

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: John Elliot _____

Postal address: _____ C/- Jake Woodward, 1 Hortons Way
Cromwell _____
(Or alternative method of service under [section 352](#) of the Act)

Phone: _____ Jake Woodward 022 315 8370

Email:
_____ jake@jakewoodward.co.nz _____

Contact person: _____ Jake Woodward

(Name & designation, if applicable)

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

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

***I / We am / ~~am not~~ (select one) directly affected by an effect of the subject matter of the submission that:**

- (a) adversely affects the environment; and**
- (b) does not relate to trade competition or the effects of trade competition.**

**Delete this paragraph if you are not a trade competitor.*

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

(Give details, attach on separate page if necessary)

Refer to attached submission _____

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.*
- _____

Refer to attached submission _____

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

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

Refer to attached submission _____

- **I support / oppose the application OR neither support nor oppose** *(select one)*
- **I wish / do not wish to be heard in support of this submission** *(select one)*
- ***I / We will consider presenting a joint case if others make a similar submission**
**Delete this paragraph if not applicable.*

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 _____ 2 Sep 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.*

FORM 5
SUBMISSION ON NOTIFIED PLAN CHANGE 19 OF THE CENTRAL OTAGO DISTRICT
PLAN

CLAUSE 6 of Schedule 1, Resource Management Act 1991

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

Submitter Details: John Elliot on behalf of Alma Winifred Elliot and Carey John Weaver

Site Details: Lot 2 Deposited Plan 364267 and Lot 2 Deposited Plan 464414 and Section 1-2, 6-13, 16-20 Block IV Town of Ranfurly and Part Section 15 Block II Town of Ranfurly and Section 16-19, 27-29 Block II Town of Ranfurly, contained in Record of Title 616666

Address for Service: C/- Jake Woodward
JPW Consulting Limited
1 Hortons Way, Cromwell
jake@jakewoodward.co.nz
022 315 8370

1. This is a submission on proposed Plan Change 19 (**PC19**) of the Central Otago District Plan.
2. John Elliot (the **Submitter**) could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that are covered by this submission are detailed in **Appendix [A]**.
4. The Submitter's reasons for the submission is as detailed in **Appendix [A]**.
5. The Submitter's specific relief sought is as detailed in **Appendix [A]**.
6. The Submitter considers that the relief sought in this submission will:
 - a. Promote sustainable management by utilising existing land within the urban limits of Ranfurly for residential purposes rather than for rural which is constrained.
 - b. Meets the reasonably foreseeable needs of future generations recognising that the intent of PC19 is to provide for future growth over the next 30 years;
 - c. Enables the social, economic and cultural wellbeing of the community through the provision of additional land to accommodate residential growth;
 - d. Represents the most appropriate means of exercising Council's functions under Section 31, and is the most efficient use of the land having regard to the efficiency and effectiveness of other means available in terms of Section 32 and other provisions of the Act.
7. The Submitter **does** wish to be heard in support of this submission.
8. The Submitter will consider presenting a joint case if others make a similar submission.

Appendix [A] - Submission

9. The specific provisions that this submission relates to are:

- a. All aspects of PC19 which relates to the **Low Density Residential Zone** chapter including, but not limited to, the District Planning Maps, the Objectives, Policies and Rules as it relates to the proposed Low Density Residential Zone.
- b. All aspects of PC19 which relates to the **Residential Zones Subdivision** chapter including, but not limited to, the District Planning Maps, the Objectives, Policies and Rules as it relates to subdivision.

10. The submission is:

- a. The submitter **supports** the Low Density Residential Zone that pertains to the southern-most extent of the Site adjoining Caulfeild Street, and seeks that the **Low Density Residential Zone** be extended to incorporate the balance of the Site and adjacent properties as identified in the attached plan in **Appendix [B]**, an extract of which is included in Figure 1 below:

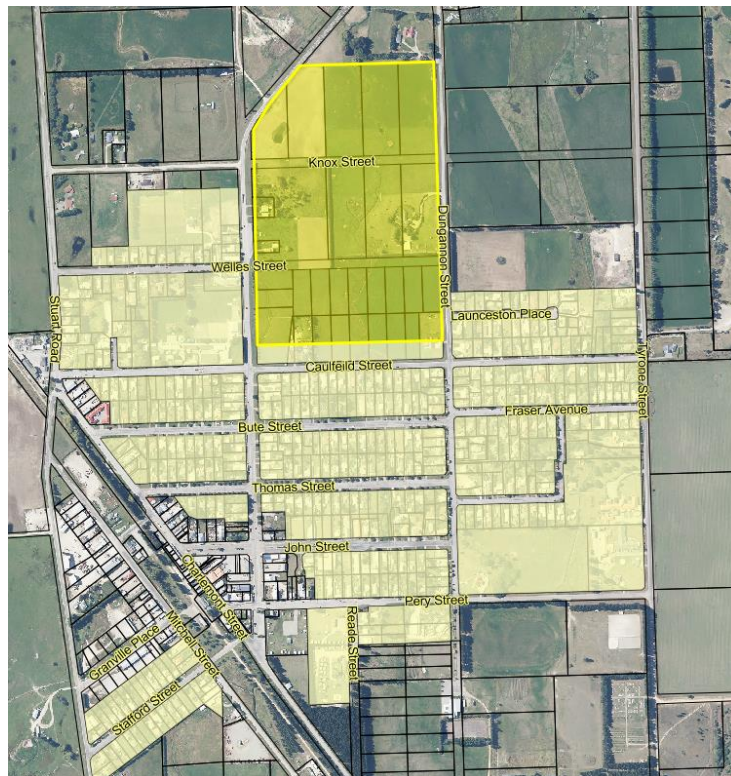


Figure 1: Extract of PC19 Planning Map showing the extended Low Density Residential Zone covering the full extent of the subject site and adjoining properties.

- b. The Submitter **supports** the inclusion of Rule LRZ-R12 as it relates to retirement villages.

- c. The Submitter **opposes** in part, the Restricted Discretionary pathway for residential subdivision under Rule SUB-R4.

11. The reasons for the submission are:

Introduction

- a. The submitter owns the majority of the land (the **Site**) bound by Caulfeild Street, Dungannon Street, and Northland Street and comprised in Record of Title 616666. The total area of the Site is approximately 19 hectares. There are two unformed legal roads dissecting the site in an east to west fashion, being Welles Street and Knox Street. An aerial photo depicting the extent of the Site is attached in **Appendix [C]**.
- b. As well as the Submitter's land, there are a number of other land parcels that are bound by Dungannon, Northland, Caulfeild and Knox (unformed) Streets which collectively forms part of the immediate receiving environment. These are:
 - i. 35 Caulfeild Street;
 - ii. 39 Dungannon Street;
 - iii. Lots 1 and 2 DP 301133; and
 - iv. 32 Northland Street
- c. The Site is largely characterised by gently undulating paddocks, fences, and shelterbelts. A single residential dwelling occupies a portion of the eastern end of the Site, with access for this dwelling achieved from Dungannon Street. A small water course dissects the site in a north-south fashion. The remainder of the Site is primarily used for low intensity grazing, lucern and hay.
- d. The Site is located centrally within the relatively well-defined limits of the Ranfurly township. The extent of the Ranfurly township itself can be defined by Goff Road/State Highway 85 to the north, Stuart Road/State Highway 85 to the west, and Tyrone Street to the east. Beyond the extent of these border roads is that of the Rural Resource Area.
- e. The site is located within close proximity (walking distance) to the Maniototo Area School (ranges from new entrants to Year 13), within 350 metres from the Business Resource Area (Ranfurly town centre) and is approximately 450 metres from the Ranfurly Hospital/Rest Home.
- f. Council services including water, wastewater and stormwater are located immediately in front of the Site along Northland Street, Caulfeild Street and Dungannon Street, as depicted in **Appendix [D]**.

The current regulatory framework applying to the site

- g. Under the current Central Otago District Plan, the Site is predominantly Zoned Rural Resource Area [Residential Notation] with a small area of the Site that adjoins the north side of Caulfeild Street being Zoned as Residential Resource Area.
- h. The site is bound by the Residential Resource Area to the south, west and partially the east. The northern extent of the site is bound by the Industrial Resource Area. The remainder of the site is bound by the Rural Residential Notation (Refer to **Appendix [E]** and Figure 2 below):

