Lot 1 DP 331535 is added [as discussed in Part 8.10 of this decision] the land will be held in five ownerships (with the road to be stopped amalgamated with Lot 2 DP 18990). Given the fragmented ownership of the land it is

essential that an Outline Development Plan be prepared that provides for the integrated management of the traffic effects that will result if Plan Change 15 proceeds. An Outline Development Plan provides a mechanism to ensure that the increased traffic that results from future subdivision and development of the Plan Change 15 land can be managed such that traffic movements are encouraged towards Sunderland Street and the Sunderland Street/State Highway 8 intersection, rather than towards the Mutton Town Road/State Highway 8 intersection.

In the absence of an Outline Development Plan supported by an appropriate rule in the District Plan the subdivision and development of the Plan Change 15 land is likely to occur on a fragmented basis; such that the opportunity for integrated management of traffic effects is lost.

The further submission by The Clyde Claim Ltd & Others (107/2) had attached to it an Indicative Outline Development Plan which shows access to Lot 2 DP 18990 (and the road to be stopped) off Sunderland Street; and other properties subject to Plan Change 15 being accessed off Mutton Town Road. Such an arrangement would not satisfy the concerns expressed in the Waka Kotahi submission relating to the use of the Mutton Town Road/State Highway 8 intersection.

The evidence for the requestors dated 5 November 2020 included two revised Indicative Outline Development Plans showing all vehicular access to the Plan Change 15 land being onto Sunderland Street. The two revised Indicative Outline Development Plans related to subdivision and development incorporating the proposed retirement village and to conventional residential subdivision of the site (in the event that the retirement village proposal does not eventuate), respectively. The requestors have emphasised that the two revised Indicative Outline Development Plans are indicative only at this stage. A final Outline Development Plan is to be provided to the Council in accordance with the proposed new Rule 7.3.5(viii)(b) as presented at Annex 2 to the section 42A report. For completeness it is noted that the requestors adopted the section 42A report as evidence for the requestors, subject to an amendment to Rule 7.3.6(vi)(h) as presented at paragraph 6 in the evidence dated 5 November 2020.

The amendment to the new Rule 7.3.6(vi)(h) promoted by the requestor (and as further modified with the agreement of the requestor at the hearing) was to the effect that access to the Plan Change 15 land is to be achieved only onto Sunderland Street until such time as the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to enhance safety to the requirements of Waka Kotahi.

Ms Kean was of the opinion that the requestor should provide an Outline Development Plan now to be incorporated as part of the District Plan; and that rules should be included in the District Plan which directly refer to that Outline Development Plan. Mr Dymock advised that the requestors do not agree that an Outline Development Plan should be incorporated into the District Plan at this stage. He noted that the requestors' plans for the Plan Change 15 land have not yet been formulated to a stage where they can be locked into a particular form of development at present.

The Council accepts that the two revised Indicative Outline Development Plans provided by the requestor in evidence are indicative only; and that a final Outline Development Plan is not yet available to be incorporated into the District Plan via Plan Change 15. In all the circumstances the Council considers it appropriate to include a rule that requires the provision of an Outline Development Plan prior to subdivision and residential development occurring on the Plan Change 15 land. Key features of such an Outline Development Plan will be indicative roading, cycling and pedestrian connections and the location of the proposed retirement village with associated access. Mr Facey has noted that a retirement village is likely to have internal roading only with no provision for through traffic; and accordingly the location of such a retirement village is an

important element to identify in an Outline Development Plan due to the implications that this has for traffic movement through the Plan Change 15 land.

An Outline Development Plan is to show all of the land subject to Rule 7.3.5(viii)(b) achieving access onto Sunderland Street. Given the uncertainty which relates to the location of this intersection and the proximity to the Sunderland Street/State Highway 8 intersection the Council considers it appropriate that such new intersection be designed in consultation with Waka Kotahi. The Council also considers it appropriate that the Outline Development Plan identify space for suitable upgrading of the Mutton Town Road/Hospital Street/Sunderland Street intersections to serve the possible future development that is likely to occur at Mutton Town Road as discussed in Parts 8.11 and 8.17 of this decision. Such provision will ensure that subdivision and development at the Plan Change 15 land will not preclude options for providing suitable access to future development in the Mutton Town Road locality. At the hearing Mr Dymock confirmed that amendments to the above effect are acceptable to the requestors.

The Outline Development Plan rule is to be supported by a rule to the effect that any subdivision and residential development on the Plan Change 15 land must achieve access off Sunderland Street until such time as the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to enhance safety. In essence this widens the scope of the rule in the notified Plan Change 15 that was to the effect that subdivision and residential development on Lot 2 DP 18990 and the road to be stopped must achieve access off Sunderland Street.

As previously noted Mutton Town Road has status as a Limited Access Road. Given that the Council must agree to the lifting of the LAR status to permit any subdivision to proceed; the Council has the ultimate ability to control access onto Mutton Town Road from all of the land that is subject to Plan Change 15.

It is noted, in the context of the Limited Access Road notation, that this notation also applies to part of Sunderland Street that extends approximately 600 metres to the north of the Hospital Street intersection. As a consequence residential properties in the Sunderland Estate subdivision and in the Newcastle Street subdivision immediately to the north do not rely on Sunderland Street for access; and allotments in these subdivisions have access via the internal roading system of the Sunderland Estate and Newcastle Street subdivisions. Control of access onto Mutton Town Road from the Plan Change 15 land via the Limited Access Road mechanism is consistent with the practice that has been followed within the existing urban area of Clyde where a LAR restriction applies.

The Limited Access Road status of Mutton Town Road is not, in itself, to be relied upon to ensure that integrated management occurs with respect to traffic effects. Rules that require an Outline Development Plan and which require that access be achieved to all of the Plan Change 15 land off Sunderland Street until such time as the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to enhance safety are to be included by modification to the Plan Change 15 provisions. These modifications to Plan Change 15 largely satisfy the concerns raised in the Waka Kotahi submission.

Concerns with respect to the effects of Plan Change 15 on the Mutton Town Road/State Highway 8 intersection would be avoided if, say, the Mutton Town Road/State Highway 8 intersection were to be closed or partially closed (such, say, that a left in/left out only arrangement was put in place). Such action falls outside the Plan Change 15 process. If that intersection were closed or partially closed it would not be necessary for an Outline Development Plan or other rules to be put in place to restrict access to all of the Plan Change 15 land from Sunderland Street only; albeit that an

Outline Development Plan would remain a useful mechanism to guide subdivision and development of the Plan Change 15 land.

Given that closure or partial closure of the Mutton Town Road/State Highway 8 intersection falls outside the scope of Plan Change 15; the modifications to Plan Change 15 are made on the basis that the status quo remains and the Mutton Town Road/State Highway 8 intersection remains fully open.

Waka Kotahi (15/8 & 15/13) has noted that both the Sunderland Street and Mutton Town Road intersections with State Highway 8 need to be assessed by the applicant and solutions provided to make both intersections Safe Systems compliant. The importance of the Safe Systems approach is recognised in the Otago Southland Regional Transport Plan. As previously noted the WSP Integrated Transport Assessment identifies the separation of the north bound left turn lane at the Sunderland Street/State Highway 8 intersection as a mechanism to improve safety at this intersection; and Mr Facey and Ms Clifford support this mechanism. This is to be provided for explicitly in a rule relating to the Plan Change 15 land; being Rule 7.3.6(vi)(i).

Mr Dymock provided a memorandum from Mr Chris Baker of WSP dated 16 November 2020 with his submissions. Mr Baker noted that it had been agreed between the traffic experts that the only truly Safe Systems intervention at the Sunderland Street/State Highway 8 intersection would be a roundabout; and that this is unrealistic and excessive for this location. Ms Clifford confirmed that Waka Kotahi supported the proposed intersection improvements (and not a roundabout at this time) based solely on the increase in traffic from the Plan Change 15 land. She noted that if further residential development south of Sunderland Street takes place (being for example further residential development along Mutton Town Road) the currently proposed intersection upgrading would not be the correct intersection treatment in the long term. In essence a roundabout is an option that could be revisited in future; but is not required to serve the Plan Change 15 land only.

Given the Outline Development Plan rule and the rule restricting access to Sunderland Street until the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to enhance safety, discussed above, it is anticipated that Plan Change 15 as modified will not have a significant effect on traffic movements at the Mutton Town Road/State Highway 8 intersection.

8.2.6 Active Transport Modes

The WSP Integrated Transport Assessment has noted that the proximity of the land subject to Plan Change 15 to the Otago Central Rail Trail will make cycling an attractive mode for travelling to Alexandra. WSP recommends that this be taken advantage of by clearly signposting the route to the existing underpass [being the Daphne Hull Subway] on Albert Drive and providing adequate facilities to get to the route. This recommendation affects roading and land beyond the control of the requestors.

Waka Kotahi (15/16) has noted that the location of the Plan Change 15 land is attractive for encouraging cycling to Alexandra and walking to Clyde but that, without an Outline Development Plan, a better understanding of the pedestrian and cycle infrastructure is still required, so that the plan change encourages active transport options.

The further submission by The Clyde Claim Ltd & Others (107/5) advises that 4 kilometres is the generally accepted natural limit for convenient cycle commuting to work and school on a wide smooth asphaltic concrete surface. The further submitters note that the commercial centre of Alexandra is at least 10 kilometres from the Plan Change 15 land and that the Rail Trail has a rough gravelled surface. The further submitters consider that regular commuter use of the Rail

Trail from Clyde to Alexandra is likely to remain low; and that local use of the Rail Trail is likely to be for recreational use.

Waka Kotahi (15/16) has noted that there is no footpath along Mutton Town Road and that pedestrians currently cross Sunderland Street (speed limit : 70 kph) to reach the footpath on the northern side of the street which is a safety issue. Waka Kotahi (15/17) has noted that the location of the development subject to Plan Change 15 would necessitate the need for pedestrians to cross State Highway 8 to access the Otago Central Rail Trail – which provides a direct route to Alexandra, Dunstan High School and to Clyde. The submitter notes that the Albert Drive underpass [Daphne Hull Subway] is located approximately 500 metres from the Plan Change 15 site and that currently pedestrians and cyclists do cross the state highway through a gap in the fence at the Sunderland Street/State Highway 8 intersection.

To achieve access from the Plan Change 15 land to the Daphne Hull Subway at Albert Drive would require cyclists and pedestrians to follow a circuitous route from the Plan Change 15 land via Annan Street, Fache Street and Albert Drive; albeit that The Clyde Claim Limited & Others (107/5) consider that it would take 2-3 minutes to cycle from the Plan Change 15 land to the subway. Mr Dymock advised at the hearing that this time estimate is based on his personal experience cycling from the Plan Change 15 land to the subway.

Given the close proximity of the gap in the fence at the Sunderland Street/State Highway 8 intersection it is likely that cyclists and pedestrians from the Plan Change 15 land would cross State Highway 8 at the Sunderland Street/State Highway 8 intersection to access the Rail Trail. Mr Facey notes that this does not appear to have created any safety issues and that the good visibility provided here seems adequate. Mr Facey has also noted that given the distance between the Plan Change 15 land and the Daphne Hull Subway off Albert Drive that this route is unlikely to be attractive to any cyclists from the Plan Change 15 land intending to ride towards Alexandra on the Rail Trail.

The cycle/pedestrian access off State Highway 8 to the Otago Central Rail Trail has been properly formed with timber poles on either side. It is assumed that this gateway has been constructed by the Department of Conservation, being the agency responsible for the administration of the Otago Central Rail Trail. Given that this infrastructure exists it appears reasonable that future residents of the Plan Change 15 land are able to access the Otago Central Rail Trail via this entry point. Mr Facey has noted that as long as the gap in the fence at the boundary of the Otago Central Rail Trail is retained, it is expected that cyclists will continue to use this route.

At the hearing Mr Facey noted that the gap in the fence had been identified as an issue in a Safety Audit and that the closure of the fence may already be under consideration by Waka Kotahi. Mr Dymock had advised at the hearing that the requestors would be happy to close the gap in the fence at their own initiative and at their own cost; albeit that this appears to be problematic given that the Department of Conservation (being the agency responsible for the Otago Central Rail Trail) and Waka Kotahi (being the roading authority for State Highway 8) are the responsible agencies with respect to the fence. The Council's conclusion is that the hole in the fence issue is a matter that should be addressed outside Plan Change 15.

The revised Indicative Outline Development Plan for the residential subdivision option provided with the requestors' evidence dated 5 November 2020 provides for pedestrian/cycling links through the Plan Change 15 land and adjacent to Mutton Town Road, Hospital Street and Sunderland Street. It is anticipated that such provision (in terms of pedestrian/cycling links through the subdivision and along Mutton Town Road, Hospital Street and Sunderland Street) will be incorporated into a final Outline Development Plan.

