

BEFORE THE CENTRAL OTAGO DISTRICT COUNCIL

IN THE MATTER Plan Change 19 to the Operative
Central Otago District Plan

**STATEMENT OF EVIDENCE OF CRAIG ALAN BARR ON BEHALF OF
PISA VILLAGE DEVELOPMENT LIMITED & PISA MOORINGS
VINEYARD LIMITED (#146)**

PLANNING

16 May 2023

CONTENTS:	PAGE
1. EXECUTIVE SUMMARY	1
2. INTRODUCTION	2
3. SCOPE OF EVIDENCE	4
4. BACKGROUND	5
5. THE DECISION MAKING FRAMEWORK AND KEY STATUTORY DOCUMENTS	6
6. MATTERS RAISED IN THE S42A REPORT	7
7. EVALUATION OF THE PROPOSAL	15
8. RECOMMENDED AMENDMENTS TO THE PC19 TEXT	16

ATTACHMENTS:

Appendix A: Key Objectives and Policies

Note: The Revised Pisa West Structure Plan and Zone plan is in Appendices A and B of Mr Hills evidence.

1. EXECUTIVE SUMMARY¹

- 1.1** The proposed rezoning will better give effect to the RMA and key statutory documents than the existing Rural Resource Area zoning. This is because the proposal will provide for a significant increase in housing capacity, and can remedy the identified shortfall in the medium term and long term housing capacity for Pisa Moorings. The change from a rural character and rural land resource to urban will not be adverse and the benefits of the rezoning outweigh the costs.
- 1.2** The proposed MRZ will provide for a variety of housing which is located only a short commute to Cromwell, but well located to high recreational and amenity opportunities provided by Lake Dunstan and the local active travel networks.
- 1.3** The proposed Commercial Precinct is compatible with the PC19 framework, accords with the National Planning Standards directions, will provide a local service and an anchor to Pisa Moorings that is otherwise missing, and will foster a vibrant community node at Pisa Moorings.
- 1.4** While the infrastructure constraints are acknowledged, there are other methods available which are more appropriate to signal that zoned land is subject to infrastructure constraints, than arresting appropriate development through a Future Growth Overlay. Alternatives include a rule or policy which highlights that network infrastructure is at issue or the requirement to stage subdivision and development in a way that is compatible with infrastructure upgrades. The infrastructure constraints at Pisa Moorings already exist, and deferring what is an otherwise appropriate zoning through another future plan change process is very inefficient, particularly where the District Plan zoning regime created by PC19 will endure longer than the infrastructure issues identified in the S42A Reports.
- 1.5** The proposed amendments to the PC19 text to facilitate the rezoning integrate well with the PC19 framework, and a structure plan is appropriate for the Site given its size at 24.3ha and approximated yield of 292 dwellings, which is also supported by the S42A Report.

¹ My executive summary can be also taken as the optional summary statement which may accompany briefs of evidence as directed in Minutes 1 and 3 by the Hearings Panel.

2. INTRODUCTION

- 2.1 My name is Craig Alan Barr. I am a planning consultant and have been asked to prepare planning evidence on the Central Otago District Council's (**Council/CODC**) Plan Change 19 (**PC19**) to the operative Central Otago District Plan (**District Plan/ODP**).
- 2.2 I have been engaged by Pisa Village Development Limited and Pisa Moorings Vineyard Limited Submitter #146 (**Submitter**) to provide planning evidence in relation to their rezoning submission for their land at Pisa Moorings under Plan Change 19 (**PC19**) to the operative Central Otago District Plan (**ODP/District Plan**).
- 2.3 My qualifications and experience are set out in my evidence on Stage 1 dated 11 April 2023 in which I discussed on behalf of the Submitter the National Policy Statement Urban Development (**NPS-UD**) in the context of PC19, the District qualifying as a Tier 3 local authority under the NPS-UD, and submissions on the PC 19 text.
- 2.4 Since my Stage 1 evidence, I have also read the 'Stage 2' Council evidence and supporting information.
- 2.5 In preparing my evidence I refer to and rely on the following evidence:
- (a) Mr Jason Bartlett, traffic;
 - (b) Ms Bridget Gilbert, landscape; and
 - (c) Mr Campbell Hills, subdivision and infrastructure.
- 2.6 I am also providing planning evidence for other submitters², and there are synergies with the relief sought by the Submitter and those submitters in terms of the application of the NPS-UD, the wider urban residential growth and spatial layout of PC19, and potential constraints to both urban expansion and consolidation opportunities in exiting urban areas as identified by the Council's section 42A reports.

² #139 One Five Five Developments LP associated with land in Alexandra, #135 Cairine MacLeod associated with land in Bannockburn, and #82 D.J. Jones Trust and Searell Family Trust associated with land at Bannockburn.

Code of conduct for expert witnesses

- 2.7** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise.