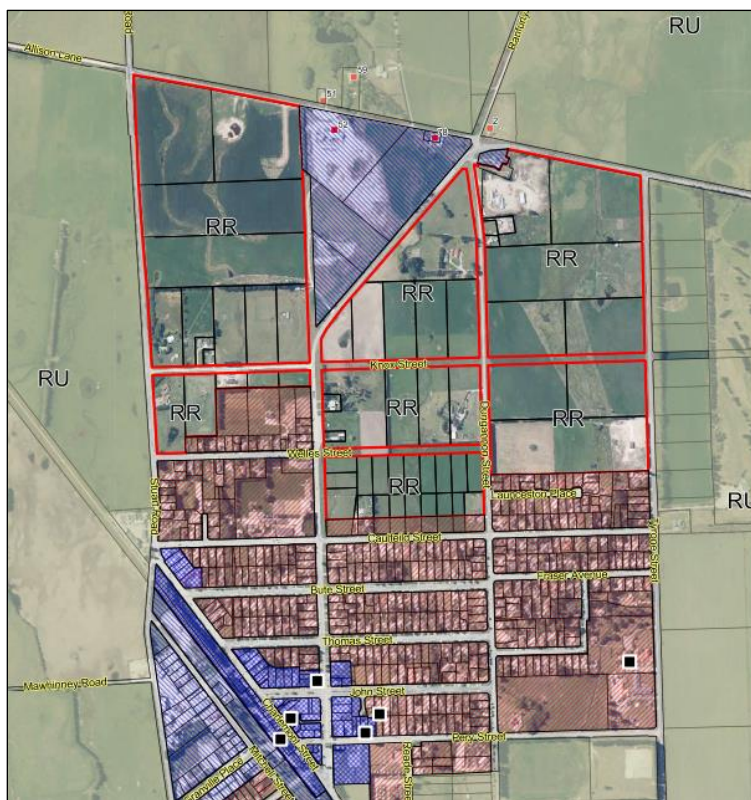


Figure 2: Extract of Planning Maps illustrating Zones.

- i. While residential activities are permitted in the Residential Resource Area that relates to the southern extent of the Site, the Zone¹ pertaining to the remainder of the Site provides for residential living as a controlled activity². Similarly, subdivision of the Site is provided for as a controlled activity³ so long as the average allotment area across the subdivision does not fall below 2 hectares. There are no minimum allotment sizes in the [Rural Residential] Area.

¹ Rural Resource Area [Residential Notation]

² Rule 4.7.2(i).

³ Rule 4.7.2(ii)(a)(a).

- j. Aside from low intensity grazing and lucerne/hay, the ability to utilise the land for genuine rural purposes is constrained by the location of the site in close proximity to existing urban and residential areas, and limited infrastructure. The rural capacity of the Site would likely be further compromised should the Site be developed in line with the controlled activity pathway for residential development.
- k. The provision of the unformed legal roads (Welles Street and Knox Street) which dissects the Site results in further fragmentation and uncertainty around land use (pertaining to land not otherwise under direct ownership of the Submitter). The Submitter does not have any formal permission to utilise the unformed legal roads nor erect or establish any services through these areas.

The case to extend the Low Density Residential Boundary

- l. PC19 seeks to respond to growth projected over the next 30 years⁴. Council's Section 32 report recognises the extensive growth in the existing main centres (Cromwell and Alexandra) yet fails to identify suitable land in smaller townships which can accommodate additional growth. While PC19 seeks to increase density in some areas of the District as well as unlocking selected rural land for residential purposes, PC19 has the consequential effect of precluding infill development in smaller settlements (including Ranfurly) by amending the current density of the Residential Resource Area (currently one dwelling per 250m²) to one dwelling/allotment per 500m². The typical allotment sizes within Ranfurly range from around the high 900m² to 1,000m². The provision of a 1:500m² density would preclude infill development of these sites where the minimum allotment will unlikely be met where the provision of a rear-driveway would be required to gain access to a rear Lot. In effect, the proposed changes to density will preclude any additional residential growth within the existing residential areas of Ranfurly, impeding any potential to accommodate future residential growth.
- m. PC19 does not identify any further residential land within the Ranfurly township but rather simply seeks to update the existing Residential Resource Area to that of the new Low Density Residential Zone. At present, there are only a handful of large, undeveloped sites within the proposed Low Density Residential Zone of Ranfurly that would have some capacity to provide for additional residential development under the new 1:500m² density criteria. These being:
 - i. 2 Dungannon Street (3.9 hectares)
 - ii. 23A Welles Street (combined area of 1.94 hectares)
 - iii. 1 Davis Avenue (0.5686 hectares)
 - iv. 34 Knowles Crescent (0.4763 hectares)
 - v. Areas adjoining the northern side of Caulfield Street (part of the Submitter's Site and approximately 1.4 hectares)

⁴ Paragraph 4, Plan Change 19 – Residential Chapter Provisions Section 32 Evaluation Report

