

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-

**I TE KŌTI TAIAO
KI ŌTAUTAHI**

UNDER

the Resource Management Act 1991

IN THE MATTER

of an appeal under clause 14 of Schedule
1 of the Act

BETWEEN

ONE FIVE FIVE DEVELOPMENTS LP

Appellant

AND

**CENTRAL OTAGO DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

Dated: 9 July 2024

To: The Registrar
Environment Court
Christchurch

And to: The Respondent

[1] One Five Five Developments LP (**Appellant**) appeals against the following matter:

(a) a decision of the Central Otago District Council (**Council**) on its Plan Change 19 (**PC 19**).

(**decision**)

[2] The Appellant made a submission and further submissions on PC 19.

[3] The Appellant received notice of the decision on 29 May 2024.

[4] The Appellant is not a trade competitor for the purposes of s 308D of the Act.

[5] The decision the Appellant is appealing is:

(a) the rejection of the relief sought in the Appellant's submissions, including the relief sought to rezone land at 131-157 Dunstan Rd, and particularly the Appellant's land at 155 Dunstan Road (**Appellant Site**) from Large Lot Residential Zone (**LLRZ**) to Low Density Residential Zone (**LDRZ**); and

(b) the rejection of the relief sought in the Appellant's further submissions, including the relief sought in support of original submission 16, being that the land on the south side of Dunstan Road extending through to Clyde-Alexandra Road/State Highway 8, as set out at **Appendix 1** to this notice (**Further Submission Land**), and proposed to be zoned as Medium Density Residential Zone (**MDRZ**), should instead be zoned as LDRZ.

[6] The reasons for the appeal are as follows:

(a) The Hearings Panel appointed by the Council erred in its analysis of the existing and anticipated character of the Appellant Site and surrounding environment.

- (b) The Hearings Panel placed undue weight on the provisions of the Vincent Spatial Plan in determining the appropriate zoning and development for the Appellant Site and surrounding environment.
- (c) The Hearings Panel gave insufficient weight to the expert evidence for both the Appellant and the Council in determining the appropriate zoning for the Appellant Site and was wrong to elevate the Vincent Spatial Plan as having greater weight than that evidence.
- (d) The Hearings Panel failed to recognise the positive effects of the upzoning sought by the Appellant with respect to the Appellant Site.
- (e) The Hearings Panel erred in finding that land to the west of the Appellant Site (referred to as the Fulton Hogan and Otago Bees sites, being 113, 119, and 127 Dunstan Road) was the most appropriate land to split between LDRZ and LLRZ.
- (f) The Hearings Panel erred in finding that the land to the south of the Appellant site was suitable for rezoning from LDRZ to MDRZ, particularly in light of its finding that the Appellant site should remain zoned as LLRZ.
- (g) The Hearings Panel erred in its analysis that a lack of infrastructure, in particular wastewater reticulation, was a basis to decline the proposed LDRZ zoning of the Appellant Site, due to the increase in lots that rezoning from LLRZ to LDRZ would potentially yield. This is particularly the case when the Hearings Panel concluded that it is appropriate to rezone the Further Submission Land as MDRZ, with the considerable demand that this will place on Alexandra's wastewater and other infrastructure.
- (h) The Hearings Panel gave insufficient consideration to the difference in zoning of the Appellant site and the land to the south, and erred in finding the Central Otago Rail Trail constituted a sufficient separation between that land and the Appellant Site.

- (i) The Hearings Panel failed to consider the potential for a conflict of interest in that the Council notified, and appointed some of its Councillors to hear submissions on, the rezoning of Council-owned land (being part of the Further Submission Land) as MDRZ (with the associated consequences in terms of infrastructure constraints) while at the same time refusing rezoning submissions by other landowners seeking LDRZ (including on the grounds of infrastructure constraints).

[7] The Appellant seeks the following relief:

- (a) the Council's decision is overturned, and the Appellant's submissions accepted; and
- (b) costs.

[8] The following documents are **attached** to this notice:

- (a) the Appellant's submissions and further submissions;
- (b) the Council's decision; and
- (c) a list of names and addresses of persons to be served with a copy of this notice.

Dated: 9 July 2024



.....
Signed for One Five Five Developments LP
by its solicitor and duly authorised agent
G M Todd / B B Gresson

Address for Service of the Appellant:

C/- Todd & Walker Law
PO Box 124, Queenstown 9348
P: 03 441 2743
E: graeme@toddandwalker.com
E: ben@toddandwalker.com
Contact persons: G M Todd / B B Gresson

Advice to recipients of copy of Notice of Appeal

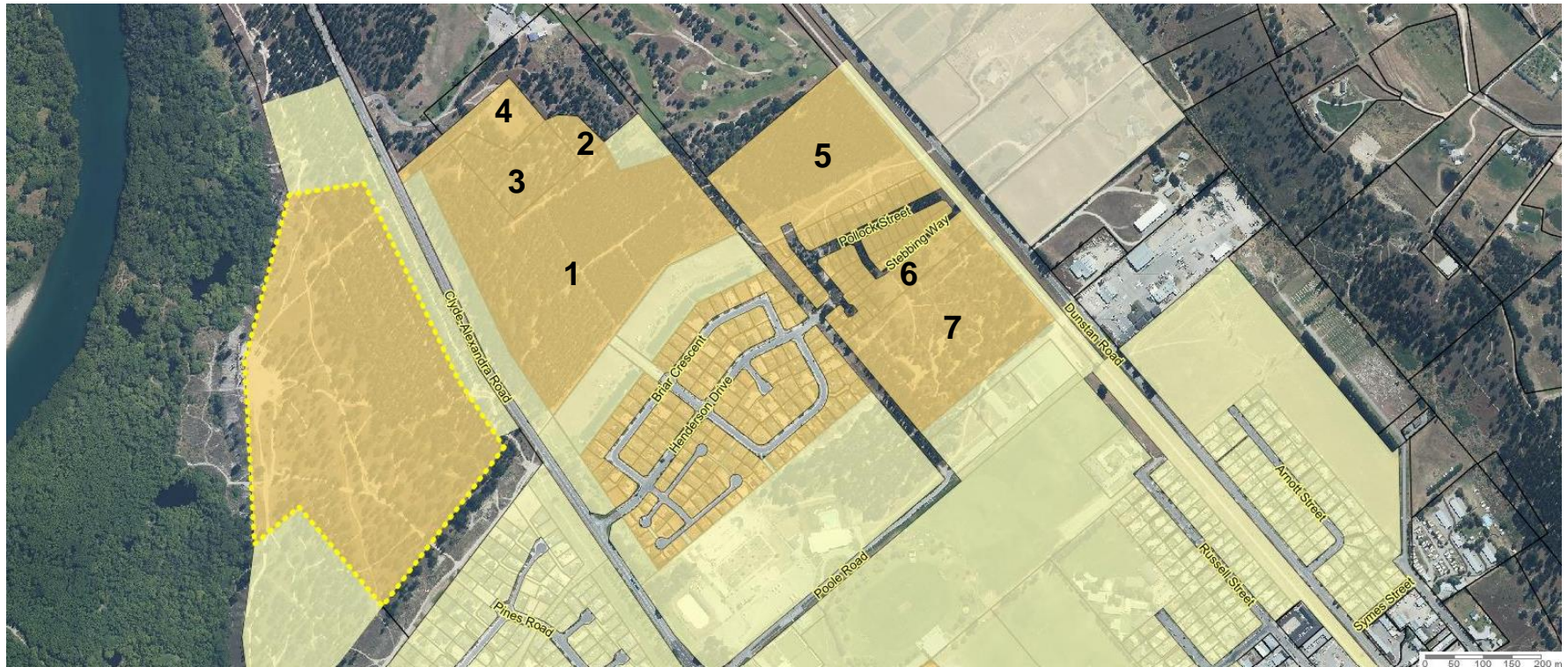
How to become party to proceedings

You may be a party to the appeal if you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court, and serve copies on the other parties within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

Appendix 1 – Further submission land

Map reference number	Appellation
1	Section 1 SO 524226
2	Section 4 SO 524226
3	Section 5 SO 524226
4	Section 6 SO 524226
5	Lot 101 DP 571184
6	Lot 300 DP 582623
7	Lot 100 DP 562079



Resource Management Act 1991

Submission on Notified Proposed Plan Change to Central Otago District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

(FORM 5)

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

Details of submitter

Name: **Shanon Garden**

Postal address: **1535 Teviot Road, Millers Flat, RD2 Roxburgh 9572**
(Or alternative method of service under [section 352](#) of the Act)

Phone: **021 414 664**

Email: **shanon@navigateproperty.co.nz**

Contact person: **Shanon Garden, Director, One Five Five Developments LP**
(Name & designation, if applicable)

This is a submission on proposed Plan Change 19 to the Central Otago District Plan (the proposal).

I am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991

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

(Give details, attach on separate page if necessary)

Relating to the proposed Large Lot Residential (LLR) rezoning on the north side of Dunstan Road, between
131 and 157 Dunstan Road

This submission is:

(Attach on separate page if necessary) Include:

- *whether you support or oppose the specific parts of the application or wish to have them amended; and*
- *the reasons for your views.*

Attached.

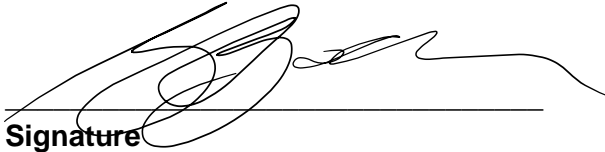
I / We seek the following decision from the consent authority:

(Give precise details, including the general nature of any conditions sought)

To rezone this area into either Low Density Residential (LRZ), or apply the alternative Large Lot Residential (P1) zoning.

- **I oppose the application *(of the currently proposed zoning)***
- **I wish to be heard in support of this submission**

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.