Summary of relief sought relevant to this evidence

- 2.8** It is proposed to rezone four sites (collectively, **the site**) with a combined area of 24.3ha located adjacent to the existing Pisa Moorings residential suburban township, to 16.8ha Low Density Residential zoning (**LRZ**), 7.6ha Medium Density Residential zoning (**MRZ**) and within this 7.6ha area, a local retail/convenience commercial zoning, referred to as Commercial Precinct of 1.7ha (**the proposal**).
- 2.9** The location and extent of the site is depicted in Figures 1 and 2 of Ms Gilbert's evidence, including a detailed description of the site and surrounding environment. I do not repeat that description but refer to and rely on Ms Gilbert's evidence and graphic attachment in Appendix A of her evidence.
- 2.10** The Site is zoned Rural Resource Area (**RRA**) except for two areas which are zoned residential under the ODP, and in PC19 zoned LLRZ (2.2ha) and LRZ (0.9ha).
- 2.11** The proposed rezoning would facilitate in the order of 292 residential lots. The intended land uses within the proposed commercial precinct would be for local convenience retail activities, small scale education and community or commercial activities such as an early childhood education centre, medical consulting rooms and consulting services.
- 2.12** Vehicle access to the Site will be via the existing Pisa Moorings roading network, and onto State Highway 6 via Pisa Moorings Road. Water and wastewater servicing will be via the Council's reticulated supply, or via temporary alternatives as agreed to with Council at the time of resource consent as discussed in Mr Hills' evidence).

3. SCOPE OF EVIDENCE

3.1 My evidence addresses the following matters:

- (a) The background to the rezoning and the submission.
- (b) Discussion of the key matters raised in the s42A Reports, being:
 - (i) Infrastructure and the Future Growth Overlay.
 - (ii) Medium Density Residential;
 - (iii) Commercial Precinct;
 - (iv) Structure Plan and related provisions;
- (c) Evaluation of the Proposal.
- (d) Recommended Amendments to the PC19 Text.

3.2 In preparing this evidence, I have read and considered the following documents:

- (a) The PC 19 documentation including the notified text, the ODP text which is identified to amended and the Council's section 32 evaluation;
- (b) The Cromwell Spatial Plan and also the Vincent Spatial Plan;
- (c) The Resource Management Act 1991 (**RMA**);
- (d) The partially operative Otago Regional Policy Statement 2019 (**PORPS**) and the proposed Otago Regional Policy Statement 2021 (**pORPS21**);
- (e) Relevant national policy statements including the NPS-UD and the National Policy Statement Highly Productive Land 2022 (**NPS-HPL**);
- (f) The National Planning Standards Framework (**NPSF**);
- (g) The Council's Stage 1 section 42A report on the PC 19 text prepared by Ms White (S42A Stage 1 report);
- (h) The Council's Stage 2 section 42A report on the PC 19 text prepared by Ms White (S42A Stage 2 report);
- (i) The Council's Stage 2 section 42A report 2 on infrastructure prepared by Ms Julie Muir (S42A Stage 2 report 2); and
- (j) Submissions and further submissions from those persons who have had an influence and/or garnered attention in the S42A report and/or supplementary evidence.

4. BACKGROUND

- 4.1 The submitters have been investigating a plan change on the site for several years and have commissioned various technical reports to identify environmental constraints and opportunities and test the most appropriate zoning response. During promulgation of the rezoning proposal the Council resolved to notify PC19, being a review of the existing residential zoning of the District Plan, and to implement the Cromwell and Vincent Spatial Plans.
- 4.2 The Council advised the submitters that a request for a private plan change was unlikely to be accepted for notification due to the review of and imminent notification of, a revised planning framework for the District's residential zones. The Council accepted that a submission to rezone the site as part of the PC19 notification and submission process would be accepted in lieu of a request for a plan change.
- 4.3 The rezoning request has adopted to the greatest extent practicable the Council's PC19 zoning framework. The submission on the PC19 chapter text is generally supportive of the fundamental concepts of PC19, with the majority of submission points related to drafting clarity and refinements, and ensuring that the Medium Density Residential Design Guidelines, and the Comprehensive Residential Development guidelines are required to be considered as part of the resource consent application process.
- 4.4 The submission was supported by the following information (with text amendments to the Central Otago District Plan included below as part of the general submission on the PC 19 notified text) referred to collectively as the **Submission Document**:
- (a) **Attachment A** Proposed Rezoning Plan
 - (b) **Attachment B** Proposed Structure Plan
 - (c) **Document 1** Planning Statement and Assessment of Effects on the Environment
 - (d) **Document 2** Section 32AA evaluation
 - (e) **Document 3** Preliminary Infrastructure and Services Report
 - (f) **Document 4** Transport Assessment
 - (g) **Document 5** Landscape assessment
 - (h) **Document 6** Acoustic assessment

(i) **Document 7** Detailed Site Investigation

4.5 With the exception of some minor amendments to the proposed planning provisions as recommended in the S42A Report, and a updated structure and zone plan, the relief and the proposal is the same as that sought, described and evaluated in the submission documents. For these reasons the Submission documentation is relied upon as part of my evidence.

5. THE DECISION MAKING FRAMEWORK AND KEY STATUTORY DOCUMENTS

5.1 The Submission Document Section 32AA evaluation identifies the relevant decision making framework and key statutory documents being the NPS-UD, PORPS and the ODP.

5.2 Since the submission was filed, new documents or changes are the introduction of the National Policy Statement Highly Productive Land (**NPS-HPL**) and amendments to the National Policy Statement Freshwater Management and National Environmental Standard Freshwater. None of these National Policy Statements affect the site.

