

**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 Brian De Geest (#21)

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 Brian De Geest (#21) and is structured as follows:
 - Background
 - Location
 - Growth Rates and Model Assumptions
 - Other Submissions

Background

8. The submitter, Brian De Geest, is the landowner of Lot 1 DP 23948, State Highway 6. The site's current zoning is RRA(3) under the Operative District Plan, which allows for a minimum lot size of 1000m², in general accordance with schedule in 19.19, and achieve a maximum yield of 21 allotments. The proposed site zoning under Proposed Plan Change 19 (PC19) zoning is LLRZ, with a 30m building line restriction off SH6. This allows a minimum lot size of 2000m² (elevates to Non Complying) and deletes the schedule in 19.19.
9. The submitter seeks Medium Density Residential Zone (MRZ) for their site. The purpose of this evidence on behalf of Mr De Geest 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.

12. In particular, as it relates to Submission #21, it was concluded in the S42A Report Part 2 that the author:

“do[es] not agree it is appropriate to zone this area MRZ, as it would result in a disparate area of MRZ separated from any other areas, and at the edge of the township. I note that in other areas where MRZ is proposed on greenfield sites further from the town centre, it applies to larger sites where a more comprehensive development can be undertaken, rather than in a smaller, more isolated pocket as this site would be.”

13. It was subsequently recommended at paragraph 162, that:

“the zoning of the area to the north of State Highway 8B and to the west of Luggate-Crowell Road (but excluding the Wooing Tree site) is rationalised and a single zoning applied to this area. I do not recommend that any of this area is zoned MRZ.”

Location

14. The site is located within 1500m of the Town Centre. This proximity allows for cycling to the Town Centre, encouraging a compact urban design and enabling a thriving and connected community within proximity to the Town Centre. The site is adjacent to the McNulty Inlet Community Node (as identified in the Cromwell Spatial Plan). As detailed in paragraph 10 of the s32 Evaluation Report, the MDR zone is located in areas

“that are within a walkable distance of commercial areas or other key community facilities. It is intended that this zone develops over time to provide for a range of housing options to meet the diverse needs of the community, with more intense development helping to support commercial and community facilities.”

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.

15. As such, MDR of the entirety of the submitter's sites would allow a comprehensive development adjacent to a key community focal point, enabling a design and layout that achieves good urban design outcomes, including connections to the existing pedestrian network which provides connections to the McNulty Inlet node and Cromwell Town Centre.
16. 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 and separated from other MRZ by LRZ². While having MRZ areas separated from surrounding MRZ as 'spot zoning' is not desired by the S42A author there are other examples within PC19 where this type of zoning has taken place and considered appropriate by Council. Therefore, the request for a 'spot zone' of the site is not inconsistent with how the notified zoning of PC19 has been undertaken. There are also notified MRZ areas which are greater than 800m from the town centre as part of PC19. Figures 1-3 below are examples of areas where spot zoning and/or MRZ located away from commercial centres has been proposed by the Council under PC19 and is deemed appropriate.



Figure 1: Site off the Clyde-Alexandra Road (identified by yellow and black outline) Zoned LRZ surrounded by MRZ and Rural Residential.

² S42A report at paragraph 162.



Figure 2: Area of MRZ on Gregg Street in Alexandria (identified by yellow and black outline) located further than 800m from a commercial area and surrounded by LRZ.