It is appropriate that the new rule which relates to an Outline Development Plan, included as a modification to Plan Change 15, should explicitly provide for cycle and pedestrian connections that integrate with the wider transport network.

8.2.7 Conclusion : Transport Effects

The WSP Integrated Transport Assessment confirms that the transport network has sufficient capacity to accommodate traffic movements associated with Plan Change 15. The WSP Assessment has identified that the crash risk at the Mutton Town Road/State Highway 8 intersection will increase significantly as a consequence of Plan Change 15, as notified, primarily due to poor visibility to the north, if Mutton Town Road is used by all south bound traffic from the development.

Waka Kotahi has raised significant issues with respect to increased use of the Mutton Town Road/State Highway 8 intersection. Such concerns can be addressed by rules which require the preparation of an Outline Development Plan and that require that all of the Plan Change 15 land be provided with access off Sunderland Street until such time as the Mutton Town Road and State Highway 8 intersection is either closed or reconfigured to enhance safety. The potential also exists to manage the subdivision of land subject to Plan Change 15 through the Limited Access Road legal mechanism. The Outline Development Plan is to address cycle and pedestrian connections that integrate with the wider transport network. Furthermore a rule is to be included that requires improvement of the Sunderland Street/State Highway 8 intersection by separation of the through traffic lane from the north bound left turn lane.

The Council's conclusion is that transportation related effects can be managed satisfactorily with respect to Plan Change 15 provided that the plan change is modified to incorporate rules that will serve to achieve integrated management of the effects of activities; particularly with respect to minimising traffic movements from the Plan Change 15 land at the Mutton Town Road/State Highway 8 intersection.

8.3 Effects in Relation to Infrastructure

The requestor has provided an Infrastructure Report prepared by Paterson Pitts Limited Partnership dated 27 February 2020 that is attached as Appendix I to the request document. That report concludes that suitable provision can be made for water supply, wastewater disposal, stormwater disposal, the provision of network utility services and roading to the proposed development to be facilitated by Plan Change 15.

8.3.1 Water Supply

A Water Impact Assessment prepared by Mott MacDonald New Zealand Limited dated 10 February 2020 is attached as Appendix D to the Infrastructure Report. That assessment concludes that levels of service are expected to be met in terms of minimum pressure and head losses, whilst residential fire flow is available in the proposed development from the Clyde town water supply.

Mott MacDonald confirms that the system performance in the remainder of the network has been verified. It is predicted that the additional demand will cause pressure to drop by a maximum of 3.5m at the connection point. Properties serviced by the 40mm main connected to the 150mm main along Sunderland Street are currently receiving low pressure and will be affected by the pressure drop caused by the proposed development on the Plan Change 15 land. To mitigate the impact on the Clyde water supply network, Mott MacDonald recommends that the two options shown on Figure 5 of the report be investigated further. The Paterson Pitts Infrastructure Report anticipates that Mott MacDonald's Option 1, being the duplication of the existing Sunderland Street main with a 200mm watermain from Annan Street to the Plan Change 15 land, will be

adopted. The Mott MacDonald report confirms that the Plan Change 15 land can be provided with an adequate domestic and fire-fighting water supply.

The Infrastructure Report confirms that irrigation is essential to establish and maintain all landscaping within the Plan Change 15 development. That report also notes that the Council's preferred option for the irrigation of public open space (road berms, walkway linkages, State Highway 8 buffer area etc) is to supply irrigation from an independent bore, rather than from the town reticulation.

The Infrastructure Report notes that the site is underlain by the Dunstan Flat Aquifer that is a potential source of irrigation. However this aquifer is likely to be over allocated and relies heavily on extra water from irrigation losses that are likely to decrease in future with more efficient irrigation delivery systems. Furthermore water levels within the aquifer have declined as a consequence of the deepening of the Clyde Dam tail race in the early 1990s. The Infrastructure Report advises, based on an Otago Regional Council study, that while it is possible that a small amount of water in the Dunstan Flat Aquifer could be available for allocation; there are considerable uncertainties with this.

The Infrastructure Report notes, however, that the economics of constructing, running and maintaining a bore, plus a duplicate reticulation system for limited irrigation water application, is highly problematic. The Infrastructure Report concludes that utilising a ground water supply for public open space landscape irrigation does not appear to be a viable option.

While not explicitly stated in the Infrastructure Report it is understood that it is proposed to irrigate public open space on the Plan Change 15 land from the Clyde town water supply.

It appears that the Mott MacDonald report has calculated water demand from the Clyde town water supply on the basis of domestic demand only; and not on the basis of water demand required to irrigate public open space. It is unclear whether the use of Clyde town water supply for the irrigation of public open space will materially change the findings of the Mott MacDonald Water Impact Assessment albeit that Mr Dymock advised at the hearing that the use of the Clyde town water supply for irrigation of public open space is within the margin of error of the assumptions contained in the Mott MacDonald report. It is anticipated that this is a matter that will be addressed further at the resource consent stage if Plan Change 15 proceeds.

Plan Change 15 as notified provides for the insertion of a new Rule 7.3.6(xiii) that stipulates that a landscape strip is to be provided within the 20 metre wide Building Line Restriction on Lot 2 DP 18990 and Lot 2 DP 525753; and that the retention and future maintenance of the landscaping in the landscape strip is to be provided for as a condition of subdivision consent that is to be subject to a consent notice. Given that the Infrastructure Report confirms that irrigation is essential to establishing and maintaining all landscaping within the Plan Change 15 land; it is appropriate that a source for irrigation water supply for public open space (including the landscaped strip) is determined in the context of any future resource consent application for this land.

Water for lawn and garden irrigation on the individual residential allotments to be created by subdivision on the Plan Change 15 land is to be from the Clyde town water supply; and this is consistent with the approach taken to such domestic irrigation elsewhere in Central Otago.

8.3.2 Wastewater Disposal

The Paterson Pitts Infrastructure Report at Appendix C contains correspondence dated 10 February 2020 from the Council's Water Services Manager, Mr Adams. That correspondence notes that Mr

Dymock, for the requestors, has requested confirmation that the Clyde Wastewater Project design will accommodate future growth along Mutton Town Road. Mr Adams has stated as follows:

“Council can confirm that the Clyde Wastewater reticulation design will have allowance for the future population growth of Clyde. Details of pipe size, location or depth cannot be confirmed at this time as this work is still in detailed design phase. However, the reticulation will include provisions to enable the connection of future reticulation in the proximity of Annan St.”

The Infrastructure Report has taken this statement to be confirmation that the Clyde Wastewater Project is being designed to serve future development along Mutton Town Road [including the Plan Change 15 land] with the connection to be achieved in the vicinity of Annan Street/Sunderland Street.

This confirmation is an important factor that has a significant bearing on Plan Change 15. The plan change provides for the insertion of the new Rule 7.3.5(viii)a) which is to the effect that subdivision and residential development on the Plan Change 15 land prior to the provision of a reticulated wastewater disposal scheme at Clyde is a non-complying activity. Non-complying activity status is the most restrictive status in the resource consent activity spectrum.

8.3.3 Stormwater Disposal

The Paterson Pitts Infrastructure Report confirms in Section 3 that there is no reticulated stormwater system in the Clyde area. An analysis of drill hole logs confirms that the Plan Change 15 land is underlain by a considerable depth of glacial outwash gravels, with depths to groundwater varying from 10-15 metres below ground level. The Infrastructure Report discloses that soakage tests have shown that these gravels are highly permeable. Accordingly no issues are anticipated with the discharge of stormwater from roading, hardstand and roof run-off direct to ground via suitably designed soakpits as is the norm for land subdivision and development elsewhere in the Clyde/Alexandra area.

8.3.4 Network Utility Services

Attached to the Paterson Pitts Infrastructure Report at Appendix E is correspondence from Chorus dated 5 December 2019 which confirms that Air Blown Fibre (ABF) telephone reticulation can be supplied to the Plan Change 15 land. The Infrastructure Report also notes that individual homeowners will have the alternative option of the cellular network and several wi-fi providers for their telecommunications and computer media service.

The Infrastructure Report at Appendix F provides correspondence from Aurora dated 25 November 2019 which confirms that Aurora can make a suitable power supply available to service the Plan Change 15 land.

8.3.5 Road Construction

The Paterson Pitts Infrastructure Report advises that no difficulty is expected in designing and constructing suitable road pavements within the Plan Change 15 land in compliance with “Austroads” and the subdivision engineering design standards of the Central Otago District Council. The Infrastructure Report notes in this context that it is proposed that road designs for any subsequent subdivision and development of the Plan Change 15 land be in accordance with the updated version of NZS 4404:2004; being NZS 4404:2010.

The appropriate standard for roading on the Plan Change 15 land is a matter to be addressed and confirmed in the context of any future application for subdivision consent in the event that Plan Change 15 proceeds.

The Infrastructure Report confirms that all roads will be formed on sand and gravel on the Plan Change 15 land; and that bearing capacity tests on likely road subgrades have confirmed that no issues are expected when designing and constructing road pavements.

8.3.6 Conclusion : Infrastructure Effects

The Council's conclusion is that if Plan Change 15 proceeds any effects in terms of the provision of infrastructure can be mitigated by adherence to appropriate engineering design standards that can be specified in conditions of subdivision consent or of land use consent (in the event, say, that multi-unit residential development occurs prior to or instead of subdivision).

8.4 Effects in Relation to Natural Hazards or Hazardous Installations

Section 6.0 of the Assessment of Environmental Effects (Appendix D to the request document) discloses that a search of the Otago Regional Council's Natural Hazard database showed that that Council has no record of any natural hazard adversely affecting the site. It is also noted that the Plan Change 15 land is not subject to any hazard notation as shown on Map 11 of the Operative District Plan.

The requestors have noted that none of the test pits excavated for the Infrastructure Report showed any sign of deleterious material. The site is flat and ground slope instability is unlikely to be an issue. The requestors have also noted that any engineered fills will need to be placed, compacted and certified in accordance with NZS 4431:1989; and that this will be addressed at the resource consent stage with respect to any subdivision and/or multi-unit residential development of the site in the event that Plan Change 15 proceeds.

The requestors have noted that the Residential Resource Area rules do not anticipate the use of hazardous materials or hazardous installations as all land use activities are to be associated with the use of the site for residential purposes as stipulated in Rule 7.3.6(ii). It is also noted in this context that Rule 7.3.5(i) stipulates that any activity with noxious effects (as listed in that rule) is a non-complying activity in the Residential Resource Area.

Plan Change 15 will have no particular effect in relation to natural hazards or hazardous installations.

8.5 Effects in Relation to Soil Contamination

Section 7.0 of the Assessment of Environmental Effects (Appendix D to the request document) confirms that the requestor has commissioned a Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI) from Insight Engineering. The PSI and DSI are both dated 2 March 2020; and both documents are attached to the request document at Appendix H.

The PSI and DSI have been prepared in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) that came into force on 1 January 2012.

8.5.1 Preliminary Site Investigation

The objective of the PSI was to determine if potentially contaminating historical activities pose an unacceptable risk to human health if the land subject to Plan Change 15 is to be used for standard residential purposes.

The PSI discusses the activities that have occurred on all of the freehold sites comprising the Plan Change 15 land. The PSI at page 5 confirms that private discussions with a former owner of Lot 2 DP 331535 has confirmed that approximately 20 – 25 truckloads of topsoil was shifted to that

property from former orchard land at Padgets Lane in Earnscliffe. The PSI later confirms that such activity is listed in the Hazardous Activities and Industries List (HAIL) as Category G5 – Waste Disposal to Land and that the land at Earnscliffe was used as a commercial orchard between at least the 1950s and 1980s. The PSI identifies other HAIL activities that have occurred across the Plan Change 15 land; these activities being listed on pages 12 and 13 of the PSI.

The PSI concludes that with the exception of Lot 2 DP 331535 (where the imported soil is located) that it is highly unlikely that there will be a risk to human health on the Plan Change 15 land if it is developed for residential use; and if new residential dwellings are occupied in future.

The PSI recommends that a DSI be undertaken with respect to Lot 2 DP 331535 on the basis that it cannot be concluded (in the context of the PSI) that it is highly unlikely that there will be a risk to human health if Plan Change 15 is approved.

8.5.2 Detailed Site Investigation

The DSI relates specifically to the property at 74 Mutton Town Road being Lot 2 DP 331535. Soil surface samples have been collected by the DSI author and forwarded to RJ Hill Laboratories for analysis. This laboratory analysis indicates that the imported soil qualifies as cleanfill. Based on this information the DSI concludes that it is highly unlikely that there will be a risk to human health if Lot 2 DP 331535 is developed for residential use; and if new residential dwellings on this land are occupied in future.

8.5.3 Conclusion : Potential Soil Contamination

Having regard to the contents of the PSI and the DSI the Council concludes that any effects in relation to potential soil contamination will be less than minor. Both the PSI and DSI have concluded that it is highly unlikely that there will be a risk to human health if activities facilitated by Plan Change 15 occur on the subject land.

