

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

**EVIDENCE OF MATTHEW CURRAN FOR HAROLD KRUIZE DAVIDSON AND KORAKI LIMITED AND
SCOTTSCOTT LIMITED**

Summary Statement

Harold Kruze Davidson and Koraki Limited and ScottScott Limited seek that their land at the end of the sealed section of Hall Road is rezoned 'Large Lot residential'. It is my evidence that the land can be rezoned 'urban' despite being classified as highly productive, providing it provides for necessary residential development capacity. Subdivision across the Davidson and Koraki/Scott land would not adversely affect the urban form of Bannockburn, although I recognise that residential development across the Davidson and Koraki/Scott land would constitute an expansion of the urban boundary of Bannockburn. Regarding servicing, although upgrades would be required to connect future urban development on the Davidson and Koraki/Scott land to the council's reticulated wastewater network and increase supply/pressure from council's reticulated domestic water supply network, these upgrades are considered a logical next step when planning strategically for the development of Bannockburn.

QUALIFICATIONS AND EXPERTISE

1. My full name is Matthew Peter Curran. I am employed as a Planner (Technical Lead – Energy, Infrastructure and Minerals) at Landpro Limited (Landpro), a firm of consulting planners and surveyors.
2. I hold the qualifications of a Bachelor of Science (Geography) and a Master of Planning, both of which I obtained from the University of Otago. I am an Associate Member of the New Zealand Planning Institute (NZPI). I have 11 years' professional experience in planning and resource management.
3. I authored the Harold Kruze Davidson (Davidson) submission and have been engaged by Davidson and Koraki Limited and ScottScott Limited (Koraki/Scott) to provide independent planning services including the preparation of evidence on Plan Change 19.

CODE OF CONDUCT FOR EXPERT WITNESSES

4. Although this is not an Environment Court hearing, I confirm that I have read the Code of Conduct for Expert Witnesses within the Environment Court Consolidated Practice Note 2014 and I agree to comply with that Code. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. To the best of my knowledge I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

Summary of Harold Kruze Davidson and Koraki Limited and ScottScott Limited submissions

5. It is considered that Lot 5 DP 414299, Part Lot 3 DP 414299, Lot 1 DP 469342, Lot 2 DP 469342 and Lot 3 DP 469342 provide a logical extension to the Bannockburn residential area currently recognised as Residential Resource Area 4 (RR4) in the Operative CODP and the Bannockburn 'Large lot' residential zone proposed in Plan Change 19. The land which is the subject of my evidence is identified below in Figure 1, I will refer to this land as the 'Davidson and Koraki/Scott land'.