Signature

2nd September 2022
Date

Submissions close at 4pm on Friday 2 September 2022

Submissions can be emailed to districtplan@codc.govt.nz

Note to person making submission:

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that a least 1 of the following applies to the submission (or part of the submission):

- *it is frivolous or vexatious:*
- *it discloses no reasonable or relevant case:*
- *it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:*
- *it contains offensive language:*
- *it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*

1. Introduction and Background

My name is Shanon John Garden.

I am a local land developer, with knowledge of the Central Otago property sector.

I grew up in Central Otago. I live and work here. I particularly want to see the bottom half of our District, between Alexandra and the Teviot Valley, continue to grow and prosper.

I am a shareholder in, and I am making this submission on behalf of One Five Five Developments LP.

2. Land to which this submission relates

One Five Five Developments has contracted to purchase the 3.1Ha block at 155 Dunstan Road, Parcel ID 7875761, LOT 1 DP 518150 (the *Symons block*).

We have a further contract to acquire ~1.0Ha of the bottom of the neighbouring 129 Gilligan's Gully Road property (Parcel ID 7078812, LOT 3 DP 399742), owned by Pip and Aidan Helm (*the Helm block*), which would be amalgamated into 155 Dunstan Rd by way of boundary adjustment.

We are in ongoing discussions with the owners of 157 Dunstan Road (Parcel ID 7875762, LOT 2 DP 518150), Chis Cameron and Carolyn Patchett, to acquire ~5800m² of their property (*the Patchett/Cameron block*) to include it in our development, or possibly to undertake some joint venture with those owners to develop a portion of that block in conjunction with ours.

The arrangements relating to the Helm and Cameron/Patchett blocks are both subject to the outcomes of Plan Change 19.

Together, this would aggregate a parcel of approximately 4.7Ha for development of residential sections.

This submission should be read in conjunction with the submissions of:

- a) Carolyn Patchett and Chris Cameron of 157 Dunstan Road; and
- b) Aidan and Pip Helm of 129 Gilligan's Gully Rd

This aggregated area (referred to herein as the "Subject Land") is shown in Figure 1, below.



Figure 1: Aggregated property to be developed by One Five Five Developments LP

3. Overlay of Currently Notified Plan Change 19 Rules on the Subject Land

155 and 157 Dunstan Rd (the Symons and Cameron/Patchett blocks) are within the area proposed by the notified plan Change 19 to be re-zoned to Large Lot Residential (LLR).

The 1.0Ha portion of contracted land in 129 Gilligan's Gully road (the Helms block) is rurally zoned and is presently outside of the area currently proposed to be re-zoned as LLR.

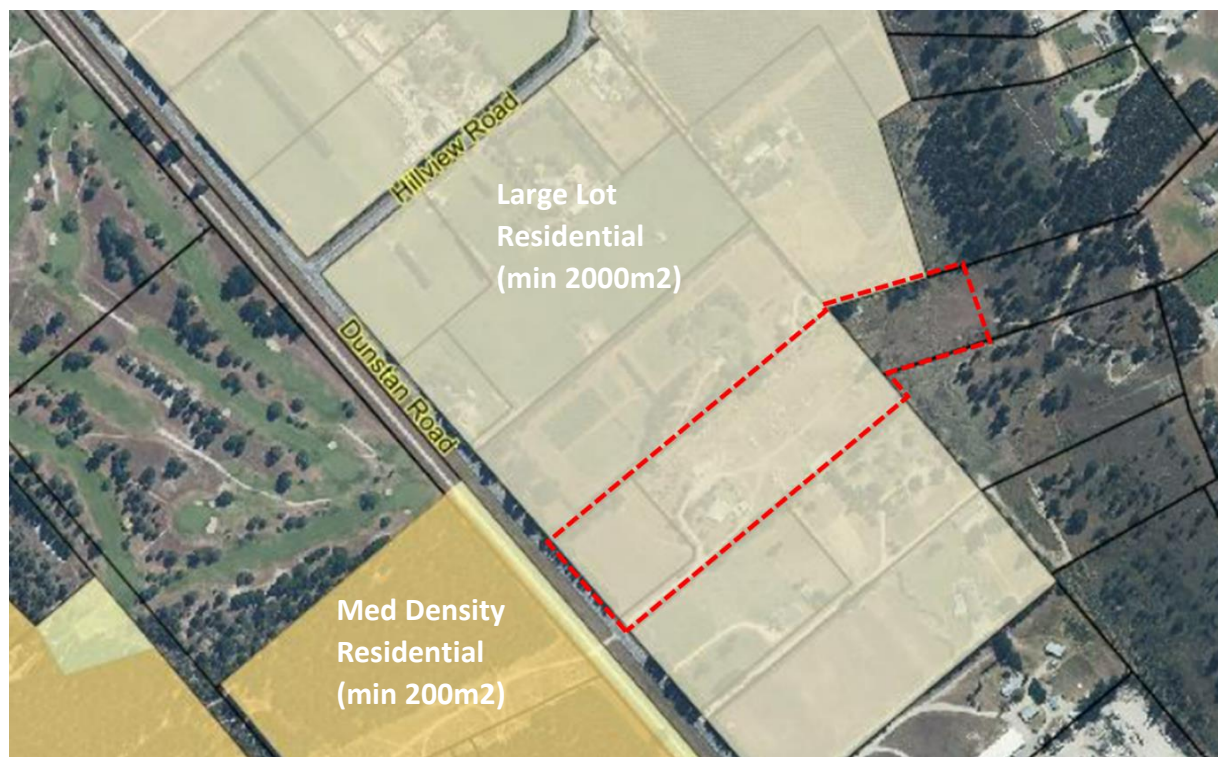


Figure 2: CODC Plan Change 19 notified map with overlay of subject land

4. Changes we seek to the residential zoning rules notified in Plan Change 19

We ask that Council:

- a) rezone the Subject Land to **Low Density Residential** (500m² min lot size), EITHER
 - i. From the boundary of the Fulton Hogan/Otago Bees industrial blocks to the east, up to and including the Subject Land, OR
 - ii. Solely the Subject Land, excluding the properties between the industrial blocks and the subject Land.

OR ALTERNATIVELY

- b) rezone the Subject Land to **Large Lot Residential (P1)** (1000m² min lot size), EITHER
 - i. From the boundary of the Fulton Hogan/Otago Bees industrial blocks to the east, up to and including the Subject Land, OR
 - ii. Solely the Subject Land, excluding the properties between the industrial blocks and the subject Land.
- c) In conjunction with intensifying the zoning as proposed in (a) and (b) above, it may be appropriate to maintain some **buffer zone** to the north-west of the industrial zone (the Fulton Hogan and Otago Bees blocks), within 131 Dunstan Rd. This would minimise issues of reverse sensitivity. See Section 7.7, below, for further discussion.

- d) Provision in its **roading infrastructure** planning for suitable intersections onto Dunstan Road. One from the north, out of the Subject Land. The other being from the south, out of Council's Dunstan Pines area. See Section 9.2, below, for further discussion.
- e) Ensure that some suitable neighbourhood-scale **retail/hospitality activity** is enabled within the predominantly residential land use along Dunstan Road to serve the population that will become established there. See Section 10, below, for further discussion.

5. Aspects of Plan Change 19 that we support

We are in general support of the intent and proposed rules contained in Plan Change 19, notably:

- The provisioning for growth in the township area of Alexandra;
- Enabling intensification in areas with suitably infrastructure and amenity;
- Varied lot sizes; and
- The objective of establishing clear rules.

6. General Observations

Two general observations we make (not directly related to the specific changes we seek in Section 3 above) are:

- a) We observe that Council is putting itself and Ngai Tahu in the position of being the sole landowners and developers of greenfields medium density residential development.

We question why Council has not found fit to provide areas/opportunities for the private sector to deliver greenfields medium density development?

Council planners have indicated to us that lower densities are appropriately provided for on large greenfields sites (coincidentally owned by Council/Ngai Tahu). But we would contend the opposite is in fact the case.

Larger lot sizes are able to be efficiently organised on large greenfield areas. Large lots sizes ARE NOT able to be efficiently created across the disaggregated 1-4Ha privately owned lots along the north of Dunstan Road, involving irregular lot sizes and existing infrastructure.

To best utilise available land, Council's large landholding might best accommodate lower density and existing small blocks on the north of Dunstan Road would be best utilised in a higher density zoning?

- b) Further to the point above, the only greenfields area north of Dunstan Road presently zoned as Low Density Residential (500m²) is also Council owned. Again, why does Council consider it needs to deliver all greenfields higher density urban housing in this area?

7. Rationale for the re-zoning we seek of the Subject Land along the north side of Dunstan Road

The basis upon which we contend it is appropriate to zone the Subject Land to either Low Density Residential or Large Lot Residential (P1) are as follows:

7.1 Consistency with surrounding zones and land use:

Immediately across Dunstan Road, opposite the Subject Land, is a large area of proposed Medium Density zoning allows for lot sizes down to 200m².

And further to the east, along Dunstan Road, the proposed zoning is Low Density (500m²).

The zoning of the subject land to a minimum of 2000m² is incongruous adjacent to these areas.

The only obvious reason that the Low Density zone on the North side of Dunstan Road, to the east, stops where it does at the boundary of the Fulton Hogan site is one of (arbitrary) interruption by the Fulton Hogan yard at 113 Dunstan Rd. We contend that this is not a reason to drop down from a 500m² minimum density to a 2000m² density on the other side of that two-lot wide industrial area.

Were it not for that interruption of that industrial land it can be reasonably assumed the low density zoning would have continued west along the north side of Dunstan Rd up to or past the Subject Land.

7.2 Promoting efficient land use in what will become “central” Alexandra

The future growth of Alexandra township will be to the north-west, along the corridor created by SH8 and Dunstan Road, incorporating the Subject Land.

In the future, when looking back in hindsight, we suggest that zoning the Subject Land to a 2000m² minimum will be seen as an inefficient or even wasteful use of land.