8.6 Effects on Cultural Values & Other Special Values

The requestors have noted in the Assessment of Environmental Effects (Appendix D to the request document) that the land subject to Plan Change 15 comprises unirrigated pasture with some pine shelterbelts; and that built development includes two dwellings and outbuildings. The requestors advise that this land has been periodically grazed for many decades.

The requestors are not aware of any special ecosystems, natural habitats, or sites of recreational, cultural, scientific, historical or spiritual value being present on the Plan Change 15 land. No notations indicating that heritage values are identified on the land are shown on Map 11 of the Operative District Plan.

Correspondence from Aukaha for Ngā Rūnanga dated 10 December 2019 is attached at Appendix A to the Assessment of Environmental Effects. Aukaha has advised that Ngā Rūnanga would like it noted that although there are no recorded Māori archaeological sites within the boundary of the Plan Change 15 land there is the potential to disturb unrecorded sites during any earthworks for any future development. This is because the Clutha River/Mata-au was an important river as an ara tawhito (pathway) and source of mahika kai (food and resource gathering). Aukaha therefore considers that any earthworks undertaken should be carried out in a way that allows contractors to monitor for artefacts or archaeological material.

Ngā Rūnanga requests that the following be a condition of the requested plan change:

- “● *That the Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol [attached to the Aukaha correspondence] should be adhered to in undertaking earthworks.”*

The Assessment of Environmental Effects in Section 8.0 considers that the possible disturbance of unknown cultural remains is best covered at the subsequent resource consent stage of developing the site by conditions of consent imposing an accidental discovery protocol. The Assessment of Environmental Effects observes that possible disturbance of unknown archaeological sites by earthworks is governed by the requirements of the Heritage New Zealand Pouhere Taonga Act 2014.

The Council concurs with the requestors that the accidental discovery of archaeological sites is best managed through the imposition of a condition of resource consent (in the event that Plan Change 15 proceeds); and by the archaeological authority provisions of the Heritage New Zealand Pouhere Taonga Act 2014. It is not necessary for this matter to be specifically included in a rule to be introduced via Plan Change 15. It is noted, for completeness, that such a rule does not apply in the Residential Resource Area elsewhere in the District.

The Council considers that any effects on cultural values and other special values will be no greater than minor; and that any potential effects in terms of archaeological sites can be managed through the resource consent/archaeological authority processes.

8.7 Discharge of Contaminants & Unreasonable Emission of Noise

The Assessment of Environmental Effects (Appendix D to the request document) confirms in Section 9.0 that wastewater will be discharged to the Council reticulation and that stormwater will be discharged direct to the land subject to Plan Change 15. The requestors have noted that the Residential Resource Area status of the land if Plan Change 15 proceeds will ensure that there will be no emission of unreasonable noise from the site. The requestors have observed that noise emission is governed by the existing Rule 12.7.4 of the Operative District Plan that applies across the District.

Plan Change 15 will not result in any significant discharge of contaminants; and the plan change will not result in any unreasonable emission of noise.

8.8 Landscape Effects

Section 10.0 of the Assessment of Environmental Effects (Appendix D to the request document) discusses the landscape effects of the proposal.

The land subject to Plan Change 15 is an Other Rural Landscape (ORL) in terms of the tripartite landscape classification which applies to rural areas in the Operative District Plan. The ORL is a third tier landscape; being less sensitive than an Outstanding Natural Landscape (ONL) or a Significant Amenity Landscape (SAL).

Public views of the site are available from the adjacent roads. As vehicles approach from the north the site is visible from the top of the Clyde Hill on State Highway 8. From this perspective residential development on the Plan Change 15 land will appear as an extension to the existing Clyde urban area (that is also visible in this view). Such development will also be visible in vistas that include residential development at Clyde as vehicles approach the Plan Change 15 land from the north on State Highway 8 (between Clyde Hill and the Sunderland Street intersection with State Highway 8).

Residential development on the site will be visible from State Highway 8 as motorists pass the site on the state highway. Such visual effects will be mitigated to some extent by the mounding present on Lot 2 DP 18990 adjacent to the state highway (if this is to be retained); and by future plantings within the 20 metre wide buffer strip to be provided adjacent to State Highway 8.

As motorists approach from the south on State Highway 8 the Plan Change 15 land will be largely screened by existing shelterbelts adjacent to the state highway. Once adjacent to the Plan Change 15 land motorists will have a view across the residential development; and again such view will be mitigated by plantings (and/or mounding) within the 20 metre wide buffer strip.

The Plan Change 15 land is visible from Sunderland Street at the approach to the Hospital Street intersection and adjacent to the Plan Change 15 land. In such vistas residential development within the existing Clyde urban area is also visible across Sunderland Street from the Plan Change 15 land.

Future residential development on the Plan Change 15 land will be visible from Hospital Street and Mutton Town Road adjacent to the Plan Change 15 land. From further to the south on Mutton Town Road (beyond the Lines property being Part Lot 3 DP 12610) such development will be screened by existing vegetation.

Future residential development on the Plan Change 15 land will also be visible from neighbouring residential and rural lifestyle properties. Dwellings in the Sunderland Estate subdivision (on the north side of Sunderland Street) are generally orientated to the north; such that main windows do not face Sunderland Street. Future development on the Plan Change 15 land will also be visible from the rural lifestyle properties located to the east of State Highway 8 and the Otago Central Rail Trail. Such dwellings are located a substantial distance off the boundary that is shared with the Otago Central Rail Trail; and such properties are generally oriented to views to the north.

Residential development on the Plan Change 15 land will be visible from the Dunstan Hospital site at Mutton Town Road and from rural lifestyle properties located to the south and east of the subject land at Mutton Town Road. Rural lifestyle properties located between the Dunstan Hospital site and Lot 1 DP 11851 (Shaw & Aaron) are screened by existing conifer plantings on those properties. The Shaw & Aaron dwelling on Lot 1 DP 11851 will have a clear view of future residential development on the Plan Change 15 site. This dwelling, being 89 Mutton Town Road, is on a small site and is located close to Mutton Town Road.

Dwellings on properties to the south and east of the Shaw & Aaron property are located well back off the road and will have more distant views of the Plan Change 15 land. The potential exists for plantings to occur on those properties such that screening could be provided in future between viewers and the Plan Change 15 land.

Open portions of the Lines property immediately to the south of the Plan Change 15 land will have a clear view of residential development facilitated by Plan Change 15. The Lines dwelling will also have views of the development albeit that substantial separation exists within the Lines property. Properties beyond the Lines property on the north side of Mutton Town Road will be screened from residential development on the Plan Change 15 land by existing plantings.

Land to the south of Mutton Town Road opposite and to the east of the Lines property is occupied by an established vineyard, with no residential development on that land.

The Council's conclusion is that the proposal will have landscape effects on the adjacent public roads and on a limited number of rural lifestyle properties at Mutton Town Road in the immediate

vicinity of the Plan Change 15 land. Landscape effects on State Highway 8 adjacent to the site will be mitigated by plantings (and/or mounding) within the proposed 20 metre wide buffer strip adjacent to State Highway 8. This strip will also provide landscape buffering in views from the Otago Central Rail Trail.

Any adverse landscape effects on the environment will be outweighed by the positive effects of the proposal in terms of providing additional housing in a location that is a logical extension to the existing town of Clyde.

8.9 Effects on Adjoining Properties

The submission by Esther Isabell Weatherall (12/1) has raised concerns with respect to the loss of the submitter's nice rural life and outlook which she has had for over 50 years; and the submitter is concerned that she will be subject to lights, traffic, noise and houses. This submission is opposed by The Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Ltd (103/1).

Mrs Weatherall has promoted that Plan Change 15 be approved with modifications such that the only block to be rezoned is Lot 2 DP 18990 on Sunderland Street, with access only onto Sunderland Street; and with all other blocks to be removed from Plan Change 15. In essence the submitter promotes that the status quo with respect to zoning be maintained with respect to the Plan Change 15 land beyond Lot 2 DP 18990.

The submission by Mark Allan Weatherall (13/1) also raises issues with respect to increased traffic, noise and in particular street and house lighting directly opposite the submitter's rural block that will affect the quiet enjoyment and rural outlook of the area. This submission is opposed by The Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Ltd (104/1). Again Mr Weatherall promotes that Plan Change 15 be approved with modifications such that it relates to Lot 2 DP 18990 only; and that two blocks, namely 86 and 74 Mutton Town Road, be removed from Plan Change 15. Mr Weatherall has not referred to Lot 2 DP 525753 (98 Mutton Town Road) that is also subject to Plan Change 15.

Section 11.0 of the Assessment of Environmental Effects (Appendix D to the request document) notes that two of the adjoining property owners along Mutton Town Road that were consulted during the preparation of Plan Change 15 indicated that they opposed any further growth in Clyde and wished to retain the quiet rural environment albeit that the requestors advise that both owners were not opposed to a retirement village on the site.

8.9.1 Effects of Residential Development

Plan Change 15 will result in residential subdivision and development occurring across the Plan Change 15 land. Such development will have no particular effect on the residential amenities enjoyed by those who reside in the existing Sunderland Estate subdivision at Sunderland Street or on residents of the rural lifestyle properties located generally to the east of State Highway 8 and the Otago Central Rail Trail.

Residential development on the Plan Change 15 land will affect the amenity values enjoyed by residents of Mutton Town Road in the immediate vicinity of the Plan Change 15 land. These effects result from the concentration of built development and residents on the Plan Change 15 land. Noise associated with residential activity can be expected, along with visual effects (which have been addressed in Part 8.8 of this decision in the context of Landscape Effects). The most affected property will be the Shaw & Aaron property at 89 Mutton Town Road being Lot 1 DP 11851. It is appropriate to acknowledge that additional residential development can be anticipated in the context of the existing Rural Resource Area/Rural Residential notation status of the land.

Lot 2 DP 18990 and Lot 2 DP 525753 could be subdivided together to produce several residential development opportunities in accordance with the Rural Residential notation subdivision rules. While such residential activity can be anticipated on the Plan Change 15 land this would not be at the density provided for in the context of the Residential Resource Area as promoted through Plan Change 15.

It is again acknowledged that the Plan Change 15 land is located in close proximity to the existing urban area of Clyde. Effects on the rural amenity enjoyed by existing residents are inevitable in situations where urban areas expand into neighbouring rural areas to accommodate growth. An adverse effect on the rural amenity values enjoyed by nearby residents at Mutton Town Road is an inevitable consequence of releasing the land subject to Plan Change 15 for residential subdivision and development in a location that is a logical extension to the existing urban area of Clyde.

8.9.2 Reverse Sensitivity : Rural Activities

The Weatherall submissions (12/3 and 13/3) have noted that one side of Mutton Town Road is located in the Rural Resource Area and the submitters have noted that the owners of that land are allowed to farm/develop their land with the use of large machinery, tractors etc. The submitters consider that allowing a development (on the Plan Change 15 land) in the middle of such a rural area will cause friction among neighbours with residential properties encroaching onto existing rural land.

The Rural Residential notation applies to the strip of land located between State Highway 8 and Mutton Town Road, generally to the south-east of Clyde. Much of this land has been subdivided and developed for rural lifestyle purposes with dwellings, outbuildings, tree plantings and some pasture that is used for grazing being present on this land. Land south of Mutton Town Road, opposite the Plan Change 15 land, is located in the Rural Resource Area (not being subject to the Rural Residential notation) and is occupied by the Dunstan Hospital and several rural lifestyle blocks.

Given the use of the rural lifestyle properties in close proximity to the Plan Change 15 land reverse sensitivity effects associated with rural activities are not anticipated. It is noted, in particular, that these properties are not used for horticulture or viticulture which may lead to reverse sensitivity effects.

Land to the south of Mutton Town Road, commencing opposite the Lines property, is an established vineyard. This vineyard does not contain frost fans and approximately 50 metres of separation exists between the Plan Change 15 land and the vineyard. Essentially the 40 metre wide Mutton Town Road, including the carriageway and verges of that road, provide a buffer between the Plan Change 15 land and the established vineyard which is managed on an organic basis. In all the circumstances it is anticipated that any reverse sensitivity effects resulting from Plan Change 15 with respect to the vineyard are likely to be limited.

8.9.3 Reverse Sensitivity : Rescue Helicopter

Dunstan Hospital is located across Mutton Town Road from Lot 2 DP 18990. The Otago Rescue Helicopter (described in the Assessment of Environment Effects (AEE) as an Air Ambulance Service) utilises a helipad at Dunstan Hospital.

