

# **RESOURCE MANAGEMENT ACT 1991**

## **CENTRAL OTAGO DISTRICT PLAN**

### **EXPLANATORY STATEMENT**

#### **PLAN CHANGE 14 : SHANNON FARM, NEAR CROMWELL**

This explanatory statement has been prepared to assist interested persons in considering Plan Change 14 to the Central Otago District Plan. This document is an explanatory statement only and does not form part of Plan Change 14.

#### **Background**

On 29 May 2019 the Council received a private plan change request from New Zealand Cherry Corp (Leyser) LP Limited (“NZ Cherry Corp”) to rezone land at Ripponvale Road near Cromwell from Rural Resource Area to Rural Resource Area (5) to enable the comprehensive and integrated subdivision and development of the land. The plan change also provides for enlargement of the Outstanding Natural Landscape (ONL) notation and for a reduction in the Significant Amenity Landscape (SAL) notation on the land subject to the private plan change request.

Section 73(2) of the Resource Management Act 1991 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 14 August 2019. The Committee has resolved to accept the request pursuant to clause 25(2)(b) of the First Schedule, 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 “Request for a Change to the Operative Central Otago District Plan : Shannon Farm 144 Ripponvale Road, Cromwell” prepared by Town Planning Group (NZ) Limited for NZ Cherry Corp that is dated 28 May 2019 is a comprehensive document which provides background information relevant to the proposed plan change. The request document provides information with respect to the content and purpose of the plan change; a description of the site and surrounding environment; the planning context including statutory matters; a section 32 analysis (assessment) of alternatives; and an assessment of the effects of the proposal on the environment. Attached to the document are proposed amendments to the Operative Central Otago District Plan; an Evaluation of the Plan Change against the Operative, Proposed and Partially Operative Regional Policy Statement; Section 32 Evaluation Tables; copies of the Records of Title; an Assessment of Landscape and Visual Effects; an Infrastructure Report; a Demand & Supply Assessment for rural residential (2000m<sup>2</sup> – 1 ha) and rural lifestyle (1 ha – 8 ha) lots; a Flood Hazard Assessment; a Geotechnical Investigation; a Transportation Assessment and Response to Request for Further Information relating to Transportation Matters; a Preliminary Site Investigation with respect to potential for soil contamination; and an Evaluation of Soils.

Copies of the request document are deposited at the Council offices and libraries where proposed Plan Change 14 has been made available for public inspection.

#### **Scope of Plan Change**

Plan Change 14 amends Maps 44 and 51 of the Operative Central Otago District Plan to apply a new Rural Resource Area (5) [RuRA(5)] to approximately 142 hectares of land that has frontage to

Ripponvale Road, near Cromwell. Maps 44 and 51 are also amended to enlarge the Outstanding Natural Landscape (ONL) notation and to reduce the Significant Amenity Landscape (SAL) notation as these notations relate to the land subject to Plan Change 14. The total land area subject to Plan Change 14 is approximately 244 hectares being the land in Record of Title Identifiers 126180, OT 106/99, OT 7C/632 and OT 7C/633 in the Otago Land Registration District.

Plan Change 14 provides for part of the land subject to the plan change to be included in the RuRA(5) and for the balance of the land to be retained in the Rural Resource Area. Plan Change 14 provides for a new Policy 4.4.18 to provide for integrated rural lifestyle subdivision and development within the RuRA(5); and for the insertion and/or amendment of various rules (of the Rural Resource Area) to provide for subdivision and development in the RuRA(5). Plan Change 14 provides for the insertion of a Structure Plan as Schedule 19.23 to guide future subdivision and development and to identify the Rural Lifestyle Areas (RLAs) 1-5 where minimum allotment areas (that vary between 2000m<sup>2</sup> and 3 hectares) and minimum heights (that vary between 5 metres and 7.5 metres) apply. Schedule 19.24 and Schedule 19.25 insert a Circulation Plan and a Planting Schedule, respectively, with respect to the RuRA.

