

# RESOURCE MANAGEMENT ACT 1991

## CENTRAL OTAGO DISTRICT PLAN

### PLAN CHANGE 7 : RESIDENTIAL RESOURCE AREA (13) & SCHEDULED ACTIVITY 127, PISA MOORINGS

1. Amend Rule 4.7.1(ii) of the Operative Central Otago District Plan on page 4:29 to state as follows:

“(ii) **Scheduled Activities and Existing Community Facilities**

Any scheduled activity identified in clause 19.3.1, 19.3.2, 19.3.3, 19.3.4, 19.3.5 and 19.3.6 of Schedule 19.3 and identified as a scheduled activity on the planning maps and any other community facility lawfully established prior to notification of this plan is a permitted activity provided that rules and standards set out in Section 12 shall not apply to activities identified in clause 19.3.5 of Schedule 19.3 and provided that Scheduled Activity 127 (SA 127) in Schedule 19.3.6 complies with Rule 7.3.6(iii) Bulk and Location of Buildings and Rule 12.7 District Wide Rules and Performance Standards.

*Reason*

*See reference at Section 1.2.9 of this Plan (page 1:12).*

*Activities identified in clause 19.3.5 Schedule 19.3 are subject to Rule 13.7.3. It is therefore unnecessary for Section 12 to apply to activities listed in clause 19.3.5 of Schedule 19.3.”*

2. Amend the Policy 7.2.7 and the associated Explanation of the Operative Central Otago District Plan commencing on page 7:4 to state as follows:

“7.2.7 **Policy - Residential Resource Areas (1) – (12) 13**

To ensure that subdivision and development in the areas shown as Residential Resource Areas (1) – (12) (13) complement the character and amenity of these areas and provide for the protection of significant landscape features, where such features are present.

Explanation

...

The area identified as Residential Resource Area (11) is located at Pisa Moorings. ~~This area is to be developed in accordance with a village – vineyard concept that has been the subject of previous resource consents.~~ This is the residual portion of the original Residential Resource Area (11), being land subdivided under a former village – vineyard concept.

The area identified as Residential Resource Area (12)...

The area identified as Residential Resource Area (13) is located at Pisa Moorings. The area concerned is considered suitable for conventional residential subdivision at a higher density than the adjacent Residential Resource Area (3).

...”

3. **Amend Rule 7.3.1(ii) of the Operative Central Otago District Plan commencing on page 7:7 to state as follows:**

“(ii) **Scheduled Activities and Existing Community Facilities**

- (a) Any scheduled activity identified in Clauses 19.3.1 and 19.3.4 (subject to compliance with standards specified in Clause 19.3.4) of Schedule 19.3 and identified as a scheduled activity on the planning maps and any other community facility lawfully established prior to notification of this plan is a permitted activity.
- (b) Scheduled activity No. 127 in Schedule 19.3.6 is a permitted activity, subject to compliance with Rule 7.3.6(iii) Bulk and Location of Buildings and Rule 12.7 District Wide Rules and Performance Standards.

*Reason*

*See reference at Section 1.2.9 of this plan (page 1:12). A number of these activities were specifically provided for under previous planning schemes. This investment must be recognised in the management of the residential land resource.”*

4. **Amend Rule 7.3.3(i)(c) of the Operative Central Otago District Plan commencing on page 7:12 to insert the following after the provisions that relate to the Residential Resource Area (12):**

‘...’

Residential Resource Area (13)

Minimum Allotment Area – 600m<sup>2</sup> provided that the average allotment size is no less than 800m<sup>2</sup> and provided that any subdivision shall be in general accordance with the concept plan attached as Schedule 19:22.

*Cross Reference*

*Policy 7.2.7*

*Pisa Moorings Map 29.”*

5. **Amend Rule 7.3.3(vi) of the Operative Central Otago District Plan on page 7:18 to state as follows:**

“(vi) **Multi-Unit Development**

- (a) More than one residential activity on site is a discretionary (restricted) activity provided a site area of 250m<sup>2</sup> per residential activity is achieved where a reticulated sewerage system is installed or available and a site area of 800m<sup>2</sup> per residential activity is achieved where a reticulated sewerage system is not installed or available.

*Breach:*

*discretionary*

*activity see Rule*

*7.3.4(i)*

- (b) More than one residential activity on site is a discretionary (restricted) activity in the Residential Resource Area (13) provided a site area of 450m<sup>2</sup> per residential activity is achieved.