The AEE advises that the standard flight path for the rescue helicopter is not over the Plan Change 15 land. The AEE also notes that the helicopter pad is some 230 metres from the Plan Change 15 land. Given that future residents will be choosing to locate on the Plan Change 15 land in close proximity to Dunstan Hospital (and rescue helicopter operations) it is considered unlikely that reverse sensitivity effects would result from Plan Change 15. It is also acknowledged in this

context that a retirement village is now proposed on part of the Plan Change 15 land, in close proximity to Dunstan Hospital.

A statement is made in the AEE to the effect that having small rural hospitals adjacent to residential areas is common. The Frankton Hospital at Queenstown is an example of such co-location; as is the Ranfurly Hospital that is located within the Central Otago District.

The Council's conclusion is that reverse sensitivity effects with respect to rescue helicopter operations are unlikely to be significant.

8.9.4 Conclusion : Effects on Adjoining Properties

The rural amenity values enjoyed by those residents of Mutton Town Road in close proximity to the site will be adversely affected by the proposal; and such adverse effects on rural amenity values are inevitable where rural land adjacent to an existing urban area is released for residential subdivision and development. The Council considers that any reverse sensitivity effects in terms of rural activity are likely to be limited; as are any reverse sensitivity effects associated with rescue helicopter operations at Dunstan Hospital.

8.10 Extension of Plan Change 15

The submission by James Maurice Hutton (6/1) essentially proposes the extension of Plan Change 15 to include Lot 1 DP 331535 in the Residential Resource Area. This submission is supported by the Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Ltd (101/1) and is opposed by Waka Kotahi (105/1).

Lot 1 DP 331535, being 84 Mutton Town Road, has an area of 1.421 hectares. This property is located to the north and east of Lot 2 DP 331535 and to the south and east of Lot 1 DP 525753 and Lot 2 DP 525753; these properties all being subject to Plan Change 15. Lot 1 DP 331535 has physical frontage to State Highway 8 and vehicular access is achieved via an access strip off Mutton Town Road.

Waka Kotahi (105/1) has expressed the opinion that the relief sought by the submitter (ie. the rezoning of Lot 1 DP 331535) falls outside the scope of Plan Change 15; and that on this basis the Council could consider whether the Hutton submission should be struck out.

It is noted, in the first instance, that the intent of Plan Change 15 is to rezone land, including land adjacent to Lot 1 DP 331535, to satisfy the reasonably foreseeable demand for new residential housing at Clyde. It is also acknowledged that Lot 1 DP 331535 is immediately adjacent to, and contained by, three properties proposed to be included in the Residential Resource Area by Plan Change 15. It is also noted, in terms of scale, that the additional 1.421 hectares of Lot 1 DP 331535 would, if included in Plan Change 15, increase the area to be rezoned by approximately 11%.

The rezoning of Lot 1 DP 331535, as promoted in the submission by James Maurice Hutton (6/1), can be considered as an incidental or consequential extension of the zoning changes proposed via Plan Change 15.

Waka Kotahi (105/1) considers that the potential effects of developing Lot 1 DP 331535 have not been considered in the Plan Change 15 request. Given that Lot 1 DP 331535 is contiguous to the land subject to Plan Change 15 as notified, and given the relatively limited area of Lot 1 DP 331535, the Council does not consider that there would be a material change in the adverse effects of the proposal if Lot 1 DP 331535 is included as an extension to the Plan Change 15 land. In particular it is considered that no substantial further section 32 analysis is required with respect to

such an extension to Plan Change 15. The incorporation of Lot 1 DP 331535 will have no particular landscape effects or effects on adjoining properties given that Lot 1 DP 331535 is to the rear of other land subject to Plan Change 15 (as viewed from Mutton Town Road) and as the land subject to Plan Change 15 as notified separates Lot 1 DP 331535 from neighbouring properties.

Currently Lot 2 DP 331535 is separated from other land subject to Plan Change 15 by the access strip that forms part of Lot 1 DP 331535. This access strip could potentially frustrate the logical and co-ordinated development of the Plan Change 15 land as the access strip would not be located within the Residential Resource Area unless Plan Change 15 is extended as promoted by the submitter. The extension of the Plan Change 15 land to incorporate Lot 1 DP 331535 will have a positive effect in terms of the logical and co-ordinated development of the Plan Change 15 land both in terms of access and in terms of the provision of services. The Council finds that the extension to Plan Change 15, as proposed, is consistent with achieving integrated management of the effects of the use, development or protection of land; being a function of the Council in terms of section 31(1) of the Act.

The Council's conclusion is that the land subject to Plan Change 15 should be extended to incorporate Lot 1 DP 331535. As a consequence the provisions of Plan Change 15 (and particularly Rule 7.3.6(xii)(c) Acoustics – Clyde Residential Extension and Rule 7.3.6(xiii) Landscaping – Clyde Residential Extension) are to be amended to explicitly apply to Lot 1 DP 331535.

8.11 Re-zoning the Whole of Mutton Town Road

David Barrington Smythe (9/1) supports Plan Change 15 but submits that over the next few years the whole of Mutton Town Road should be rezoned for the reasons listed in the submission. The Smythe submission is opposed by the Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Ltd (102/1) and by Waka Kotahi (106/1). Mr Smythe has promoted that Plan Change 15 be approved subject to the infrastructure work allowing for possible future development along Mutton Town Road.

The Smythe submission does not promote that land at Mutton Town Road beyond the extent of the Plan Change 15 land be rezoned from the Rural Resource Area (some land subject to the Rural Residential notation) to the Residential Resource Area in the context of Plan Change 15. Rather the submission seeks approval of Plan Change 15 subject to the infrastructure work allowing for possible future development along Mutton Town Road.

Given the limited relief sought in the submission the Council does not concur with the further submitters that the Smythe submission is beyond the scope of Plan Change 15. If the Smythe submission had promoted extension of the Residential Resource Area along Mutton Town Road in the context of Plan Change 15 (which it does not) the Council would consider this to be a more than incidental or consequential extension of the zoning changes proposed by Plan Change 15 as notified.

Rezoning further along Mutton Town Road (beyond Lot 1 DP 331535 as discussed in Part 8.10 of this decision) would fall outside the scope of Plan Change 15 and such rezoning can therefore only be achieved via a further plan change or the District Plan Review. It is acknowledged in this context that the Vincent Spatial Plan process, which is currently underway, is likely to result in either plan changes or provisions to be incorporated in the District Plan Review.

If Plan Change 15 proceeds the subdivision consent (resource consent) process will address the provision of infrastructure. The Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Ltd (102/1) have noted in the further

submission that allowing for possible future development along Mutton Town Road could be addressed through this mechanism. The further submitters note that the normal process is that the Council pays for any “oversizing” of water and wastewater reticulation to service future developments; and such costs are then recovered from the future benefiting landowners/developers by way of financial and development contributions. The Council generally concurs with the further submitters that this is the appropriate mechanism to “future proof” the provision of infrastructure such that options are available to service land beyond the Plan Change 15 land.

Given that rezoning may well occur in future beyond the Plan Change 15 land at Mutton Town Road it is prudent that future subdivision and development is undertaken at the Plan Change 15 land in a manner that provides space for a suitable upgrade of the Mutton Town Road/Hospital Street/Sunderland Street intersections in future. Making provision for such space in the context of the Outline Development Plan is consistent with such a “future proofing” approach.

The further submission by Waka Kotahi (106/1) notes that land located at the southern end of Mutton Town Road is designated for wastewater treatment and disposal purposes. This land is subject to designation D242 as shown on Map 42 of the Operative District Plan. The designation D 242 for “Wastewater Treatment and Disposal” was included in the Operative District Plan on 22 October 2009, some 11 years ago. Section 184A(2) of the Act confirms that a designation of a territorial authority in its own district lapses on the expiry of 5 years after the date on which it is included in the district plan unless, *inter alia*, the designation specified a different period when incorporated in the plan. In this instance D242 was to lapse on the expiry of 10 years after the date on which it was included in the district plan; such date being 22 October 2019. The designation D242 has therefore now lapsed.

For completeness it is noted that the works to be provided for in the context of designation D242 are no longer required as a consequence of the Clyde Wastewater Project. This is because wastewater from the new reticulated wastewater system at Clyde is now to be piped to the Alexandra Wastewater Plant at Graveyard Gully. Oxidation ponds are no longer required on the land designated D242 at Mutton Town Road.

The Smythe submission has not promoted rezoning of the whole of the land at Mutton Town Road for residential purposes; but rather has promoted that Plan Change 15 be approved subject to the infrastructure work that allows for such possible future development. Provision for such infrastructure work can be achieved in the context of the subdivision consent process and the Outline Development Plan (in the context of space for intersection upgrading) in the event that Plan Change 15 is approved.

8.12 Effects on Community and Business Infrastructure

Esther Isabell Weatherall (12/5) opposed by The Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Ltd (103/1) and Mark Allan Weatherall (13/5) opposed by The Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Ltd (104/1) have raised issues with respect to the effects of Plan Change 15 on community infrastructure.

The submitters believe that a development of the proposed size will have a negative impact on the infrastructure of Clyde itself, in particular the one primary school, one early childhood centre and one playground, which all have extremely limited area and facilities with no room to grow, whereas, in the submitters’ opinion, Alexandra already has these amenities and plenty of empty facilities to enable these to grow. The submitters also consider that the proposal will have a large effect on buses carrying children to the local high school in Alexandra. The submitters advise that the high school [Dunstan High School] and residents close to the high school are already impacted

by the large number of students travelling by car to school and the lack of parking space, and the submitters consider that this could make an increasing problem only worse.

It is noted, in the first instance, that no submissions have been made by agencies responsible for community infrastructure in the context of Plan Change 15. The purpose of Plan Change 15 is to satisfy the reasonably foreseeable demand for new residential housing at Clyde; and additional population will increase demand for existing community infrastructure. Such demand can be met either by expansion of existing facilities or by the establishment of new facilities.

The submitters have noted that Clyde is served by existing community infrastructure in Alexandra, including the Dunstan High School. Given the close proximity of Clyde to Alexandra other community infrastructure located at Alexandra is likely to be available to meet any overflow demand with respect to existing community infrastructure at Clyde.

The submitters have also raised, at submission points 12/8 and 13/8, what they refer to as a responsibility on the part of the Council to encourage more development within the township of Alexandra.

While Plan Change 15 may increase the demand for community infrastructure at Clyde and Alexandra; it is appropriate to acknowledge that the Plan Change 15 land at Clyde falls within the catchment of Alexandra for community infrastructure [such as the Dunstan High School] and business services. The Council does not consider it appropriate to preclude urban growth at Clyde based on the suggestion that such development should be directed to Alexandra.

8.13 Encouraging Retirement Village

The submission by Esther Isabell Weatherall (12/9) opposed by The Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Ltd (103/1) and the submission by Mark Allan Weatherall (13/9) opposed by The Clyde Claim Ltd, Houlahan Enterprises Ltd, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Ltd (104/1) confirms that the submitters believe that the Council should be encouraging the use of that part of the Plan Change 15 site directly opposite the hospital and adjoining Sunderland Street for development into a retirement village; which the submitters consider is desperately needed in the area.

The submitters have noted that such a retirement village would look after the community and in particular those that wish to remain in the area when they retire. The submitters consider that a retirement village would be reasonably standalone if done correctly and wouldn't involve the heavy traffic during peak hours; not to mention the unique rural vibe of the area.

The requestors have noted that rezoning the Plan Change 15 land Residential Resource Area will provide for the possibility of a retirement village being located within that land. The requestors have emphasised that whether or not such a village will eventuate will depend on a suitable investor(s) able and willing to purchase part of the site and to invest the sustainable sum required to get such a development "off the ground".

Mr Dymock confirmed at the hearing that planning for a retirement village development on the Plan Change 15 land has now reached an advanced stage. He tabled a concept plan prepared by HPA for such a village that comprises 164 villas, 10 assisted living units and an 80 bed residential care facility. Mr Dymock also advised that all the elements are now falling into place to facilitate such a development, including an agreement between the landowners involved, an investor partnership structure, suitable financing arrangements and the involvement of HPA to project

manage the development. HPA are the project managers for the Golden View Lifestyle Village at Cromwell.

At the hearing Mr Dymock advised that the retirement village proposal is “almost a certainty” on much of the Plan Change 15 land. Applying the Residential Resource Area to the Plan Change 15 land, as promoted by Plan Change 15, will facilitate such development.

It is emphasised that reference to the HPA concept plan in this decision should not be taken as any form of acceptance of that particular design for such a development. Any such development is likely to be subject to land use consent as a multi-unit residential development (if Plan Change 15 proceeds); and it appears that such a development, as depicted on the concept plan, would breach the Building Line Restriction and the new Rule 7.3.6(xiii) that form part of Plan Change 15. It is also likely that the footprint of the residential care facility would require amendment to provide space for the future upgrading of the Mutton Town Road/Hospital Street/Sunderland Street intersections that is to be provided for in an Outline Development Plan for the Plan Change 15 land.