5.3 Since the Submission and section 32AA evaluation was lodged in August 2022, and the S42A Stage 1 Report was filed in March 2023 which considered that the District was not a Tier 3 local authority. I have further considered this matter and the implications of the NPS-UD in the context of the District qualifying (or not) as a Tier 3 local authority. I remain of the view that the District is a Tier 3 local authority however, in the event it is not, I reiterate that the Council, and primarily through its District Plan must give effect to the NPS-UD which in broad terms seeks to achieve the following³:

- (a) making room for growth,
- (b) Encouraging housing affordability;
- (c) Addressing amenity and change in urban environments; and
- (d) Enabling opportunities for growth and responsive planning.

³ Ministry for the Environment. 2020. Introductory guide to the National Policy Statement on Urban Development 2020. Wellington: Ministry for the Environment. [Introductory-Guide-to-the-National-Policy-Statement-on-Urban-Development-2020.pdf](https://www.mfe.govt.nz/assets/Uploads/Introductory-Guide-to-the-National-Policy-Statement-on-Urban-Development-2020.pdf) ([environment.govt.nz](https://www.environment.govt.nz/))

5.4 For the above reasons I refer to the S32AA evaluation attached to the Submission. Where relevant throughout my evidence I have also referred to those documents.

6. MATTERS RAISED IN THE S42A REPORT

6.1 Having reviewed the Stage 2 S42A Reports of Ms White (planning) and Ms Muir (infrastructure), I consider the key issues raised which require further evaluation are:

- (a) infrastructure and Potential Future Growth Overlay
- (b) Whether the MRZ and Commercial Precinct best give effect to the key statutory documents
- (c) Structure Plan and related provisions

infrastructure and Potential Future Growth Overlay

6.2 The S42A Report supports the rezoning and inclusion of the structure plan with recommended policy for structure plans (with the exception of the MRZ and Commercial Precinct). However, due to identified network water and wastewater constraints it is recommended the Site is identified as a Future Growth Overlay (**FGO**), with the structure plan added to the District Plan:

I consider that the lack of servicing available to support the zoning of this site precludes the ability to rezone it in full now, but given that these matters are expected to be resolved in time, I consider that application of a Future Growth Overlay is appropriate and would allow for infrastructure planning to be integrated with development of this site. Notwithstanding that the FGO would need to be lifted before development could occur, I consider that it is more efficient to include the Structure Plan and related provisions at this time. ⁴

6.3 Mr Hills' infrastructure evidence acknowledges that while there are infrastructure constraints currently, these are wider network issues that exist already, and while the proposal would increase demand for water and wastewater services, is not the root cause of the identified constraints.

⁴ Stage 2 S42A Report 1 Liz White at [257].

Furthermore, there are options to overcome the constraints through the proposed development, with Council's discretion being applied through the resource consent process. There exists the opportunity through a relatively large greenfield development such as this proposal for the Council and subdivider/submitters' to engage into a development agreement to assist with infrastructure upgrades.

- 6.4** As noted by Mr Hills, Ms Muir's S42A report identifies that the constraints at Pisa Moorings (and over the wider networks) are scheduled to be resolved around 2029. The time it would take to make PC19 operative, and for a first stage subdivision to be designed, consented, built and titled, would be no sooner than three years from present. Furthermore, this would only increase demand on infrastructure by a relatively small amount given that the initial stage of development would be for a very small portion of the overall Site (estimated at 40 lots or less), and some development of the site is already anticipated through the areas of existing residential zoning. For these reasons I do not consider a FGO an appropriate method for this proposal. My understanding is that irrespective of the intentions shown in the District Plan of a FGO, the underlying zoning still applies. To enable the 'operative' urban zoning would require a full Schedule 1 RMA plan change process. I consider that this pathway would present significant inefficiencies in terms of transaction costs, timing for the process and is a lost opportunity to motivate the landowners to engage with the Council at the present time to assist with infrastructure upgrades in a more direct way than development contributions.
- 6.5** PC 19 as notified did not identify any new greenfield growth for Pisa Moorings, however the constraints already existed, and the rezoning of greenfield land for MRZ provides opportunities for the Council to work with subdividers to contribute to network infrastructure.
- 6.6** While I acknowledge the positive intent of the S42A Report's recommendation to accept the rezoning subject to a FGO until infrastructure constraints are resolved. I consider there are more practicable and efficient options available. These could include the following alongside accepting the rezoning as sought:
- (a) A dedicated rule or policy which acts as a trigger to engage the matter of infrastructure constraints; or
 - (b) A notation on the structure plan highlighting the matter;

(c) A method which encourages staging to ensure the development does not proceed ahead of available water or wastewater capacity.

6.7 The above methods are efficient in that they would not result in the need for a future plan change as required under the FGO, but are effective in that they make it clear to any potential subdivider of the land that there is a constraint and while unlikely to occur in any event, a person seeking the immediate development of the entire site at once is not likely to be able to be accommodated. These methods for deferred zones or future urban zonings are regularly deployed in other parts of the country and have a more efficient outcome by enabling a dormant zoning being able to be brought onstream through a rule provision, rather than the use of the FGO which is effectively a rejection and retention of the status quo RRA zoning.

MRZ

6.8 The S42A Report raises the matter of whether the proposed MRZ is a good fit at Pisa Moorings, owing to the MRZ as notified being located only in the larger settlements of Cromwell, Alexandra and Clyde, the impact on the change in character and alignment with Cromwell Spatial Plan. The S42A report also acknowledged that the proposed MRZ could assist the objectives of PC19 by providing for a variety of housing where the demand exists.

