

## SUBMISSION ON PROPOSED TE TAI O POUTINI PLAN (TTPP)

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### 1.0 SUBMITTER DETAILS

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Submitter Name: Cashmere Bay Dairy Ltd

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### 2.0 SUBMISSION DETAILS

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The following submission relates to the proposed rezoning of land at Te Kinga under the notified Te Tai o Poutini Plan (TTPP) from Residential to SETZ Settlement zone, and rules for the SETZ Settlement zone that apply to Cashmere Bay Dairy Ltd's (CBDL) land.

We do wish to speak to this submission.

We will not gain any advantage in trade competition through this submission.

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

### 3.0 SUBMISSION

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#### Introduction /Background

1. CBDL owns land on Cashmere Bay Road at Te Kinga, being Lots 1-2 DP 3323 and Lots 1, 3 and Part Lot 4 DP 3834 held in Record of Title 541187. The title is approximately 619 hectares in area and is predominantly farmland, but includes a strip of vacant land along Cashmere Bay Road that under the operative Grey District Plan is zoned Residential.
2. CBDL are presently seeking subdivision consent to subdivide this Residential zoned land to create 20 residential allotments, each approximately 700m<sup>2</sup> in area. A copy of the scheme plan included with the consent application is attached as **Appendix 1**. The subdivision application

reference number allocated by the Grey District Council is SD3036/22.

3. At the time of writing this submission Davis Ogilvie are working with CBDL to provide further information requested by Council. It is anticipated that by the time the TTPP hearings are held, subdivision consent will be granted.
4. Under the proposed TTPP, all of the area currently zoned Residential at Te Kinga is proposed to be rezoned as SETZ Settlement. This includes the subdivision site and a similar strip of existing residential sections along the eastern side of Cashmere Bay Road.

### Zoning

5. CBDL support the rezoning of their current "Residential" land to SETZ Settlement, but oppose specific rules about the subsequent establishment of residential dwellings on the lots proposed under SD3036/22.
6. The proposed SETZ zoning and the subdivision consent presently being sought (SD3036/22) is considered to be in accordance with Objective RURZ - O3 of the TTPP:

*To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements while :*

*(a) Allowing settlements to grow and adapt as economic activity changes*

7. The proposed rezoning and subdivision are also in keeping with Policy RURZ - P2:

*Provide for growth and change to settlements that:*

*(a) Improves the long-term viability of the settlements and their communities;*

*(b) Fits with the historic, cultural and environmental character of the existing settlement;*

*(c) Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards;*

*(d) Integrates with the existing residential settlement and maintains a consolidated settlement form;*

*(e) Supports rural community needs by providing for community facilities and educational facilities; and*

*(f) Does not compromise the dominance of the natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.*

8. SD3036/22, when granted, will facilitate the creation of 20 new residential sites in this popular holiday destination as anticipated by this Policy.

### SETZ Rules

9. Rule **SETZ - R1 (Residential Activities and Residential Buildings – Density)** includes a grandfather clause (Rule R1.1.i.a) allowing the establishment of residential units on fully serviced sites lawfully established under existing District Plans.

