

**BEFORE THE HEARINGS PANEL
FOR THE CENTRAL OTAGO DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

**IN THE MATTER of the Central Otago Proposed District
Plan – Plan Change 19**

Statement of Evidence of Rachael Maree Law

On behalf of Thyme Care Properties Limited (#145)

17 May 2023

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Professional Details

1. My name is Rachael Maree Law. I hold the qualifications of a Bachelor of Resource and Environmental Planning from Massey University and a Masters of European Studies from Leuven University, Belgium.
2. I have seven years' experience as a planner. This experience comprises four years' experience for Queenstown Lakes and Porirua City Councils working as a Policy Planner during their respective District Plan reviews, and three years for Private Consultancies undertaking policy planning and resource consenting.
3. My experience encompasses resource consenting, policy planning, and presenting evidence at hearings for Plan Changes.
4. For the past two years I have worked as a planner for Paterson Pitts Group. Paterson Pitts Group is a land development consultancy employing surveyors, engineers, and planners undertaking a variety of rural and urban subdivision, resource consent applications, and plan change work.
5. While this is a Council hearing, I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with it and agree to comply with it. I confirm that this evidence is within my area of expertise, except where I state that I have relied on material produced by others, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Reference Documents

6. In preparing this evidence I have reviewed:
 - The s32 report for Plan Change 19.
 - S42a reports as follows:
 - i. Plan Change 19 – Residential Chapter Provisions Section 42A Report – Report on Submissions and Further Submissions PART 2 (Zoning requests) prepared by Liz White (including attachments and appendices)
 - ii. Plan Change 19 – Residential Chapter Provisions Section 42A Report – Report on Submissions and Further Submissions PART 2

(Zoning requests) Water and wastewater servicing matters
prepared by Julie Muir (including attachments)

- Cromwell 'Eye to the Future' Masterplan, Spatial Framework, Stage 1: Spatial Plan, 5 June 2019.

Scope of Evidence

7. My evidence addresses the matters set out in the submission of Thyme Care Properties Limited (#145) and is structured as follows:
 - Background
 - Location and Existing Built Form
 - Infrastructure
 - Rural / Urban Boundary

Background

8. The submitter, Thyme Care Properties Limited (TCPL) is the landowner of Part Lot 4 DP 22109, Lot 1 DP 23343 (94 and 84 Kawarau Gorge Road) and is in the process of negotiating the purchase of part of the adjacent Lot 2 DP 23343 (82 Kawarau Gorge Road). The sites are zoned Rural Residential under the Operative District Plan (ODP) and not proposed to be zoned residential under PC19.
9. The submitter seeks Medium Density Residential Zone (MRZ) for their sites. The purpose of this evidence on behalf of TCPL is to provide expert planning input on the requested rezoning and an assessment on which zoning best achieves the purpose of the Resource Management Act (RMA) and other strategic documents.
10. While CODC is not subject to the NPS-UD due to the size, the direction provided by this is useful to consider given the wider context of the neighbouring territorial authorities of Queenstown Lakes District and Dunedin City. It is also acknowledged that Cromwell is an area which provides housing for people who work in Queenstown and Wanaka and faces some issues similar to that in the Queenstown Lakes District.

11. The Section 42A reports¹ provide recommendations on submissions, where these are consistent with the intent of the submission, these are generally supported. The matters of disagreement between the recommendations of the S42A author and the submission are outlined further below with supporting reasoning.

Location and Existing Built Form

12. The sites are located within 1km of the Town Centre. Currently residents of the retirement village on this site utilise the Council owned 3m wide pedestrian access over Section 7 SO 24009 directly opposite the vehicular access to the site to access Waenga Drive, the Town Centre, and the wider Cromwell area. The sites are therefore within walking and cycling distance to the Town Centre.

