



## MEMORANDUM

<b>To:</b> Gary Rae, Chair of PC21 Hearing Panel
<b>C/-</b> Tarryn Lines, Team Leader-Planning Support, Central Otago District Council
<b>From:</b> Tim Vial & Michael Bathgate, Senior Planners, Aukaha and Amy Beran, Senior Environmental Advisor, Te Rūnanga o Ngāi Tahu
<b>Date:</b> Wednesday 31 January 2024
<b>Subject:</b> PC21 Parkburn Quarry, Cromwell- Summary of submissions and response to s42A Report.

### Introduction

1. The purpose of this joint memorandum is to provide the PC21 Hearing Panel with a summary of the key submission points and outcomes sought in the Ka Rūnaka and Te Rūnanga o Ngāi Tahu submissions (hereon referred to as 'Kāi Tahu') and a response to the recommendations made on these submission points in the s42A report.

### Background

2. Whilst Tim Vial (Senior Planner, Aukaha) originally confirmed his attendance at the upcoming hearings, a schedule change for a different hearing means that Tim is no longer available to join the PC21 hearings to speak to the Kāi Tahu submissions. In his absence, this memorandum has been prepared and seeks to assist the Hearing Panel to decide on the Kāi Tahu submissions made on PC21. Kāi Tahu will also be available to respond to any written questions from the Panel after the hearing.

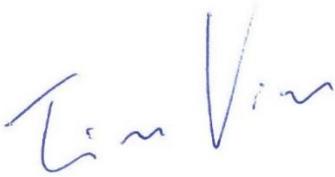
### Summary of response to the s42A Report

3. Kāi Tahu largely supports the recommendations made on the Kāi Tahu submission points in the s42A report, except where further amendments and additions are sought to the Plan. These are detailed in **Attachment 1** and include:
  - i. The applicant will commission a CIA report prior to implementing the Structure Plan for the Parkburn area.
  - ii. A new rule similar to rule 9.3.5 (xiii) is included for the residential part of the Structure Plan area. The new rule will restrict any residential activity within the residential area of Parkburn until the wetland areas shown on the structure plan have been established.
  - iii. A building line restriction is shown on the structure plan along the length of the northern boundary of the proposed industrial area to provide appropriate protection of the area immediately adjacent from buildings established within the proposed industrial area (by restricting building inside the property boundary at a specified distance).
  - iv. Kāi Tahu suggests that the legibility of the structure plan could be improved by adding cadastral survey markers/ real property boundaries to understand where precisely the proposed development (e.g. residential and non-residential activities) will occur within the Parkburn site.

- v. The scheduled hearing dates for PC21 (12 and 13 February 2024 with a back-up date of 14 February 2024, if required) are not delayed from commencing. However, once the hearings have been held (and submitters have been heard), Kāi Tahu requests that the hearing is adjourned and not closed, to allow for a decision on PC19 to be issued and the opportunity for submitters to provide additional feedback to the Panel. Clause 10 (4) (a) of the First Schedule of the RMA requires a decision no later than 2 years after notifying a plan change. As PC19 was publicly notified on 9 July 2022, a decision is required no later than 9 July 2024.
  
- vi. Amend rule 7.3.6 (xiv) (iii) to ensure that private servicing of Parkburn meets minimum treatment standards (e.g. nitrogen, phosphorus attenuation and UV treatment) and is a communal system designed to facilitate connection to a public wastewater network, rather than individual private wastewater treatment systems on each new residential allotment.

If there are any questions or concerns, please contact the address for service.

**E noho ora mai**



Tim Vial

**Senior Planner, Aukaha**

Address for service:

s 9(2)(a) [REDACTED]