10. CBDL submit that the grandfather clause in Rule SETZ – R1.1.i.a should be extended to include unserviced sites that have been lawfully established under the relevant District Plan. **Appendix 2** contains suggested wording for a revised Rule SETZ – R1. The suggested amendment also includes reference to the operative status of the previous District Plan, thereby limiting the grandfather clause to sites created under the current Plans after all submissions had been considered and all rules given legal effect.
11. All residential allotments to be created under SD3036/22 (refer **Appendix 1**) will comply with current Residential zone rules. No land use consent will be required to construct residential dwellings on the new lots under the operative Grey District Plan providing they are built before Rule SETZ – R1 takes legal effect.
12. There is no public reticulated water supply or stormwater system serving CBDL's proposed subdivision site at Te Kinga. Therefore, unless all sites are built on prior to Rule SETZ – R1 taking legal effect or the grandfather clause is extended to include "unserviced" sites, additional discretionary land use consent will be required at the time of building to approve onsite water supply and stormwater discharge for sites approved under SD3036/22.
13. Requiring CBDL or subsequent purchasers of sections in their subdivision to undergo a second consenting process is considered unnecessarily burdensome when all servicing matters have been, or will be, addressed as part of the original subdivision consent process.
14. Furthermore, CBDL assume that their proposed subdivision will not be unique in respect of approved developments that may be caught by the new residential density Rule SETZ – R1. Noting that SETZ Settlement zone areas are typically not fully reticulated, there are sure to be a significant number of "unserviced" sites within the SETZ Settlement zone that have not been built on, which will subsequently be caught by this rule. For example (Note: not a complete list of all SETZ Settlement areas):
  - Karamea – has no reticulated services
  - Punakaiki – has water supply only
  - Blackball – has reticulated sewer and water, but limited stormwater reticulation;
  - Rapahoe – has no reticulated sewer system
  - Kumara, Hari Hari, Whataroa – townships with no reticulated sewer system and limited stormwater reticulation
15. Rules **SETZ – R1.2** and **R1.3** are supported. These rules require connection to services if available, or compliance with NZS 4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards if no reticulated services are available. Rules **SETZ – R1.2** and **R1.3** will ensure that any new residential dwelling in the SETZ Settlement zone is appropriately serviced, regardless of the size of the title on which it is located or the availability of reticulated services.

16. It is also noted that if onsite servicing is required, Regional Council rules in respect of discharges to land will also need to be complied with at the time of building.
17. As all servicing matters will have been considered and approved at the time of subdivision and/or are covered by Rule SETZ – R1.2 and R1.3, requiring land use consent to build on approved subdivisions or existing sections will not achieve the purpose of the RMA as it creates an unnecessary administrative workload for Council planners. SETZ – R1 as notified also does not enable the community to provide for their social and economic wellbeing because it will not allow for the most efficient and effective development of land already earmarked and subdivided for future residential use.

### Objectives & Policies

18. **Appendix 3** contains a table setting out CBDL's position on the proposed Objectives and Policies for the Rural zones, as relevant to their proposed development at Te Kinga.

## 4.0 CONCLUSION

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19. In summary, Cashmere Bay Dairy:
  - Support the rezoning of their land as SETZ Settlement
  - Support or oppose the notified provisions as set out in **Appendix 3** which will apply to the SETZ Settlement zone
  - Request:
    - that the “grandfather” clause in Rule SETZ – R1(i)(a) be extended to include unserviced lots in the zone that have been created by approved subdivisions; and
    - Any alternative, consequential, or necessary additional amendments to give effect to the matters raised generally in this submission.

Signed:

