

SUMMARY OF PLANNING EVIDENCE – Steve Davies

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Jake W.

- 1.1 Ms Wolt has detailed the location of the site and details the relief sought.
- 1.2 PC19 as notified, sought to “downzone” parts of the Submitters land from RRA(4) to Rural Resource Area.
- 1.3 The Submitter’s original submission (19/147) is phrased in two parts. It seeks to:
 - a. Rationalise the current RRA(4) boundary to encompass an area that has consent for four Lots; and
 - b. To transfer the RRA(4) Zone that presently applies to a vineyard area (and which PC19 seeks to downzone) to a comparable sized area of unproductive RU land in the eastern portion of the site, and apply an RU to the vineyard area¹.
- 1.4 There are essentially three options before the Commission:
 - a. Option A: Removing the RRA(4) Zone from the site altogether and applying the “Rural Resource Area” zone to the site as per the notified version of the PC19 Planning Maps;
 - b. Option B: Retaining the current Zone boundaries of the Operative District Plan but renaming the RRA(4) Zone to the PC19 LLR Zone, including associated amendments to the zone provisions as per Ms White’s recommendation; and
 - c. Option C: The Submitter’s relief, being the transfer of the residential zoning of the vineyard area to an area of unproductive land to the east that is currently Zoned RU, and in addition, the application of the LLRZ to the Consented Area. The RU Zone would then apply to the vineyard area which is productive yet zoned for residential purposes. I note that a BLR is promoted to maintain the outcomes sought for the Consented Development.
- 1.5 In evaluating all three options under the statutory framework, Option C is considered superior for the following reasons:
 - a. With respect to Option A, downzoning the land altogether to RU, the costs include the inefficient use of a land resource (with reference to the unproductive portion of the site) that serves no benefit to the community in terms of primary production and precludes any contribution to housing supply, which is the key purpose of PC19, and for which there is an identified shortfall at Bannockburn. The benefits of Option A are considered limited to the retention of productive land, but this is also achieved by Option C (which I detail shortly).
 - b. Option B, retaining the operative extent of the residentially zoned area, has the benefit of retaining development capacity. However, it does not recognise consented (residential) development, nor the existing productive use of the vineyard, which would potentially be lost under this option. It also fails to recognise the unproductive nature of the balance of the site via

¹ I note that the original submission references the RRA(4) zoning and seeks this zoning apply to the eastern part of the Site, however, given PC19 proposes to rename this the LLRZ, I consider it appropriate to interpret the submission as seeking and LLR zoning for this area.

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an appropriate zoning. This comes at the cost of a viable and highly productive vineyard. This outcome is considered to be an inefficient use of the land.

- c. With respect to Option C - applying the operative development capacity to an unproductive part of the Site, and recognising consented (residential) development and existing productive uses (the vineyard) - there are no obvious costs in that infrastructure and servicing is available and feasible and no landscape or other adverse effects, including with respect to productive land will arise. The benefits however are obvious in terms of providing additional residential capacity and better and more efficient utilisation of the land resource through retention of the vineyard.

1.6 In terms of the NPS-HPL, it has been determined in the evidence of Dr Hill that the site is not “highly productive land” in the context of the NPS-HPL and therefore an evaluation of that document is not necessary. If the NPS-HPL were to apply, I consider the test under Clause 3.6(4) is met. For the benefit of the Commission, I set this out as follows:

1.7 Clause 3.6(4) of the NPS-HPL essentially sets out the framework in which Council “may allow” rezoning of “highly productive land” – I note that we have determined the land is not “highly productive land” as per the definition of the HPL and as per Dr Hill’s evidence. In any event, the test under 3.6(4) is:

(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.

1.8 In relation to Clause 3.6(4)(a), Ms White states that if the Cromwell Ward is considered as a whole, the housing supply provided by PC19 is anticipated to be more than sufficient to meet expected demand.² I have set out in my evidence why this may not in fact be the case. To expand on this point here, while PC19 seeks to provide for forecast growth, the primary method for doing so is through upzoning land within Cromwell township from Residential Resource Area to Medium Density Residential Zone (MRZ), which would allow for somewhat increased densities in this zone (200m² lots/densities) as compared with the operative zoning (250m²). I detailed in my appearance yesterday that the actual realised yield may fall short of the potential theorised yield of PC19 recognising that in reality, the full uptake of the MRZ may not occur and we will continue to see standard two-lot arrangements of MRZ sites due to the retention of existing dwellings, and developers opting to work around these.