13. The S42A report recommends that the site is not rezoned to MRZ on the basis that it is inappropriate to have an area of MRZ that is far from the town centre (via road) and separated from other residential areas of Cromwell by State Highway 6.² The Cromwell Spatial Plan seeks to enable “urban development **predominantly** accommodating future growth within existing Cromwell”³ (emphasis added) while utilising an urban boundary to recognise the valued productive and landscape setting, and protecting the wider basin from encroaching development.⁴

14. The sites are within ‘existing Cromwell’ as the site is an already developed part of land for residential purposes. The rezoning of the site to a residential zone would therefore not be inconsistent with the points highlighted above from the Cromwell Spatial Plan. If the relief sought in this submission was granted for a residential zone outside of the main urban area of Cromwell, the existing Cromwell urban area would still maintain the prominence of growth. Further, the site is not productive rural land or of significance in terms of landscape values as it is not listed as Outstanding or Special under the Operative District Plan.

15. The built form on site has been developed to a greater density than that provided for under the ODP Rural Residential Zone. It has a built form consistent with an urban zoning and is connected to urban reticulated water supply and wastewater. The existing built form sets a precedent that development of this type is suitable

¹ Plan Change 19 – Residential Chapter Provisions Section 42A Report – Report on Submissions and Further Submissions PART 2 (Zoning requests), Prepared by Liz White, and Plan Change 19 – Residential Chapter Provisions Section 42A Report – PART 2 (Zoning requests) Water and wastewater servicing matters, Prepared by Julie Muir.

² S42A Stage 2 at paragraph 207.

³ Cromwell Masterplan Spatial Plan page 22 under Objective 1.

⁴ Ibid.

on the west of state highway 6. When viewed from the public road, there is very limited discernible development at 94 Kawarau Gorge Road due to extensive landscaping, whilst an aerial image shows that there are 15 buildings on site including some very large buildings. Future development of the site can be developed in a similar way and set back from the road such that the built form can be integrated into the landscape through similar means while still providing for the outcomes sought by the submission.

Infrastructure

16. I acknowledge that there is significant uncertainty in the three waters provisions nationally at the moment, and that planning for necessary projects to upgrade the reticulated three waters is difficult. The site currently has connections to reticulated water supply and wastewater. The S42A report author stated that the site could be serviced for wastewater with the forthcoming upgrade.