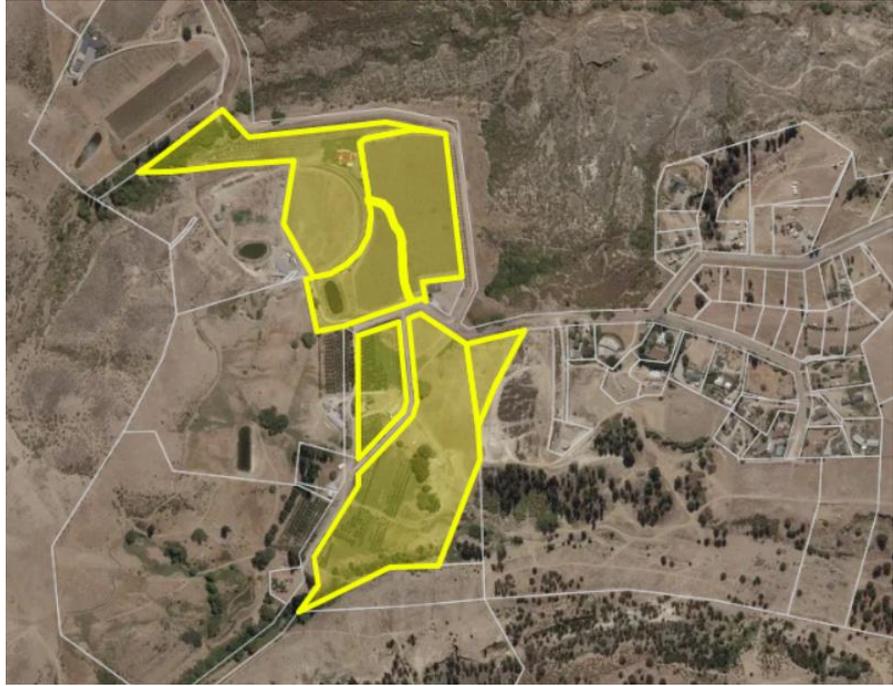


Figure 1: Land which is the subject of evidence presented on behalf of Harold Kruze Davidson and Koraki Limited and ScottScott Limited

6. Despite the ongoing high demand for residential property in Bannockburn, Plan Change 19 fails to recognise Davidson and Koraki/Scott land as suitable to be rezoned in line with the Bannockburn township. This is despite the land being accessible from Hall Road, serviced by council's reticulated water system and outside any significant amenity landscapes.
7. It is sought that the 'Large Lot' residential zone over Bannockburn is extended over the Davidson and Koraki/Scott land.

SCOPE OF EVIDENCE

8. The scope of my evidence is limited to the application of Plan Chane 19 to the Davidson and Koraki/Scott land, specifically my evidence covers:
 - Relevant matters raised by the Section 42A officer;
 - Application of the National Policy Statement for Highly Productive Land (NPSHPL) to the Davidson and Koraki/Scott land;

- Effects on the urban form associated with rezoning the Davidson and Koraki/Scott land 'large lot residential'; and
- Servicing the Davidson and Koraki/Scott land.

Section 42A report

9. Council's Section 42A officer, Ms White, addresses a number of matters relating to the proposed rezoning of land to the west of Bannockburn, they include:

- Development capacity;
- Application of the National Policy Statement for Highly Productive Land;
- Servicing; and
- Urban Form.

10. In assessing the above matters Ms White recommends that land to the west of Bannockburn is retained as land zoned 'Rural Resource Area' and that 48 & 50 Lynn Lane, and those parts of 69 Hall Road which are currently zoned RRA(4), are zoned LLRZ.

11. In Ms White's overall conclusion on Bannockburn Zoning, she states that

While I consider that the servicing constraints mean that additional land to the south and west of the Township should not be rezoned through PC19, given the shortfall of land in Bannockburn, I consider that the Council may wish to revisit the zoning of land in Bannockburn, for example through a further township-specific Spatial Planning exercise.

12. Given there is a recognised shortfall of land for residential development, in my opinion, delaying the decision on how to address this shortfall foregoes an opportunity to enable Bannockburn's development.

13. As stated in the Section 32A report "*PC19 proposes to make a complete and comprehensive suite of changes to the way the District's residential areas are zoned and managed*".
14. It is my understanding that Plan Change 19 forms part of a chapter by chapter review of the Operative Central Otago District Plan (Operative CODP). In this context, it is my opinion that Plan Change 19, should, as stated in Section 32A report, provide a comprehensive suite of changes to guide residential development in Central Otago's townships for at least the next ten years.
15. In my experience working with out of date district plans results in uncertainty for land owners and councils, and can lead to perverse development outcomes.

Application of NPSHPL

16. The bulk of land which is the subject of this submission is classified as highly productive under the National Policy Statement for Highly Productive Land (NPSHPL).
17. Ms White has applied Clause 3.6 (4) of the NPSHPL in assessing whether HPL can be rezoned 'urban'. I have included Cause 3.6(4) below for reference:

(4) Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:

(a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and

(b) there are no other reasonably practicable and feasible options for providing the required development capacity; and