**ATTACHMENT 1:**

Table of Kāi Tahu Submissions and Response to S42A Report Recommendations

Reasons for Kāi Tahu submissions and decisions sought	Officer's S42A Report comments and/or recommendations <sup>1</sup>	Response to S42A Report recommendations
<p><b>1. Modification of a Wāhi tupuna and statutory acknowledgement area (Te Wairere and Mata-au)-</b></p> <ul style="list-style-type: none"> <li>The application proposes to modify a wāhi tupuna (recognised as a statutory acknowledgement area) in the absence of a Cultural Impact Assessment.</li> </ul>	<ul style="list-style-type: none"> <li>I accept that in absence of a CIA, the extent of effects that the rezoning and subsequent redevelopment of the site may have on cultural values is not fully known. However, my understanding is that such an assessment was commissioned by the applicant, but not undertaken by the submitter. [68]</li> <li>Overall, and while acknowledging the absence of a CIA, I consider that potential cultural effects have been addressed through the PC21 Request, or will be considered through future resource consent processes, such that they are not sufficient to preclude the rezoning [71]</li> </ul>	<ul style="list-style-type: none"> <li>As acknowledged in the Ka Runaka submission, limited staff capacity meant that a CIA could not be supplied for the proposal. despite the willingness of the applicant to commission one. Due to these capacity issues a CIA was never commissioned, contrary to this Section 42A comment.</li> <li>Kāi Tahu supports the position reached by the s42A writer and seeks that a CIA is commissioned prior to implementing the Structure Plan for the Parkburn area.</li> </ul>
<p><b>2. Wai Māori</b></p> <ul style="list-style-type: none"> <li>Effects on the mauri of Parkburn Creek and Te Wairere. Parkburn Creek flows through the proposed Business / Industrial Zone.</li> <li>Discharge of stormwater and urban run-off to the constructed lagoon, Parkburn Creek, and Te Wairere is not supported by kā rūnaka.</li> </ul> <p><b>Decisions Sought:</b></p> <ol style="list-style-type: none"> <li>The removal of the Business / Industrial area from the Master Plan.</li> <li>The expansion of the wetland, development of stormwater attenuation, and indigenous planting to protect the mauri of Parkburn Creek and Te Wairere/Lake Dunstan.</li> </ol>	<ul style="list-style-type: none"> <li>Hydrological Assessment (in Attachment L) provides a high-level assessment of the development of the waterways proposed in the FMP [para 59].</li> <li>The proposed Structure Plan includes these waterways as a 'Possible Water Feature'. The development of any waterways would require consent under the regional plan. Similarly, an assessment of existing aquatic ecology, and the effects of any modifications to the lake and groundwater on this ecology would part of consideration of any resource consent related to the construction and ongoing operation of any waterways [60]</li> <li>Effects on cultural effects can be considered at the time a subdivision, earthworks or any required regional council consent is lodged for such a modification. [69]</li> <li>Any discharges resulting from urban development will also be subject to the controls in the regional plan, including any stormwater discharges that may be proposed to a lagoon area, Parkburn Creek, and Te Wairere. Management of stormwater would also likely need to be considered at the time of any subdivision consent. [61]</li> <li>In terms of the Parkburn Stream, a new rule is also proposed restricting the establishment of any additional industrial activity within the proposed Industrial Resource Areas (2) and (3) until the stream margins have been planted with riparian vegetation and fenced off. [63]</li> </ul>	<ul style="list-style-type: none"> <li>Kāi Tahu supports the inclusion of proposed rule 9.3.5 (xiii) that restricts the establishment of additional industrial activities in the proposed industrial area until the Parkburn Stream margins have been planted and fenced off.</li> <li>Kāi Tahu seeks a similar new rule for the Parkburn residential resource area, whereby the establishment of any residential activity within the proposed residential area is restricted until the wetland areas shown on the structure plan have been established.</li> <li>Kāi Tahu supports the minimum setback requirements for the industrial area proposed under the new rule 9.3.5 Standards (xii).</li> </ul>
<p><b>3. Spatial Planning</b></p> <ul style="list-style-type: none"> <li>Requirement for yard-based industrial activity on this site:</li> <li>The area is not identified for future urban development in the Cromwell Master Plan: Spatial Plan Framework 2019. There is a risk that the plan change will undermine the integrity of the Cromwell spatial plan and set a precedent for further development alongside Te Wairere/Lake Dunstan.</li> <li>Kā rūnaka would have a greater level of comfort if there was more certainty around the final form of the proposed development. For example, inclusion of the Future Master Plan into the district plan as a structure plan, with a staged approach to activities such as subdivision and residential or commercial use based on inclusion of these ecological, stormwater and amenity treatments.</li> </ul>	<ul style="list-style-type: none"> <li>29th November – updated request including the Structure Plan: <ul style="list-style-type: none"> <li>a rule limiting subdivision within the Parkburn area to a total of 543 residential allotments (Rule 7.3.3(i)(c)).</li> <li>a matter of discretion to 7.3.3(i) for subdivision, relating to the general compliance with the proposed Structure Plan.</li> <li>a new standard 7.3.6(vi)(j) limiting the creation of residential allotments within the Parkburn Area until specified roading upgrades have been completed.</li> <li>a new standard 7.3.6(xiii) requiring all activities and development to be carried out in general accordance with the Parkburn Structure Plan.</li> <li>a new standard 7.3.6(xiv) limiting development with the Parkburn Area prior to specified servicing upgrades being completed.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Kāi Tahu supports the inclusion of the proposed structure plan and the amendments to the plan rules to link to the structure plan. Kāi Tahu further suggests that the legibility of the structure plan could be improved by adding cadastral survey markers/ real property boundaries to understand where precisely the proposed development (e.g. residential and non-residential activities) will occur within the Parkburn site.</li> <li>Kāi Tahu is specifically supportive of proposed Rule 7.3.3 (i) (c) which limits the total number of residential allotments within the Parkburn area to 543.</li> </ul>

<sup>1</sup> Paragraph numbering is provided for all comments sourced from the S42A report.