*Breach:*

*non-complying*

*activity see Rule*

*7.3.5(v)*

Council shall restrict the exercise of its discretion to the following matters-

1. The effect on amenity values of neighbouring properties in particular access to sunlight, maintenance of privacy, and the adverse effects of noise.
2. The effect on amenity values of the neighbourhood in particular the character of the streetscape.
3. The effect on the safe and efficient operation of the roading network and infrastructure.
4. Financial contributions.
5. Construction of access, based on standards applied when a subdivision occurs (see Standard 16.7.4).

Reason

*Multi-unit developments have potential adverse effects that can be addressed through the consent process.”*

**6. Amend Rule 7.3.5(iii) and (iv) of the Operative Central Otago District Plan commencing on page 7:20 as follows:**

**“(iii) Travellers Accommodation – Residential Resource Areas (1) to ~~(12)~~ (13)**

Travellers accommodation in Residential Resource Areas (1) to ~~(12)~~ (13) is a non-complying activity.

Reason

*These particular localities were specifically created by zones forming part of earlier planning instruments and which have the intention of achieving a certain environmental quality and density of development. The effects of travellers accommodation are not compatible with these environments.*

**(iv) Subdivision – Residential Resource Areas (1) to ~~(12)~~ (13)**

Subdivision of land in Residential Resource Areas (1) to ~~(12)~~ (13) that is in breach of Rule 7.3.3(i)(c) is a non-complying activity.

Reason

*These particular localities are subject to specific subdivision standards which establish a pattern for future subdivision and development consistent with the amenities of these areas. Subdivision that is in breach of these stated standards has the potential to compromise the amenities of these areas.”*

**7. Amend Rule 7.3.5 of the Operative Central Otago District Plan commencing on page 7:20 to insert the following:**

**“(v) Multi-Unit Development – Residential Resource Area (13)**

More than one residential activity in the Residential Resource Area (13) where the site area per residential activity is less than 450m<sup>2</sup> is a non-complying activity.

Reason

*The Residential Resource Area (13) is subject to specific subdivision standards which establishes a particular level of amenity based on a density of development consistent with the amenity of the area. Multi-unit development inconsistent with this established subdivision density has the potential to compromise residential amenity.”*

8. Amend Rule 7.3.6(iii)(f) of the Operative Central Otago District Plan commencing on page 7:24 to insert the following:

“(4) Residential Resource Area (13)

Any building located within the Residential Resource Area (13) on the terrace riser depicted as Lots 13-30 on the concept plan in Schedule 19:22 shall not exceed a height of 3 metres above the terrace edge above the terrace riser, as measured from the northwest (resource area) boundary of the land concerned.”

9. Amend Schedule 19.3 : Scheduled Activities to add the following to 19.3.6 Other Scheduled Activities:

| SA No      | MAP REF   | SCHEDULED ACTIVITY  | LEGAL DESCRIPTION              |
|------------|-----------|---|--------------------------------|
| <u>127</u> | <u>29</u> | <u>Community facilities and Shop as defined in Section 18</u> | <u>Part of Lot 1 DP 409539</u> |

10. Amend Section 19 of the Operative Central Otago District Plan to insert a new Schedule 19.22 entitled “Concept Plan – Residential Resource Area (13) (see Rules 7.3.3(i)(c) p7:14 and Rule 7.3.6(iii)(f)(4) p7:25)” being Paterson Pitts Partners Limited plan C.1140.1.5E dated 7 July 2011.

11. Amend Map 29 to apply the Residential Resource Area (13) to land that has frontage to Pisa Moorings Road, Ferry Lane and Missy Crescent at Pisa Moorings; and to apply the Scheduled Activity 127 (SA127) notation to land in the Residential Resource Area (13) and the Rural Resource Area that has frontage to Pisa Moorings Road.