**On behalf of Cashmere Bay Dairy Ltd**



**PAULINE HADFIELD**

**DAVIS OGILVIE & PARTNERS LTD**

Senior Planner, Assoc.NZPI

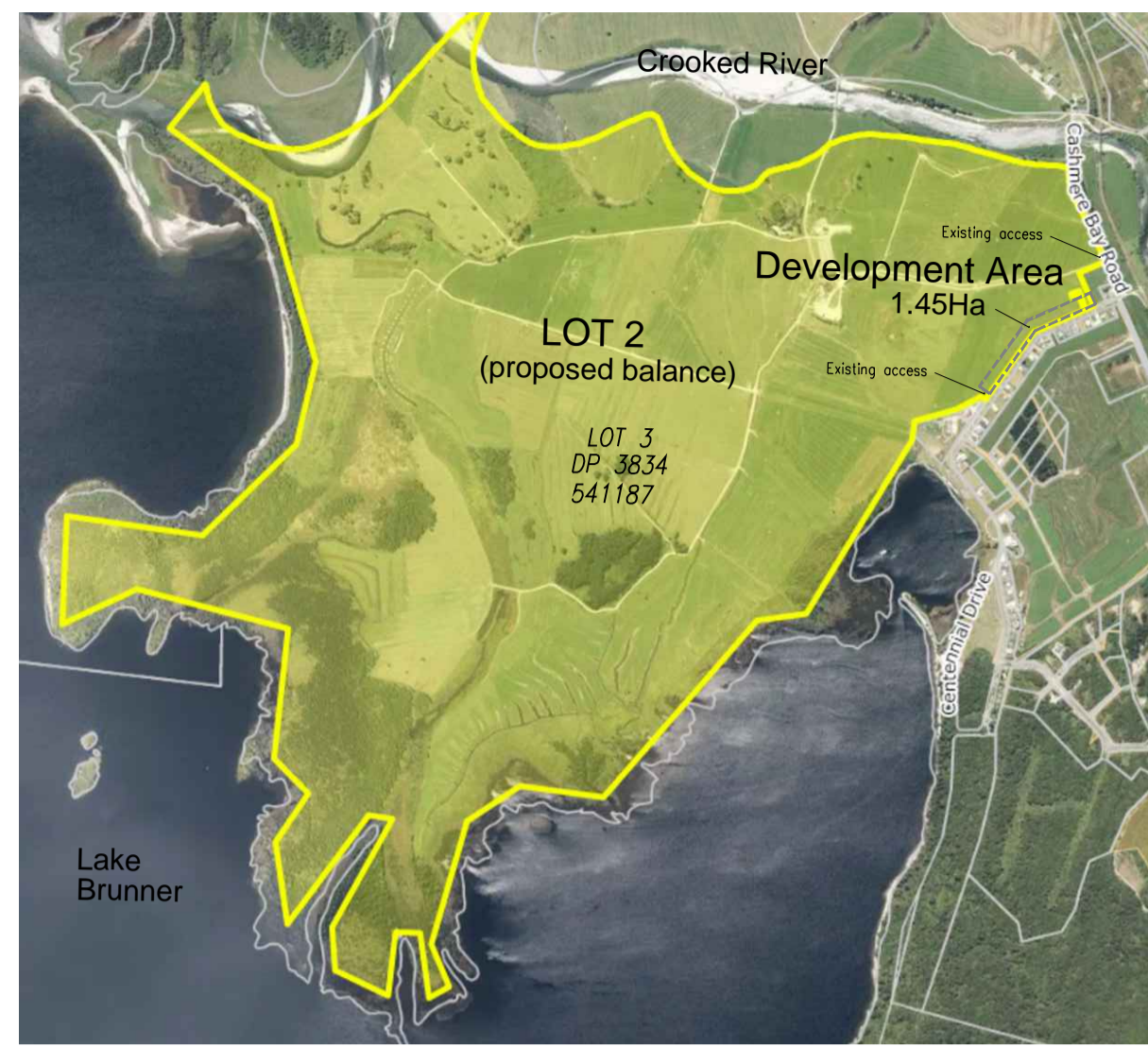
Enc:

- Appendix 1** Scheme Plan – SD3036/22
- Appendix 2** Suggested Wording Rule SETZ – R1
- Appendix 3** Notified Provisions Supported / Opposed by CBDL

**APPENDIX 1**

Scheme Plan – SD3036/22

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Location Diagram



Lot 3 DP 3834  
 RT: 541187  
 Owner(s): Cashmere Bay Dairy Limited  
 Area: 353.033 ha more or less

Lot 1 DP 3323  
 RT: 541187  
 Owner(s): Cashmere Bay Dairy Limited  
 Area: 479m² more or less

Areas and dimensions are subject to survey.  
 A full assessment of easements will be undertaken upon completion of survey. This may result in additional easements to those already shown

**AMALGAMATION CONDITIONS**

- "That Lot 2 DP 3323 (RT 541187) and Lot 100 hereon be held in the same Record of Title"

MEMORANDUM OF EASEMENTS		
NATURE	SERVIENT TENEMENT (BURDENED LAND) LOT NO SHOWN	DOMINANT TENEMENT (BENEFITED LAND)
RIGHT TO CONVEY STORMWATER IN GROSS	7	A
	8	B
	17	C
	18	D
		GREY DISTRICT COUNCIL

CAD ref: 41253.scheme plan

**APPENDIX 2**

Suggested Wording Rule SETZ – R1

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## Rule SETZ – R1

### Activity Status Permitted

Where:

1. Residential unit density is no more than:
  - i. 1 unit per 500m<sup>2</sup> net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; ~~or, except that:~~
    - a. ~~where smaller sites were lawfully established under the previous Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site; or~~
  - ii. 1 unit per 1000m<sup>2</sup> net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems;
2. **Except that:**
  - i. **where smaller sites were lawfully established under the previous operative Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site; or**
  - ii. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m<sup>2</sup> net site area.
3. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;
4. Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards.