(c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

18. I note that in Ms White's assessment of Clause 3.6(4), the primary impediment to rezoning HPL in Bannockburn relates to the development capacity of Bannockburn, i.e. land can be rezoned providing it is required to meet demand for residential land. Ms White explains that when Bannockburn's development capacity is calculated at a ward level (Cromwell Ward), demand is met, however at a township level (Bannockburn residential area), development capacity falls short of demand.
19. In my opinion, calculating development capacity needs to be carried out with an understanding of how townships and urban centres interrelate. Although people who reside in Bannockburn travel to Cromwell for services, the demand for land in Bannockburn is a function of its unique character, which in my opinion means it falls outside the demand envelope of Cromwell. People looking to purchase property in Bannockburn are typically not also considering purchasing property in Cromwell.
20. I note that the NPSHPL includes the following definition of urban:
- urban, as a description of a zone, means any of the following zones:*
- (a) low density residential, general residential, medium density residential, large lot residential, and high density residential:*
- (b) settlement, neighbourhood centre, local centre, town centre, metropolitan centre, and city centre:*
- (c) commercial, large format retail, and mixed use:*
- (d) light industrial, heavy industrial, and general industrial:*
- (e) any special purpose zone, other than a Māori Purpose zone:*
- (f) any open space zone, other than a Natural Open Space zone:*
- (g) sport and active recreation.*
21. The definition includes scope to consider an urban zone as a township, but not at the scale of a ward.

22. It is my opinion that if calculating the development capacity for Bannockburn, it should be undertaken at a township level – in which case there is an under supply of land for residential development.

Urban form

23. Ms White states with regard to urban form that:

I generally consider the sites to the south to be a logical area for an expansion to the boundary of the Township. I consider that zoning which 'infills' or provides a consistent urban/rural boundary to the south is most preferable, and that in general, zoning further towards the west is less preferable as it extends the township further in this direction rather than consolidating around the existing urban area.

24. I do not disagree that rezoning land to south of Bannockburn is appropriate, however, I do not consider that urban form is an impediment to rezoning land at the end of Hall Road.
25. As per the Davidson and Koraki/Scott submissions, the Cromwell Spatial Plan identifies Hall Road as a 'Key Route' up to the boundary of Davidson and Koraki/Scott land. The fact the Hall Road extends, and is sealed, up to the Davidson and Koraki/Scott land, in my opinion suggests that it falls within the urban boundary of Bannockburn. It is worth noting that Hall Road also services dwellings further west than the Davidson and Koraki/Scott land, however is not sealed past the properties in question.
26. The Davidson and Koraki/Scott land is already significantly influenced by its use as residential land and its proximity to the developed Bannockburn township. While it retains some rural characteristics, its potential as a productive rural lot has long since diminished.

27. In my opinion, development to the west of Bannockburn at the end of Hall Road on land that is not subject to the existing CODP Significant Amenity Landscape Overlay, would not adversely affect the future urban form of Bannockburn.

Servicing

28. Ms White identifies servicing as the primary reason for not recommending that Davidson and Koraki/Scott land is rezoned. Referring to the rezoning of land to the west of Bannockburn, Ms White states that *"there are servicing constraints in relation to both water and wastewater for all of these sites"* and that they *"would require significant upgrading to existing water reticulation and storage capacity to be undertaken, and for some, water would need to be pumped to this area which would result in higher operating costs"*.
29. Ms White's position on servicing is informed by the Section 42A Report – PART 2 (Zoning Requests): Water and wastewater servicing matters (servicing report) produced by Ms Muir. This report, specifically the Table on Pages 9-11, states that the Davidson and Koraki/Scott land cannot be serviced, but goes on to describe servicing as requiring 'significant upgrades'.
30. It is not clear from reading the servicing report how it was determined that properties could or could not be serviced. I note that for both water and wastewater services, updated hydraulic models are being worked on, these are expected to be completed in June 2023 and 2024 respectively. The servicing report appears to be based on existing models rather than considering what network upgrades could be reasonably actioned in future by council or landowners. I note that the servicing report states that Council has programmed to replace the main Bannockburn pipeline which feed Bannockburn township between 2024 and 2026.

31. There also appears to be an expectation that for land to be zoned residential, it must be connected to council's reticulated systems and sufficient capacity must be in place to enable residential development at the time of rezoning. In my opinion this unnecessarily restricts a district plan's ability to provide for growth.
32. As an alternative approach, land could be rezoned that maintains the urban form of Bannockburn. Services can be extended to rezoned land by council inline with council's strategy, or services could be extended by landowners as a requirement of land subdivision.
33. Objectives UFD-02 and UFD-03 (included below) in the Proposed Otago Regional Policy Statement provide for a strategic long term approach in *addressing urban form and development*.