Relying on further infill subdivision of this land in the future to address that excessive lot size is poor planning. We suggest it is appropriate to zone to a more likely final scale now.

7.3 The Subject land IS NOT consistent with the purposes offered for the proposed Large Lot Residential zone

The LLR zone references being located in “outer residential areas”. We submit that the Subject Land is not today, and certainly won’t be in the future, an *outer area*.

Refer Figure 3, below, showing concentric circles of 500m from the town centre (taken as Countdown for this purpose). This enables a comparison of where the Subject Land sits in relation to other parts of the town.

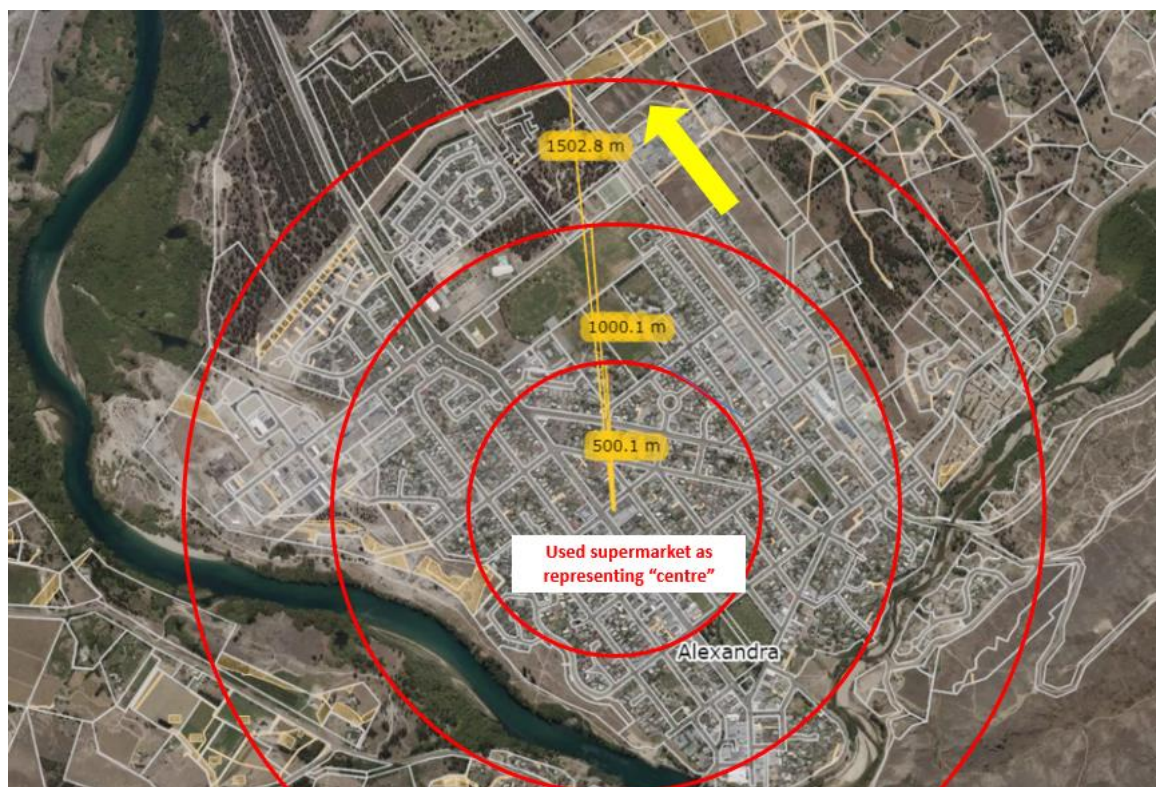


Figure 3: concentric radius from town centre

Being the “lowest [density] of all of the residential zones”, LLR is intended to provide a “high open space to built form ratio” (Plan Change 19 – Residential Chapters: Appendix 5).

The drivers for this higher degree of open space in the LLR zone are assumed to include:

- a) landscape values (i.e. the incongruity of seeing higher density built form within the receiving environment); and
- b) the need for more private open space around peoples’ houses due to an absence of public open space.

Dealing first with *visual impact and coherence of built form in the receiving environment*: It cannot be said that preserving openness and landscape values in this particular area is a planning imperative. Directly opposite is a large block of Council land that will be turned into medium density housing. Next door is an industrial area. Adjacent to the Subject Land is a high voltage power line with large lattice towers and multiple conductors. This area is helpfully framed by a green belt rising up behind. Plan Change 19 seeks to preserve this green face. We support that notion. That natural green backdrop and the amenity it provides can be argued to enable a higher density. We suggest it will in fact become more visually coherent to have it used at a higher density than the lower 2000m² density.

Dealing with *open space*: There is no planning rationale to provision >2000m² lots in this location for the purposes of private amenity. With the cycle trail, tennis courts, netball courts, sports fields, the local swimming pool, a golf course, a squash club, and both primary and high schools, all on the doorstep, there is arguably no place in Alexandra better served by public space and amenities. This area is extremely well suited to higher density urban living.

Finally, the lower density of the LLR zoning is described in Appendix 5 as being “to maintain the existing amenity and character of these areas.”

Amenity is dealt with above – there is ample open space and amenity in this location. In fact, Council’s focus should be on enabling more people to access and enjoy the amenity provided by the Molyneux Park area rather than fewer.

Likewise, we contend that this area is not one where existing “character” demands the lowest version of residential density. A significant aspect of the existing character of this area is created by the band of trees on the face to the north of Dunstan Road, behind the subject land. Appropriate intensification of this Subject Land will have no adverse impact the character of that treed backdrop.

Moreover, the “character” of this area will be heavily impacted by the medium density (200m2 lot) housing on the other side of the road. It may well be that this inconsistency of zoning on either side of the road will define the character of the area more than anything else, but not in a good way.

7.4 The Subject Land IS consistent with the purposes of the Low Density residential zone

The notified Plan 19 Residential Chapter Provisions – Appendix 5 state that:

“The Low Density Residential Zone covers the majority of the residential areas in the townships of Alexandra, Clyde and Cromwell, as well as all of the residential areas in the townships of Roxburgh, Ettrick, Millers Flat, Omakau, Ophir, St Bathans, Naseby, Ranfurly and Patearoa.”

Considering this statement, it is seemingly appropriate to have 500m2 lots in say Ettrick, Millers Flat, and Patearoa, where space is plentiful, and yet, in this subject area, which is fast becoming a central Alexandra residential precinct, and is 300m from the largest recreational facility in central Otago, with primary and secondary schools within *safe* walking distance, it is considered necessary to require a minimum of 2000m2 lots? That does not make sense.

Furthermore, the higher density zonings are stated in Appendix 5 as being appropriate where they are “within a walkable distance of commercial areas or other key community facilities”. This is certainly the case for the Subject Land.

7.5 Proximity to amenity

We offer several visual representations in Figures 4 and 5 below, which highlight how the subject land is both central and very well connected to local amenities for recreation, work, hospitality and education. These images speak for themselves.



Figure 4: Distance of Subject Land to notable local amenities and services

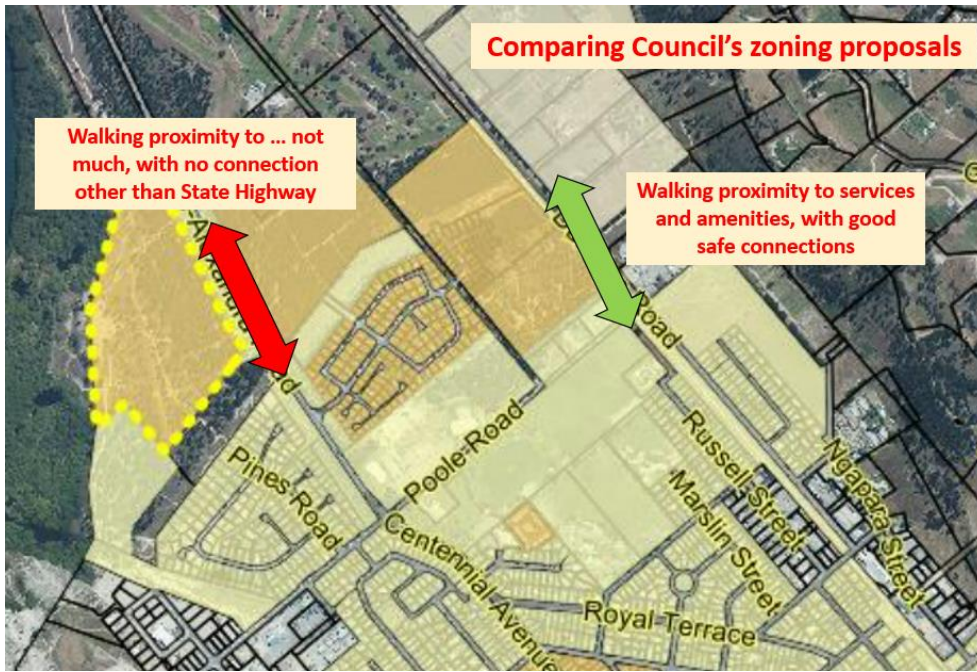


Figure 5: CODC Comparison of Subject Land and proposed medium density area

7.6 Picking a suitable transition point from Low Density Residential to Large Lot Residential

It is acknowledged that it is appropriate to transition to a lower density at some suitable location along the north side of Dunstan Road.

It appears that Council have used the convenience of the interruption of industrial land at 113-129 Dunstan Road (Fulton Hogan and Otago Bees) to force that transition from LRZ to LLR.

This transition point is not supported by sound planning logic, and rather seems to be driven by a desire not to force winners and losers by defining a more suitable transition point further to the north-west. Figure 6 offers some context.