12. Amend Contents sections of the Operative Central Otago District Plan as follows:

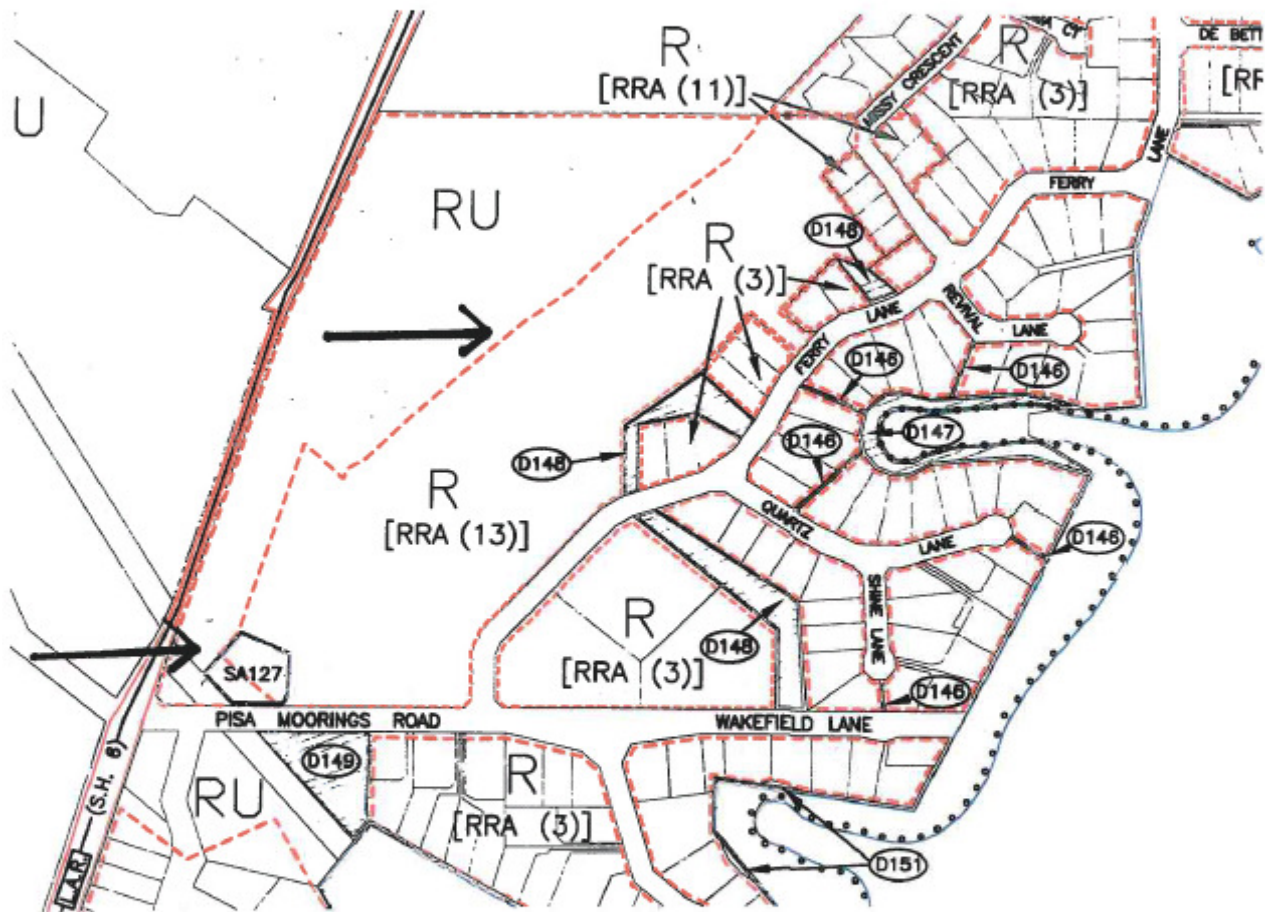
| <u>Page</u>                   | <u>Amendment</u>   |
|-------------------------------|--|
| (vii)                         | 7.2.7 Residential Resource Areas (1) - <del>(11)</del> <u>(13)</u> |
| (xvi) add -                   | <u>19:22 Concept Plan – Residential Resource Area (13)</u>         |
| Section 7<br>(blue page)      | 7.2.7 Residential Resource Areas (1) - <del>(11)</del> <u>(13)</u> |
| Section 19<br>(blue page) add | <u>19:22 Concept Plan – Residential Resource Area (13)</u>         |

*Note: Text to be included is underlined and text to be deleted is struck out.*

**Phil Melhopt**  
**Chief Executive**



**PLAN CHANGE 7 : RESIDENTIAL RESOURCE AREA (13) & SCHEDULED ACTIVITY 127, PISA MOORINGS**



Scale 1:5000

# **RESOURCE MANAGEMENT ACT 1991**

## **CENTRAL OTAGO DISTRICT PLAN**

### **EXPLANATORY STATEMENT**

#### **PLAN CHANGE 7 : RESIDENTIAL RESOURCE AREA (13) & SCHEDULED ACTIVITY 127, PISA MOORINGS**

This explanatory statement has been prepared to assist interested persons in considering Plan Change 7 to the Central Otago District Plan. This document is an explanatory statement and does not form part of Plan Change 7.

##### **Background**

On 16 June 2011 the Council received a private plan change request from Pisa Moorings Vineyard Limited. 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 request under delegated authority on 29 June 2011. 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 has accepted the request in whole.

The private plan change request prepared by Paterson Pitts Partners (Central) Limited for Pisa Moorings Vineyard Limited is a comprehensive document which provides background information relevant to the proposed plan change. This document provides information with respect to the planning history of the land concerned, the purpose and reason for the plan change, details of the proposed plan change as requested, details of the consultation undertaken by the requestor, assesses effects on the environment and provides a section 32 evaluation of alternatives. The document also contains various plans which are of relevance to the proposal. Copies of the request document are deposited at the Council offices and libraries where proposed Plan Change 7 has been made available for public inspection.