<p><b>Decisions Sought:</b></p> <p>i. Central Otago District Council undertakes a plan change to include strategic policy and other provisions in the District Plan to manage any demand for future urban growth along Te Wairere/Lake Dunstan and in other locations not identified in the Cromwell Masterplan Spatial Framework 2019.</p>	<ul style="list-style-type: none"> <li>○ a new Rule 7.3.5(ix) stating failure to comply with the above standards (7.3.6(iv)(j), 7.3.6(xiii) and 7.3.6(xiv)) is a non-complying activity.</li> <li>○ the Parkburn Structure Plan, as Figure 7.2 [para. 27]</li> </ul> <ul style="list-style-type: none"> <li>• The (industrial) zoning proposed applies to an area where several of these types of activities are already established. Given the existing activities, I do not consider that consolidation of this area with additional industrial activities is likely to have a significant impact on industrial land provision in Cromwell [70]. I also note that for any additional activities that might be established in this area, they are subject to setbacks from the lake.</li> <li>• In particular, if the rezoning is otherwise appropriate, I do not consider that it should be rejected solely because the site was not included in the Spatial Plan. Nor do I consider that the rezoning would undermine the integrity of the Spatial Plan, because PC21 proposes to address a shortfall over and above the supply which the Spatial Plan is responding to [130].</li> <li>• In terms of setting a precedent for further development alongside Te Wairere/Lake Dunstan, I note that this precedent has already been set through development that already adjoins the lake. In this instance, the development adjoins, and will extend an existing area of urban development, rather than establishing a new area [131].</li> <li>• Should the Plan Change be approved, I consider it would be useful to also include the Building Line Restriction on the Structure Plan, as while managed under the rules, this ensures integration between the rules and what is depicted spatially on the Structure Plan. I also note that the FMP included “buffer planting” in the setback area alongside SH6. .... I therefore consider that it would be beneficial to include the buffer planting on the Structure Plan, as this would better ensure that they are considered at the time of subdivision [142].</li> <li>• With respect to the proposed Structure Plan, I note that the Plan contained in Figure 7.2 of the Updated Request does not match the Plan contained in Attachment W. I assume this is an error and note that Figure 7.2 does not in any case align with the zoning sought in the Request. I have therefore included the Attachment W plan in the recommended version of Section 7 set out in Appendix 1 of this Report. As noted earlier, I have also recommended that the Structure Plan be amended to include the Building Line Restriction, and to include buffer planting within this area. (Note that this is not shown in the recommended version of Figure 7.2 contained in Appendix 1) [219]</li> </ul>	<ul style="list-style-type: none"> <li>• As noted above, Kāi Tahu seeks the inclusion of a new rule that restricts any residential activity within the Parkburn residential resource area until the wetland areas shown on the structure plan have been established.</li> <li>• Kāi Tahu is supportive of the proposed inclusion of a building line restriction on the structure plan (as it relates to the SH6 boundary of the site) to ensure integration between the associated rules and the structure plan.</li> <li>• Kāi Tahu seeks the inclusion of an additional building line restriction along the length of the northern boundary of the proposed industrial area (as shown on the structure plan), to provide appropriate protection of the area immediately adjacent from buildings established within the proposed industrial area (by restricting building inside the property boundary at a specified distance).</li> <li>• Kāi Tahu understands PC19 is of relevance to PC21, as PC21 seeks to adopt the residential low-density zone and medium density zone and provisions proposed in PC19 once a decision is issued for PC19 and the provisions are made operative. <ul style="list-style-type: none"> <li>○ As there is uncertainty in terms of what residential zones and provisions will eventuate from the PC19 process and what this could then mean for the proposed residential areas of the Parkburn site (PC21), Kāi Tahu recommends that the scheduled hearing dates for PC21 (12 and 13 February 2024 with a back up date of 14 February 2024, if required) are not delayed from commencing. However, once the hearings have been held (and submitters have been heard), Kāi Tahu requests that the hearing is adjourned and not closed, to allow for a decision on PC19 to be issued and the opportunity for submitters to provide additional feedback to the Panel. Clause 10 (4) (a) of the First Schedule of the RMA requires a decision no later than 2 years after notifying a plan change. As PC19 was publicly notified on 9 July 2022, a decision is required no later than 9 July 2024.</li> </ul> </li> </ul>
<p><b>4. Infrastructure</b></p> <p><b>Issues:</b></p> <p>a. The Cromwell wastewater plant is located adjacent to the Kawarau Arm of Te Wairere/Lake Dunstan. Adding further development pressure outside the urban area identified in the Cromwell Spatial Plan is not sustainable.</p>	<ul style="list-style-type: none"> <li>• With respect to wider network considerations associated with water supply and wastewater, evidence was presented as part of PC19 by Julie Muir, the Council’s Three Waters Director. In this evidence, Ms Muir addressed wastewater and water supply requirements of land sought to be rezoned for residential purposes through submissions on PC19. [95]</li> </ul>	<ul style="list-style-type: none"> <li>• Whilst Kāi Tahu is supportive of the inclusion of rule 7.3.6 (xiv) which restricts any residential development until the wastewater servicing constraints have been addressed, Kāi Tahu seeks certainty that any private servicing (as allowed under (iii)) will not consist of individual wastewater treatment systems on each new residential allotment (i.e. a septic tank to</li> </ul>