- n. Recognising the immediate impediment PC19 imposes on potential residential growth in Ranfurly, it is appropriate to identify additional areas within Ranfurly that can absorb further residential development through extending the proposed Low Density Residential Zone to encompass the entire Site and adjoining sites. The case for the Site being suitable for such growth includes:
- i. The existing Zone boundary does not follow any logical pattern and arbitrarily terminates part way through the Site. This same mismatched pattern is prevalent along the full extent of the northern end of Ranfurly and appears to correlate to areas of existing dwellings.
 - ii. The provision of existing Council services which are located immediately adjacent to the site within the surrounding roading network provides the ability to service future development;
 - iii. The location of the Site within the existing urban fabric of Ranfurly and proximity to local amenities, which enables efficiency in resources, energy consumption and maintenance of residential character;
 - iv. Contains residential growth within the distinct limits of Ranfurly without compromising the Rural Resource Area that surrounds the wider township;
 - v. The provision of the unformed legal roads impairs the ability to utilise the Site in a coherent and productive manner through fragmentation. Rather, the location of the unformed legal roads provide a foundation in which to continue/establish residential development;
 - vi. The Site in its current form has limited value in a productive capacity attributed to the lack of infrastructure to facilitate intensive horticulture and potential reverse sensitivity effects on the existing urban environment which surrounds the site.
- o. Through utilising the existing bulk and location provisions listed for the LDRZ (PC19), will ensure that future residential development of the Site remains in keeping with the prevailing character and intensity of the existing density pattern that presently characterises the Ranfurly Township.
- p. When considering the township as a whole, the present Zone boundaries are illogical and somewhat inconsistent. It is logical to consider the rationalisation of the new Low Density Residential boundaries through inclusion of the remaining land (not just the Submitter's Site) that is currently within the [Rural Residential] notation. Such consideration of these additional areas will give effect to Council's functions and obligations under Section 31(aa) of the Act to cater for future growth and provides certainty and direction through containing potential future growth within existing areas that are already compromised for rural purposes.

- q. All future subdivision of the Site, if rezoned in accordance with this submission, will still require consideration under Rule SUB-R4 for all subdivision (not otherwise provided by any other rule), providing scope for Council to consider adverse effects of development. This allows Council control and consideration over, but not limited to:
- a. Further investigations on the adequacy of the servicing
 - b. Access and traffic consideration
 - c. Provision of earthworks
 - d. Subdivision design to facilitate safe and convenient access
 - e. Consideration of natural hazards and water courses; and
 - f. Consideration of financial contributions.
- r. When evaluating the proposal under Section 32 of the Act, extending the Low Density Residential Zone to encompass the entire Site and adjacent sites is appropriate, in that:
- i. Under Section 32(1)(b):
 - The extension is appropriate to achieve the relevant objectives for the Low Density Residential Zone in that development would primarily provide for residential living opportunities compatible with the character of the surrounding environment (Objective LRZ-O1) and provides onsite amenity that maintains the anticipated amenity of adjacent sites (LRZ-O2.3) and is a site that is well-connected to the surrounding residential area (LRZ-O2.4).
 - There is no other reasonably practicable option for achieving the objective other than to forego the density change altogether and retain the 1:250m² regime. The status quo of not extending the LDRZ ignores the inherent opportunity presented by the attributes of the land. In addition, failure to utilise this opportunity to futureproof Ranfurly for potential growth does not give effect to the intent of PC19 nor Council's functions under section 31(aa) of the Act;
 - The extension of the LDRZ would enable development that can efficiently and effectively achieve the intent of PC19 (accommodating residential growth) and the objectives of the LDRZ. In particular, it would encourage and enable more efficient, comprehensive development of the land while maintaining the amenities of the wider residential environment that predominantly surrounds the Site. The current Zone, and the provision of an averaging regime unnecessarily restricts development and frustrates the transition of the land to residential, leading to an inferior development and inefficient use of the land;

- The level of detail provided in this submission corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the extension. The level of detail can if necessary be supplemented in evidence for any hearing of the submission.
- ii. Under section 32(2);
- There are economic benefits in that extending the LDRZ will enable efficient development of suitable land located within close proximity to the existing urban fabric of Ranfurly and will cater for any potential growth noting that PC19 as presently drafted would essentially preclude any further development by increasing the minimum allotment size from the status quo.
 - Employment opportunities are anticipated to be provided in so far as unlocking additional land for residential purposes which in turn will cater for any growth to the wider commercial sector of Ranfurly and surrounds, and providing accommodation for future workers.
 - There are no costs arising from the extension of the LDRZ in that there are no adverse environmental, social, or cultural effects that are expected to arise from developing the site for residential purposes. The Site can already be developed in a residential manner under the current framework albeit at a lower density and through a costly and in some cases, uncertain consenting process. In addition, the subdivision provisions still require consideration of the effects of subdivision (including servicing and amenity values), affording an opportunity for the final subdivision details to be assessed and conditioned appropriately through a resource consent.
 - There is no risk of acting because there is no uncertainty about or insufficiency of information about the subject matter of the above. The site presents itself as the logical location in consolidating residential growth and containing that growth within an area already characterised by residential activities and servicing.
- s. The proposal with the modifications sought in this submission, gives effect to the purpose of the Act in that:
- i. The current Zone, while allows for rural activities, cannot be utilised in an efficient or economically viable manner in any meaningful capacity for rural or horticultural use given the lack of access to water, infrastructure and prevailing reverse sensitivity constraints attributed to the Site's

location within the existing urban fabric of Ranfurly. Further, the averaging regime that currently applies to the site results in an inefficient and inferior use of the land through allowing “some” residential infill which has the consequence of reducing productive capacity. It is considered most efficient to enable infill of the Site rather than provide for a lower density when there is little to no value in retaining any land for productive purposes.