6.9 Further to this, the S42A Report correctly identifies that at Pisa Moorings there is insufficient housing supply to meet demand, with the PC19 zonings expected to provide 530 dwellings, which is a shortfall of 550 dwellings under the medium forecasted demand and 730 dwellings under the high forecasted demand by 2054⁵. This shortfall may also be attributable to the Site initially being included in the housing capacity model but then taken out as part of the updated Rationale September 2022 housing capacity study, which I understand is based on PC19 as notified.

6.10 The proposed Pisa Moorings MRZ is centrally located within the Site and the existing Pisa Moorings Residential area will be 'buffered' by the outlying proposed LRZ, as identified and discussed by in Ms Gilbert's evidence. While the form and density of development would be a change in the character and density of development at Pisa Moorings, I do not

⁵ Ibid at [242].

consider it to be an adverse change in terms of effects on the amenity values of existing Pisa Moorings residents. I consider the proposed structure plan sets a good blueprint for future development, and I have confidence the resultant development would be good quality and contribute to the amenity and character of Pisa Moorings. The MRZ and Commercial Precinct sitting inside the MRZ, can foster a vibrant neighbourhood anchor and create a sense of place at Pisa Moorings.

- 6.11** I also note that Pisa Moorings already contains an area of medium density type buildings at the Marina. While the form, function and nature of development within the MRZ will be different to those, there already exists a mix in the density of buildings.
- 6.12** The MRZ at Pisa Moorings, located 10km north of Cromwell and a 10 minute drive on SH6, is not located within or directly adjacent to the existing Cromwell township, but is however well connected to the high amenity and high recreational resource of Lake Dunstan and cycle trails. I also note that the emergence of the Commercial Precinct will fulfil the role of providing local convenience, services, education activities and community activities. In this context I consider that the MRZ is appropriate from a spatial perspective. I also note (as I have mentioned in the evidence for Submitter #82 in the context of a small 1.8ha of MRZ at Bannockburn), PC19 includes in the settlement of Clyde an area of 24ha MRZ and is located just under ten minutes drive from Alexandra (albeit on a roading network with lower speeds and less direct than SH6 between Pisa Moorings and Cromwell). In this context I do not see Pisa Moorings as an outlying settlement and I consider the MRZ is appropriate and its inclusion at Pisa Moorings appropriate.
- 6.13** While I consider the PC19 MRZ to be relatively 'intense' by traditional Medium Density standards in New Zealand, with a minimum lot size of 200m² and building height of 11 metres and 3 storeys, good quality outcomes can be achieved through proposals by considering the residential design guidelines and comprehensive residential development criteria proposed as part of PC19⁶.

⁶ I recommend in my Stage 1 evidence the design guidelines are incorporated by reference into the ODP to ensure they are engaged at the time of development.

- 6.14** It is also noted that there is no maximum lot size specified for the zone, and a medium density housing form can be achieved by way of two-storey dwellings on lots ranging in size from 300m²- 400m². What may happen at Pisa Moorings is buildings of a lower density and height than what is potentially envisaged in the PC19 MRZ.
- 6.15** In addition, a commercial precinct is proposed within a 1.7ha portion of the proposed MRZ zone to provide for small scale commercial activities that meet the needs of the existing and future Pisa Moorings settlement. While the PC19 MRZ framework provides a resource consent pathway for 'local convenience retail' activities, a dedicated precinct is considered the most appropriate option in these circumstances because this will provide a dedicated 'village node' to support the proposed MRZ neighbourhood and surrounding residential area. I also note that with the exception of the existing café and restaurant at Pisa Moorings, there is an absence of local service activity to support the Pisa Moorings community.
- 6.16** The proposed MRZ area would be subject to a restricted discretionary activity resource consent, to ensure functionality and good quality built form outcomes.
- 6.17** The northern location of the proposed MRZ area has been designed to be located centrally within the rezone (east/west) area to provide a buffer to established residential development within Pisa Moorings, and in a northern location to utilise opportunities to reuse the infrastructure provided as part of the pack house and related hard stand areas. The MRZ is focusing higher densities close to the proposed commercial precinct which is intended to include small retail and service amenities, convenience shopping, an early childhood education activity and open space.
- 6.18** The use of the MRZ will encourage a diversity of housing options and choice which can also assist with alleviating a lack of affordable housing in the Upper Clutha area. I consider the MRZ and Commercial Precinct best gives effect to Objectives 1 and 2, and Policy 1 of the NPS-UD because it will provide for the needs of the community through a well-functioning urban environment providing for a variety of housing types which, in addition to yield can contribute to housing affordability.

- 6.19** I note that the MRZ is relatively large at 7.4ha, however as indicated in Ms Gilbert's Evidence Appendix A, the MRZ and as directed by the Structure plan will have a grid-like block and roading pattern with cul-de-sacs avoided. As indicated, in that plan it is likely the Commercial Precinct will contain an open space area, perhaps where the existing irrigation pond for the orchard exists.
- 6.20** In this regard I do not consider the introduction of the MRZ at Pisa Moorings, particularly where it will be implemented via the Structure Plan, to be incongruent with the intentions of the MRZ nor its objectives and policies. For these reasons the costs of the MRZ and Commercial Precincts form and character will be low and outweighed by the benefits.

