

**BEFORE THE PANEL ON BEHALF OF  
CENTRAL OTAGO DISTRICT COUNCIL**

**Plan Change 19 – Stage 2**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER**

Plan Change 19 – Stage 2

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**STATEMENT OF EVIDENCE OF MANDELA JANE CLARK,**

**ON BEHALF OF LAKESIDE CHRISTIAN CENTRE**

**16 May 2023**

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## **QUALIFICATIONS AND EXPERTISE**

1. My full name is Mandela Jane Clark. I am a Planner at Landpro Limited, a planning, surveying and aerial surveying consultancy. I have been employed by Landpro Limited since January 2021.
2. I hold the qualifications of a Bachelor of Arts in Geography and Environmental Management and a Masters in Planning from the University of Otago. I am a Graduate Member of the New Zealand Planning Institute (NZPI). I have two years' experience in planning and resource management.
3. During this period, I have been involved in a range of resource consent matters from a regulatory perspective, including providing policy advice, stakeholder engagement, and reviewing, evaluating, and drafting resource consent applications.
4. In this matter, I am representing Lakeside Christian Centre in their engagement on Plan Change 19, including the preparation of the submission and preparation of this evidence.

## **CODE OF CONDUCT FOR EXPERT WITNESSES**

5. 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.

## **SCOPE OF EVIDENCE**

6. I have limited this submission to the matters raised in our submission.

## **COMMENT ON PLANNING REPORT**

7. Council's Section 42A officer, Ms White, addresses a number of matters relating to the proposed rezoning of land by Lakeside Christian Centre, they include:
  - Application of the National Policy Statement for Highly Productive Land;

- Servicing; and
  - Urban Form and Landscape Assessment.
8. Ms White recommends that Lakeside Christian Centre land is retained as Rural Resource Area. Where Lakeside Christian Centre is not in agreement, this has been expanded on below.

### **National Policy Statement for Highly Productive Land (NPS-HPL)**

9. Lakeside Christian Centre does not support Ms White's comments in regard to the NPS-HPL. The Lakeside Christian Centre is of the opinion that the small site is not considered a productive parcel and is not a sufficient size to accommodate a profitable orchard and/or vineyard operation, especially when you consider the proximity of existing residential dwellings and potential reverse sensitivity concerns.
10. 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.*

13. I note that in Ms White's assessment of Clause 3.6(4), the only impediment to rezoning HPL in Lowburn relates to the development capacity of Lowburn, i.e., land can be rezoned providing it is required to meet demand for residential land. Ms White explains that the development capacity is calculated at a ward level (Cromwell Ward), and that the proposed demand is met, however, there is no assessment provided at a township level (Lowburn residential area).
14. In my opinion, calculating development capacity needs to be carried out with an understanding of how townships and urban centres connect. Although people who reside in Lowburn travel to

Cromwell for services, the demand for land in Lowburn 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 Lowburn are typically not also considering purchasing property in Cromwell.

15. 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.*

16. The definition includes scope to consider an urban zone as a township, but not at the scale of a ward.

17. It is my opinion that if calculating the development capacity for Lowburn, it should be undertaken at a township level.

18. Lakeside Christian Centre recognises the significance of retaining highly productive land. However, there is a clear and longstanding need to provide additional infill development to support the supply of new housing in the district and this land in their opinion clearly aligns with further residential development at a location that is the heart of Lowburn.

## **Servicing**

19. Lakeside Christian Centre does not support the entirety of Ms White's assessment about servicing. Ms White identified servicing as a key reason for not recommending that Lakeside Christian Centre land is rezoned.

20. 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 2028 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 reticulated wastewater Lowburn pipeline, which feed the Lowburn township between 2026 and 2028.

21. There also appears to be an expectation that in order 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.
22. In my opinion, this unnecessarily restricts a district plan's ability to provide for growth.
23. 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.*

24. 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 appropriate 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.

25. 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.

### **Landscape Assessment – Character**

26. Lakeside Christian Centre does not support Ms White's recommendation that the site requires a landscape assessment in order to be considered for rezoning. The suggested change represents a very slight tweak in the residential boundary, not a radical departure from the current zone that would represent major additional assessment, so therefore a Landscape assessment in this instance would be disproportionate to the effects created and, in our opinion, not needed.

27. The site is located on the Lowburn valley floor, the site is not located within a '*Significant Amenity Landscape*' or '*Outstanding Natural Landscape*' and forms part of the existing residential environment. The site sits adjacent to existing residential and is located at the heart of Lowburn in clear walking distance Lowburn's amenity areas. Further being located on the valley floor means that future residential built form is not going to take away from any views from existing developed areas.

### **Rezoned as Business**

28. Lakeside Christian Centre does not support Ms White's recommendation that the site may be better to be rezoned as '*Business Resource Area*.'

29. The submitter considers that the site is not appropriate to be rezoned as '*Business Resource Area*' for the following reasons:

- We don't see there is sufficient demand for commercial operations to be located within Lowburn, due to its proximity to the commercial and business centre in Cromwell.
- The rezoning of the site would create spot zoning, which would impede the current rural residential character and amenity of Lowburn.



- Additionally we were lead to believe that Business Resource Areas were not in scope of this District Plan chapter review.

### **Summary**

30. Overall, we believe it would be more appropriate for the land to be rezoned '*Large Lot Residential Zone P2*' that aligns with the character of the existing area and believe it represents a logical extension of this zoning that would fit in with the character of the existing development at this location.

**Mandela (Della) Clark**

*Bella Clark*

**Planner – Landpro Limited**

16 May 2023