### **APPENDIX 3**

Notified Provisions Supported / Opposed by CBDL

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**Notified TTPP – Objectives & Policies Assessment**

**Cashmere Bay Dairy Ltd (CBDL)**

Relevant Provision	Position / Comment
<p><b>RURZ - O1</b></p> <p>To provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while retaining highly productive land and rural activities, and supporting a productive rural working environment.</p>	<p><b>Support</b></p> <p>Noting that CBDL’s land is not within the Highly Productive Land overlay in the TTPP, and that rural-residential activity is a part of the rural environment.</p>
<p><b>RURZ - O2</b></p> <p>To provide for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.</p>	<p><b>Object</b></p> <p>CBDL request that this objective be amended to cater for “residential activity” rather than limited to low-density rural lifestyle living. This would be consistent with RURZ – 03 allowing settlements to grow and adapt.</p>
<p><b>RURZ - O3</b></p> <p>To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements while :</p> <ul style="list-style-type: none"> <li>(a) Allowing settlements to grow and adapt as economic activity changes;</li> <li>(b) Providing for commercial and industrial land uses in larger settlements where these landuses provide for local community and rural services.</li> </ul>	<p><b>Support</b></p> <p>CBDL supports the TTPP provision anticipating settlement growth.</p>
<p><b>RURZ - O4</b></p> <p>To support the expansion of existing settlements and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high-risk locations.</p>	<p><b>Support</b></p>
<p><b>RURZ - O6</b></p> <p>To ensure appropriate levels of infrastructure servicing for communities and development within rural areas, recognising that outside of settlements or major developments, on site infrastructure servicing is expected.</p>	<p><b>Support in part</b></p> <p>Noting that most settlements on the West Coast have limited reticulated servicing, on site servicing should generally be allowed where there are no existing Council services and it can be demonstrated that effects from servicing can be contained on site.</p>

<p><b>RURZ - P1</b></p> <p>Enable a variety of activities to occur within RURZ - Rural Zones while maintaining rural amenity and character. Outside of settlements, activities should:</p> <ul style="list-style-type: none"> <li>(a) For buildings and structures have a bulk and location that is characteristic of rural environments;</li> <li>(b) Maintain privacy and rural outlook for residential buildings;</li> <li>(c) Be compatible with existing development and the surrounding area;</li> <li>(d) Have appropriate setbacks from the road and significant natural and cultural features;</li> <li>(e) Minimise adverse visual effects if sited on prominent ridges or immediately adjacent to public roads; and</li> <li>(f) Have awareness of cultural landscapes and avoid activities being located on the ridgelines and peaks of ancestral mountains.</li> </ul>	<p><b>Support</b></p> <p>CBDL supports an “enabling” approach to development in the Rural zones where it is compatible with existing development in the vicinity.</p>
<p><b>RURZ - P2</b></p> <p>Provide for growth and change to settlements that:</p> <ul style="list-style-type: none"> <li>(a) Improves the long-term viability of the settlements and their communities;</li> <li>(b) Fits with the historic, cultural and environmental character of the existing settlement;</li> <li>(c) Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards;</li> <li>(d) Integrates with the existing residential settlement and maintains a consolidated settlement form;</li> <li>(e) Supports rural community needs by providing for community facilities and educational facilities; and</li> <li>(f) Does not compromise the dominance of the natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.</li> </ul>	<p><b>Support</b></p> <p>CBDL supports an “enabling” approach to development in the Rural zones where it is compatible with existing development in the vicinity.</p>
<p><b>RURZ - P3</b></p> <p>Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or significant agricultural production values.</p>	<p><b>Support</b></p> <p>CBDL supports an “enabling” approach to development in the Rural zones where it is compatible with existing development in the vicinity.</p>

