

**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 District Plan – Plan
Change 19**

Statement of Evidence of Rachael Maree Law

On behalf of Goldfields Partnership (#31)

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 2022. 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:
 1. The s32 report for Plan Change 19 (PC19)
 2. S42a reports as follows:
 - i. Plan Change 19 – Residential Chapter Provisions Section 42A Report – Report on Submissions and Further Submissions PART 1 (Provisions) prepared by Liz White (including attachments)
 - 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)

3. 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 submissions of Goldfields Partnership (#31) and is structured as follows:
 - Background
 - Location
 - Consistency with Cromwell Masterplan Spatial Plan
 - Site Constraints
 - Growth Rates and Model Assumptions

Background

8. The submitter Goldfields Partnership (GP) is the landowner of Sections 2, 3, 4 and 5 SO 24009, the vacant land located between Waenga Drive and Kawarau Gorge Road, Cromwell. The site's current zoning is a mixture of Residential Resource Area (RA) (where adjacent to Waenga Drive) and RRA(12) under the Operative District Plan. The site's notified zoning under PC19 is for the northern allotments (section 4 and 5) to be Medium Density Residential Zone (MRZ), and for the southern allotments (sections 2 and 3) as Low Density Residential Zone (LRZ), with a 30m building line restriction off SH6 along the entirety of the site.
9. The submitter seeks the MRZ for all of their properties. The intention of the submission and subsequent evidence on behalf of GP is to provide expert planning input on the proposed zoning maps to best achieve 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 report¹ provides recommendations on submissions, where these are consistent with the intent of submissions, 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 #31, it was concluded in the S42A Report Part 2 that:²

“the LRZ between Waenga Drive and Kawarau Gorge is generally retained as notified, subject to:

a. The boundary between the LRZ and MRZ being adjusted so that it runs parallel from where it currently adjoins Waenga Drive, out towards Ripponvale Road; and

b. Consideration of other decisions on zoning in Cromwell and whether the any reduction in yield in other areas should be off-set by some or all of this area being zoned MRZ.”

13. I disagree with these recommendations and consider that MRZ is the most appropriate zone for the sites.

14. The S42A Report Part 2 also recommended that the Building Line Restriction which applies within 30m of the State Highway is retained. I disagree with this recommendation.

Location

15. The Goldfields School is a community focal point within Cromwell.³ The subject site is located approximately 500m from this focal point, being an approximately 10-minute walk. As detailed in paragraph 10 of the s32 Evaluation Report, the MRZ 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

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 169.

³ As identified in the Cromwell Spatial Plan

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.”

16. As such, MRZ 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 Goldfields School and Cromwell Town Centre.

Consistency with Cromwell Masterplan Spatial Plan

17. The proposed zoning of the sites as a whole under PC19 does not “consolidate urban development, with future growth predominantly accommodated within the existing urban area, at **a higher density of development than is currently occurring**” (emphasis added) and where “limited opportunities for infill development would be provided, and this could compromise the provision of supply”⁴. As discussed in my evidence on Part 1 (dated 11 April), the rules as proposed would not offer much feasible brownfield / infill development. Therefore, the upzoning of the southern allotments of this site (Sections 2 and 3 SO 24009) would provide additional supply, and most importantly, as greenfield sites with readily available connections to services, this would be feasible additional supply through increasing the density of new development.

Site constraints

18. The most efficient method of developing the site with the best outcomes for the community, housing supply, and the environment is as a Comprehensive Residential Development (CRD) through the MRZ zone. The notified zoning restricts the potential for utilising the entirety of the site for this type of development as the whole of the site must be MRZ to proceed through as a CRD Plan.
19. To note is there is an existing wastewater main and water main traversing the site from the Thyme Care Retirement Village to Waenga Drive (Figure 1). This limits the actual developable land on this site as it is inappropriate to build on top of this. Therefore, a CRD Plan or any potential development must incorporate this into the design, which results in part of the site being removed from being able to be

⁴ S42A Stage 2 at paragraph 157.

developed for housing capacity. Rezoning Sec 2 and 3 MRZ would enable a greater density for residential development to offset any loss in feasible development as well as provide for a CRD to be undertaken for all of the sites.



Figure 1: Northern site, with existing wastewater and water supply mains running through it

20. The 30m Building Line Restriction adds another site constraint to a site with a narrow section of approximately 90m at its most limited depth. While the Building Line Restriction contributes to a setback from the state highway it does not control the effects which development along a state highway may have. Including visual effects of the houses from the state highway and noise effects on residential dwellings.
21. For example, the landscaping mounds between the state highway and Golden View Lifestyle Village is 15m and better mitigate the effect of residential development on views from the state highway than distance alone as housing is set back 30m. The 30m distance with very little vegetation is able to be observed and compared closer to the roundabout with state highway 8B. Similarly, noise mitigation through building design and fencing is a more effective method than distance.
22. Each of the limitations of development for the sites greatly restricts the ability to achieve a Comprehensive Residential Development, on a site which is one of the largest greenfield sites in Cromwell. Applying a planning approach as proposed through the submission on the MRZ provisions for MRZ-S5 *Setback from the*

sealed edge of a State Highway is an approach which allows for the most flexibility of development design. Alternatively, reducing the Building Line Restriction width to 15m could provide some increased flexibility while using council's preferred control method.

23. This allows developers to better provide for market demands, which allows for people and the community to better provide for their social and economic wellbeing. As such, the removal of the 30m Building Line Restriction (in conjunction with the proposed changes to the MRZ-S5) is the most appropriate approach to managing reverse sensitivity from the State Highway whilst enabling the ability to meet demand and achieve outcomes sought by the Act and the objectives of the District Plan.

Growth Rates and Model Assumptions

24. 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 assumptions⁵ are combined with the minimum allotment size of the LRZ, and the elevation to a non-complying (NC) activity status for breaches, this 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 sites 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.

25. The S42A report⁶ 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

⁵ Rationale Growth Projections 2022 page 61 section 4.

⁶ At paragraph 155

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.

26. As discussed in my evidence for Part 1 (dated 11 April) the notified PC19 LRZ minimum lot size is 500m² (recommended to lower to 400m² in S42A PART 1) 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 and Goldfields Primary School as the minimum lot size of the MRZ better provides for development with greater flexibility on lot sizes.

27. 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. There was no specific discussion around this proposed rezoning request in the S42A report. There are readily available water supply and wastewater mains in the area which could be connected to in order to service this site.

S32AA

28. An MRZ zoning across the entirety of the submitter's sites 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

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

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

30. The sought MRZ zone over these sites reflects these outcomes and acknowledges the sites close proximity to the Town Centre and the Goldfields Primary School. 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 anticipated development under PC19, and provides additional feasible development capacity.
31. Concentrating urban development close to the Town Centre and Goldfields Primary as proposed through the MRZ zoning of the southern allotments of the submitter's land ensures that Cromwell is a liveable and connected town as per the Cromwell Masterplan.
32. Therefore, the most appropriate planning response to the growth, infrastructure, landscape, and rural protection resource management issues is to rezone the sites Sections 2 and 3 SO 24009 to MRZ rather than LRZ as notified.

Signature of Rachael Maree Law

16 May 2023