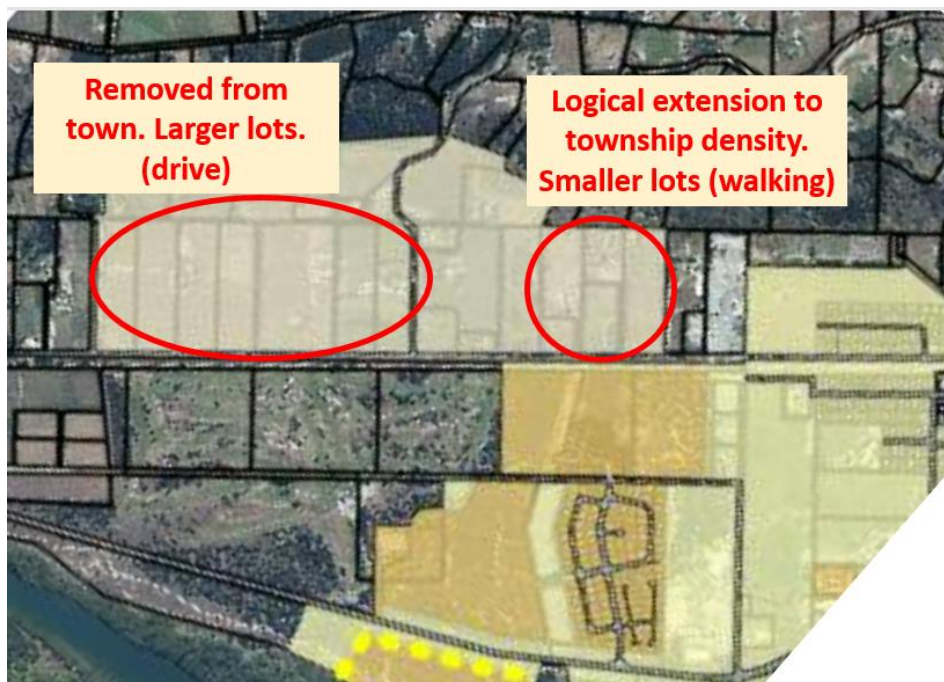


Figure 6: Evaluating where along Dunstan Road a transition between housing density might be appropriate

7.7 Addressing the impact on yield arising from the proposed re-zoning

It has been suggested by Council's planners that Plan Change 19, as notified, already has enough yield (i.e. number of potential houses) to accommodate forecast growth over the chosen planning horizon. This was offered as a reason to **not** extend a more suitable higher density zoning along the north of Dunstan Road to the Subject Land.

We cannot comment on whether or not the notified Plan Changes for Alexandra township and the Vincent Ward will create enough yield. However, we make several observations:

- a) It is virtually impossible to achieve theoretical yield when re-zoning brownfields areas. Small land holdings, existing infrastructure, and preferences of existing private owners, all hinder the conversion of land into smaller sections.
- b) Seldom has any District Council Plan Change over provisioned. Where it does, so long as infrastructure is not put at risk, what is the problem with letting the market address the rate at which that potential yield is realised?
- c) Addressing housing affordability demands a somewhat generous approach to provisioning for future growth. As opposed to choking appropriate land and housing supply.
- d) And if it is correct that Council have provisioned adequately, we note that Council have deemed it appropriate to propose zoning all of its approximately 47ha of adjacent land and 18Ha of nearby Ngai Tahu land to minimum 200m² lots. If over-supply of land were an issue which needs to be managed, surely some of that Council-owned land would be appropriately zoned for a more typical 500m² typology, thus dramatically reducing total forecast yield from the Plan Change?

A numerical analysis of the yield differences arising from our proposed rezoning is given in Section 11, below.

7.8 Addressing concerns around reverse sensitivity next to the Industrial Area

We have been advised by Council's Planners that Council is sensitive to the concerns of the industrial occupiers of 113-129 Dunstan Road (Fulton Hogan and Otago Bees). More residential land use immediately adjacent to those properties creates the potential of reverse sensitivity.

We understand Council is intending to address this on the eastern side of the Fulton Hogan block by creating a reserve on its land, to act as a buffer.

If, to support higher density on the western side of the industrial block, a buffer is deemed necessary, then there would be a variety of planning mechanisms Council could employ. This might be achieved by requiring a strip of 2000m² lots along that western boundary of 127-129 Dunstan Road? Or by mandating a larger than normal building set-back? Or by some other planning mechanism?

This issue of reverse sensitivity is not itself a sound reason that all land to the north-west, including the Subject Land, must have LLR status rather than LRZ or LLR (P1) status.

7.9 Addressing the stated objective of creating a mix of typologies and lot sizes

A stated objective of Plan Change 19, as captured from community feedback, is to create a mix of typologies (lot sizes) and encourage a mix of house types. The images in Figures 7-9 below illustrate Council's response to this objective, showing the relative areas provisioned for each of Large Lot Residential (LLR) at 2000m² minimum, Large Lot Residential (P1) (LLR1) at 1000m², and Low Density Residential (LRZ) at 500m² minimum area. It is notable that LLR (P1) is used, other than in two small existing precincts.



Figure 7: proposed LLR areas



Figure 8: proposed LLR (P1) areas

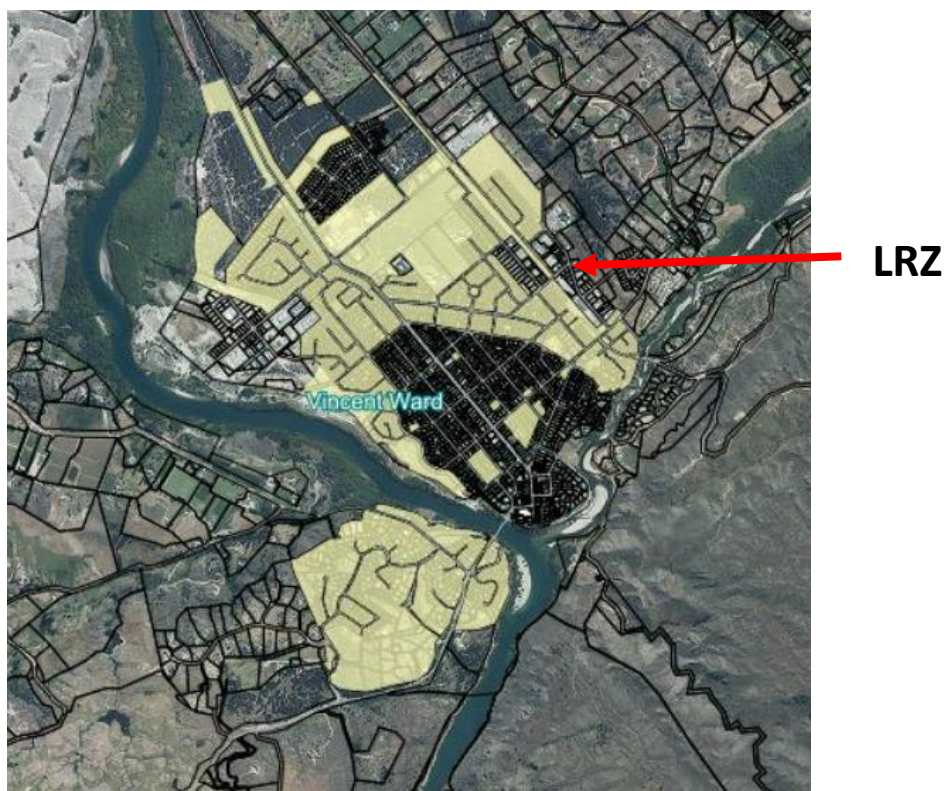


Figure 9: proposed LRZ areas

We suggest that either a 500m² or 1000m² minimum density across the Subject Land is consistent with providing variety. This is particularly the case where the underlying land is made up of small 1-4Ha lots with a significant amount of existing infrastructure. Subsequent subdivision will necessarily have to take into account small irregular parcels, and have to work around existing buildings and accessways. There will have to be a variety of lot sizes created within that area.

7.10 Assisting to minimise CO₂ Emissions

A lot is being said presently about the need to promote denser townships and encourage less use of vehicles, reducing CO₂ emissions. This subject area is within walking and biking distance to services and amenities. Why waste the opportunity to have more population in this area in the future by mandating over-sized lots, and limiting the number of families who are in walking and biking distance of schools, recreation and sports facilities, as well as town services.

8. Incorporating the Helm Block into the residential zone

We seek that Council incorporate a 1.05Ha portion of 129 Gilligan's Gully Road, adjacent to 155 Dunstan Road, (the Helm block), presently zoned Rural, into the neighbouring proposed residential zone. A Surveyed presentation of this area is included as Figure 10, below.