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

Plan Change 7 amends Map 29 of the Operative Central Otago District Plan to include approximately 9 hectares of land described as part of Lot 1 DP 409539 (CFR 434926) in the Residential Resource Area (13). The land is currently in the Rural Resource Area and in the Residential Resource Area (11). The land subject to the proposed plan change has frontage to Pisa Moorings Road, Ferry Lane and Missy Crescent at Pisa Moorings, being a residential settlement adjacent to Lake Dunstan north of Lowburn.

The provisions of Section 7 of the Operative District Plan are to be amended to provide for the new Residential Resource Area (13). Rule 7.3.3(1)(i)(c) is to provide for subdivision subject to a minimum allotment area of 600m<sup>2</sup> and an average lot area of 800m<sup>2</sup>; and will require that any subdivision be in general accordance with the concept plan that is to be included as Schedule 19:22 to the Operative District Plan. Rule 7.3.3(vi) is to be amended to provide for multi-unit development in the Residential Resource Area (13) provided a site area of 450m<sup>2</sup> per residential

activity is achieved. A breach of Rule 7.3.3(i)(c) (subdivision) and of the 450m<sup>2</sup> site area requirement for multi-unit development is to be a non-complying activity.

Rule 7.3.6(iii)(f) that relates to height is to require that any building located within the Residential Resource Area (13) on the terrace riser depicted as Lots 13-30 on the concept plan in Schedule 19:22 shall not exceed a height of 3 metres above the terrace edge above the terrace riser.

Plan Change 7 also amends Map 29 by applying a Scheduled Activities notation to land that has frontage to Pisa Moorings Road, and which is to be included in both the Rural Resource Area and the Residential Resource Area (13). The notation refers to Scheduled Activity 127 (SA 127) and Schedule 19.3 of the Operative District Plan is to provide for the following as Scheduled Activity 127 in Clause 19.3.6 – Other Scheduled Activities :

*“Community Facilities and Shop as defined in Section 18”[of the Operative District Plan].*

As the scheduled activity applies to land in both the Rural Resource Area and the Residential Resource Area (13) Rule 4.7.1(ii) and Rule 7.3.1(ii) are to be amended to provide for Scheduled Activity 127 as a permitted activity, subject to compliance with Rule 7.3.6(iii) that relates to the Bulk and Location of Buildings in the Residential Resource Area and Rule 12.7 – District Wide Rules and Performance Standards.

Plan Change 7 presents the provisions that are to be amended in the Operative Central Otago District Plan generally 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 of the First Schedule enables 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 control of any actual or potential effects of the use, development, or protection of land...”*

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 7 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 7 will provide for the sustainable management of the land resource.

In terms of section 7 Plan Change 7 will facilitate-

- 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.
- Recognition of the finite characteristics of natural and physical resources.

Plan Change 7 is not contrary to the principles of the Treaty of Waitangi or to any other matter stated in Part 2.

### **Section 32**

Section 32(3) of the Resource Management Act 1991 requires that an evaluation be carried out that must examine-

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) *whether, having regard to the efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*

Section 32(4) requires that the evaluation must take into account-

- (a) *the benefits and costs of policies, rules or other methods; and*
- (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

Section 32(1)(d) confirms that the evaluation must be carried out by the person who has made the request for a plan change that has been accepted under clause 25(2)(b) of the First Schedule. As a consequence the section 32 evaluation relating to Plan Change 7 is that detailed in Section 7.0 of the document entitled “Pisa Moorings Vineyard Limited Private Plan Change Request” prepared by Paterson Pitts Partners (Central) Limited and dated May 2011. The alternatives considered in the section 32 evaluation include:

- Do nothing (the status quo) and retain the subject land in the Residential Resource Area (11) and the Rural Resource Area.
- Apply the Residential Resource Area (3) and the Business Resource Area to the subject land.
- Apply a new Residential Resource Area (13) and Scheduled Activity 127 to the subject land.

The evaluation has concluded that the third alternative being Plan Change 7 (applying a new Residential Resource Area (13) and Scheduled Activity 127) is the most appropriate alternative.

### **Sections 74 and 75**

Plan Change 7 will not be inconsistent with the Regional Policy Statement for Otago or to any regional plan. Plan Change 7 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.

### **Summary**

Plan Change 7 will change various provisions of the Central Otago District Plan and will re-allocate land between various Resource Areas at Pisa Moorings. Plan Change 7 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 7 is not contrary to the Regional Policy Statement for Otago.