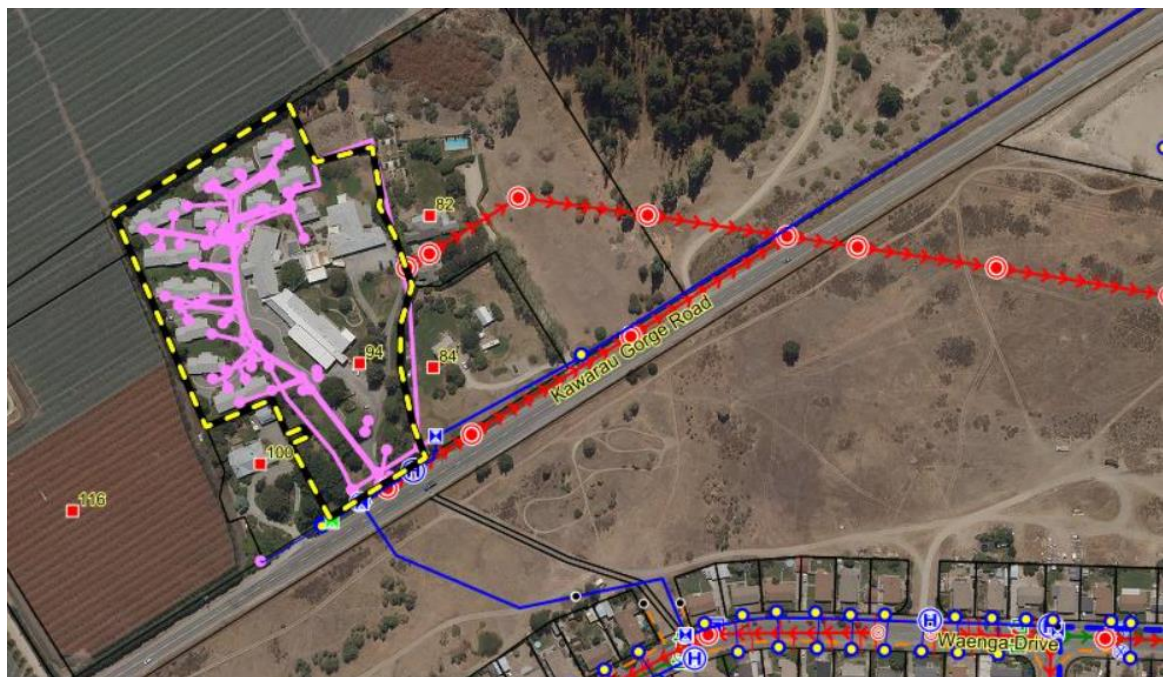


Figure 1: Subject site (outlined in yellow and black) and that adjacent, with pink showing the private stormwater, blue the reticulated water supply and red the reticulated wastewater

17. The S42A author offers a possibility via a rule limiting any further development until after the specific wastewater upgrade for Cromwell as identified is undertaken for some rezoning proposals. While the timeframe on this is undetermined and could take a while to be achieved. This option would enable the land to be able to be developed for residential purposes when the wastewater upgrades are complete, I agree with this approach.

Rural / Urban boundary

18. An MRZ zoning of this site would represent a change from that sought under the Cromwell Spatial Plan. However, a Rural or a Rural Residential Zone does not align with the existing built form of the site. The site is residential in nature and in infrastructure connections, therefore, a residential zone is more appropriate for the site. A Rural Residential Zone for the site is not appropriate as this does not reflect the current form of the site, and undermines the integrity of the Rural Residential Zone through its built form, which is significantly denser than that enabled under the Operative District Plan which seeks only one residential unit per site.
19. Should a residential zone be applied to the site, I consider that specific rules placed over this site that require adequate boundary landscaping to maintain the rural feel when viewing from State Highway 6 could be beneficial in terms of reducing the potential adverse effects on the State Highway. A specific rule would allow for the development of the site for its intent of expanding the existing retirement village without visually compromising the rural / urban boundary. It is noted that the built form as it stands currently is already of an urban density in a Rural area.
20. An alternative, to MRZ, is to rezone the sites Large Lot Residential Zone (LLRZ). This would result in a minimum lot size of 2000m² instead of average lot size of 2ha with one residential unit permitted per site under the Rural Residential. This would acknowledge the existing built development on and site, while being zoned at a lower density than another residential zone but at a more appropriate density than the Rural Zone. It would, however, still represent an urban zone west of State Highway 6.
21. While it is not considered the most appropriate zone for the site, if a Rural zoning of this site was to proceed, site specific rules have been provided in Appendix A which could provide for appropriate management of the site within the Rural Zone framework. Site specific controls are enabled under the National Planning Standards 2019.⁵ They are to “spatially identify where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area”.⁶ As an area of the District with existing urban built form that is rurally located, it is a unique situation that merits the use of a specific control such as provided for in the National Planning Standards.

⁵ National Planning Standards 2019, page 50.

⁶ Ibid.

22. The site specific controls would enable the sites to expand the retirement village complex whilst managing the external visual effects. These controls are proposed to change only the number of residential units provided for on the sites, the yard provisions to recognise the sites' small size (in a rural context), and landscape provisions to mitigate visibility of the built form; the remainder of the standards of the underlying zone would apply to these sites.⁷

S32AA

MRZ

23. The Cromwell Spatial Plan guides development in this area to be 'existing rural / horticulture', an MRZ zoning of this site would represent a change from that provided under the Cromwell Spatial Plan. However, the existing built form of the site does not align with a Rural or Rural Residential Zone framework. The site is residential in nature and in infrastructure connections and is a well-established retirement facility. There is potential that the rezoning of this site to MRZ would undermine the concentrated urban form sought from the Cromwell Spatial Plan and allow for further urban zoning west of State Highway 6. However, the precedent has already been set by the existing development on site being urban in nature. I consider that with appropriate landscape controls, any development of the site would remain indiscernible from public places and would maintain the perception of the site as being rural while accommodating urban style development.