- ii. Meets the reasonably foreseeable needs of future generations recognising that the intent of PC19 is to provide for future growth over the next 30 years;
- iii. Enables the social, economic and cultural wellbeing of the community through the provision of additional land to accommodate residential growth;
- iv. Represents the most appropriate means of exercising Council’s functions, having regard to the efficiency and effectiveness of other means available in terms of the section 32 and other provisions of the Act.
- v. Council’s function under Section 31(aa) of the Act is to ensure sufficient development capacity in respect of housing to meet the expected demands of the District. PC19 as drafted significantly impedes any potential growth, infill and redevelopment for the Ranfurly township and contradicts the requirements of Section 31(aa). Incorporating the Site into the Low Density Residential Zone provides for efficient provision for additional housing in Ranfurly to accommodate any potential growth.

12. In terms of subdivision Rule SUB-R4, the rule as drafted currently requires subdivision of areas “not otherwise” specified to obtain a Restricted Discretionary Consent. For development in the Low Density Residential Zone, it is appropriate to adopt a Controlled Activity pathway where subdivision conforms to the pre-determined density. So long as the matters of control accurately captures all relevant matters in terms of effects on the environment, the controlled activity pathway provides certainty and efficiency in residential redevelopment and subdivision.

13. The Submitter seeks the following decision from the consent authority:

- a. The submitter seeks that the **Low Density Residential Zone** be confirmed for the areas of the Site adjoining Caulfeild Street, and that the **Low Density Residential Zone** be extended to incorporate the remainder of the Site as identified in the attached structure plan in **Appendix [D]**.
- b. That all consequential provisions pertaining to the Low Density Residential Zone apply to the entire Site.

- c. The subdivision provisions are re-considered to incorporate a Controlled Activity pathway for development that conforms to the minimum specified density of that Zone.
 - d. In the alternative, any such other combination of objectives, policies, rules, standards and other methods provided that the intent of this submission, as set out above, is enabled.
14. The Submitter **DOES** wish to be heard in support of this submission.
15. If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

Signature of Submitter



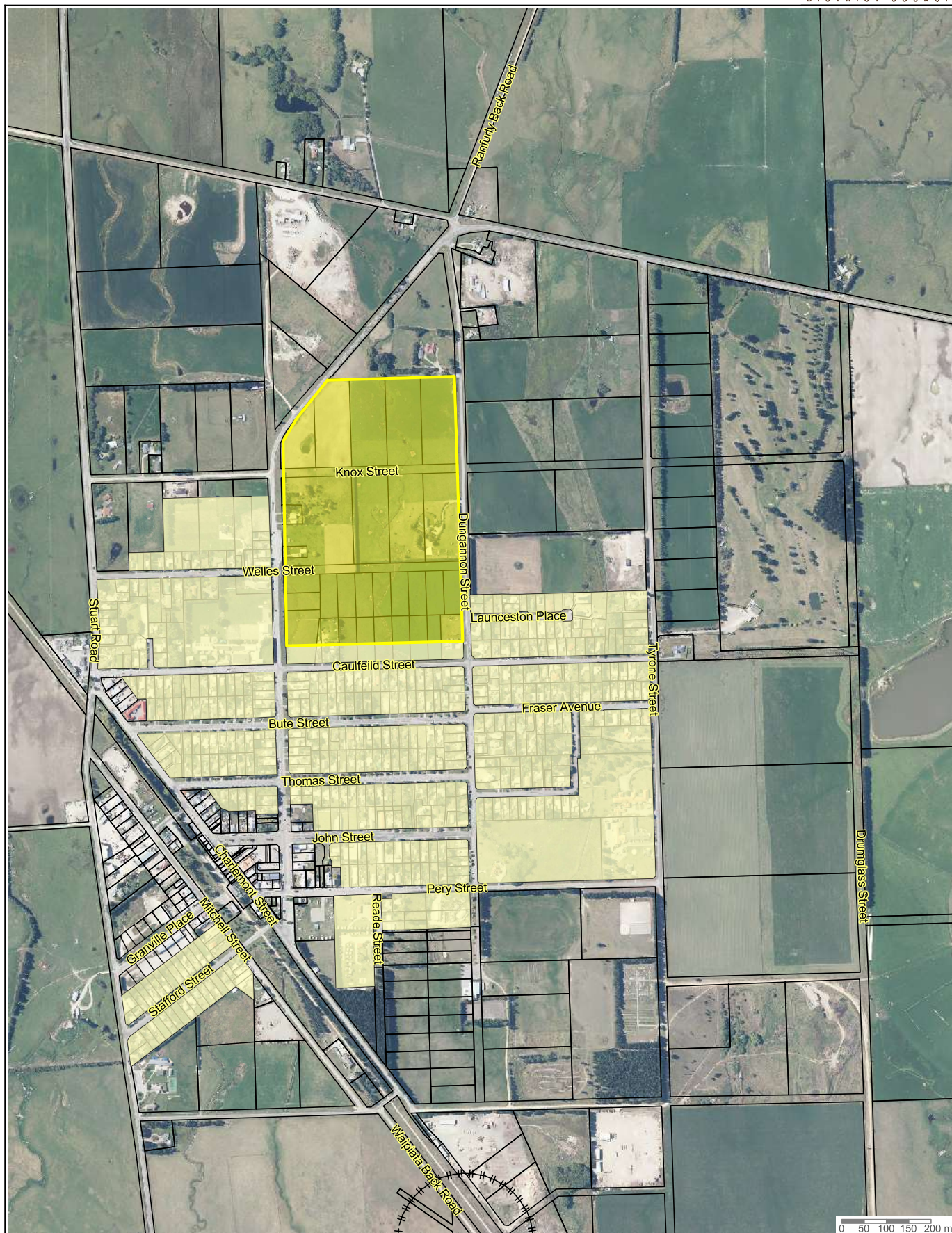
Jake Woodward
Authorised to sign on behalf of the Submitter