Notwithstanding the above it is appropriate to acknowledge, in response to the submissions, that an effect of Plan Change 15 will be to facilitate the possible development of a retirement village on the Plan Change 15 land. The close proximity of Dunstan Hospital may well be a factor which makes such a retirement village development attractive to future residents of such a village.

8.14 Effects on Land Resource

The NZ Land Resource Inventory Worksheets (published by the former National Water and Soil Conservation Organisation) identify land inventory units which are homogeneous at the scale of mapping (1 inch to 1 mile) for the main physical factors governing land use.

Sheet 133 of the Worksheets confirms that the land subject to Plan Change 15 is in Land Inventory Unit VI_s7. The Land Use Capability Extended Legend describes Land Inventory Unit VI_s7 as applying to the plains and terraces with very shallow, stony soils in the dry areas of the Central Otago and Waitaki Basins; and present and potential land use is identified as “grazing”. There is no indication that the land subject to Plan Change 15 is suitable for horticultural development. As previously noted much of the land subject to Plan Change 15 has been subdivided for rural lifestyle purposes and limited grazing occurs on part of the land.

The request document (at Section 3.0) advises that the land subject to Plan Change 15 does not have access to an irrigation water supply; and that no significant productive use is made of this land. It is also noted that the submission by David Barrington Smythe (9/4) has noted that that submitter’s family has owned a vineyard in Mutton Town Road [being the vineyard on the south side of Mutton Town Road to the south and east of the Plan Change 15 land] since 2011; and that despite their best efforts they have been unable to achieve the yields necessary to achieve an economic return.

In all the circumstances it is considered that Plan Change 15 will have limited effect in terms of maintaining the capability of any productive land resources.

8.15 Use of Road to be Stopped

The plans attached as Appendix A and Appendix C to the request document confirm that the northern portion of the carriageway of Mutton Town Road occupies adjacent land being part of the Dunstan Hospital site that is described as Section 3 Block LV Town of Clyde (SO 14162). Such encroachment is somewhat surprising as Mutton Town Road, being a revoked state highway, has a generous current legal width of 40 metres.

This encroachment is to be regularised. The plan at Appendix C to the request document identifies as Section 2 some 3008m² of land to be taken for Road; this land being part of the Dunstan Hospital land (Section 3 Block LV (SO 14162)).

The plan at Appendix C to the request document also identifies, as Section 1, 4970m² of the existing legal road as “Road to be Stopped”; the boundary of Section 1 being 10 metres off the centreline of the existing sealed formation of Mutton Town Road.

The 4970m² of road to be stopped as shown at the plan at Appendix C to the request document is intended to be amalgamated with Lot 2 DP 18990; and this land forms part of the land subject to Plan Change 15.

The requestor has emphasised that the acquisition of Section 1 is subject to a concurrent process under the Public Works Act with the Central Otago District Council and the Southern District Health Board.

On 8 July 2020 the Southern District Health Board (SDHB) publicly notified its intention to sell approximately 3008m² of land [being Section 2] to the District Council to accommodate the road realignment of Mutton Town Road. The public notice confirmed that any proposal to sell or transfer land set aside for health purposes must be approved by the Minister of Health; and the SDHB sought submissions on the proposal to dispose of this land in the public notice. Submissions on the proposal closed on 19 August 2020.

Mr Dymock advised at the hearing that the SDHB has now concluded the statutory process under the Health Act to approve the disposal of land held for health purposes. Mr Dymock advised that the land in question is now being valued as part of the necessary actions under the Public Works Act to legalise the road alignment.

Any effects associated with the use of Section 1, being the Road to be Stopped, for residential subdivision and development as facilitated by Plan Change 15 will be no greater than minor. The area of land concerned is adjacent to Lot 2 DP 18990; and it is noted that the 4970m² of land in Section 1 is some 10 metres off the existing centreline of the Mutton Town Road carriageway. The road stopping/taking of land for road will have a positive effect by regularising the existing situation whereby the sealed carriageway of Mutton Town Road encroaches onto the Dunstan Hospital property opposite Lot 2 DP 18990.

8.16 Logical Extension to Clyde

Several constraints exist to the expansion of the urban area of Clyde. The Clutha River/Mata-au provides a natural boundary to the west of the township.

Land between Sunderland Street and the Clutha River/Mata-au is designated D65 for “Recreation Purposes” being the Clyde Recreation Reserve that includes the sports grounds/camping ground and the Dunstan Golf Course; such area extending from Whitby Street to the Dunstan Hospital site. While the land designated D65 has an underlying Residential Resource Area it is unlikely to be released for residential subdivision and development in the foreseeable future.

Topography to the north and east of the existing Clyde township and State Highway 8 provide a logical boundary generally to the north and east of the existing urban area of Clyde.

Having regard to the above it can be concluded that the land subject to Plan Change 15 and other land adjacent to Mutton Town Road is the logical area within which future residential growth for Clyde could be accommodated.

Connectivity with the existing Clyde urban area is provided by Sunderland Street. It is noted that a footpath exists on the north side of Sunderland Street. Direct connectivity through the Residential Resource Area to the north of Sunderland Street is not facilitated as there is no public access way connection between, say, Sunderland Street and Chandler Crescent. This means that cyclists and pedestrians wishing to travel between the Plan Change 15 land and the Daphne Hull Subway off Albert Drive would logically need to use the circuitous route of Sunderland Street, Annan Street, Fache Street and Albert Drive to achieve such access.

The Council concurs with Waka Kotahi (15/5) and the requestor that providing for residential development at the Plan Change 15 location represents a logical extension of the existing Clyde township.

8.17 Precedent

David Barrington Smythe (9/1) has submitted that over the next few years the whole of Mutton Town Road should be rezoned for the reasons stated in the submission.

Plan Change 15 will not establish a precedent as any proposals for the zoning of additional land at Mutton Town Road for residential purposes would be subject to the plan change or District Plan Review process. Notwithstanding this it is appropriate to acknowledge that if Plan Change 15 proceeds this will signal that Mutton Town Road is the appropriate location for residential expansion of Clyde to occur. Accordingly it is appropriate that the Outline Development Plan for the Plan Change 15 land should ensure that space is provided for a suitable upgrade of the Mutton Town Road/Hospital Street/Sunderland Street intersections to serve possible future development at Mutton Town Road.

In Part 8.16 of this decision constraints to the physical expansion of the township of Clyde are identified. The Council's conclusion is that expansion in a southern direction, at Mutton Town Road, is the most appropriate location for such future growth to be accommodated.

While Plan Change 15 will not establish a precedent *per se* the plan change will signal that Mutton Town Road is the appropriate direction for the future expansion of Clyde to accommodate residential activity.

8.18 Potential for Deferred Zoning

Ms Kean expressed her opinion that an holistic approach could be to impose some form of deferred zoning, or similar approach, to the Plan Change 15 land for a specified period such as two years. She considered that this would allow wider consideration to be given to the area south of Sunderland Street and its suitability for a change in zoning and the infrastructure needs, including roading requirements.

Mr Dymock, for the requestors, emphatically disagreed with the "deferred zoning" for two years idea. He observed that another private plan change will be required to uplift any such "deferral"; resulting in additional delay.

The Council has concluded that deferred zoning, as suggested by Ms Kean, would not be appropriate in this instance. It is noted, in the first instance, that no proposal for "deferred zoning" was put forward in the submission of Waka Kotahi. Furthermore there is no certainty that the

Vincent Spatial Plan and resulting plan change/District Plan Review processes will be settled within a period of, say, two years.

The Council's overall conclusion is that a deferred zoning or similar approach is not appropriate in the context of Plan Change 15.

8.19 Positive Effects

Plan Change 15 will have a significant positive effect by catering for projected residential growth at Clyde. The Plan Change 15 land is located in close proximity to the existing urban area of Clyde; and this will facilitate integration with existing infrastructure and with the community of Clyde. The Council has concluded that Plan Change 15 will have significant positive effects.

8.20 Conclusion : Effects on Environment

Plan Change 15 will have a positive effect by increasing the urban land supply at Clyde to cater for the projected residential growth of the Clyde township. If the Plan Change 15 land is subdivided for conventional residential subdivision and development Plan Change 15 will cater for the projected residential growth of Clyde over the next 10 years or more. If much of the land is utilised for a retirement village as described by Mr Dymock at the hearing and summarised in Part 8.13 of this decision, a positive effect will result as existing residents of Clyde are likely to take the opportunity to move to the retirement village, thus making existing homes at Clyde available for new residents. Under either scenario Plan Change 15 will have a positive effect in terms of catering for projected residential growth at Clyde.

As discussed in Part 8.2 of this decision mitigation is required with respect to potential adverse transport effects. In particular there is a need for integrated management to minimise the use of the Mutton Town Road/State Highway 8 intersection. This can be achieved via amendments to Plan Change 15 which will require the provision of an Outline Development Plan and a rule that has the effect of requiring that access to all Plan Change 15 land is achieved off Sunderland Street until such time as the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to enhance safety. Any adverse effects in terms of landscape values and on adjacent rural properties (including reverse sensitivity effects) will be limited. Any other adverse effects on the environment, as discussed above, will be no greater than minor.

The Council is satisfied that Plan Change 15 should include the 1.421 hectares described as Lot 1 DP 331535 being 84 Mutton Town Road. This property is internal to the land subject to the notified Plan Change 15 and will facilitate the integrated management of the effects of Plan Change 15; including the opportunity to rationalise access and the provision of services.

The Council's overall conclusion is that Plan Change 15 will have significant positive effects and that adverse traffic effects, particularly relating to the Mutton Town Road/State Highway 8 intersection, can be mitigated by additional provisions which will serve to achieve integrated management of the traffic effects of Plan Change 15. The Council is satisfied that the positive effects of Plan Change 15 will outweigh any adverse effects.

9.0 CONSIDERATION OF ALTERNATIVES

Section 74(1)(d) and (e) of the Act confirm that a change is to be in accordance with the Council's obligation (if any) to prepare and have particular regard to an evaluation report prepared in accordance with section 32. Section 32 establishes requirements for preparing and publishing evaluation reports on a proposed plan change and it is noted that Appendix E of the request document includes an evaluation of the objectives, policies, rules and other methods under section 32.

9.1 Plan Change 15 Objectives

Section 32(6) of the Act defines “objectives” in the context of section 32 as follows:

- “(a) *for a proposal that contains or states objectives, those objectives:*
 (b) *for all other proposals, the purpose of the proposal*”

In this instance Plan Change 15 does not seek to introduce objectives into the Operative District Plan, rather it relies on existing objectives. Therefore, for the purposes of section 32(1), it is the purpose of the proposal that must be evaluated when examining the extent to which the proposal is the most appropriate way to achieve the purpose of the Act.

The purpose of the proposal is stated in Section 4.0 of the request document (as reproduced in Part 5.1 of this decision). The objectives of Plan Change 15 are more succinctly expressed in Section 1.0 of the Section 32 Evaluation [Appendix E to the request document] as follows:

- *To re-zone the site to provide sufficient residential development capacity to satisfy the reasonably foreseeable demand for new residential housing in Clyde*
- *To provide for a wide range of section sizes to enable more affordability and choice of housing typologies to cater for changing demographics and market preferences, including the possibility of a retirement village.*
- *To retain flexibility to respond to changing market place preferences in an efficient manner.*
- *To provide for a high level of residential amenity that is compatible with that of the existing Clyde Township and a safe and efficient transport network that integrates well into the existing Clyde Township.*

The ME Consulting report (Appendix F to the request document) confirms that Plan Change 15 will provide sufficient residential development capacity to cater for the projected residential growth at Clyde over the next 10 years or more. This anticipates that the Plan Change 15 land will be subdivided and developed for conventional residential purposes. As discussed in Part 8.13 of this decision a retirement village may occupy much of the Plan Change 15 land; and this would result in an alternative form of residential accommodation which is likely to be occupied by some existing Clyde residents, resulting in their homes becoming available for new residents at Clyde. Some 37 residential allotments are also anticipated elsewhere on the Plan Change 15 land under such a scenario.

The Residential Resource Area provisions, which provide for a minimum lot area of 250m², provide for a wide range of section sizes to provide for affordability and choice of housing typologies, including a retirement village (if lots are created to accommodate units in such a retirement village). The Residential Resource Area provisions will also enable flexibility in responding to market preferences. It is also acknowledged that a high level of residential amenity is provided for through the Residential Resource Area provisions as amended by Plan Change 15 that introduces some rules specific to the Plan Change 15 land.

The provision of a safe and efficient transport network that integrates well into the existing Clyde township is dependent upon amendment to the plan change provisions to incorporate Lot 1 DP 331535 (84 Mutton Town Road), provision for an Outline Development Plan, and a new rule that requires that access to all of the Plan Change 15 land be achieved off Sunderland Street until such time as the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to enhance safety. Provisions to this effect, including the amendments to those provisions discussed at the hearing, will ensure that the final bullet point “objective” of Plan Change 15, as presented above, will be met.