² Para 221, s42A Report.

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- 1.9 Otherwise, PC19 does not propose to alter the status quo of the District Plan generally, in that, while the zone names of other operative zones will change, their spatial extent and the key provisions that control development outcomes, including density, are mostly unaltered.
- 1.10 There is little additional development capacity being provided for in the other zones (other than MRZ) under PC19, with no additional capacity provided in the LLR in Bannockburn (with the exception of Domain Road Vineyard) and where the minimum density (1500m²) is proposed to be reduced to 2000m².
- 1.11 I think it is fair to say that not everyone wants to live on a 200m² lot in the Cromwell township. Ms Wolt further expands on this point in her legal submission citing that if 3.6(4)(a) was applied on a literal basis, such an approach would suggest that housing does not need to be provided in one part of the District, for example in Cromwell, because there is a surplus of housing provided in another area of the District, say for example in Alexandra. Such an approach would fail to take account of the demand and/or desire for people to live in a particular location (such as Bannockburn) or where a particular density is required (for example, space may be a necessity for some people). I do not consider this is the intent of 3.6(4)(a) and I consider that the assessment should not be approached strictly on a "Ward-wide basis", reiterating my earlier comment that not everyone wants to live on a 200m² lot in the Cromwell Township, and recognising that there is and will continue to be demand for a variety of housing types and locations, including larger low density living that is not on offer in the township areas.
- 1.12 I also note, as Ms White correctly points out, that the Rationale³ yield assessment identifies a potential shortfall in development capacity within Bannockburn itself.
- 1.13 Ms White alleviates the shortfall concern somewhat through recommending the retention of the residential Zone (Option B) on the Submitter's land so to maintain the development capacity of Bannockburn. While I agree with Ms White's position on retaining development capacity, I consider Option C is far superior than the alternatives in that it will maintain development capacity while maintaining existing productive vineyard land that would otherwise be compromised due to the residential zoning that currently applies. I consider the first limb of Clause 3.6(4) is met.
- 1.14 With regard to the second limb, Clause 3.6(4)(b), in relation to any other reasonably practicable and feasible options for providing the required development capacity I note, (as does Ms White in her para 109) that any expansion of Bannockburn to the south or west will be into class 3 soils (per the NZLRI). Expansion to the north and east are subject to topographical constraints. Therefore, I share Ms White's views that the test in clause 3.6(4)(b) is met for Option C. The status quo (Option B) has the unintended consequence of compromising productive land through retaining a residential zone for the vineyard area. While not 'highly productive land' for the purposes of the NPS-HPL (because it was not zoned 'general rural' or 'rural production' when the NPS-HPL came into force), it is nonetheless LUC 3 land in the New Zealand Land Resource Inventory, and as per My Davies' evidence, unlike the eastern land, is suited to productive uses. For those reasons, practical alternatives are limited beyond the area identified in Option C.

³ Para 221, s42A Report Stage 2

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- 1.15 In terms of the third and final limb, Clause 3.6(4)(c), my evidence evaluates that the environmental, social and economic benefits of Option C outweigh the costs associated with the alternatives, recognising that Option C is premised on the basis of maintaining development capacity but not at the expense of what is proven productive land. In addition, it is in a location that is contiguous with the existing residential area, and relying on Mr Ford's evidence, does not suffer infrastructure capacity constraints given the infrastructure capacity associated with the operative RRA(4) zoning of the productive vineyard area can readily be transposed to the relief (Option C) area.
- 1.16 Accordingly, I consider that the test under Clause 3.6(4) of the NPS-HPL is met.
- 1.17 Accordingly, I consider that Option C, which seeks to "exchange" the current RRA(4) Zone which applies to productive land, to a comparable size area of less productive land, represents the most efficient option in achieving the objectives of PC19 and better achieves the purpose of the Act.