Commercial Precinct

- 6.21** The S42A report⁷ has expressed concern with the Commercial Precinct, where it raises concerns associated with the role and function of Commercial Precinct, whether it fits with the design of PC19 which is intended to accord with the National Planning Standards framework (**NPSF**), and that both the design of a commercial activity area and the merits are best reviewed as part of the review of the ODP Business Zones.
- 6.22** Similar to the evaluation I have undertaken in relation to similar comments for Submitter #82 with regard to a small commercial precinct at Bannockburn I consider that now is the most appropriate time to consider a local retail and service node at Pisa Moorings, and this does not need to wait for a review of the District's Business Zones. There is also the uncertainty of the land being included in such a review in the future.
- 6.23** With regard to whether the proposed Commercial Precinct would accord with the NPSF, the Standards identify the use of precincts for the following purposes:
- (a) If used, precincts that apply to only one zone must be located within the relevant zone chapter or section⁸.
 - (b) If used, precincts that apply to multiple zones, must use the Precincts (multi-zone) heading and each precinct must be a separate chapter.

⁷ Stage 2 S42A Report 2 Liz White at [249].

⁸ National Planning Standards. Part 4 District Plan Structure Standard.

- (c) Precincts must be identified with 'PREC', followed by a sequential number, a space, an en-dash, a space, the precinct's unique name, a space, and 'precinct'⁹.
- (d) A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s)¹⁰.

6.24 I consider that the proposed commercial precinct fits comfortably with the NPSF and can be adapted to PC19 because the purpose of the Commercial Precinct at Pisa Moorings is to identify and manage an identified area where additional place-based provisions apply which modify or refine aspects of the policy approach to the MRZ.

6.25 I also note that other recently reviewed District Plans have applied commercial precincts to residential zones, including the Queenstown Lakes Proposed District Plan (PDP) which has a commercial precinct in the urban Settlement Zone at Luggate, Cardrona, Kingston and Glenorchy. The combined Proposed West Coast Districts Te Tai o Poutini Plan utilises a commercial precinct within its Rural Settlement Zones, with provision for a dedicated neighbourhood centre in other areas. Likewise, the QLDC PDP has a dedicated Local Shopping Zone in its larger suburban centres of Queenstown suburban area, Wanaka, Albert Town and Frankton.

6.26 I also consider that a commercial precinct is appropriate, and more appropriate than selecting an existing ODP Business Zone because unlike a dedicated Business Zone or the NSPF Neighbourhood Centre Zone, the proposed Commercial Precinct is a place-specific method of the underlying zone, which means that with the exception of specifically identified rules or other provisions for the Commercial Precinct, the underlying zoning, objectives, policies and rules of the MRZ apply. In my view, this helps ensure that the commercial precinct activities will be of a compatible bulk and location as the surrounding environment.

6.27 From a section 32 and costs and benefits consideration, this approach is very efficient because it only engages those specific place-based provisions at that location, and avoids the need for a dedicated 'new' zone.

⁹ Ibid Section 10 Format Standard. This can be readily followed through by way of final drafting.

¹⁰ Ibid Section 12 District Spatial Layers Standard. Table 18.

This 'constraint' also helps ensure that the role and function of the commercial precinct is for local convenience retail and services. In addition, I have proposed rules which will ensure subdivision and development is in keeping with the intended purpose and character of the surrounding area:

- (a) A restricted discretionary activity requirement for buildings, and for anticipated activities, so that the form, function and effects can be managed to ensure a good quality outcome.
- (b) A rule providing for a limited range of commercial activities so that the precinct is used as intended for local services, and providing for residential units above ground floor.
- (c) Rules limiting the floor area of individual office and individual retail activities to ensure that the activities are of a small scale, fulfil a local need and do not have potential to detract from the role, function and viability of the Business Zoned land in Cromwell.

6.28 The full suite of proposed marked-up rules are set out below. I consider it is important to emphasise that the design of the Commercial Precinct District Plan text is that it is not a dedicated commercial zone, but an overlay that sits within the MRZ framework. The objective and rule framework can also be applied universally across other Commercial Precincts and will not in my view conflict with the ODP's Business Zone framework.

6.29 For the above reasons, the benefits of providing for a commercial precinct to facilitate a modest node of mixed use development, and foster the emergence of a local service area and anchor to Pisa Moorings outweigh any costs.

Structure Plan and related provisions

6.30 Ms White's S42A Report recommends that the Structure Plan be accepted subject to some amendments to the legend and notations, including replacing a proposed policy with annotations.

6.31 I consider that referencing the matters in a policy is stronger from a statutory perspective, but I also agree with Ms White's recommendations to have a generic policy which states '*Ensure that subdivision and development in any area to which a Structure Plan applies is developed in*

*general accordance with the Structure Plan.*¹¹ If the relevant matters are identified on structure plan the recommended policy will help ensure these features are implanted. I therefore agree with Ms White's recommendations and I can see that it makes for more economic drafting.

6.32 Ms White also recommends adding a new matter of discretion to the relevant subdivision activity rule which I support, as was included in the Submission Document requested amendments.