In all the circumstances the Council considers that the purpose of the proposal (being the objectives stated in the Section 32 Evaluation for Plan Change 15) is the most appropriate way to achieve the purpose of the Act; and that the provisions of Plan Change 15, as amended to incorporate the modifications discussed in this decision, are the most appropriate way to achieve the purpose of the proposal.

9.2 Operative District Plan Objectives

The objectives of the Operative District Plan provide the basis for the existing pattern of development within the district including in the Rural Resource Area and the urban areas (defined as meaning the Residential, Business, Industrial and Rural Settlement Resource Areas in Section 18 of the Operative District Plan).

9.2.1 Objectives for Rural Resource Area

The land subject to Plan Change 15 is currently within the Rural Resource Area and is subject to the Rural Residential notation in terms of the Operative District Plan. Objectives of particular relevance include Objectives 4.3.1, 4.3.3 and 4.3.7. Following consideration of the effects of the proposal in Part 8.0 of this decision; the Council considers that the proposal is consistent with Objective 4.3.1 and Objective 4.3.3. Plan Change 15 will provide for the logical expansion of the town of Clyde thus meeting the needs of the District's people and communities. Furthermore it is considered that any landscape effects or effects on adjoining properties (in terms of rural amenity values) will be limited; and the relatively flat nature of the Plan Change 15 land will ensure that the open natural character of hills and ranges within the District will be maintained.

In terms of Objective 4.3.7 the land subject to Plan Change 15 has limited capability for productive use. It is noted, in particular, that the land resource has no potential for horticultural development.

The Council's conclusion is that the rezoning provided for in terms of Plan Change 15 will not significantly compromise the values that the objectives of the Rural Resource Area would otherwise seek to maintain and enhance.

9.2.2 Objectives for Section 6 : Urban Areas

Objectives 6.3.1-6.3.4 (and the associated Policies 6.4.1 and 6.4.2) are particularly relevant to Plan Change 15 given that the plan change proposes that the Plan Change 15 land be rezoned such that it will form part of the Clyde urban area.

In terms of Objective 6.3.1 the Council considers that Plan Change 15 will promote the sustainable management of the urban area of Clyde as the Plan Change 15 land can be subdivided and developed to meet the reasonably foreseeable demand for new residential housing at Clyde in a convenient location. It is also noted, in terms of Objective 6.3.3, that Plan Change 15 will avoid adverse effects on the natural and physical resources of the District including reverse sensitivity effects and in terms of the loss of the productive potential of soils.

The Council considers, in terms of Policy 6.4.1(a), that Plan Change 15 will provide a level of amenity acceptable to the community having regard to the effects of the established and proposed land uses in the immediate vicinity at Mutton Town Road; and that Plan Change 15 will enable the expansion of the Clyde urban area in a manner that avoids, remedies or mitigates adverse effects on the adjoining rural areas or on the life supporting capacity of land resources (in terms of Policy 6.4.2(a) and (g)).

Plan Change 15 is entirely consistent with Policy 6.4.1(c) that recognises that change is inevitable in the use of land to enable the community to provide for its wellbeing.

The Council's conclusion is that the proposal is consistent with the relevant objectives and policies for urban areas as presented in Section 6 : Urban Areas of the Operative District Plan.

9.2.3 Objectives for Section 7 : Residential Resource Area

Objectives 7.1.1 – 7.1.3 that apply to the Residential Resource Area will be applicable to the Plan Change 15 land if the plan change proceeds. These objectives are appropriate for the Plan Change 15 land. In particular Plan Change 15 is entirely consistent with Objective 7.1.3 which recognises that change is inevitable in the use of land to provide for community wellbeing. The policies that relate to the Residential Resource Area provide the basis for the rules and other provisions that relate to the Residential Resource Area, consistent with the above objectives.

9.2.4 Objectives for Transportation Network

Objective 13.3.1 and the associated Policy 13.4.2 as presented in Section 13 Infrastructure, Energy and Utilities are of relevance in this instance. Plan Change 15 is to be modified to stipulate in a rule that all land subject to Plan Change 15 achieve access onto Sunderland Street until such time as the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to enhance safety. This will provide for the safe and efficient operation and development of the transportation network, including integration with the existing transportation network, consistent with Objective 13.3.1 and Policy 13.4.2(k) in particular.

The new Rule 7.3.6(xii)(c) (Acoustics) and Rule 7.3.6(xiii) (Landscaping) are both consistent with Objective 13.3.1 and Policy 13.4.2(a) and (b).

The Council's conclusion is that Plan Change 15, with modifications, is consistent with the relevant objective and policies stated in Section 13 of the Operative District Plan.

9.3 Consideration of Alternatives

There are several options potentially available to the Council including the four options identified in Section 2.0 of the Section 32 Evaluation at Appendix E to the request document.

Options 1-4 as identified by the requestor include the status quo – retaining the current zoning and relying on the resource consent process to achieve the objectives of the request; await the District Plan Review; rezone the site as an existing Resource Area eg. Residential Resource Area; or rezone the site to a new resource area with bespoke planning provisions ie. a “master plan” form of development.

The requestor considers that the final two options discussed above are the potential options that are reasonably practical and worth considering further. The requestor describes these as “Option 1” and “Option 2” that can be summarised as follows:

Option 1 : Request a private plan change to change the zoning of the site to an existing resource area and to modify the zoning provisions (rules) of the resource area to enable site-specific requirements.

Option 2 : Request a private plan change to create a new bespoke resource area.

The evaluation of the costs and benefits of these options are presented in Section 3.0 of the Section 32 Evaluation (Appendix E to the request document).

The Council agrees with the requestor's conclusion that, on balance, the most preferable option is Plan Change 15 which is to change the zoning of the land to the District Plan's existing Residential Resource Area with modifications to the rules to enable site-specific requirements to be met. As previously discussed the notified Plan Change 15 provisions are to be modified to ensure that integrated management of transportation effects is achieved in the context of Plan Change 15.

The Council's conclusion is that the requestor's Option 1 is the preferred option in this instance.

9.4 Conclusion : Alternatives

The Council's conclusion, following consideration of the alternatives, is that the Plan Change 15 option (with modifications) is the most appropriate alternative.

10.0 OTHER STATUTORY CONSIDERATIONS:

10.1 Statutory Provisions

The purpose of district plans is stated in section 72 of the Act:

“72. Purpose of district plans – The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

Section 74(1)(a) directs that a territorial authority must prepare and change its district plan in accordance with its functions under section 31. The Council considers that making provision for the extension of the Residential Resource Area, as proposed through the provisions of Plan Change 15 incorporating the modifications discussed in this decision, will serve to achieve integrated management of the effects of the use and development of land and associated natural and physical resources of the District, being a function of a territorial authority in terms of section 31(1)(a) of the Act.

In terms of section 31(1)(aa) Plan Change 15 will materially assist in ensuring that Clyde has sufficient development capacity in respect of housing to cater for the projected residential growth of Clyde. It is anticipated that further development capacity into the future at Clyde is likely to be a result of either plan changes or the District Plan Review that will be informed by the outcome of the Vincent Spatial Plan process.

It is again noted that contaminated land (section 31(1)(b)(iia)) has been addressed in the PSI and DSI prepared by Insight Engineering presented at Appendix H to the request document (discussed in Part 8.5 of this decision).

In terms of section 31(1)(d) Plan Change 15 will have no particular effect in terms of the emission of noise; and the effects of noise associated with State Highway 8 will be appropriately mitigated by the proposed Rule 7.3.6(xii)(c).

Plan Change 15, as modified in accordance with this decision, will assist the territorial authority to carry out its functions in order to achieve the purpose of the Act.

10.2 Proposed Regional Policy Statement & Other Statutory Documents referred to in Section 74(2) & (2A)

Section 74 of the Act sets out the matters to be considered by a territorial authority when preparing or changing a district plan. Section 74(2) and (2A) state as follows:

- “(2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to-*
- (a) *Any –*
- (i) *Proposed regional policy statement; or*
- ...
- (b) *Any –*
- (i) *Management plans and strategies prepared under other Acts;*
- and*
- ...
- (2A) *A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district.*
- ...”

10.2.1 Proposed Regional Policy Statement

The Proposed Regional Policy Statement for Otago was publicly notified on 23 May 2015. Decisions on submissions on the Proposed Regional Policy Statement were issued on 1 October 2016; and the Partially Operative Regional Policy Statement for Otago became operative on 14 January 2019.

While most provisions of the Proposed Regional Policy Statement as notified in 2015 are now operative Chapter 3 in Part B entitled “Otago has high quality natural resources and ecosystems” remains part of the Proposed Regional Policy Statement.

Objective 3.1 and its associated Policy 3.1.7 and Objective 3.2 and its associated Policies 3.2.17 and 3.2.18 are presented in the decisions version of the Proposed Regional Policy Statement and relate to soil values, including significant soils.

As noted in Part 8.14 of this decision the land subject to Plan Change 15 is classified as Land Inventory Unit VI⁷. This land has limited productive potential and is not suitable for horticultural purposes.

Plan Change 15 is not contrary to the relevant objectives and policies of the Proposed Regional Policy Statement relating to soil values. In particular significant soils will not be affected by Plan Change 15.

Objective 4.5 and Policy 4.5.2 of the Proposed Regional Policy Statement recognise the need for urban growth and development to occur in a strategic and coordinated way; and direct that the strategic integration of infrastructure and land use be achieved. As previously discussed notified Plan Change 15 is to be modified to provide for the integrated management of the transportation effects of the proposal. The Council is satisfied that Plan Change 15, as modified in accordance with this decision, will achieve Objective 4.5 and Policy 4.5.2 of the Proposed Regional Policy Statement.

10.2.2 Otago Southland Regional Land Transport Plan

The combined Otago Southland Regional Land Transport Plan (OSRTP) has been prepared under the Land Transport Management Act 2003. This document is to be had regard to pursuant to section 74(2)(b)(i) of the Act.

Waka Kotahi (15/8) advises that the OSRTP recognises the importance of the Safe Systems approach for improving road safety, including for vulnerable road users. Waka Kotahi has

requested that the requestors provide further detail on how the Mutton Town Road and Sunderland Street intersections with State Highway 8 will be made Safe Systems compliant.

As noted in Parts 8.2.3 and 8.2.5 of this decision the Sunderland Street intersection with State Highway 8 can be improved by providing a painted median to separate vehicles slowing in the left turn lane that may otherwise hide a following straight through vehicle as motorists negotiate a right hand turn from Sunderland Street onto State Highway 8. Mr Facey has advised that this is typically an appropriate solution to such problems and would be supported; and a new rule [Rule 7.3.6(vi)(i)] is to be inserted into the Operative District Plan via Plan Change 15 to address this matter.

The Mutton Town Road intersection is more problematic given that sight distances are restricted across land that is not controlled by the requestor or Waka Kotahi. If the Mutton Town Road/State Highway 8 intersection is not closed or reconfigured to enhance safety, the best solution is to require that access to all of the Plan Change 15 land be achieved onto Sunderland Street.

The Memorandum from Chris Baker of WSP dated 16 November 2020, which was attached to Mr Dymock's submissions presented at the hearing, has addressed the absence of a Safe Systems assessment. Mr Baker has noted that at a pre-hearing conference call it was agreed between the transport experts that the only truly Safe Systems intervention in this location would be a roundabout (at the Sunderland Street/State Highway 8 intersection) and that this would be unrealistic and excessive for this location. Mr Baker also noted that Ms Kean's evidence has confirmed Waka Kotahi's agreement with the proposed safety improvements at this intersection; and Mr Baker observed that this suggested that a Safe Systems assessment is not required.

Section 3.4 of the OSRTP contains land transport policies. Policies 7 and 8 are of relevance and these state as follows:

7. *When needed to ensure resilience, prompt a change in travel behaviour towards increased walking, cycling and public transport use in urban areas, by:

 - *managing traffic to maintain certain levels of congestion*
 - *adapting the supply and pricing of car parking over time*
 - *promoting multi-model journeys.**
8. *Support and promote growth in cycle and pedestrian trips and in public transport patronage."*

A footpath has been constructed on the north side of Sunderland Street that can be utilised by walkers from the Plan Change 15 land. As discussed in Part 8.2.6 of this decision access is available to the Otago Central Rail Trail via an existing gateway type access opposite the Sunderland Street/State Highway 8 intersection albeit that this access to the Rail Trail may well be closed as a consequence of a Safety Audit undertaken in this locality. It is also acknowledged that it is possible for cyclists to enter the Rail Trail by utilising the more circuitous route that utilises the Daphne Hull Subway under State Highway 8.

Provision can be made for cycle and pedestrian connections to be integrated with the wider transport network through the mechanism of the Outline Development Plan that is to be provided in terms of the new Rule 7.3.5(viii)(b).