Date: 2 September 2022

jake@jakewoodward.co.nz
022 315 8370

PC19 Request for Extension of Low Density Residential Zone

Created Date: 1/09/2022
Created Time: 6:35 AM
Created By: anonymous



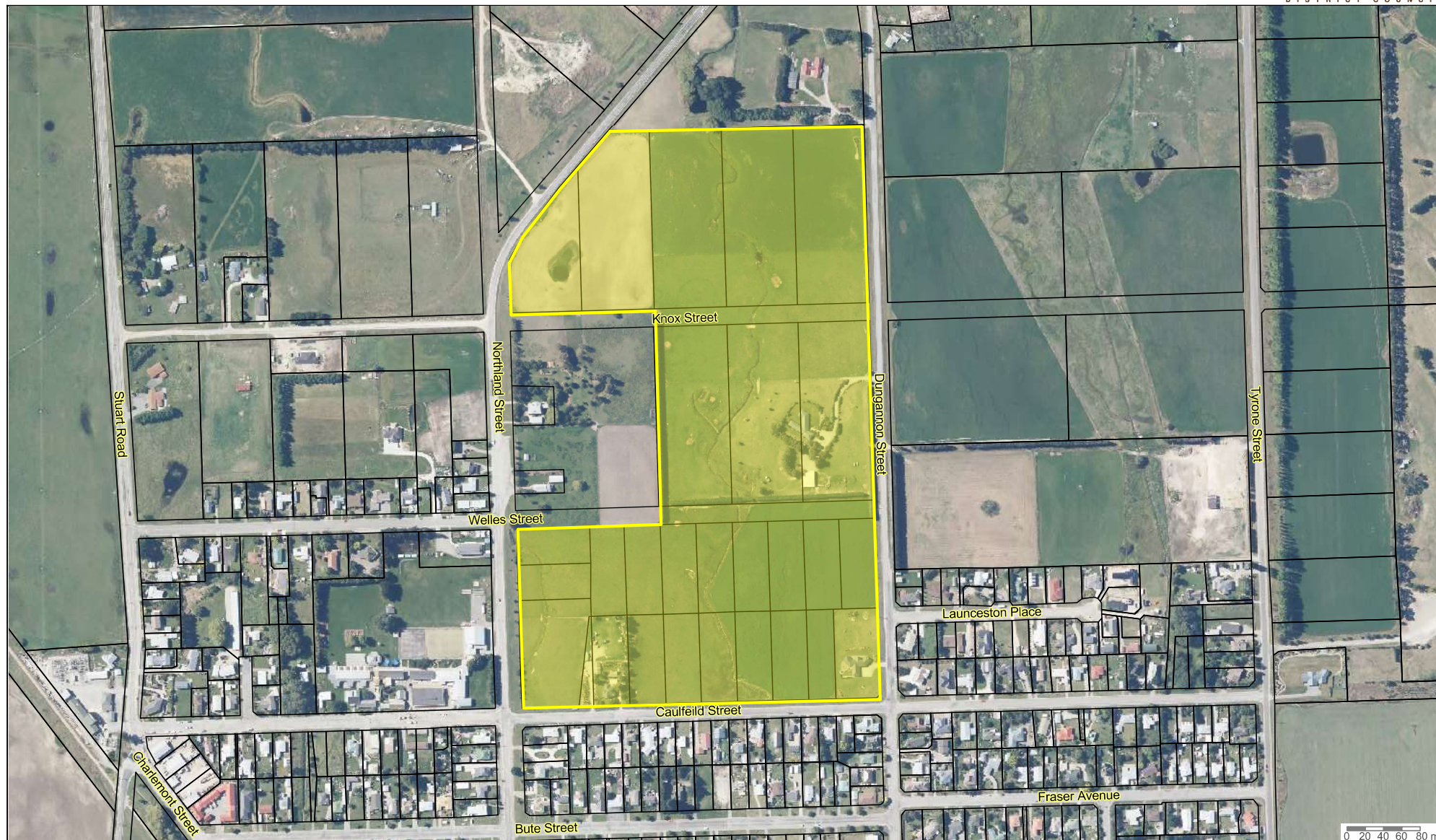
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Site Location Plan