6.33 Appendix A of Mr Hill's evidence contains an updated Structure Plan and Appendix B of his evidence contains an updated Zone Plan reflecting the notation amendments requested by Ms White, including the Building Line Restriction at the southern end of the Site, along with the addition of existing Scheduled Activity 127.

6.34 In relation to the identified reflectivity value of >40% for roofs, while I agree with Ms White that this is not used elsewhere, I also agree with Ms Gilbert that it will help deliver a good amenity outcome and assist in a small way with buildings bedding into the environment. I consider the matter can be added to the notation on the Structure Plan legend, while this means it is not directly engaged as a land use rule in the LRZ and MRZ, the notation can be followed through by condition of consent. This is more efficient from a plan drafting perspective than adding the rules to each of the LRX and MRZ Chapters.

6.35 The full suite of text amendments are below in Section 8.

7. EVALUATION OF THE PROPOSAL

7.1 The above evaluation of the key matters as identified in the S42A Report has for the most part also addressed the relevant statutory provisions. I consider an associated matter touched on above which is that the rezoning would make a significant contribution to housing capacity through an additional 292 lots, and while the Site was not identified in the Cromwell Spatial Plan, the proposal better gives effect to the NPS-UD, PORPS and Objective 6.4 and Policies 6.4.1 and 6.4.2 of the ODP.

¹¹ S42A report 1 Liz White at [255].

- 7.2** NPSUD Policy 2 requires that Tier 1, 2, and 3¹² local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium, term, and long term. I consider that the NPSUD can best be given effect to if the shortfall in capacity at Pisa Moorings is rectified, such as through appropriate expansions, rather than deferring all 'new' zoned development to Cromwell.
- 7.3** In addition existing ODP Policy 6.4.2 contemplates urban expansions providing a range of environmental effects related qualifiers are met. The ODP framework when contemplating urban extensions, does not explicitly prefer residential development to be focused in one area over any other.
- 7.4** NPSUD Objective 2¹³ seeks to improve housing affordability by supporting land and development markets. NPS-UD Objective 2 approaches the concept of a local authority achieving sufficient housing capacity not as a ceiling, but as a minimum and to be responsive to opportunities for proposals that would add further to housing supply.
- 7.5** For these reasons, I consider that the proposal best gives effect to the NPS-UD and in this context will assist the Council through its District Plan to achieve the NPS-UD. I also consider that the infrastructure constraints are not necessarily better addressed by deferring the rezoning but by acknowledging it and contemplating how the proposal can make a contribution toward upgrades.

8. RECOMMENDED AMENDMENTS TO THE PC19 TEXT

- 8.1** The recommended amendments to the PC19 text to incorporate the proposal are set out below. I consider the amendments to be a suitable fit with the design of PC19 and do not result in excessive additional text to the PC19 provisions.
- 8.2** For the Commercial Precinct I also support and recommend the same amendments for the Submitter as I have for Submitter #82 D. J. Jones Trust and N.S. Searell Family Trust.

¹² Policy 2 applies to only Tier 1, 2, or 3 local authorities.

¹³ Objective 2 applies to all local authorities.

8.3 Therefore, the new Commercial Precinct provisions can be applied universally to more than one area, as noted above I consider the Commercial Precinct to be appropriate and able to be universally applied across the District. In this context I consider the proposed provisions to be efficient and effective in section 32 terms, i.e in terms of their costs and benefits in terms of their implementation but are also efficient from a plan design perspective.

The rezoning related additions are shown in red underline and strikethrough and tracked against the notified PC19 text (unless otherwise stated)

Amend Introduction MRZ

MEDIUM DENSITY RESIDENTIAL ZONE

Introduction

The Medium Density Residential Zone is located within the townships of Alexandra, Clyde, ~~and~~ Cromwell, Bannockburn and Pisa Moorings in areas that are within a walkable distance of commercial areas or other key community facilities.

[Add the following text after the fourth paragraph:]

Precinct 1 is located within Clyde. Because Precinct 1 is within or near the Clyde Heritage Precinct, development within this area has the potential to impact on the character of the Heritage Precinct. Therefore, a lower height limit is applied in Precinct 1, and development within the Precinct needs to be considered in terms of its relationship with the Heritage Precinct. Precinct 2 is located in Bannockburn and has a lower height limit to provide for two storey buildings to maintain character and amenity.

[Add the following text after the fifth paragraph:]

...

While the focus of the zone is residential, some commercial and community facilities are anticipated, where they support the local residential population and are compatible with the purpose, character and amenity values of the zone. Commercial Precincts identify where commercial and community facilities are encouraged to establish that are of a scale which is compatible with residential amenity and character and serve a local convenience purpose.

New Objectives and Policies Medium Density Residential Zone

Objective	
<u>MRZ-O3</u>	<u>PREC1- Commercial Precincts</u>
<u>Commercial activities and community facilities are provided for within the Commercial Precincts, are limited in scale and maintain or enhance residential amenity, provide for local convenience and services, and support the local economy.</u>	

Policy

MRZ-P7

PREC1- Commercial Precincts

Identify Commercial Precincts on the Planning Maps, within which commercial activities and community facilities are provided for in order to meet the day-to-day needs of residents and visitors and support the local economy, subject to:

1. restricting the gross floor area of individual retail activities and individual office activities that may adversely affect the:
 - a. establishment and retention of a diverse range of activities within the Commercial Precinct;
 - b. role and function of the Business Resource Areas that provide for large scale retailing; and
 - c. safe and efficient operation of the transport network.