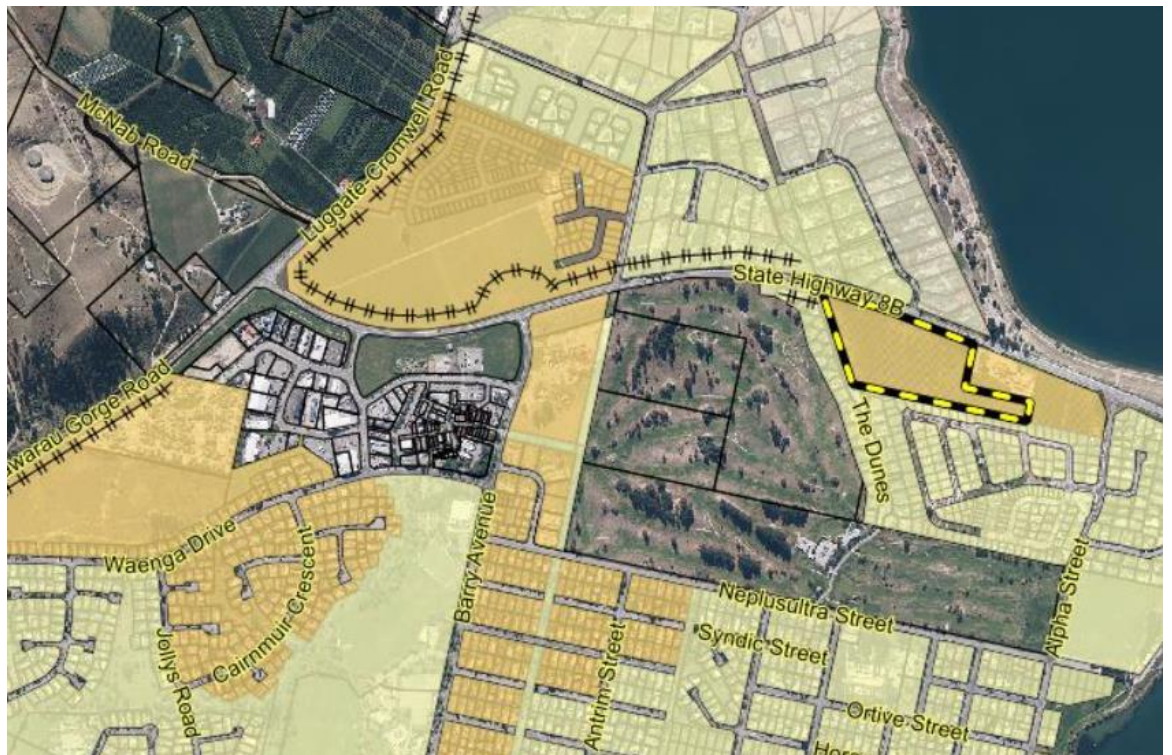


Figure 3: Area of MRZ on SH8B (identified by yellow and black outline), further than 800m from the Town Centre, surrounded by LRZ and LLRZ.

Growth Rates and Model Assumptions

17. The Cromwell Yield Assessments 2022 by Rationale has been used to forecast housing demand needs in the Cromwell Ward. I consider that there are some assumptions in the development capacity model that limit its effectiveness when considering how subdivision and development occurs in the District and wider area. It is also unclear whether the model includes the Cromwell open space network (currently zoned as LRZ for the most part under PC19) as 'feasible' land for development. When the assumptions³ are combined with the minimum allotment size of the LRZ, and the elevation to a non-complying (NC) activity status for breaches, will mean that the realised brownfields development in Cromwell will be significantly lower than anticipated. An MRZ zoning will provide for smaller lots sizes and more effective use of the land resource. This allows the developers to better provide for the market demands and for people to better provide for their economic and social wellbeing. As such, MRZ on the site is the most appropriate to assist in meeting demand and achieving the outcomes sought by the Act and the objectives and policies of the District Plan.
18. The S42A report⁴ acknowledges that growth is occurring at rates faster than previously predicted, I agree with this statement. Given the high growth which Cromwell has been experiencing in recent years, and the removal of the Golf Course from the PC19 rezonings (but not from the assumptions of the Cromwell Yield Assessments 2022 by Rationale) there is opportunity for further rezonings to increase the potential yield, especially where this is for greenfield sites. The removal of the Golf Course land from PC19 but not the Rationale Growth Projections has distorted the model with a loss of approximately 800 potential residential units. Allowing other sites therefore to be zoned to MRZ will result in more opportunities for different areas to be developed, especially should some owners of MRZ properties choose not to develop their properties to the minimum lot size.
19. As discussed in my evidence for Part 1 (dated 11 April) the proposed PC19 LRZ minimum lot size set at 500m² (recommended to lower to 400m² in S42A PART 1)

³ Rationale Growth Projections 2022 page 61 section 4.