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Created By: anonymous



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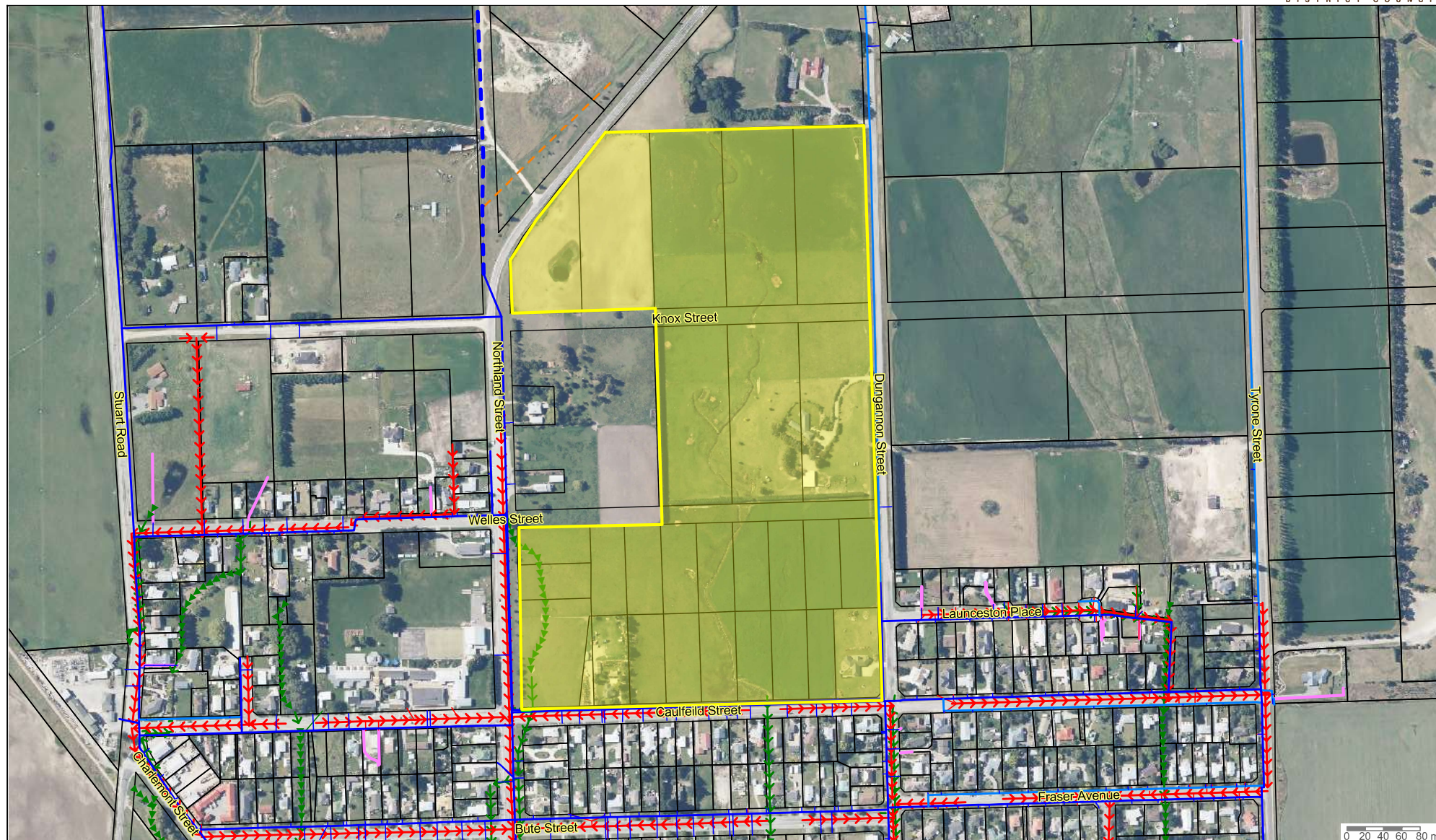
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Existing Council Services Plan