UFD-03 – Strategic planning

Strategic planning is undertaken in advance of significant development, expansion or redevelopment of urban areas to ensure that:

1. there is sufficient development capacity supported by integrated infrastructure provision for Otago's housing and business needs in the short, medium and long term,

2. development is located, designed and delivered in a way and at a rate that recognises and provides for locationally relevant regionally significant features and values identified by this RPS, and

3. the involvement of mana whenua is facilitated, and their values and aspirations are provided for.

UFD-P1 – Strategic planning

Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:

1 ensure integration of land use and infrastructure, including how, where and when necessary development infrastructure and additional infrastructure will be provided, and by whom,

2. demonstrate at least sufficient development capacity supported by integrated infrastructure provision for Otago's housing and business needs in the short, medium and long term.

3. maximise current and future opportunities for increasing resilience, and facilitating adaptation to changing demand, needs, preferences and climate change,

4. minimise risks from and improve resilience to natural hazards, including those exacerbated by climate change, while not increasing risk for other development,

5. indicate how connectivity will be improved and connections will be provided within urban areas,

6. provide opportunities for iwi, hapū and whānau involvement in planning processes, including in decision making, to ensure provision is made for their needs and aspirations, and cultural practices and values,

7. facilitate involvement of the current community and respond to the reasonably foreseeable needs of future communities, and

8 identify, maintain and where possible, enhance important features and values identified by this RPS.

UFD–P2 – Sufficiency of development capacity

Sufficient urban area housing and business development capacity in urban areas, including any required competitiveness margin, is provided in the short, medium and long term by:

1. undertaking strategic planning in accordance with UFD-P1,

2. identifying areas for urban intensification in accordance with UFD–P3,

3. identifying areas for urban expansion in accordance with UFD–P4,

4. providing for commercial and industrial activities in accordance with UFD–P5 and UFD–P6,

5. responding to any demonstrated insufficiency in housing or business development capacity by increasing development capacity or providing more development infrastructure as required, as soon as practicable, and

6. requiring Tier 2 urban environments to meet, at least, the relevant housing bottom lines in APP10.

34. The Otago Regional Policy Statement sets a clear policy directive that territorial authorities should plan strategically for long term urban development. In my opinion, it is inappropriate to make decisions on the rezoning of land in the context of a district plan review based on existing servicing or servicing upgrades proposed in the short term. I note that the Davidson and Koraki/Scott land is already connected to council's reticulated domestic water supply network.
35. It is common for developers to upgrade servicing networks in association with proposals to develop land for residential purposes. Adopting a long term view of urban development, providing land could be serviced in line with the council's residential development standards, it is my opinion that the inability to service land in the short term does not constitute an impediment to rezoning the Davidson and Koraki/Scott land.
36. This land could be serviced now outside of Council's reticulated networks and conditions attached to any consent for the subdivision of the land requiring that the properties are connected to council's reticulated networks when they are sufficiently upgraded.
37. I note that Mr Davidson has previously sought resource consent to subdivide his land. Consent was declined, however in the relevant decision commissioners confirmed that:

In all circumstances the Panel are satisfied that the proposed development could be adequately serviced in accordance with Council's standard conditions of consent.

Conclusion

38. Harold Kruze Davidson and Koraki Limited and ScottScott Limited seek that their land at the end of the sealed section of Hall Road is rezoned 'Large Lot residential'. It is my evidence that the land can be rezoned 'urban' despite being classified as highly productive, providing it provides for necessary residential development capacity. Subdivision across the Davidson and Koraki/Scott land would not adversely affect the urban form of Bannockburn, although I recognise that residential development across the Davidson and Koraki/Scott land would constitute an expansion of the urban boundary of Bannockburn. Regarding servicing, although upgrades would be required to connect future urban development on the Davidson and Koraki/Scott land to the council's reticulated wastewater network and increase supply/pressure from council's reticulated domestic water supply network, these upgrades are considered a logical next step when planning strategically for the development of Bannockburn.