

SUMMARY OF PLANNING EVIDENCE – Lowburn Viticulture Limited

- 1.1 The Submitter owns the land (the **Site**) legally described as Section 27 Block V Cromwell SD as contained in Record of Title OT353/37 and illustrated in Figure 1 below. The site is located 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, however, as I have noted earlier, the Submitter made a submission seeking an LLR(P2) zoning. I address this further shortly in my evidence.
- 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. The resulting character of the area is low density, standalone residential dwellings with expansive views to the north over the Lowburn Valley floor. Under PC19 as notified, this existing RRA(5) zoned area is proposed to be rezoned as **Large Lot (Precinct 2) Residential (LLR(P2))**.
- 1.4 The Submitter's original submission seeks a LLR(P2) zoning for the Site. This would effectively extend the proposed LLR(P2) zoning further north-west along Lowburn Valley Road, so that it terminates just before the slight curve in the road and closing in of the valley.
- 1.5 In her Section 42A report, Ms White considers that rezoning the Site to LLRZ (P2), as sought by the Submitter, would provide a logical 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 landscape assessment provided with the submission. Ms White concludes that the rezoning would be consistent with the current amenity and character of the Lowburn township¹. 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 (I discuss this in further detail later); 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.
- 1.6 There are two zoning options before the Commission for its consideration. These are:
 - a. Option A: The status quo, being the operative **Rural Resource Area** zoning; and
 - b. Option B: The submitter's requested Zoning, being the **Large Lot (Precinct 2) Residential Zone**.

¹ Paragraph 222, s42A

² Paragraph 226, s42A.

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- 1.7 In evaluating the two options under s32 of the Act, I consider Option B better achieves the purpose of the Act in relation to achieving the objectives of PC19. Ms White and I are in agreement that the Site represents a logical expansion to the proposed LLR(P2) zoning of the existing Lowburn residential area, and that the rezoning of the Site would be consistent with the current amenity and character of the Lowburn settlement³. Where I disagree with Ms White is as follows:
- a. Ms White has applied the NPS-HPL as required where a Site is subject to LUC Class 3 soils. I acknowledge that when preparing her report, Ms White did not have the benefit of evidence from Dr Reece Hill, and therefore relied on the New Zealand Land Resource Inventory classification. However, Dr Hill nonetheless concludes that the soils are not to be considered LUC 3 but rather are LUC 4 at best. As such, the NPS-HPL does not apply. Notwithstanding, I have evaluated the test under Clause 3.6(4) and consider this has been met.
 - b. Ms White suggests the provision of a Future Growth Area 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. I agree the FGOs can be an appropriate method in some circumstances, but I do not agree an FGO is warranted here, 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. 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. 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. A mechanism on the resource consent, such as a condition of consent, would be sufficient in making sure the subdivision comes online only when it can be serviced. An additional rule is not necessary.
- 1.8 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.

³ Paragraph 222, s42A Report.