

RESOURCE MANAGEMENT ACT 1991

CENTRAL OTAGO DISTRICT PLAN

EXPLANATORY STATEMENT

PLAN CHANGE 15 : CLYDE RESIDENTIAL EXTENSION

This explanatory statement has been prepared to assist interested persons in considering Plan Change 15 to the Central Otago District Plan. This document is an explanatory statement only and does not form part of Plan Change 15.

Background

On 3 March 2020 the Council received a private plan change request from The Clyde Claim Limited, Houlahan Enterprises Limited, Colin Frederick Foster & Vicki Anne Geytha Gillies and Ostex Corporation Limited to rezone 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 private plan change request.

Section 73(2) of the Resource Management Act 1991 (the Act) confirms that any person may request a territorial authority to change a District Plan, and that the plan may be changed in the manner set out in the First Schedule to the Act.

The Council's Planning and Environment Committee gave consideration to the modified request under delegated authority on 3 June 2020. The Committee has resolved to accept the request pursuant to clause 25(2)(b) of the First Schedule to the Act, and to publicly notify the request under clause 26. In essence the Committee, on behalf of the Council, has accepted the request in whole.

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 sought in the request to the Operative District Plan and a discussion of the relevant statutory matters. Attached to the request document are an Assessment of Environmental Effects; an Evaluation under Section 32 of the Act; a Clyde Residential Growth & Demand Assessment; an Integrated Transport Assessment; a Detailed Environmental Site Investigation and a Preliminary Environmental Site Investigation relating to potential soil contamination; and an Infrastructure Report; along with other supporting documentation.

Copies of the request document are deposited at the Council offices and libraries where proposed Plan Change 15 has been made available for public inspection.

Scope of Plan Change

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, Sunderland Street and State Highway 8, generally to the south-east of the existing town of Clyde [Plan Change 15 land]. 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. The Plan Change 15 land includes Lot 2 DP 18990 (Record of Title 17D/327), Lot 2 DP 331535 (RT 129618), Lot 1 DP 525753 (RT 842309), Lot 2 DP 525753 (RT 842310) and part of Mutton Town Road (to be stopped).

Plan Change 15 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 this 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.

It is emphasised that the above is a summary only of the provisions proposed in Plan Change 15 and that the document entitled “Resource Management Act 1991 Central Otago District Plan Plan Change 15 : Clyde Residential Extension” should be referred to for full details. It is also noted that Plan Change 15 identifies the provisions that are to be amended in the Operative District Plan in the order in which they are presented in the Operative District Plan.

Statutory Authority for Plan Change

Section 73(2) of the Act and clause 21(1) of Schedule 1 to the Act enable any person to request a change to a district plan; and clause 25(2)(b) enables a territorial authority such as the Council to accept such a request, in whole or in part.

Section 31(1) confirms that functions of a territorial authority for the purpose of giving effect to the Act in its District include, amongst other things,-

- *“The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district; and*
- *The establishment, implementation and review of objectives, policies and methods to ensure there is sufficient development capacity in respect of housing and business land to meet the expected demands of the District...”*

Section 31(2) confirms that the methods used to carry out functions under subsection (1) may include the control of subdivision.

Section 74 of the Act requires that the Council prepare and change its District Plan in accordance with its functions under section 31, the provisions of Part 2, its duty under section 32, and any regulations.

Part 2

Plan Change 15 is consistent with the purpose of the Act as stated in section 5, which is to promote the sustainable management of natural and physical resources. Plan Change 15 will enable the well-being of the Clyde community and surrounding area by expanding the Clyde urban area to accommodate the growing population in the most logical location for expansion and with a zoning that provides for a wide range of lot sizes, housing typologies and affordability levels. The life-supporting capacity of air, water and soil will be maintained by the disposal of wastewater into a reticulated wastewater disposal scheme. Plan Change 15 includes provisions to avoid, remedy and mitigate adverse effects on the environment in terms of increased traffic generation and in terms of the provision of suitable infrastructure.