2. controlling the height, scale, appearance and location of buildings to achieve a built form that:
 - a. complements the existing pattern of development, where established;
 - b. positively contributes to the streetscape and any open space; and
 - c. minimises adverse effects on neighbouring residential activities.

New Rules

(New restricted discretionary rule added after Rule MRZ-R14)

<p><u>MRZ-RX</u> <u>PREC1</u></p>	<p><u>PREC1- Commercial Precinct</u></p>	
<p><u>Medium Density Residential Zone</u></p>	<p><u>The following activities within a Commercial Precinct</u></p> <p><u>Activity Status: RDIS</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> 1. <u>Buildings;</u> 2. <u>Commercial Activity;</u> 3. <u>Community Facilities;</u> 4. <u>Residential Activity located above ground floor.</u> 	<p><u>Activity status where compliance with Rx1-4 is not achieved: NC</u></p> <p><u>Matters of Discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>Hours of operation.</u> 2. <u>Location of parking, provision for mobility parking, traffic safety, manoeuvring.</u> 3. <u>Location and screening of recycling and waste.</u> 4. <u>Servicing.</u> 5. <u>Noise.</u> 6. <u>Design.</u> 7. <u>Scale and appearance of buildings.</u>

		8. <u>Signs.</u> 9. <u>Lighting.</u>
--	--	-----------------------------------------

New Standard

<u>MRZ-SX</u> <u>PREC1-</u> <u>Medium</u> <u>Density</u> <u>Residential</u> <u>Zone</u>	<u>Retail and office activities within a Commercial Precinct</u>	
	<ol style="list-style-type: none"> 1. <u>Individual retail activities within a Commercial Precinct shall not exceed 200m² gross floor area.</u> 2. <u>Individual office activities within a Commercial Precinct shall not exceed 100m² gross floor area.</u> 3. <u>In the Commercial Precinct at Pisa West, in addition to rule SX.1 one individual retail activity may exceed 200m² but shall not exceed 400m² gross floor area.</u> <p><u>Note: For rules Sx. 1 and Sx.3 any associated office, storage, staffroom and bathroom facilities used by the activity shall not be included in the calculation of gross floor area.</u></p>	<u>Activity status where compliance is not achieved:</u> NC

Subdivision Chapter/Text

Policy

<u>SUB-P5</u>	<u>Structure Plans</u>
<u>Ensure that subdivision and development in any area to which a Structure Plan applies is developed in general accordance with the Structure Plan.</u>	

Rule

SUB-R4	Subdivision not otherwise specified	
All Residential Zones	Activity Status: RDIS Where the activity complies with the following rule requirements: SUB-S1	Activity status when compliance with rule requirement(s) is not achieved: Refer to Rule Requirement Table.

	<p>Matters of discretion are restricted to:</p> <p>...</p> <p><u>16. Consistency with any Structure Plan included in the District Plan.</u></p>		
--	--------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

8.4 As I have discussed above, I support a location specific policy added to the subdivision text, alternatively Ms White recommends a more general policy, with the location specific matters identified in the structure plan itself. I support both options, however have included the policy below in the case this approach is preferred.

Policies	
<u>SUB-PX</u>	<u>Pisa West Development Area Plan/Structure Plan</u>
<p><u>Ensure subdivision and development is undertaken in accordance with the Pisa West Structure Plan to:</u></p> <ol style="list-style-type: none"> 1. <u>Provide integration and connection of internal roading and pedestrian cycle access through the Structure Plan area and the existing roading access at Pisa Moorings, while allowing for limited flexibility by enabling internal roading, pedestrian and cycling links to move +/- 20m.</u> 2. <u>Provide for a range of residential densities to promote a diversity of housing choice.</u> 3. <u>Provide safe pedestrian and cycle connections to the Commercial Precinct.</u> 4. <u>Encourage an integrated and cohesive approach to State Highway noise attenuation measures and the landscaping and planting design to provide a buffer between the State Highway and dwellings.</u> 5. <u>Provide a landscape buffer along the northern boundary to screen the development from adjoining quarry operations.</u> 6. <u>Provide planting along the eastern terrace edge and the existing adjoining residential properties located off Stratford Drive, Pony Court and Missy Crescent, to encourage privacy between properties, minimise the visual dominance of buildings and overlooking.</u> 7. <u>Encourage roofs to have a light reflectance value not greater than 30% to ensure buildings are not prominent in views from the wider rural area.</u> 	

A handwritten signature in blue ink, appearing to read 'Craig Barr', with a stylized flourish at the end.

Craig Barr

16 May 2023

National Policy Statement Urban Development

1.1 Objectives

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities
- (b) the area is well-serviced by existing or planned public transport
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Objective 8: New Zealand's urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change.

1.2 Policies

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (e) support reductions in greenhouse gas emissions; and
- (f) are resilient to the likely current and future effects of climate change.

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

- (c) building heights of at least 6 storeys within at least a walkable catchment of the following:
 - (iii) existing and planned rapid transit stops
 - (iv) the edge of city centre zones
 - (v) the edge of metropolitan centre zones; and
- (d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- (b) relative demand for housing and business use in that location.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)

- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.