<p>b. Kā Rūnaka are unable to assess the impact of the development on the wastewater network.</p> <p><b>Decision Sought:</b></p> <p>i. Any development is staged to align with the replacement of the Cromwell wastewater plant and the removal of the wastewater discharge from the Kawarau Arm.</p>	<ul style="list-style-type: none"> <li>• Council operates one wastewater network in the Cromwell Ward, which Pisa Moorings Village is serviced by. The design life of the treatment plant is to 2031, and the wastewater discharge consent expires in 2049. An extension of the treatment plant building and reconfiguration of the membrane treatment process is required to provide for the full expected growth from the Cromwell Spatial Plan and PC19. In addition, growth pressure in recent years has exacerbated nitrogen levels, requiring further improvement. [98]</li> <li>• Ms Muir’s evidence for PC19 was that where additional residential zoning was sought, there would be difficulty accommodating these until significant treatment and reticulation infrastructure upgrades are completed. [99]</li> <li>• PC19 proposes to introduce ‘Future Growth Overlays’ (FGOs) to apply to areas identified for residential growth in Vincent Spatial Plans, but over the medium – longer term. Submitters on PC19 raised various concerns about this approach, resulting in my recommendation (as the s42A officer for PC19) that the FGO areas be rezoned so that the identified ‘future’ zone identified is applied now, but with an additional subdivision rule being added to apply a non-complying activity status for subdivisions within an FGO, prior to specified servicing upgrades being undertaken [100].</li> <li>• Should PC21 be approved, I recommend that new rule proposed by the applicant be included in PC21, and/or that an FGO be applied to recognise the current constraints to servicing. [102]</li> <li>• With respect to removing wastewater discharge from the Kawarau Arm, I consider that this is a matter to be considered as part of the regional council consenting process. [103]</li> </ul>	<p>service each site). If private servicing of the area is proposed, a communal wastewater system that includes attenuation modules should be required.</p> <ul style="list-style-type: none"> <li>• Suggested additional wording for rule 7.3.6 (xiv) is as follows:</li> </ul> <p>(iii) <del>The Parkburn Area can be privately serviced with all relevant consents in place.</del> A communal wastewater system that is designed to facilitate connection to a public wastewater network; and</p> <p>(iv) the communal wastewater system must include the following components:</p> <ol style="list-style-type: none"> <li>1. Nitrogen and Phosphorus attenuation modules; and</li> <li>2. A UV treatment module designed to minimise the risk of any pathogens passing out of the system.</li> </ol>
<p><b>5. Ecology</b></p> <p>a. The ecological report provided as Attachment H is a brief letter dating from 2007.</p> <p><b>Decision Sought:</b></p> <p>i. An updated ecological assessment is provided that includes an assessment of aquatic ecology in the subject site vicinity and associated effects from the proposed development.</p>	<ul style="list-style-type: none"> <li>• Given this previous assessment, and the quarrying activities subsequently carried out on the site, as well as the existing industrial activities, I do not consider that additional assessment of terrestrial ecology is required in order to assess the effects of the proposed rezoning. [62]</li> </ul>	<p>Kāi Tahu accepts the position reached in the s42A report and is supportive of an assessment of existing aquatic ecology and the effects of any modification to the lake and groundwater on this ecology being undertaken as part of a future resource consent process, should the applicant decide to progress the ‘possible water feature’ (shown on the structure plan).</p>