24. An MRZ zoning will provide for smaller lots sizes and more effective use of the land and infrastructure resource, connections to which the site already has. This would allow the owners to better provide for the market demands and for the community to better provide for their economic and social wellbeing. Particularly for the requirements for older members of the community.

LLRZ

25. LLRZ zoning of this site would represent an urban zoning on the western side of State Highway 6, which is an outcome that is discouraged under the direction of the Cromwell Spatial Plan. However as discussed above the site is already urban in nature and does not reflect a Rural or Rural Residential Zone. It is considered

⁷ Including but not limited to height and colour and finishing of buildings.

that with appropriate landscape controls for the site specific that this zoning could be applied without undermining the integrity of the rural / urban limit.

26. An LLRZ zoning will provide for smaller lots sizes than currently allowed for under the Rural Residential zoning, and reflect a more effective use of the land and infrastructure resource without the density of other urban zones. This allows the owners to better provide for the market demands and for the community to better provide for their economic and social wellbeing, while balancing the potential for adverse effects on the environment which could result from more intense development of this area.

Site Specific Controls

27. A third option of Site Specific Controls (Appendix A) will provide for some options for increases in density from the Operative District Plan, as well as more effective use of the land and infrastructure resource. This allows the owners to better provide for the market demands and for the community to better provide for their economic and social wellbeing.
28. Site Specific Controls (as included in Appendix A) would not undermine the Rural / Urban boundary as directed by the Cromwell Spatial Plan and would reflect the site's existing built form. It would maintain the integrity of the Rural Residential Zone, by recognising that this site is unique and has existing characteristics that are not rural in nature and therefore does not set a precedent of what Rural Residential should be.

Conclusion

29. The sought MRZ over these sites reflects the existing built form and would provide for efficient future infrastructure provision and a protection for rural productive areas and rural landscape areas from urban style sprawl, whilst providing for flexibility and diversity in the market. The MRZ also acknowledges the sites' close proximity to the Town Centre.
30. Retaining the sites as Rural Residential is not reflective of the current built form and undermines the integrity of the Rural Residential Zone by having development that exceeds the densities proposed under this zone and in a style which is not consistent with Rural Residential development.

31. The alternative zoning sought of LLRZ would better maintain a rural open feel, whilst enabling the development of the site and acknowledging the current built form.
32. With appropriate landscaping controls, either urban zoning could be applied without adverse visual effects from the potential site redevelopment enabled by the proposed zoning.
33. Lastly, while the site specific controls do not form the best use of the site they are more appropriate than the Rural Residential Zone applied without the site specific controls. Site specific controls would allow for some redevelopment of the site and expansion while protecting views from the state highway.

Signature of Rachael Maree Law

16 May 2023



Appendix A – Site Specific Controls

Site Specific Controls

SITE-R1	Residential unit
<p>Activity Status: RDIS</p> <p>The following applies to Part Lot 4 DP 22109, Lot 1 DP 23343 and Lot 2 DP 23343</p> <p>Where:</p> <ol style="list-style-type: none"> 1) There is a maximum of 1 residential unit per 400m². 2) A landscape plan is submitted to and approved by Council's Planning Manager which ensures that the road frontage is sufficiently landscaped so as to limit visibility to the buildings within the site. 3) Council's Infrastructure Manager has confirmed the required Cromwell wastewater treatment plant upgrades have been completed. <p>Matters of discretion</p> <ol style="list-style-type: none"> 1) Location and number of residential units. 2) Number, location and species of plant proposed in the landscape plan. 	<p>Activity status where compliance not achieved: DIS</p>

Front yard – minimum of 20m from the State Highway

Rear and side yards – minimum of 10m

Other bulk and location standards, and colour and finishing standards, as per the underlying zone.