Policy 7: Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- (a) unanticipated by RMA planning documents; or
- (b) out-of-sequence with planned land release.

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
- (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and
- (c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and
- (d) operate in a way that is consistent with iwi participation legislation.

Policy 10: Tier 1, 2, and 3 local authorities:

- (a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and

- (b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and
- (c) engage with the development sector to identify significant opportunities for urban development.

Policy 11: In relation to car parking:

- (a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and
- (b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

Table 2. Partially Operative Otago Regional Policy Statement 2019

Provision
<p>Objective 3.2 – Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded; and allied policies;</p> <p>Policy 3.2.6 – Maintain or enhance highly valued natural features, landscapes and seascapes by ...avoiding significant adverse effects on those values which that contribute to the high value of the natural feature, landscape or seascape; avoiding, remedying or mitigating other adverse effects; encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape.</p>
<p>Objective 5.3 – Sufficient land is managed and protected for economic production; and</p>

Policy 5.3.1 – Rural Activities – Manage activities in rural areas, to support the region’s economy and communities, by ... restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects; providing for other activities that have a functional need to locate in rural areas.

Objective 4.5

Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments

Policy 4.5.1

Providing for urban growth and development

Provide for urban growth and development in a strategic and coordinated way, including by:

- a) Ensuring future urban growth areas are in accordance with any future development strategy for that district.
- b) Monitoring supply and demand of residential, commercial and industrial zoned land;
- c) Ensuring that there is sufficient housing and business land development capacity available in Otago;
- d) Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6
- e) Coordinating the development and the extension of urban areas with infrastructure development programmes, to provide infrastructure in an efficient and effective way.
- f) Having particular regard to:
 - i. Providing for rural production activities by minimising adverse effects on significant soils and activities which sustain food production;
 - ii. Minimising competing demands for natural resources;
 - iii. Maintaining high and outstanding natural character in the coastal environment; outstanding natural features, landscapes, and seascapes; and areas of significant indigenous vegetation and significant habitats of indigenous fauna;

- iv. Maintaining important cultural or historic heritage values;
- v. Avoiding land with significant risk from natural hazards;
- g) Ensuring efficient use of land;
- h) Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;

Policy 4.5.2 Integrating infrastructure with land use

Achieve the strategic integration of infrastructure with land use, by undertaking all of the following:

- a) Recognising and providing for the functional needs of infrastructure;
- b) Locating and designing infrastructure to take into account all of the following:
 - i. Actual and reasonably foreseeable land use change;
 - ii. The current population and projected demographic changes;
 - iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;
 - iv. Natural and physical resource constraints;
 - v. Effects on the values of natural and physical resources;
 - vi. Co-dependence with other infrastructure;
 - vii. The effects of climate change on the long-term viability of that infrastructure;
 - viii. Natural hazard risk.
- c) Coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.

Table 3. Relevant CODC Operative District Plan objectives and policies.

Central Otago Operative District Plan Objective or Policy	
6.3.1	Objective - Needs of People and Communities To promote the sustainable management of the urban areas in order to: (a) Enable the people and communities of the district to provide for their social, economic and cultural wellbeing and their health and safety; and (b) Meet the present and reasonably foreseeable needs of these people and communities
6.3.2	Objective - Amenity Values To manage urban growth and development so as to promote the maintenance and enhancement of the environmental quality and amenity values of the particular environments found within the District's urban areas.
6.3.3	Objective - Adverse Effects on Natural and Physical Resources To avoid, remedy or mitigate the adverse effects of urban areas on the natural and physical resources of the District.
6.3.4	Objective - Urban Infrastructure To promote the sustainable management of the District's urban infrastructure to meet the present and reasonably foreseeable needs of the District's communities.
6.4.1	Policy - Maintenance of Quality of Life within Urban Areas To maintain and, where practicable, enhance the quality of life for people and communities within the District's urban areas through: (a) Identifying and providing for a level of amenity which is acceptable to the community; and (b) Avoiding, remedying or mitigating the adverse effects on the community's social, economic and cultural wellbeing and health and safety which may result from the use, development and protection of natural and physical resources, and (c) Recognising that change is inevitable in the use of land to enable the community to provide for its wellbeing.
6.4.2	Policy - Expansion of Urban Areas To enable the expansion of urban areas or urban infrastructure in a manner that avoids, remedies or mitigates adverse effects on: (a) Adjoining rural areas.

- (b) Outstanding landscape values.
- (c) The natural character of water bodies and their margins.
- (d) Heritage values.
- (e) Sites of cultural importance to Kai Tahu ki Otago.
- (f) The integrity of existing network utilities and infrastructure, including their safe and efficient operation.
- (g) The life supporting capacity of land resources.
- (h) The intrinsic values of areas of significant indigenous vegetation and habitats of significant indigenous fauna.

Table 4. Relevant CODC Operative District Plan Rural Resource Area objectives and policies.

Operative District Plan Objective or Policy	
4.3.1	Objective - Needs of the District's People and Communities To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.
4.3.7	Objective - Soil Resource To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.
4.3.3	Objective - Landscape and Amenity Values To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.
4.4.2	Policy – Landscape and Amenity Values To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,
- (c) The ability to adequately dispose of effluent on site,
- (d) Controlling the generation of noise in back country areas,
- (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,
- (f) Controlling the spread of wilding trees.
- (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.