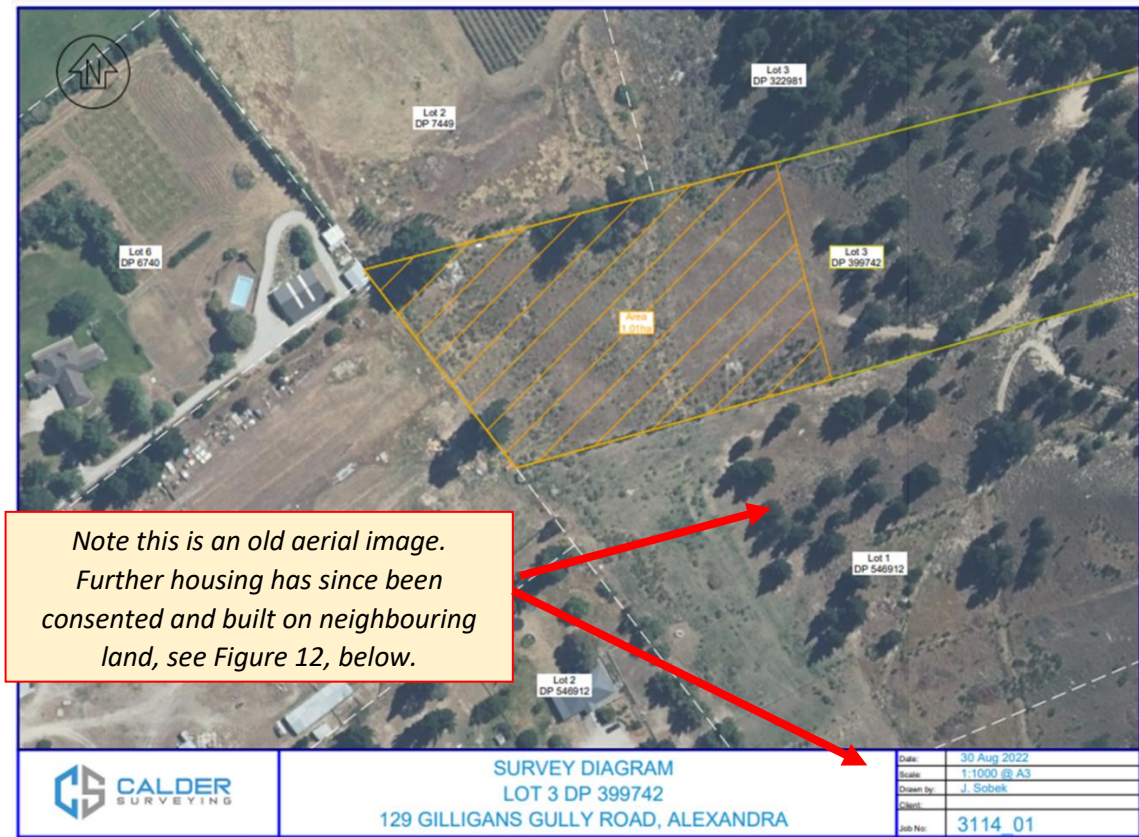


Figure 10: Surveyed area to include in neighboring residential zone

This area is shown, with blue shading, in Figure 11 below, being a map taken from Council’s earlier Vincent Spatial Plan document.

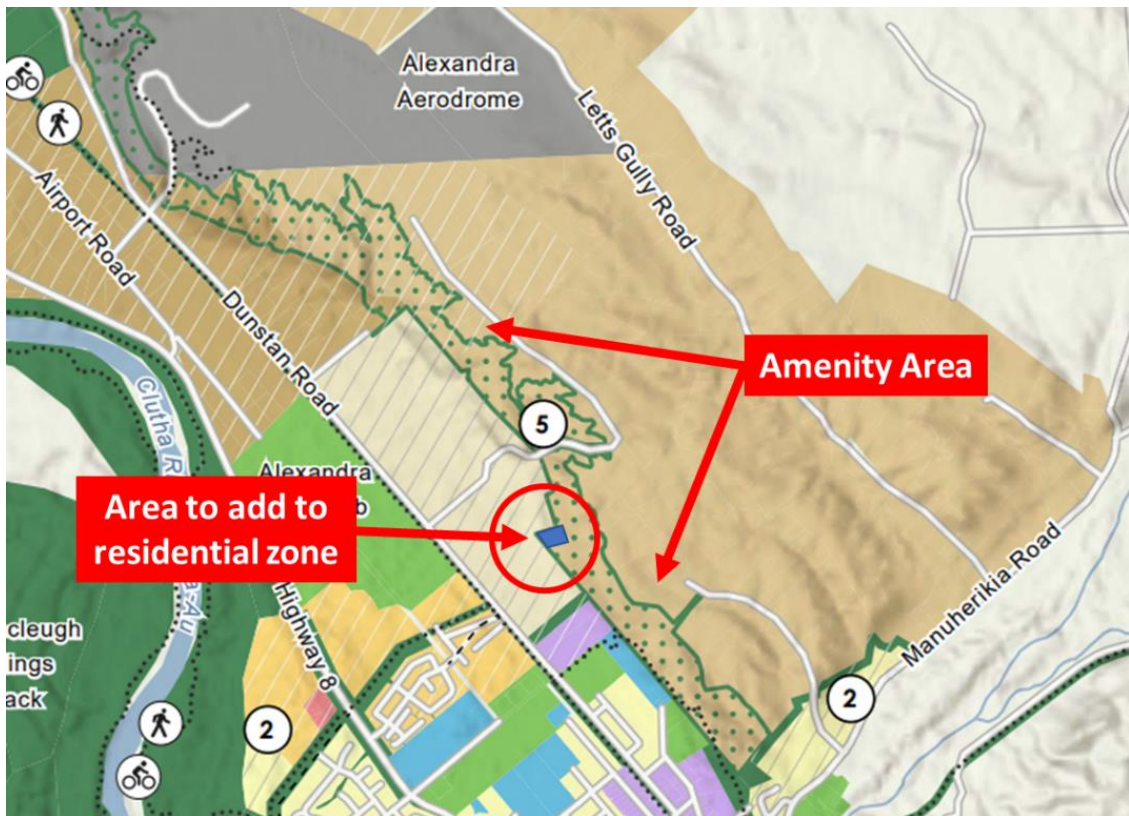


Figure 11: Vincent Spatial Plan map, showing land in proposed amenity area

It is presently within an amenity area (green spots), described in the earlier Vincent Spatial Plan document as follows:

“an amenity area would be added along the eastern terrace embankment providing opportunities for a stronger natural landscape backdrop to Alexandra, Clyde and recreation links.

The 1.0Ha area we describe as the *Helm block* (I e. not the entire existing title) is only excluded from the residential zoning proposed by Plan Change 19 because there has not been a suitable boundary to define it.

One Five Five Developments has a contract to purchase this land and amalgamate it into 155 Dunstan Road. This amalgamation will create a suitable boundary at the bottom of that treed face, with the face above remaining within the rural zoning, thus maintaining its treed character and desired amenity, with the lower (flatter/open) portion being made available for a suitable residential use.

The 1.05Ha Helm block has been specifically and deliberately defined, in agreement between the Helms and One Five Five Developments LP, as being outside of the line of trees and of a grade suitable for inclusion in the residential zone.

A more recent aerial image is shown in Figure 12 below, illustrating residential housing on neighbouring land to the south-east.

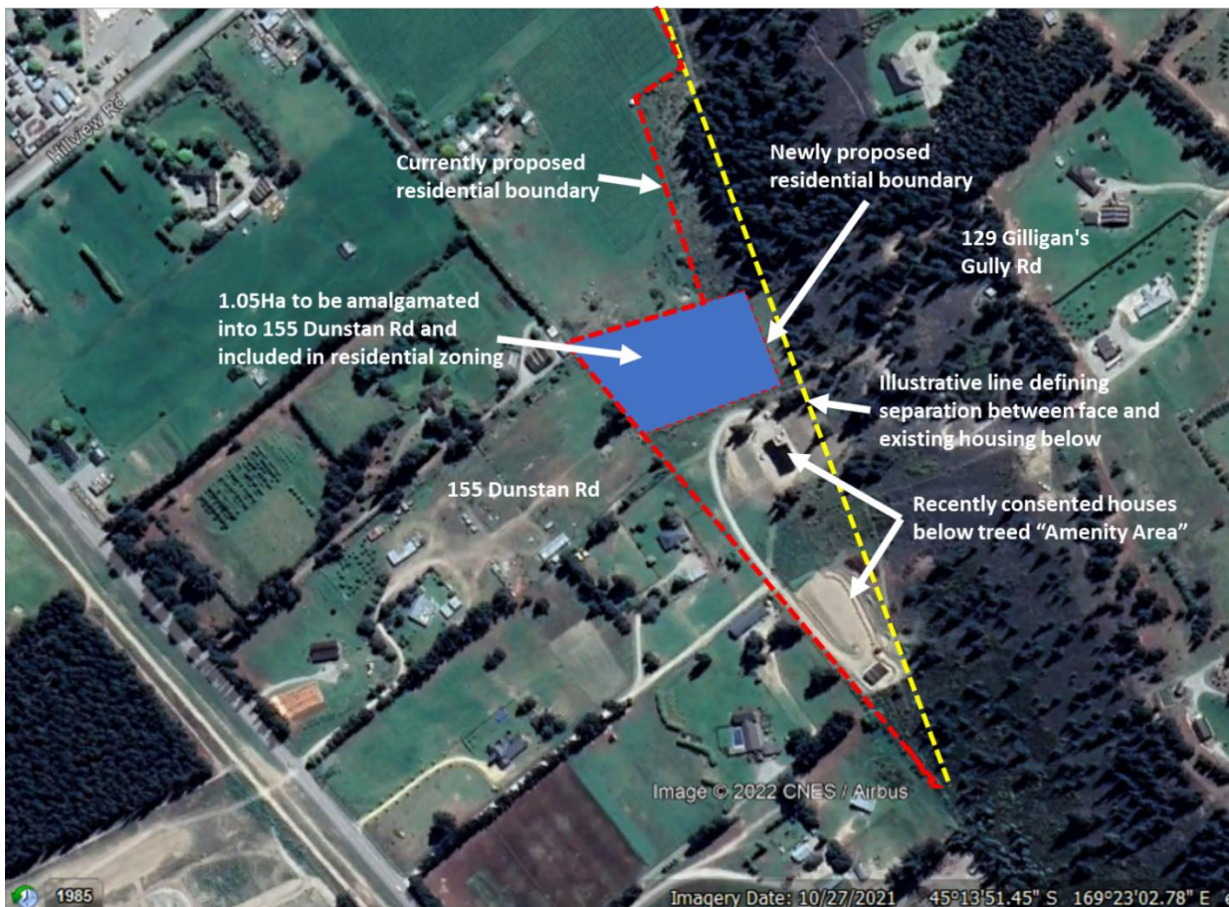


Figure 12: Recent Google Earth map showing relationship of area proposed to be brought into residential zone, with adjacent houses

As can be seen from Figure 12, there is existing built form up to the bottom of the treed slope to the south, in line with any residential housing that would be created by rezoning the Helm block as residential.

Moreover, this land is physically separated from the balance of 129 Gilligan’s Gully Road, and is practically unusable to the present owners.