<p><b>RURZ - P4</b></p> <p>Provide for rural lifestyle development on the outskirts of towns and settlements where this will not conflict with rural production values, and recognising that these have the following characteristics:</p> <ul style="list-style-type: none"> <li>(a) Large lots with onsite infrastructure servicing;</li> <li>(b) A mix of activities;</li> <li>(c) Low traffic and moderate noise levels;</li> <li>(d) Dominance of open space and plantings over buildings; and</li> <li>(e) Setbacks from property boundaries.</li> <li>(f) Production Values</li> </ul>	<p><b>Object</b></p> <p>“Large lots” may not be the most appropriate development at settlement outskirts, and could result in fragmentation of the rural land resource.</p> <p>“Production values” appears to be more a matter of control rather than a characteristic of residential activity.</p>
<p><b>RURZ - P5</b></p> <p>Recognise that there are only small areas of highly productive land and soils for agricultural production on the West Coast/Te Tai o Poutini and where possible locate non-agricultural activities outside of these highly productive locations.</p>	<p><b>Support</b></p> <p>Noting that CBDL’s land is not within the Highly Productive Land overlay in the TTPP.</p>
<p><b>RURZ - P7</b></p> <p>Recognise that where non rural activities are located in rural areas, this should not be to the detriment of the effective function of towns and settlements, or to avoid the costs of connection to community funded infrastructure.</p>	<p><b>Support in part</b></p> <p>Noting that most settlements on the West Coast have limited reticulated servicing, on site servicing should generally be allowed where there are no existing Council services and it can be demonstrated that effects from servicing can be contained on site.</p>
<p><b>RURZ - P11</b></p> <p>Subdivision and development in GRUZ - General Rural and RLZ - Rural Lifestyle Zones, the SETZ - PREC3 - Coastal Settlement Precinct and the SETZ - PREC4 -Settlement Zone - Rural Residential Precinct should recognise the character and form of rural infrastructure including:</p> <ul style="list-style-type: none"> <li>(a) Roads with roadside ditches rather than kerb and channel;</li> <li>(b) An absence of street lights and urban style footpaths; and</li> <li>(c) On site provision of water supply and on-site land treatment and disposal of stormwater and wastewater.</li> </ul>	<p><b>Support</b></p> <p>This policy supports the rural character anticipated within these zones.</p>
<p><b>RURZ - P12</b></p> <p>Within the SETZ - Settlement Zone (outside of the SETZ - PREC3 Coastal Settlement Precinct and SETZ - PREC4 - Rural Residential Precinct) ensure that sufficient wastewater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure servicing is provided as part of new development.</p>	<p><b>Object in part</b></p> <p>This policy should be clarified to provide for onsite servicing within SETZ Settlement zoning, where settlements are not already fully serviced with reticulated infrastructure.</p>

<p><b>RURZ - P13</b></p> <p>Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.</p>	<p><b>Support</b></p> <p>This policy avoids complications associated with privately-owned community infrastructure. However, as noted earlier, CBDL consider that onsite servicing is appropriate for rural zones.</p>
<p><b>RURZ - P14</b></p> <p>Where new infrastructure is required to support rural lifestyle development or settlement expansion this new infrastructure should be put in place at the time of development at the expense of the developer.</p>	<p><b>Object</b></p> <p>This policy does not recognise that some rural lifestyle/Settlement development is more appropriately serviced using onsite infrastructure.</p>
<p><b>RURZ - P15</b></p> <p>New development should be designed and located with sufficient buffers so that existing rural uses and consented activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.</p>	<p><b>Object</b></p> <p>“Unreasonably” is a subjective term that may be difficult to determine. Reverse sensitivity effects can be tested and addressed at the resource consent stage if necessary.</p>
<p><b>RURZ - P16</b></p> <p>There should be sufficient buffers provided from infrastructure such as wastewater treatment plants and land disposal areas, transmission infrastructure and water supply catchments to avoid reverse sensitivity effects on the infrastructure.</p>	<p><b>Support</b></p> <p>The TTPP should include rules for setbacks from these activities.</p>