New or amended rules that are specific to the RuRA (5) include:

- Provision for residential activity as a controlled activity in the RuRA (5) provided relevant standards are complied with.
- Subdivision to be a controlled activity within the RuRA(5) with minimum allotment areas varying between RLAs as shown on the Structure Plan as follows:

RLA 1	2,000m <sup>2</sup>
RLA 2	3,000m <sup>2</sup>
RLA 3	4,000m <sup>2</sup>
RLA 4	1 ha
RLA 5	3 ha

- Subdivision within the RuRA(5) to be in general accordance with the Structure Plan to be contained in Schedule 19.23.
- Building platforms no greater than 1000m<sup>2</sup> to be shown on the plan of subdivision for RLA 4 and RLA 5 in the RuRA(5).
- A rule to stipulate a maximum height in the RuRA(5) of 7.5 metres in RLAs 1, 2 and 3; 5.5 metres in RLA 4; and 5 metres RLA 5.
- A rule to require a minimum setback in RLAs 1-3 of 6m and RLAs 4 and 5 of 10m; with a minimum setback of 30 metres from the road boundary of Ripponvale Road; and a minimum setback of 25 metres from the zone boundary adjoining the Rural Resource Area (except for buildings located in RLA 3).

New Schedules specific to the RuRA (5) are to be included being:

- **Schedule 19.23 : Structure Plan – Rural Resource Area (5).**
- **Schedule 19.24 : Circulation Plan – Rural Resource Area (5).**
- **Schedule 19.25 : Planting Schedule – Rural Resource Area (5).**

It is emphasised that the above is a summary only of relevant rules and other provisions proposed in Plan Change 14 and that Appendix A of the plan change request document should be referred to for full details. It is also noted that Plan Change 14 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 Resource Management Act 1991 and clause 21(1) of Schedule 1 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 Resource Management Act 1991 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 14 is consistent with the purpose of the Resource Management Act 1991 as stated in section 5, which is to promote the sustainable management of natural and physical resources. Plan Change 14 will provide for the sustainable management of the land resource by providing an opportunity for future population growth within the Cromwell area in the RuRA(5) whilst also setting aside a 29 hectare area for horticultural purposes. Plan Change 14 also seeks to enable access through the RuRA (5) and the ONL to enhance recreation/public amenity and meet social and recreational needs of future generations. It is also noted that development within the RuRA (5) can be connected to Council’s reticulated water and wastewater systems and that low impact stormwater management can be implemented. Potential effects can be avoided, remedied or mitigated such that on balance those effects are minor.

The proposal recognises and provides for relevant matters of national importance listed under section 6 of the RMA.

In terms of section 7 Plan Change 14 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.
- Any finite characteristics of natural and physical resources.

Plan Change 14 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 14 does not contain or state objectives the purpose of the proposal, as stated in clause B5.0 of the request document, is as follows:

*“To enable the subdivision, use and development of approximately 142 hectares of land located at 144 Ripponvale Road to provide a mix of different land use densities to meet demand for rural lifestyle development outside of urban Cromwell; recognise and provide for the natural landscape values of the Pisa Range; and facilitate use of a further approximately 29 hectares of land for horticultural development. Rural lifestyle development is to occur in an integrated, sustainable and planned manner to meet the needs of the District’s people and communities, while avoiding, remedying or mitigating potential adverse effects on:*

- *The Pisa Range – Outstanding Natural Landscape*
- *Landscape and amenity values*
- *Water resources*
- *The soil resource*
- *Surrounding land uses*
- *Natural hazard risk”*

Section 32(2) requires that the assessment under section 32(1)(b)(ii) [see (b)(ii) above] 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 Resource Management Act 1991 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 14 is that detailed in the assessment as contained in Part F of the document entitled “Request for a Change to the Operative Central Otago District Plan : Shannon Farm 144 Ripponvale Road, Cromwell” prepared by Town Planning Group (NZ) Limited and dated 28 May 2019 and in Appendices B and C to the request document. 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.
- Apply the Residential Resource Area to the subject land.
- Rezone the subject land to a new Rural Resource Area [being the RuRA (5)] with guidance through a Structure Plan.

The evaluation has concluded that the third option [being the application of the RuRA (5) to part of the subject land], as provided for in terms of Plan Change 14, is the most appropriate means of achieving the objectives of the plan change.

### **Sections 74 and 75**

Plan Change 14 will give effect to the Partially Operative Regional Policy Statement for Otago and will not be inconsistent with any regional plan. Plan Change 14 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; the Otago Southland Regional Land Transport Plan; and the Central Otago District Council 10 Year Plan – 2018 – 2028.

### **Summary**

Plan Change 14 will reallocate approximately 142 hectares of land from the Rural Resource Area to the Rural Resource Area (5); and will enlarge the area subject to the ONL notation and reduce the area subject to the SAL notation on the land subject to Plan Change 14. Plan Change 14 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 14 will give effect to the Partially Operative Regional Policy Statement for Otago and is not inconsistent with any regional plan.