It makes good sense, and efficient use of land, to bring it into the adjacent residential zone, and to realign the green belt amenity area as generally indicated by the yellow dotted line in Figure 12.

9. Access and roading

9.1 Road Speeds

The section of Dunstan Road adjacent to the Subject Land is about to transition from a connecting road (our layperson’s description) to more of an urban street, with considerably more residential lots feeding directly onto it from the north side.

This section of roading could, in the future, support some small-scale hospitality or retail offerings.

There will be a considerable amount of foot traffic and car parking, with people utilising the adjacent sports facilities.

We consider it would be desirable that a 50km speed limit applied to this section of road, out to the golf course boundary to the north-west.

Unfortunately, Council’s recent road speed review process has left this section of road at 80km (<https://lets-talk.codc.govt.nz/proposed-speed-limit-bylaw-2022>). See Figure 13, below.

We are presently engaging with Council roading personnel to see if there is any further road speed review process where this speed limit could be revisited.

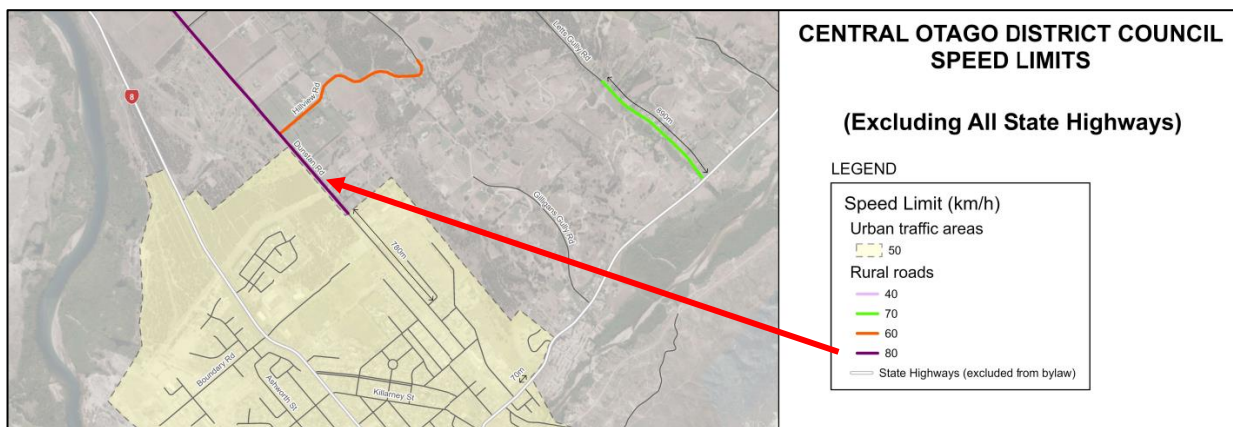


Figure 13: Vincent Spatial Plan map, showing land in proposed amenity area

9.2 Planned Intersections

The exit from 155 Dunstan Road, and associated T-intersection, will be vested road (as it will serve >6 lots). The shape of the 155 Dunstan Road title, with a pre-existing leg-in off Dunstan Road, defines the fixed location of that intersection.

We understand that Council may, in the future, create an access and T-intersection, exiting from the Dunstan Pines area to the south onto Dunstan Road. This intersection will need to be established with

We further propose that some retail activity might also be appropriate for this area if it were zoned to a Large Lot Residential (P1) 1000m² scale along Dunstan Road.

Although the Medium Density zoning on the south side of Dunstan Road does anticipate this type of activity in its rules (MRZ-R12), that area is physically separated from Dunstan Road by the Cycle Trail, and so that south side of Dunstan Road is less likely to be suitable for retail.

11. Yield analysis of switching from LLR to LRZ or LLR (P1)

We have undertaken some high-level comparisons of the theoretical yield that could arise from rezoning the Subject Land and the three titles between the Industrial Zone and the Subject Land (inclusive), totalling 13.4Ha, as shown in Figure 15, below.



Figure 15: Aggregate area, if all land back to Otago Bees was re-zoned

This calculation is set out in Figure 16, below.

155 Dunstan Rd Review of Impact of Reducing Lot Size						LLR	LLR(P1)	LRZ	
Ref	Legal Description	Address	Owners	Total Ha	Available Ha	Min Lot Size	0.2 Ha	0.1 Ha	0.05 Ha
						Effective Area	80%	75%	70%
1	Lot 3 DP 6740	131 Dunstan Rd	Annette & Rex McDonald	4.102	2.460		9	18	34
2	Lot 2 DP 350011	147 Dunstan Rd	Blair & Jasmine Stewart	2.060	0.650		2	4	9
3	Lot 2 DP 546912	149 Dunstan Rd	Jennah and Joseph Hughes	2.060	0.430		1	4	7
4	Lot 1 DP 518150	155 Dunstan Rd	Garden/Collier/O'Docherty	3.125	2.600		10	19	36
5	Lot 3 DP 399742	129 Gilligans Gully Rd	Pip and Aidan Helm	1.000	1.000		4	7	14
6	Lot 2 DP 518150	157 Dunstan Rd	Chris Cameron & Carolyn Patchett	1.070	0.550		2	5	8
				13.417	7.690		28	57	108
					Ratio of Dev Area	57%	Additional Lots		
				<i>Available Ha = Area available that can reasonably expect is developed into additional lots, working around existing infrastructure</i>		<i>% Effective Area reduces as lot size reduces due to greater proportion of roading required</i>			

Figure 16: Yield Calculation

Available Ha are calculated for each separate title, as shown in the example of 131 Dunstan Rd in Figure 17, below

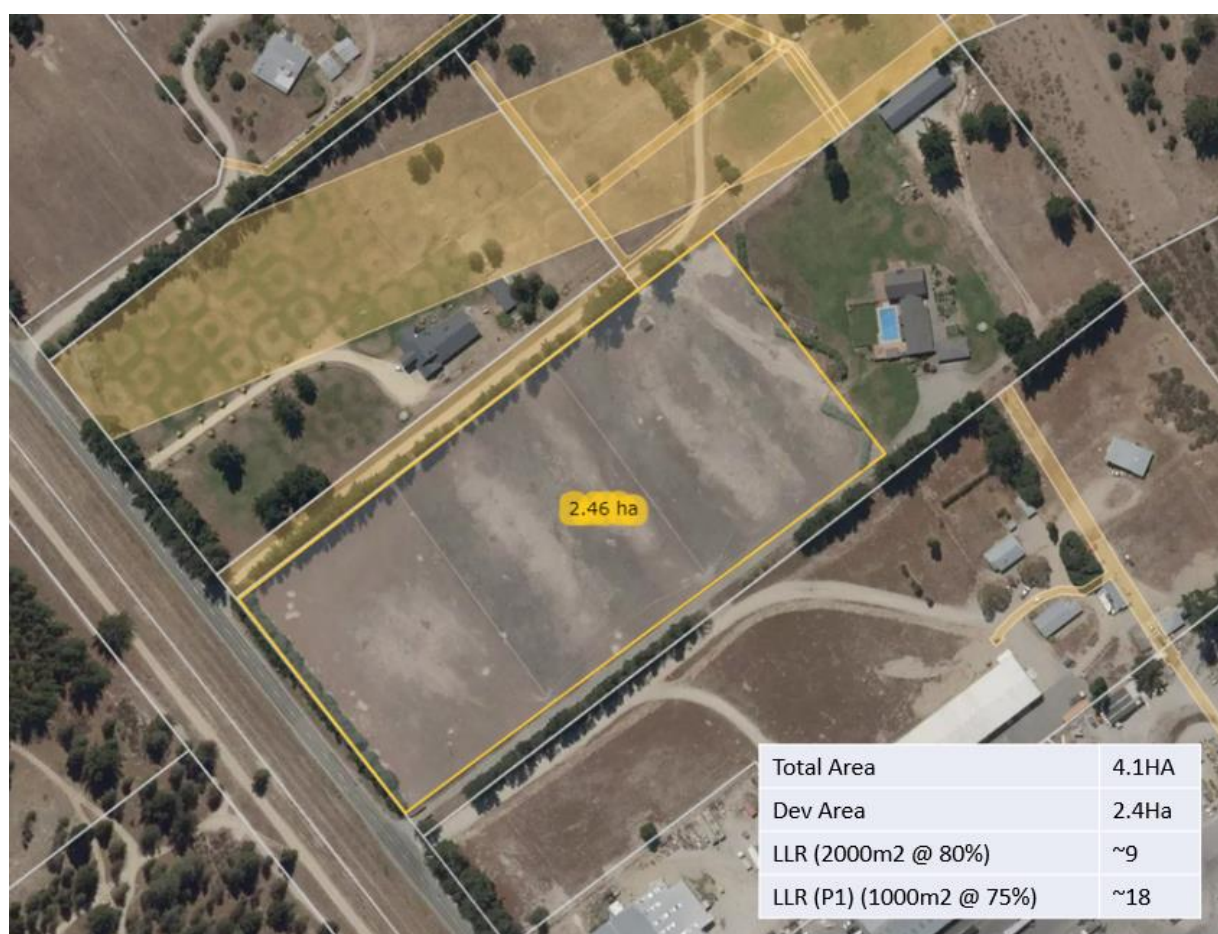


Figure 17: Example of effective area calculation

We estimate that this total 13.4Ha aggregated area could yield as follows:

- LLR (min 2000m2) 28 Lots
- LLR (P1) (min 1000m2) 57 Lots
- LRZ (min 500m2) 108 Lots.

This would be reduced if a buffer was introduced along the boundary of 131 Dunstan Road and the industrial zone.

Looking solely at the Subject Land (reference 4, 5 & 6 in Figure 16):

LLR (min 2000m2)	16 Lots
LLR (P1) (min 1000m2)	31 Lots
LRZ (min 500m2)	58 Lots.