The Council has concluded that Plan Change 15 can be modified such that the OSRTP is appropriately had regard to.

10.2.3 Kāi Tahu ki Otago Natural Resource Management Plan 2005

The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is a relevant planning document recognised by an iwi authority. This document appears to have no particular relevance to the current proposal and it is acknowledged that Kāi Tahu has not submitted in response to Plan Change 15. Aukaha noted, in the context of pre-request consultation, that there is potential to disturb unrecorded sites during any earthworks for future development. Such possible disturbance can be addressed by adhering to an accidental discovery protocol during subdivisional works. This matter can be best addressed in the context of a future application for resource consent relating to the Plan Change 15 land.

10.2.4 Clyde Community Plan 2011

The Clyde Community Plan 2011 contains the following statement under “Development”:

“New development is important to maintaining the life and vibrancy of any township. However, it always needs to be balanced alongside the existing character and be in keeping with the collective lifestyle values of residents, something Clyde has grappled with as the town has both grown and attracted more visitors.

It was identified that protection of the Sunderland Street avenue from having too many vehicle entrances (from the highway to Dunstan Street) was preferred. This will maintain the clean, safe, uncluttered avenue feel of this entranceway.

There remains an interest in having a rest home or retirement village in the hospital area. However, approaches made to both Sunderland Estate and Dunstan Hospital following the 2006 plan found this was not currently of interest to either party.”

The Clyde Community Plan 2011 also contains the following Objective:

“Objective

New development to be in keeping with the character and collective lifestyle values of the Clyde community.”

Plan Change 15 is consistent with the above statements given that zoning provisions that currently apply to the Residential Resource Area at Clyde will be applied to the Plan Change 15 land; as no direct access from private properties onto Sunderland Street, Hospital Street and Mutton Town Road will be permitted; and as the land is sufficiently large to provide the opportunity for a substantial retirement village to be established on the Plan Change 15 land, which is located in close proximity to Dunstan Hospital.

The Clyde Community Plan was prepared almost a decade ago. At that time there was no Clyde Wastewater Project; and development of the remaining greenfield land within Clyde (at Sunderland Estate and at Shields Street) has now occurred with most sections now containing dwellings. The construction of the Clyde Wastewater Project (along with the growth that has occurred at Clyde) represents a significant change in the planning environment which makes expansion of the existing residential area of Clyde, as provided for in Plan Change 15, acceptable.

10.3 Policy Statements and Plans listed in Section 75(3) & (4)

Section 75(3) and (4) of the RMA provide statutory direction with respect to the contents of district plans as follows:

- “(3) A district plan must give effect to –
(a) any national policy statement; and*

- ...
- (ba) a national planning standard; and
 - (c) any regional policy statement.
- (4) A district plan must not be inconsistent with –
- ...
- (b) a regional plan for any matter specified in section 30(1).
- ...”

10.3.1 National Policy Statement on Urban Development Capacity 2020

The Section 32 Evaluation (attached as Appendix E to the request document) refers to the National Policy Statement on Urban Development Capacity 2016. This NPS has now been superseded.

The National Policy Statement on Urban Development 2020 (NPS-UD) was gazetted on 23 July 2020 and took effect on 20 August 2020. The NPS-UD can now be considered in the context of Plan Change 15.

Clause 1.3(1) of the NPS-UD states that:

“This National Policy Statement applies to:

- (a) all local authorities that have all or part of an urban environment within their district or region (ie, tier 1, 2 and 3 local authorities); and
 - (b) planning decisions by any local authority that affect an urban environment.”
- [Emphasis Added]

The NPS-UD defines the term “urban environment” as follows:

“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”

Figure 2.3 of the ME Consulting report (Appendix F to the request document) confirms that the resident population of Clyde township was 1,161 persons in 2018. Given that there is limited potential within the existing Clyde township for further residential growth the existing urban area of Clyde, as provided for in the Operative District Plan, does not contain and is not intended to contain a concentrated population of 10,000 people. In these circumstances it is not considered that Clyde is an “urban environment” for the purposes of the NPS-UD, and accordingly the NPS-UD is not a relevant planning document in the context of Plan Change 15.

10.3.2 Other National Policy Statements

The National Policy Statement on Electricity Transmission 2008, the National Policy Statement for Renewable Electricity Generation 2011 and the National Policy Statement for Freshwater Management 2014 are of no particular relevance to Plan Change 15.

A draft National Policy Statement for Highly Productive Land (NPS-HPL) is going through the statutory process; and, according to the Ministry for the Environment website, is unlikely to be approved before the first half of 2021. Given that this document does not have status as a National Policy Statement at present it is not to be considered in the context of Plan Change 15.

Notwithstanding this it is again noted that the land subject to Plan Change 15 is in Land Inventory Unit VI_s7 that has limited productive potential.

10.3.3 National Environmental Standards

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health has been addressed in the Insight Engineering PSI and DSI (Appendix H to the request document) and is discussed in Part 8.5 of this decision.

There are no other National Environmental Standards in force that are of any particular relevance to Plan Change 15.

10.3.4 Operative Regional Policy Statement 1998

The Regional Policy Statement for Otago became operative on 1 October 1998. Given that there is now a new Partially Operative Regional Policy Statement only those provisions of the 1998 Operative Regional Policy Statement which do not appear to have been superseded by the Partially Operative Regional Policy Statement are addressed here.

Objectives 5.4.1 and 5.4.2 of the Operative Regional Policy Statement relate to the land resource and Policies 5.5.2 and 5.5.3 promote the retention of the primary productive capacity of Otago's existing high class soils and seek to maintain and enhance Otago's land resource, respectively.

In this instance the land subject to Plan Change 15 does not contain high class soils. The land is identified as Land Inventory Unit VI_s7 which has potential for grazing but not horticultural crops. In all the circumstances the objectives and policies of the Operative Regional Policy Statement referred to above are of little relevance to Plan Change 15.

Objective 9.4.2 and Policy 9.5.3 of the Operative Regional Policy Statement relate to Otago's transport network. Modifying Plan Change 15 to provide for the integrated management of the traffic effects that will result from the plan change is consistent with these provisions. In particular provision is to be made for all of the Plan Change 15 land to achieve access from Sunderland Street to minimise use of the Mutton Town Road/State Highway 8 intersection unless this intersection is closed or reconfigured to enhance safety. Such provision can be achieved via rules that require an Outline Development Plan and that require that all of the Plan Change 15 land achieve access from Sunderland Street until such time as the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to enhance safety.

Plan Change 15, subject to the modifications discussed in this decision, will give effect to the provisions of the Operative Regional Policy Statement.

10.3.5 Partially Operative Regional Policy Statement 2019

The Partially Operative Otago Regional Policy Statement 2019 became operative on 14 January 2019. Objectives and policies presented in Part B Chapter 4 and Chapter 5 of the Partially Operative Regional Policy Statement are relevant.

Objective 4.3 and Policy 4.3.3 relate to infrastructure. State Highway 8 is infrastructure that has regional or national significance. An effect of the proposal is that without modification Plan Change 15 is likely to generate additional traffic movements at the Mutton Town Road/State Highway 8 intersection, particularly for traffic travelling between part of the Plan Change 15 land and Alexandra. The Plan Change 15 provisions are to be modified by this decision to provide for all land subject to Plan Change 15 to be provided with access off Sunderland Street until such time as the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to

enhance safety. This will encourage use of the Sunderland Street/State Highway 8 intersection for traffic travelling towards Alexandra from the Plan Change 15 land.

Objective 4.5 and its associated policies relate to urban growth and development. Plan Change 15 provides for the urban growth of Clyde as the Residential Resource Area will provide for the Plan Change 15 land to be subdivided and developed for residential purposes. The urban development enabled by Plan Change 15 will integrate effectively with the adjoining urban environment of Clyde and with the rural environment; being the rural lifestyle subdivision and development that exists at Mutton Town Road

Policy 4.5.1 of the Partially Operative Regional Policy Statement relates to providing for urban growth and development. Plan Change 15 provides for urban growth and development in a strategic and coordinated way. The plan change will assist in meeting the demand for residential land at Clyde. Plan Change 15 provides for such residential subdivision and development to occur in a location that will facilitate the logical expansion of the Clyde township. Furthermore Plan Change 15 coordinates the development and extension of the Clyde urban area with a key infrastructure programme being the Clyde Wastewater Project that provides for a reticulated wastewater system at Clyde.

In terms of Policy 4.5.1d) it is again noted that Clyde is not an urban environment as identified in the NPS-UD (as discussed in Part 10.3.1 of this decision).

In terms of Policy 4.5.1f)i. the proposal will not have an adverse effect on significant soils and activities which sustain food production. Again it is noted that the land subject to Plan Change 15 is in Land Inventory Unit VI7.

The proposal is not contrary to Policy 4.5.1h). The proposal will have no particular reverse sensitivity effects in terms of rural production or in terms of the rescue helicopter operations at Dunstan Hospital.

Policy 4.5.3 of the Partially Operative Regional Policy Statement relates to urban design. In terms of Policy 4.5.3a), b), d) and g) provision for an Outline Development Plan is consistent with achieving an appropriate design for new urban development. Furthermore a combination of the Outline Development Plan and rule provisions, to be inserted as modifications to Plan Change 15, will ensure that good access and connectivity will be achieved. It is also acknowledged, in the context of Policy 4.5.3h), that a diverse range of housing can be provided in the context of the Residential Resource Area that is proposed for the Plan Change 15 land.

The subject site is currently located within the Rural Resource Area. Objective 5.3 and its associated Policy 5.3.1 as presented in the Partially Operative Regional Policy Statement are therefore relevant. Plan Change 15 will not result in the use of significant soils which are able to be developed for horticultural use; and the proposal will not result in the establishment of incompatible activities in this existing rural area. The proposal is therefore not contrary to Objective 5.3 and Policies 5.3.1a), c), d) and e) of the Partially Operative Regional Policy Statement. In the context of Policy 5.3.1f) it is acknowledged that the land subject to Plan Change 15 is situated in a location which provides for a logical expansion of the existing township of Clyde.

Not all of the objectives and policies presented in the Partially Operative Regional Policy Statement 2019 are addressed in this decision. The objectives and policies discussed above are those which are relevant to the Council's consideration of Plan Change 15; and the Council

considers that Plan Change 15 gives effect to those provisions of the Partially Operative Regional Policy Statement that are discussed above.

10.3.6 Regional Plan

Relevant regional plans are the Regional Plan : Air for Otago that became operative on 1 January 2003; and the Regional Plan : Water for Otago which became operative on 1 January 2004.

10.3.6.1 Regional Plan : Air

Policy 9.1.4 of the Regional Plan : Air is to promote clean heating in new residential areas where discharges are likely to have an adverse impact on air quality in Air Zones 1 or 2, or degrade high quality ambient air. The land subject to Plan Change 15 falls outside of Air Zone 1 at Clyde (which extends to Sunderland Street adjacent to Lot 2 DP 18990). Clyde is not in the Air Zone 2. In all the circumstances the Regional Plan : Air has no particular relevance to Plan Change 15.

10.3.6.2 Regional Plan : Water

The subdivision and development of the Plan Change 15 land for residential purposes does not rely on private consents under the Regional Plan : Water in relation to water supply and wastewater disposal. Water and wastewater are to be reticulated via the Clyde town systems. Stormwater disposal will be possible without consent under the Regional Plan : Water and the Infrastructure Report (Appendix I to the request document) confirms that a silt and debris trap is required before discharge of stormwater to a soakpit to comply with the Regional Plan : Water rules. Plan Change 15 is consistent with the Regional Plan : Water.

10.4 Part 2

10.4.1 Primacy of Part 2

Section 74(1)(b) of the Act confirms that a change to a district plan is to be in accordance with the provisions of Part 2; and it is again noted that achieving the purpose of the Act (section 5 in Part 2) is the purpose of the preparation, implementation and administration of district plans in terms of section 72.

Part 2 includes sections 5, 6, 7 and 8 that are discussed below.

10.4.2 Purpose of Act:

Plan Change 15 will serve to promote the sustainable management of natural and physical resources being the purpose of the Act as stated in section 5. The plan change will provide for the social, economic and cultural wellbeing of the Clyde community by catering for projected residential growth in a logical location. It is also acknowledged that the Residential Resource Area provides for a range of lot sizes and housing typologies, with benefits in terms of affordability and the potential to accommodate a retirement village close to the Dunstan Hospital.

Plan Change 15 is consistent with sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and the provision of a reticulated wastewater disposal system is consistent with safeguarding the life-supporting capacity of air, water, soil and ecosystems. Adverse effects of the activities facilitated by Plan Change 15 on the environment, particularly transportation effects, can be appropriately mitigated by the modifications to Plan Change 15 made in this decision. The Council's conclusion is that with these modifications any adverse effects of the activities facilitated by Plan Change 15 on the environment will be satisfactorily avoided, remedied or mitigated.