⁴ At paragraph 155

with a NC activity status for failing to meet this density will be difficult to achieve for brownfields sites in locations such as old Cromwell. The corollary of this is that there is likely to be a shortfall in feasible capacity for Cromwell due to the practical planning constraints of developing these lots. Rezoning this area to MRZ will better enable feasible development in close proximity to the Town Centre as the minimum lot size of the MRZ better provides for infill subdivision and brownfield development with greater flexibility on lot sizes.

20. 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 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.

Other Submissions

21. There were many submissions with a range of views over the area of land north of Shortcut Road and east of State Highway 6, which the submitter's sites are a part of. I note there were further submissions in support of the submission for this site's rezoning.⁵ I agree with the S42A author that amenity values will change over time, and that maintaining character for the sake of amenity over providing for growth is not a feasible option. I also note that directing the anticipated growth into identified areas, at a higher density and providing for development close to the town centre has the positive effect of protecting areas which contribute to rural amenity values or areas of particular landscape value from potential growth.
22. I agree with many of the submitters on the area between SH6 and Lake Dunstan / Te Wairere that the zoning under PC19 should align with the Cromwell Masterplan Spatial Plan, in that all land within the area should be zoned at a minimum LRZ.
23. I consider that the iwi and recreational values can be addressed at time of future subdivision and development. Rezoning to LLRZ is not an appropriate method to address these values, nor more likely to address the management of these values with potential development in the same area. Zoning LLRZ could have adverse

⁵ #246, with opposition from further submitter #215

effects as less dense development could result in urban growth into more of the rural area which could have greater effects on iwi and recreational values than if the existing area was rezoned to MRZ, or LRZ.

24. I consider that rezoning of the submitter's sites to MRZ will be the most appropriate use of the land resource when compared to LLRZ or LRZ as it will:

- enable greater flexibility for market led development, and
- be adjacent to the McNulty Inlet Node, and within 1500m of the Town Centre, thus supporting a compact urban form that is consistent with what is proposed for other sites, and
- enable an efficient future infrastructure provision, and
- provide greater housing capacity in existing urban areas thus protecting the rural areas from urban style subdivision and unplanned urban sprawl.

S32AA

25. An MRZ zoning will provide for smaller lots sizes and more effective use of the land and infrastructure resource. This allows the developers to better provide for the market demands and for people to better provide for their economic and social wellbeing.

Conclusion

26. The key planning issues related to PC19 are density and minimum lot sizes. The outcomes that smaller lot sizes result in are:

- positive outcomes in relation to market demand,
- compact urban form,
- efficient future infrastructure provision, and
- protection of the rural areas from urban style subdivision.

27. The sought MRZ zone over this site reflects these outcomes and acknowledges the site's close proximity to the McNulty Inlet community node and the Town Centre. An MRZ better takes into account the recent trends in development and demand, whilst also taking into account the limitations of the existing urban

environment in order to achieve the proposed infill development under PC19 (existing residential units' location on the site and need for access to each lot), and provides additional feasible development capacity.

28. Concentrating urban development close to the McNulty Inlet community node and the Town Centre as proposed through the MRZ zoning of this site ensures that Cromwell is a liveable and connected town as per the Cromwell Masterplan.

29. Therefore, the most appropriate planning response to the growth, infrastructure, and landscape and rural protection resource management issues is to rezone the site to MRZ rather than LRZ or LLRZ.

Signature of Rachael Maree Law

16 May 2023

A handwritten signature in blue ink, appearing to read 'R. Law', is placed on a light grey rectangular background. Below the signature is a solid black horizontal line.