We feel this additional population, in this area close to town and all the amenities described, will make a positive contribution to Alexandra progressing as a resilient community. In particular, we feel that the local primary and high schools will be well served by the strong local community that Plan Change 19, with this proposed zoning modification, will deliver.

12. Infrastructure Impacts

We acknowledge that infrastructure, particularly waste water, along Dunstan Road is a current constraint.

There will need to be developer-led constriction of suitable infrastructure to give effect to any rezoning to residential along Dunstan Road.

We have made initial inquiries of Fluent Solutions (Anthony Steel), who has undertaken an engineering options evaluation for William Hill and Council. We are advised by Fluent that there are feasible engineering solutions to having additional capacity as a result of higher density zoning being applied to the Subject Land.

Further analysis of the scale of that infrastructure, and of how it will be delivered, will be required. We would engage Fluent to further evaluate the additional infrastructure required to serve the Subject Land and our development.

One consequence of higher density being applied to the Subject Land is that the additional lots and housing will contribute greater development contributions and subsequently rates to fund the required water and waste water services.

13. Competence and Cooperation

We consider ourselves a competent and responsible developer. We want to make a positive contribution to our community and the Alexandra township through the appropriate development of the Subject Land.

We will assist in the implementation of suitable infrastructure. We understand the need to cooperate with Council and other developers in achieving this.

14. Conclusions

The Subject Land is not an outer area, it is in the heart of Alexandra's growing residential precinct.

There are a range of compelling reasons, set out in Section 7 above, why it is appropriate to give a higher density zoning to the Subject Land than the proposed LLR zone.

There are few compelling reasons why not to adopt this change.

Accordingly, we ask that the subject land be zoned for a more efficient, smaller lot size than the LLR (2000m² min) proposed. We seek that the zoning conferred to the subject land Low Density (500m² min) or Large Lot Residential (P1) (min 1000m²).

We understand that infrastructure issues to be addressed, in particular in regard to roading and wastewater. But we also understand that viable options have been identified. Infrastructure is not a reason to not utilise this land area well.

Thank you for the opportunity to make this submission in support of Plan Change 19. We trust you find the information presented here is helpful.

We note that we wish to present this submission to the Hearing in person. Full size A4 copies of each of the maps and figures shown here will be made available to parties at the Hearing.

Resource Management Act 1991

FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO SUBMISSION ON NOTIFIED PROPOSED PLAN CHANGE TO THE CENTRAL OTAGO DISTRICT PLAN

Clause 8 of Schedule 1, Resource Management Act 1991

(FORM 6)

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

Name of person making further submission

Name: **One Five Five Developments LP** _____

Postal address: 8 Park Street, PO Box 263, Ashburton 7740 _____
(Or alternative method of service under [section 352](#) of the Act)

Phone: 021 414 664 _____

Email: shanon.garden@gmail.com _____

Contact person: Shanon Garden, director _____
(Name & designation, if applicable)

This is a further submission in support of (or in opposition to) a submission on Proposed Plan Change 19 to the Central Otago District Plan.

I am:

A person who has an interest in the proposal that is greater than the interest the general public has, the grounds for saying this being:

One Five Five Developments LP is the contracted owner of 155 Dunstan Road, being a property that is subject to proposed rezoning under PC19 to LLRZ and which could be directly or indirectly impacted by the submissions identified in the table attached.

I support (or oppose) the submission of:

Those parties listed in the table attached

..... on Plan Change 19
(Please state the name and address of original submitter and submission number and submission point number of the original submission)

The reasons for my support (or opposition) are:

All submissions identified in the table of Further Submissions, attached, impact on how our property on Dunstan Road might be rezoned.

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

(Please give reasons and continue on an additional page if necessary)

I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed):

Those parts set out in the table attached

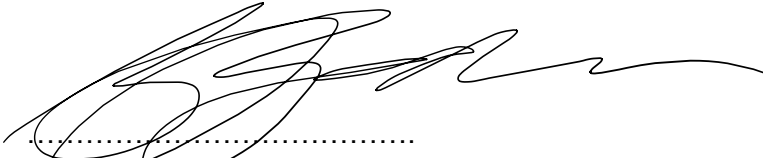
.....
(Please give precise details)

I wish ~~(or do not wish)~~ to be hearing in support of my further submission.

(Please strike out as applicable)

If others make a similar submission , I will consider presenting a joint case with them at a hearing.

(Please delete if you would not consider presenting a joint case)



.....
Signature of person making Further Submission
(or person authorised to sign on behalf of person making further submission)
(A signature is not required if you make a submission by electronic means)

Date: 19 December 2022

Email: shanon.garden@gmail.com.....

Telephone No: 021 414 664

Postal Address: 8 Park Street, PO Box 263, Ashburton 7740.....

Contact Person: Shanon Garden
(name & designation, if applicable)

Submissions close at 4pm on Tuesday 20 December 2022

Submissions can be emailed to districtplan@codc.govt.nz

Note to person making submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

One Five Five Developments LP

Table of Further Submissions – To accompany Form 6

Dec 20, 2022

Submitter (ref number and name)	Support/ Oppose	In whole or in part	How we are affected to a greater extent than the general public	Reasons/Details
19/7: Russell Ibbotson	Support	In whole	Submission includes comment on how our property could be re- zoned.	Mr Ibbotson is a proponent of the LLRZ zoning along Dunstan Road, with a landholding further to the west, towards Waldron Rd. Mr Ibbotson makes note in his submission that he supports more intensive development along Dunstan Road, closer to the existing township. We support this submission.
19/09: Waka Kotahi	Support	In part	Dunstan Road is a key transport link, providing vehicle, biking and walking access – which multi-modal transport is the subject of this submission. Our property is accessed along this route.	<p>WK notes, at their Para 5, that land use change has a significant, long-term impact on transport. “Changes in land use can affect the demand for travel, creating both pressures, and opportunities for investment in transport infrastructure []. For these reasons, WK seeks to enable development in the most accessible urban areas.”</p> <p>It further states “Provision for multi-modal transport, particularly walking and cycling, is of increasing importance” noting policies in the proposed plan that recognise the need for residential development to be well connected (Para 16).</p> <p>Reflecting on the proposed LLRZ zoning along Dunstan Road, we note:</p> <ul style="list-style-type: none"> - Dunstan Road offers an excellent (safe, easy and pleasant) walking and cycling access back towards town. Where this amenity exists, and at travel distances where people will walk and bike back to town, it is entirely appropriate that a reasonable level of density be enabled. This speaks to adopting a higher density than the proposed LLRZ from 155 Dunstan Rd back towards the township. - Looking into the future it is conceivable that Dunstan Rd act as a feeder for public transport (buses) into the centre of Alexandra. A Clyde-Alexandra service, for example, could utilise this route. Appropriate density should therefore be enabled on both sides of Dunstan Road.
19/12 Te Whata Ora	Support / Oppose	In part	Submission on LLRZ, potentially impacting our property.	Section 3 of TWO’s submission states that “Public health action aims to create environments and conditions that prevent harm and support health and wellbeing.” Further intensifying the town end of Dunstan Road is an outcome that achieves this

				<p>objective. It is, and will remain, some of the safest walking and cycling routes within urban Alexandra. Reasonable density will promote this desired activity.</p> <p>We support the sentiment set out in Page 1 of the Schedule to the TWO submission relating to <i>Planning Maps</i> that “We support the concept of medium density residential zoning close to the commercially zoned centre of the towns of [] Alexandra. This provides an environment that supports active transport and social interaction within this zone.”</p> <p>TWO then seek a decision that the distribution of zones in PC19 be retained in their current form. We oppose this element of the TWO submission.</p> <p>We further Support the TWO submission set out in Page 2 of the Schedule to the TWO submission relating to <i>Objective of LLRZ as amended by 31 6.2.6</i> in that the LLRZ zoning is, in proximity to the Alexandra township, unduly large for “public Health” and “Sustainability” reasons. They state “Our concerns relate to inefficient land use, the need for vehicles to access work or services as well as the disincentive towards active transport or social interaction.” “Should PC19 be confirmed, the land set aside for this [LLRZ] zoning needs to be kept to the absolute minimum.”</p>
19/14: Paul and Angela Jacobson	Support / Oppose	In part	We are a direct neighbour to this submitter.	<p>The submission notes, and we agree, that “LLRZ is large for an urban setting”.</p> <p>We are unclear as to any benefit from adopting the recommendation to apply a different name to the proposed LLRZ zone of Large Lot Urban Zone (“LLUZ”). So at this time, without further information/consideration, we would oppose that suggestion.</p> <p>We support the statement: “There is little logic given for the size of lots under this Plan Change. From a planning and sustainability perspective, the density of lots and people should be highest near the centre of Alexandra to allow walking rather than car access to schools, businesses and services. The PC19 proposes a uniform density of 2000m² all the way to Waldren Road rather than a gradation of density. This is not considered in the Section 32 Analysis.”</p> <p>The submitter also provides background on the local wine industry and the benefits of retaining productive land, specifically for wine making. This is acknowledged. However, the proposed LLRZ along the north side of Dunstan Road with an average lot size of <5Ha and a predominance of residential activity, is not the place to focus on preserving the Central Otago wine industry. Accordingly, we oppose the notion of applying a zone that referencing viticulture to this land.</p>

