

- 1.1 As described by Ms Wolt in her opening statement, the subject site sits adjacent to the Turner Terrace development in Lowburn, approximately 1.3 kilometres north-west of the Lowburn Valley Road and State Highway 6 intersection.
- 1.2 The subject Site is zoned **Rural Resource Area** under the Central Otago District Plan (Operative Plan). No change to this zoning was proposed by PC19 as notified.
- 1.3 The Site is located to the immediate northwest of the operative Residential Resource Area (5) (RRA(5)) which encompasses the wider Lowburn residential settlement. The typical lot sizes in this area is no smaller than 3,000m², per the requirements of operative RRA(5) zoning. Under PC19 as notified, this existing RRA(5) zoned area is proposed to be rezoned as **Large Lot (Precinct 2) Residential (LLR(P2))**. The relief sought simply seeks to extend the LLR(P2) zoning to encompass the Submitter's site.
- 1.4 Relying on the various expert assessments and additional evidence that have been presented today, I have evaluated the proposed relief compared with that of the current Operative District Plan, and consider that the LLR(P2) Zone better achieves the purpose of the Act, and is more superior in achieving the objectives of PC19 (The primary objective or purpose of PC19 is to respond to demand for residential land and provide for anticipated growth over the life of the District Plan and beyond) compared with the Rural Resource Area Zone which presently applies.
- 1.5 In her Section 42A report, Ms White generally agrees with the submission and considers that rezoning the Site to LLRZ (P2), would provide a logical and coherent expansion of the current urban boundary and notes that the impacts of this expansion have been assessed in detail and determined as being appropriate through the evidence supplied with the initial submission. Ms White concludes that the rezoning would be consistent with the current amenity and character of the Lowburn township¹, which I concur with.
- 1.6 Notwithstanding, Ms White recommends the retention of the Site's operative Rural Resource Area zoning on the basis that:
- a. The Site is subject to the NPS-HPL due to a portion of the site classified as LUC 3; and
 - b. There are presently wastewater constraints at Lowburn that are currently being resolved and the Site could be serviced (for wastewater) from 2029 onwards, however, until then, a Future Growth Overlay (FGO) is recommended, or a rule limiting any further development until after the specific upgrade identified by Ms Muir is undertaken².
- 1.7 With regard to the NPS-HPL matter, Ms White has applied the NPS-HPL as required where a Site is subject to LUC Class 3 soils. In applying the NPS-HPL, I acknowledge that Ms White did not have the benefit of evidence from Dr Reece Hill, and therefore relied on the New Zealand Land Resource Inventory

¹ Paragraph 222, s42A

² Paragraph 226, s42A.

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classification being the default resource for determining the LUC classification. However, as you have heard from Dr Hill, Dr Hill concludes that the soils are not to be considered LUC 3 but rather are LUC 4 at best. As such, and through the advice of Ms Wolf, the NPS-HPL does not apply.

- 1.8 Should it be determined that the NPS-HPL is to apply, I have evaluated the test under Clause 3.6(4) and consider this has been met. I note that the NPS does not “prohibit” rezoning but rather directs an evaluation and the relevant tests to be met. We have confirmed that;
- a. The site is necessary to provide for sufficient development capacity particularly at a localised level as there is few if any land available in the residential Lowburn Enclave. We have heard from Mr Van Der Velden that uptake is swift and in demand for larger lots and I have explained that there are potential deficiencies with PC19 in fulfilling the expected demand, namely in terms of full uptake of MRZ zoned brownfield sites.
 - b. Ms White and I agree that there are no practical alternatives to providing development capacity in Lowburn other than the submitters site.
 - c. And, we have determined that the costs/benefits of the rezoning will not undermine land primary production recognising the lack of productive contribution the site has made to date and the constraints enabling primary production. The effects assessment as supported by the various witnesses confirms the effects on the environment will be suitably managed.
- 1.9 Turning our minds to the infrastructure matters - Ms White has relied on Ms Muir’s evidence in terms of proposed timing for upgrading wastewater and has suggested the provision of a Future Growth Overlay or rule as a possible mechanism to enable the development of the Site at a time when the wastewater network has been constructed and commissioned so as to cater for the expected demand.
- 1.10 I agree with Ms White that FGOs can be an appropriate mechanism in some circumstances (such as the case with my earlier evidence for Ranfurly), but I do not agree an FGO is warranted here. This is given it is highly likely that the timescales in which the upgrades are expected to occur will coincide with the time period associated with the design and consenting works required for subdivision under a LLR zoning. We have heard from Ms Muir yesterday that the delivery of the wastewater treatment system for Cromwell will be brought forward to 2025. Ms Muir confirms that the upgrades have been programmed to go live in July 2024. In essence, the issue with infrastructure is not a case of “if”, but “when” and I consider that there is reasonable confidence to the Panel that Council have identified the need to progress infrastructural upgrades and has been budgeted in Council’s LTP.
- 1.11 I note to the Panel that Ms Muir confirms that the constraints relating to wastewater is with the wastewater treatment site itself, and not the infrastructure that is required to convey this material. Ms Muir notes that an upgrade has been programmed to “enable growth identified in PC19” (brought forward to 2025). This essentially confirms that the site will accommodate the “theoretical” yield as suggested by PC19. As I have detailed in my evidence, it is my experience (and will be the experience of others), that redevelopment of brownfield sites does not necessarily mean the full yield of PC19 will be realised – this is particularly pertinent to the MRZ zone. So I think to suggest an immediate uptake of the MRZ and therefore an immediate realisation of the capacity limit of the treatment site, is an overstatement/unrealistic proposition

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based on my experience. So I do not consider the subject site will result in an insurmountable inundation of the w/w treatment facility.

- 1.12 In addition the Site will require extensive preparatory works in anticipation for development along with a time period in which to undertake detailed design and engineering approvals.
- 1.13 I consider that the timescales promoted for the planned wastewater upgrades are not sufficiently long enough to warrant a further plan change within the next 5 years (as would be required if an FGO was applied), which comes at significant cost to both the Submitter and Council to facilitate. I consider it is appropriate to endorse the re-zoning as part of PC19, providing the Submitter with certainty to plan and initiate preparatory works and be ready to contribute to land supply at the time wastewater infrastructure is available. *considerable time.*
- 1.14 The Panel's key concern will be, "if we zone the site, we're expected to provide servicing" – From my perspective, Council are in that process of upgrading wastewater as Ms Muir confirms, and I further note that while a Site may be zoned for residential purposes, servicing, and the ability to "adequately" service future subdivision is still a matter of control (Rule SUB-R4), affording Council scope to ensure the suitability of any proposed servicing arrangements. I note that Council's reticulated wastewater network is not the only means of wastewater servicing recognising that onsite solutions could be explored particularly recognising the size of the allotments promoted under the LLRP2 Zone. I further note that the servicing is not exclusively directed at "reticulated" servicing.
- 1.15 I have considered Ms White's suggestion of a bespoke rule which has the effect of deferring development until such time servicing is available, however I think that the matters of control which are already embedded in the subdivision provisions of PC19 would suffice. An additional rule is not necessary.
- 1.16 In light of the above, I disagree with Ms White's recommendation to retain the Rural Resource Area zone as it applies to the submitter's land, and consider that the issues raised by Ms White can be effectively resolved, such that the LLR re-zoning of the Site better achieves the purpose of the Act.
- 1.17 Rezoning the land would enable Council to give effect to their obligations under the NPSUD, s31aa of the Act and contribute towards meeting the objectives of PC19 through providing for growth where appropriate.