The proposal recognises and provides for relevant matters of national importance listed under section 6 of the Act. In terms of any sites of particular importance to Ngā Rūnanga an accidental discovery protocol is envisaged as a condition of consent with respect to any subsequent resource consents to subdivide or develop the Plan Change 15 land.

In terms of section 7 Plan Change 15 will facilitate and/or recognise-

- The efficient use and development of natural and physical resources.
- The maintenance and enhancement of amenity values.
- The maintenance and enhancement of the quality of the environment.

Plan Change 15 is not contrary to the principles of the Treaty of Waitangi or to any other matter stated in Part 2.

Section 32

Section 32(1) of the Resource Management Act 1991 requires that an evaluation report must-

- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by-*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
- (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

Section 32(6) defines “objectives” to mean-

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

As Plan Change 15 does not contain or state objectives the purpose of the proposal, as stated in clause 4.0 of the request document, is 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 [being the Plan Change 15 land] is the most suitable direction for Clyde to expand:

- *It is immediately adjacent to the existing urban area of Clyde.*
- *It will not involve “jumping” State Highway 8.*
- *It is well integrated with available infrastructure services and roading.*
- *It is not affected by any outstanding natural values, ecological values or significant landscape features, nor is it of high value for rural production (in particular not having any suitable irrigation source available to realise any productive potential).*
- *Land ownership is not too fragmented, which will enable a co-ordinated and coherent pattern of development and a logical and effective roading pattern.*
- *The only other suitable direction that Clyde can grow is across the Clutha River, beyond the Picnic Creek development. This however will involve urban development on land with a high productive potential and/or existing productive use on high quality soils with an irrigation supply.*

...

... The existing provisions of the District Plan’s “Residential Resource Area” are very enabling and provide for a wide range of residential opportunity and housing topologies [sic] to meet contemporary market demand, including traditional stand-alone housing, town house type developments, apartments and retirement villages.

...

The requestors prefer to retain the flexibility afforded by a single “global” rezoning of their site. An overall yield of approximately 150 dwelling units/allotments for the site is anticipated.”

Section 32(2) requires that the assessment under section 32(1)(b)(ii) must-

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for-*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Clause 22(1) of Schedule 1 to the Act requires that a request for a private plan change made under clause 21 contained an evaluation report prepared in accordance with section 32 of the Act for the proposed change. As a consequence the section 32 evaluation report relating to Plan Change 15 is that attached to the request document that is entitled “Evaluation under Section 32 of the Resource Management Act 1991” prepared by Paterson Pitts Limited Partnership and dated 27 February 2020. The alternatives considered in the section 32 evaluation report include:

- Do nothing (the status quo) and retain the subject land in the Rural Resource Area [subject to the Rural Residential notation].
- Await the District Plan Review.

- Rezone the subject land to create a new resource area with bespoke planning provisions, typically by way of a “masterplan”.
- Apply the Residential Resource Area to the subject land with minor amendments to provisions.

The evaluation has concluded that the fourth option [being the application of the Residential Resource Area with minor amendments to provisions], as provided for in terms of Plan Change 15, is the most appropriate means of achieving the objectives of the plan change.

Sections 74 and 75

Plan Change 15 will give effect to the Operative and Partially Operative Regional Policy Statements for Otago and will not be inconsistent with any regional plan. Plan Change 15 is not considered contrary to any other management plan or other document which must be considered in terms of sections 74 and 75 of the Act including the Kai Tahu ki Otago Iwi Management Plan 2005 and the Clyde Community Plan 2011.

Summary

Plan Change 15 will reallocate approximately 13 hectares of land from the Rural Resource Area [subject to the Rural Residential notation] to the Residential Resource Area; and will apply the Building Line Restriction notation to part of the land subject to Plan Change 15. Plan Change 15 has been prepared in accordance with the Council’s functions under section 31, the provisions of Part 2, the duty under section 32 and regulations. Plan Change 15 will give effect to the Operative and Partially Operative Regional Policy Statements for Otago and is not inconsistent with any regional plan.