19/16: John Lister	Support	In part	<p>We are a neighbour (across Dunstan Road) to the large block of CODC and Ngai Tahu owned land proposed to be zoned MRZ. This large area of relatively high-density housing would appear to underpin Council's determination that the published PC19 adequately provisions for Alexandra's future growth. We seek there be some further consideration of whether this influences Council's view that the land north of Dunstan Road, where our property is located, does not therefore need to be used in a more efficient manner. To this extent, this submission indirectly impacts our property.</p>	<p>Mr Lister submits in his Section 1 a range of reasons why the MRZ zoning, with a minimum lot size of 200m² is too small.</p> <p>We support this aspect of Mr Lister's submission, with specific reference to the ~30Ha of Council/NTL Developments land on the south side of Dunstan Road, extending through to SH8.</p>
19/26: Fulton Hogan	Support	In part	<p>The submitter makes submissions on land in close proximity to our block, and over which we have made submissions on.</p>	<p>The submitter opposes the proposed overlay of residential zoning across designated reserves in the vicinity of Dunstan Road, specifically Molyneux Park and the CODC-owned town belt area behind and above Fulton Hogan. We support this specific recognition/preservation of that reserve status.</p> <p>The submitter also raises the potential issue of reverse sensitivity by incoming residents living in close proximity to its industrial activities on Dunstan Road. We support providing some planning mechanism, such as a no build zone or other buffer, immediately adjacent to the industrial activities at 113-127 Dunstan Rd.</p>
19/32: Molyneaux Lifestyle Village	Support	In part	<p>Submission on LLRZ, potentially impacting our property.</p>	<p>We support the proposed variation to LLRZ-R10 Excavation, removing the volumetric limit and applying a meaningful area limit that enables multi-lot development. We support the 2500m² figure proposed by the submitter.</p>

19/36: NR Murray	Oppose	In part	Submission on LLRZ, potentially impacting our property.	<p>We oppose the submitter's submission at Para 2 of matters concerning Alexandra, that the land along Dunstan Road be retained Dunstan Rd remain in RA-RR to protect the productivity of the soils.</p> <p>It is our understanding that land under consideration within this Plan Change, being a Plan Change underway when the NPS-HCS was released, is not technically subject to that National Policy Statement.</p> <p>We are also of the view that this aggregate area of land, north of Dunstan Road, from Fulton Hogan to Waldron Road is a well established lifestyle area, with lots well below 5H average. THIs land does not today have a productive use that warrants preservation. It's most efficient use, so close to town, is for housing to address population growth.</p>
19/58: Jo Robertson	Oppose	In part	Submission on nearby property which could impact our property.	<p>We support the general notion that land use change necessitates the consideration of access.</p> <p>However, the submitter seeks that CODC, through its plan change, provide a regulatory framework to make a shared driveway a vested road. Correspondingly, the submitter seeks that a right of way be widened. Both of these matters are appropriately dealt with by the land owner(s) seeking subdivision consent and ultimately arranging for the vesting of land. This is not a plan change matter.</p> <p>More importantly, the submitter seeks that the Plan Change enforce access obligations on neighbours, in this case William Hill, to provide access. We oppose this on the basis that it is up to those private landowners to make the necessary commercial arrangements with one another to access land their land. If such an access is necessary for the submitter to gain a benefit by developing their land, they must be prepared to pay, or compensate the party from whom they seek access.</p> <p>We note the obvious fact that merely because a larger area of land is rezoned for a particular land use, it does not follow that all individual titles of land within that larger area will have the necessary attributes to enable that land use change <i>on each title</i>. If an individual block is landlocked, it is not the Council's job through the District Plan, to address that.</p> <p>This speaks to the yield that can be expected from the LLRZ zone north of Dunstan Rd. Because of cases such as this, it is likely to be less than the 300 lots Council have predicted.</p>

				<p>We support efforts to promote walking access. And this is exactly what the corridor along the cycle trail beside Dunstan Road does allow for.</p> <p>What this submission does also speak to is the challenges posed by piecemeal and incremental intensification of land. To this end, we contend that the 2000m2 minimum lot size proposed within the LLRZ, particularly close to the township, will, within ~20 years, be seen as inefficiently large and will be the subject of further rezoning. Best practice planning suggests that this ultimate yield should be provided for at the outset.</p>
19/60: Ministry of Education	Support	In part	Submission on LLRZ, potentially impacting our property.	<p>We support the submitter's position that the LLRZ policies and standards should enable educational facilities, in particular that LLRZ-O2 should include at (5) that the zone is "supported by the necessary infrastructure, including educational facilities."</p> <p>Further consideration should be given to the proximity of schooling to the LLRZ one north of Dunstan Road, and the ability of children attending school in that area to safely walk and cycle to school. This speaks to appropriate intensification of the area north of Dunstan Rd below 2000m2, as set out in our submission.</p>
19/80: Matt & Sonya Conway	Oppose/Support	In part	Submission on nearby property which could impact our property.	<p>For the reasons given in our further submission on 19/58 above, we oppose the notion that Council must use the Plan Change, and rules in the District Plan, to force access to individual "landlocked" titles.</p> <p>We oppose the suggestion that larger developments be notified. The land development process is already challenging and fraught with risk. People around these developments seldom embrace change. Making all developments notified merely because they are deemed "large" does not fit with the accepted activity status and effects-based judgements around notification.</p> <p>We support the suggestion of the submitter, under the heading of Leg-in Driveway, that CODC adopt a more case by case basis for imposing its roading hierarchy. Applying more flexibility in terms of how access can be enabled to various pockets of residential activity. This flexibility appears to work well in QLDC, where large developments, such as Millbrook and Jacks Point, and other smaller cases, are accessed via private roads. However, we question whether this is appropriately addressed via the Plan Change</p>
19/89: Hort NZ	Support/Oppose	In part	Submissions on how the LLRZ zone should be given effect to, which could impact on our property.	<p>We support the general notion of ensuring our District Plan ensures Central Otago can continue to excel in horticulture.</p> <p>We oppose any application of rural-type setbacks to residential zones, including LLRZ.</p>

				<p>We support giving suitable protections to existing uses, such as horticulture, and along Dunstan Rd, to the likes of Fulton Hogan.</p> <p>We contend that the already well-established lifestyle land use along Dunstan Road, on parcels averaging <5Ha, cannot be claimed to have productive potential. So should not be prevented from efficient residential use merely because of the nostalgic notion that, had it remained large landholdings, it could have still been productive.</p>
19/91: John & Judy Hamilton	Oppose	In part	Submission on nearby property which could impact our property.	For same seasons given in further submissions on 19/58 and 19/80, above.
19/98: John & Mary Fletcher	Support	In part	Submissions on how the LLRZ zone should be given effect to, which could impact on our property.	<p>We support the submission that, in the submitters case, and in our case at 155 Dunstan Rd, a smaller allotment size than 2000m2 will maintain the amenity and character of the area and is no different in character between this precinct and other areas close by which provide for a smaller allotment size.</p> <p>We support the submission that site coverage in LLRZ should be >10% and that further consideration should be given to what a suitable coverage limit should be.</p>
19/128: Transpower	Support	In whole	Submission on neighbouring property, which could impact our property.	<p>Transpower have made a submission noting the application of the NPS on Electricity Transmission to the Roxburgh-Islington HV line that runs adjacent to our property, through 147-149 Dunstan Road.</p> <p>While we have previously submitted on intensifying part of the proposed LLRZ, including 147 and 149 Dunstan Road, we acknowledge the application of the NPS on Electricity Transmission. We support any appropriate notation on District Council Planning maps to highlight this.</p>
19/150: Landpro	Support	In part	Submission relating to LLRZ and surrounding zones which could impact the zoning of our property.	<p>We support the submitter's submission at Para 9 that parks and reserves should not be included in area zoned as residential, as when aggregated, it may lead to an overstatement of land available for development and correspondingly overstatement of the yield that will result from development enabled by the Plan Change.</p> <p>We further support and share the views set out in Para 14 relating to the large (~30Ha) area of proposed Medium Density Residential (MRZ) zoning proposed north-west of the township, on land owned by Council and Ngai Tahu's land development entity, NTP Development Holdings. The submitter states:</p> <p><i>"The Medium Density Residential Zone (MDRZ) is for more intensive density of development compared to other residential zones, for the purpose of being within walking distance of commercial and community facilities. Within Alexandra, there are MDRZ at the</i></p>

			<p><i>northwestern edge of town (Part Section 88 Block VII Leaning Rock SD, Sec 1 and Sec 4-6 SO 524226). There are no associated commercial/mixed use areas near this area at present. We question whether this is an accurate reflection of what appropriate density at this location should be given, considering there are no current commercial facilities near this location. Unless progressing alongside existing commercial facilities, it would seem more appropriate that this area is zoned as Low Density Residential Zone.”</i></p> <p>We accept that all urban centres, Alexandra included, should have well located, appropriate-scale, and carefully executed pockets of medium density residential housing. But Alexandra is a relatively small service centre and does not need whole suburbs of medium density housing. We consider that providing for such a large tract of land at the northern extent of the township, for medium density (min 200m2 lot sizes) is not in keeping with the manner in which Alexandra should be allowed to grow.</p> <p>We would re-state the core thrust of our underlying submission - that the area close to town north of Dunstan Road (including our land parcel at 155 Dunstan Road), proposed to be zoned to a 2000m2 minimum, has arguably better access to amenity, to recreation, to services, to walking and cycle ways, and potentially even to public transport in the future, than some of the Council and Ngai Tahu land. We seek further consideration of whether both these proposed zonings are too extreme. The MRZ zoning being too intensive - at the proposed scale. And the LLRZ zoning north of Dunstan Road and so close to town - is inefficiently large, without clear justification or logic.</p>
--	--	--	---

Attachment C – List of names and addresses of persons to be served with a copy of this notice

Name	Email address
Council	
Central Otago District Council	districtplan@codc.govt.nz
Original Submitters	
John Lister	bjnelister@gmail.com
NTP Development Holdings Limited	sean@southernplanning.co.nz
Christopher Stuart Cameron, Carolyn Delcia Patchett	chris.cameron@pdp.co.nz
Fulton Hogan Limited	environment.centralotago@fultonhogan.com
Matt & Sonia Conway	mattconwaynz@gmail.com
Judy and John Hamilton	snowham@slingshot.co.nz
Transpower New Zealand Ltd	environment.policy@transpower.co.nz
Aidan and Philippa Helm	piphelm@gmail.com
Further Submitter	
Landpro Limited C/- Walt Denley	walt@landpro.co.nz