10.4.3 Matters of National Importance

It is noted, in the context of section 6(e), that an accidental discovery protocol is to be provided for in the context of a future application for resource consent to subdivide or develop the Plan Change 15 land. No other matters listed in section 6 appear to be relevant to Plan Change 15.

10.4.4 Other Matters

The proposal, which is to provide for the subdivision and use of land for residential purposes, is consistent with section 7(b) being the efficient use and development of natural and physical resources. Plan Change 15 will facilitate the use of the land resource to assist in catering for the residential growth of Clyde.

Section 7(c) and (f) relate to the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment. It is again acknowledged that Plan Change 15 provides for land to be included in the Residential Resource Area; and it is acknowledged that the existing residential areas of Clyde are also located in the Residential Resource Area. As a consequence Plan Change 15 will serve to maintain and enhance section 7(c) and (f) values; consistent with the approach taken elsewhere in the urban area of Clyde.

Plan Change 15 is consistent with having particular regard to any finite characteristics of natural and physical resources in terms of section 7(g). The close proximity of the Plan Change 15 land to the existing urban area of Clyde and the potential that will be realised for the orderly and logical expansion of the Clyde township are relevant in this context.

No other matters listed in section 7 appear to be relevant to Plan Change 15.

10.4.5 The Treaty

The Treaty of Waitangi (Te Tiriti o Waitangi) has no particular relevance to Plan Change 15. Notwithstanding this it is again acknowledged that an accidental discovery protocol is to be adhered to in the context of any future application for resource consent for the subdivision or development of the Plan Change 15 land.

10.4.6 Conclusion : Part 2

Plan Change 15 is consistent with the purpose of the Act (section 5); and the proposal is consistent with the principles of the Act, particularly those stated in sections 7(b), (c), (f) and (g).

As noted in Part 10.4.3 of his decision section 6(e) is relevant to the extent that an accidental discovery protocol is to be provided for in the context of any future application for resource consent to subdivide or develop the Plan Change 15 land. Other matters listed in section 6, section 7 (apart from section 7(b), (c), (f) and (g)) and section 8 are of limited or of no particular relevance in this instance.

10.5 Conclusion : Other Statutory Provisions (Including Planning Documents)

Requested Plan Change 15, subject to the modifications made by this decision, is consistent with the function of the Council to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District in terms of section 31. In terms of sections 74 and 75 the proposal will not be contrary to the Proposed Regional Policy Statement (2016), to the Otago Southland Regional Land Transport Plan or to the Clyde Community Plan 2011. Plan Change 15 gives effect to the Regional Policy Statement (1998) and the Partially Operative Regional Policy Statement (2019). Plan Change 15 is in accordance with the purpose and relevant principles of the Act as stated in Part 2; and it is again noted that achieving the purpose of the Act (as stated in section 5 in Part 2) is the purpose of District Plans in terms of section 72.

11.0 SUMMARY OF DECISION FOLLOWING CONSIDERATION

Clause 29(4) in Part 2 of Schedule 1 to the Act provides as follows:

- “(4) *After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to the evaluation, the local authority-*
- (a) *may decline, approve, or approve with modifications the plan or change;*
and
(b) *must give reasons for its decision.*”

Following consideration of the requested plan change and the submissions and further submissions received in response thereto, having undertaken a further evaluation of alternatives pursuant to section 32AA of the Act (in this decision) and for the reasons given above, the Council’s Hearings Panel has resolved pursuant to clause 29(4) of Part 2 of Schedule 1 of the Resource Management Act 1991 to approve Plan Change 15 with modifications and as a consequence:

1. The submission by **Saul Bedford (1/1)** and the other **9 submissions that unconditionally support Plan Change 15** are **accepted in part** to the extent that the Plan Change 15 provisions are to be modified.
2. The submission by **James Maurice Hutton (6/1)** that supports **Plan Change 15** subject to modifications (including further submissions lodged in support or opposition thereto) is **accepted in part** to the extent that Plan Change 15 is to be modified such that Lot 1 DP 331535 is to be incorporated into the plan change.
3. The submission by **David Barrington Smythe (9/1 – 9/6)** that supports **Plan Change 15** subject to infrastructure work allowing for possible future development along Mutton Town Road (including the further submissions lodged in opposition thereto) is **accepted in part** to the extent that the Plan Change 15 provisions are to be modified.
4. The submission by **Esther Isabell Weatherall (12/1 – 12/13)** that opposes **Plan Change 15** subject to the plan change applying to Lot 2 DP 18990 only (including the further submission lodged in opposition thereto) is **accepted in part** to the extent that the Plan Change 15 provisions are to be modified.
5. The submission by **Mark Allan Weatherall (13/1 – 13/3)** that supports **Plan Change 15** to the extent that it only apply to Lot 2 DP 18990 (including the further submission lodged in opposition thereto) is **accepted in part** to the extent that the Plan Change 15 provisions are to be modified.
6. The submission by **Waki Kotahi NZ Transport Agency (15/1 – 15/20)** that opposes **Plan Change 15** unless issues raised in that submission are addressed (including the further submission lodged in opposition thereto) is **accepted in part** to the extent that the Plan Change 15 provisions are to be modified

The provisions of Plan Change 15 incorporating the modifications that have been made in terms of this decision are attached at **Annex 1**.

Certified to be a correct copy of the decision of the Central Otago District Council.

.....

NJ Gillespie
CHAIRPERSON

8 December 2020

RESOURCE MANAGEMENT ACT 1991

CENTRAL OTAGO DISTRICT PLAN

PLAN CHANGE 15 : CLYDE RESIDENTIAL EXTENSION

INCORPORATING MODIFICATIONS MADE IN

DECISION OF THE CENTRAL OTAGO DISTRICT COUNCIL

1. Amend Section 7 : Residential Resource Area in Volume 1 of the Operative Central Otago District Plan by:

- i) Amending Rule 7.3.3(ii) to confirm that a breach of the new Rule 7.3.6(xii)(c) – Acoustics - Clyde Residential Extension is a discretionary (restricted) activity.
- ii) Amending Rule 7.3.4(i) to confirm that a breach of the new Rule 7.3.6(xiii) – Landscaping - Clyde Residential Extension is a discretionary activity.
- iii) Inserting new Rule 7.3.5(vii) to confirm that a breach of the new Rule 7.3.6(vi)(h) and the new Rule 7.3.6(vi)(i) (that relates to the Clyde Residential Extension and which restricts access to Lot 2 DP 18990, Lot 1 DP 525753, Lot 2 DP 525753, Lot 1 DP 331535, Lot 2 DP 331535 and part of Mutton Town Road (to be stopped) near Clyde and which requires improvement of the Sunderland Street/State Highway 8 intersection) is a non-complying activity as follows:

“(vii) Access – Clyde Residential Extension

Any activity that fails to comply with Rule 7.3.6(vi)(h) and (i) is a non-complying activity.”

iv) Inserting a new Rule 7.3.5(viii)(a) and (b) as follows:

“(viii) Subdivision and Residential Development – Clyde Residential Extension

a) Subdivision and residential development on Lot 2 DP 18990, Lot 1 DP 525753, Lot 2 DP 525753, Lot 1 DP 331535, Lot 2 DP 331535 and part of Mutton Town Road (to be stopped) prior to the provision of a reticulated wastewater disposal scheme at Clyde that is capable of servicing this land is a non-complying activity.

b) Subdivision and residential development on Lot 2 DP 18990, Lot 1 DP 525733, Lot 2 DP 525733, Lot 1 DP 331535, Lot 2 DP 331535 and part of Mutton Town Road (to be stopped) prior to the provision of an outline development plan that relates to all of the land and which shows the following:

(i) Indicative roading that shows:

- all of the land subject to this rule achieving access onto Sunderland Street via a new intersection designed in consultation with Waka Kotahi NZ Transport Agency, and

- space for a suitable upgrade of the Mutton Town Road/Hospital Street/Sunderland Street intersections to serve possible future development of all land that has frontage to Mutton Town Road; and
- (ii) Indicative roading that shows a road connection to land immediately to the south-east that is beyond the land subject to this rule; and
- (iii) Indicative cycle and pedestrian connections that integrate with the wider transport network including cycle and pedestrian movements to the Otago Central Rail Trail across the Sunderland Street/State Highway 8 intersection; and
- (iv) The location of any proposed retirement village and provision for access via internal roading on the land.

is a non-complying activity.”

- v) Inserting a new Rule 7.3.6(vi)(h) as follows:

“(h) No residential lots on Lot 2 DP 18990, Lot 1 DP 525753, Lot 2 DP 525753, Lot 1 DP 331535, Lot 2 DP 331535 and part of Mutton Town Road (to be stopped) near Clyde shall have direct access to State Highway 8, Sunderland Street, Hospital Street and Mutton Town Road. Road access to any subdivision and residential development ~~in~~ on Lot 2 DP 18990, Lot 1 DP 525753, Lot 2 DP 525753, Lot 1 DP 331535, Lot 2 DP 331535 and part of Mutton Town Road (to be stopped) shall be achieved only onto Sunderland Street ~~only~~ until such time as the Mutton Town Road intersection with State Highway 8 is either closed or reconfigured to enhance safety to the requirements of Waka Kotahi NZ Transport Agency.”

- vi) Inserting a new Rule 7.3.6(vi)(i) as follows:

“(i) Prior to subdivision and residential development occurring on Lot 2 DP 18990, Lot 1 DP 525753, Lot 2 DP 525753, Lot 1 DP 331535, Lot 2 DP 331535 and part of Mutton Town Road (to be stopped) the Sunderland Street/State Highway 8 intersection shall be improved by providing a painted median such that the view to the right from Sunderland Street is not restricted by a vehicle slowing in the left turn lane on State Highway 8 (that may otherwise obscure a following straight through vehicle).”

- vii) Inserting a new breach reference note relating to new Rule 7.3.6(vi)(h) and Rule 7.3.6(vi)(i) to state as follows:

“Breach (h)& (i) : non-complying activity see Rule 7.3.5(vii)”

- viii) Inserting a new Rule 7.3.6(xii)(c) as follows:

“(c) Acoustics - Clyde Residential Extension

New residential buildings located on Lot 2 DP 18990, ~~and~~ Lot 2 DP 525753 and Lot 1 DP 331535 within 80m of the seal edge of State Highway 8 shall be designed and constructed to meet noise performance standards for noise from traffic on State Highway 8 that will not exceed 35dBA Leq (24hr) in bedrooms and 40dBA Leq (24hr) for other habitable rooms in accordance with satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.

This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.”

- ix) Inserting a new Rule 7.3.6(xiii) as follows:

“(xiii) Landscaping – Clyde Residential Extension

On Lot 2 DP 18990, ~~and~~ Lot 2 DP 525753 and Lot 1 DP 331535 adjacent to State Highway 8 a landscaped strip shall be provided within the 20m wide Building Line Restriction shown on the planning map. The strip shall not be paved or have any structures erected on it (including fences) and shall create the opportunity for landscaping to provide visual enhancement or screening. Landscaping shall not impede traffic visibility or shade State Highway 8 and shall be maintained in a healthy and tidy condition at all times. Provision shall be made for the landscaped strip on the plan of subdivision and landscaping shall be established along the entire landscaped strip at the time of subdivision. The retention and future maintenance of the landscaping in the landscaped strip shall be provided for as a condition of subdivision consent that is to be subject to a consent notice.

Reason

Landscaped buffers within the District’s urban areas along State Highways assist in mitigating reverse sensitivity effects, provide for beautification of the entrances into the District’s urban areas, screen built form from users of the highway and enhance the privacy and amenity of dwellings adjoining the highway.”

- x) Inserting a new breach reference note relating to new Rule 7.3.6(xiii) to state as follows:

“Breach: discretionary activity see Rule 7.3.4(i)”

2. Amend Volume 2 District Planning Maps of the Operative Central Otago District Plan by:

- i) Amending Map 11 to re-zone approximately 14.4 hectares of land being Lot 2 DP 18990, Lot 1 DP 525753, Lot 2 DP 525753, Lot 1 DP 331545, Lot 2 DP 331535 and part of Mutton Town Road (to be stopped) from Rural Resource Area [subject to Rural Residential notation] to Residential Resource Area.
- ii) Amending Map 11 to apply the Building Line Restriction to Lot 2 DP 18990, ~~and~~ Lot 2 DP 525753, and Lot 1 DP 331535 offset 20 metres from the legal boundary of State Highway 8.

Note: For details of the map amendments see amended version of part of Map 11 (attached).

3. Any necessary consequential amendments to the Central Otago District Plan resulting from the provisions of Plan Change 15 as presented above.

Note: Modifications as made by the decision of the Central Otago District Council on Plan Change 15 are identified above by underlining (for insertions) and strike out (for deletions).