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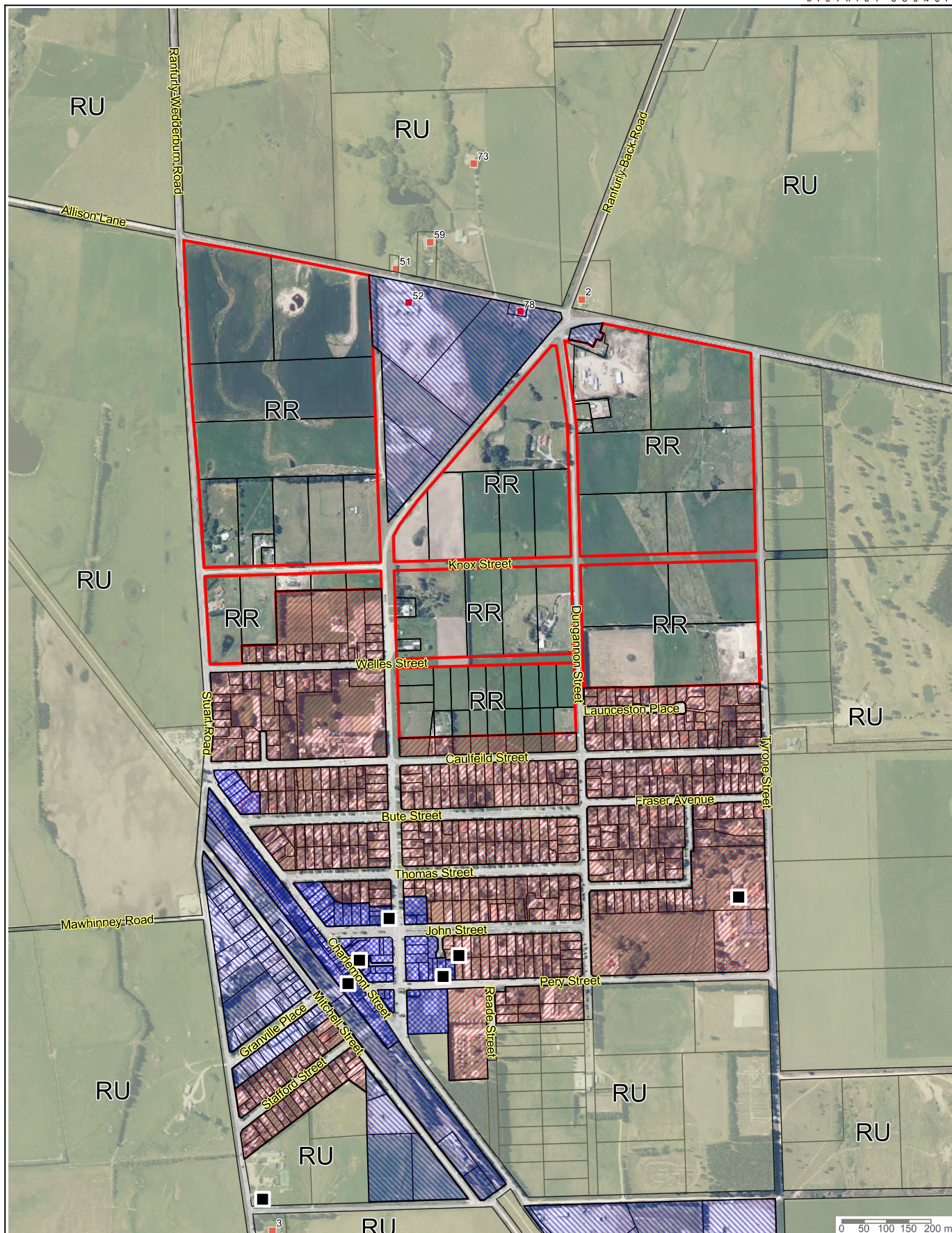
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Current Zone under the Operative District Plan

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