

Before the Central Otago District Council

In the matter of The Resource Management Act 1991

And A requested change to the Central Otago District Council's
Operative District Plan – Plan Change 13 (PC13)

EVIDENCE OF JEFFREY ANDREW BROWN – PLANNING

for

River Terrace Developments Limited

Dated 23 April 2019

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1 Introduction

- 1.1 My name is Jeffrey Andrew Brown. I have the qualifications of Bachelor of Science with Honours and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by the Queenstown Lakes District Council (**QLDC**) from 1992 – 1996, the latter half of that time as the District Planner. Since 1996 I have practiced as an independent resource management planning consultant, and I am currently a director of Brown & Company Planning Group Ltd, a consultancy with offices in Auckland and Queenstown. I have resided in Auckland since 2001.
- 1.2 **Attachment A** contains a more detailed description of my work and experience.
- 1.3 I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
- 1.4 This evidence is on behalf of River Terrace Developments Limited (**RTDL**), in relation to its request to change the zoning of the subject land to the River Terrace Resource Area (**RTRA**) on the 49ha block at Sandflat Road and State Highway 6, Cromwell. The RTRA provides for a range of residential activities, including retirement living, and associated activities including a small neighbourhood centre, a network of open spaces, and the potential for a school.
- 1.5 I am familiar with the site, having visited it many times over the course of this process. I have visited Cromwell many times, having grown up in Dunedin, holidayed in Central Otago frequently, including in Cromwell, and having lived in Queenstown for 10 years. I owned a property near Tarras for many years and visited it frequently.
- 1.6 I assisted RTDL with the preparation of this plan change request, including co-authoring the request, the s32 evaluation, the assessment of effects on the environment, and the RTRA provisions. I attended the presentation of the project to the Cromwell Community Board in July 2017.
- 1.7 I have reviewed the submissions and further submissions lodged on the request, and I have read the evidence of Mr Meehan, Mr Bretherton, Ms Hampson, Mr Ray, Mr Carr, Mr Styles, Mr Skelton, Mr Tristram, and Mr Hill for this hearing. I have also read the s42A report prepared by Mr Whitney. I comment on the plan

change documents, the submissions, evidence, and the s42A report throughout my evidence.

1.8 My evidence is based on section 32 of the Act, and is structured as follows:

Section 2 I discuss the relevant zoning “options” before the Commission;

Section 3 I set out the statutory tests for evaluating the options;

Sections 4 – 10 I evaluate the options in accordance with the statutory tests;

Section 11 I summarise and conclude my evidence.

1.9 Prior to accepting RTDL’s invitation in early 2017 to support this plan change I visited the site and the wider environs, considered Cromwell’s growth pressures and the options for accommodating growth, and the implications for residential expansion onto RTDL’s land at Sandflat Road. I recognised the potential resource management issues, including the separation of the site from the existing urban areas in the Cromwell valley and the proximity of the site to the state highway, the Highlands Motorsport Park, the speedway, the orchards and the rural living activities. After liaising with Mr Bretherton (who had already learned a lot about the property and the issues from RTDL’s due diligence) and conferring with some of my colleagues about these issues, I was satisfied that the potential adverse effects – particularly the sensitivity of residential development to the noise generating activities nearby, and the reverse sensitivities – could be adequately avoided or mitigated, and I therefore agreed to join the consultant team.

2 The relevant zoning options

2.1 There are two options before the Commission

Option A The Central Otago District’s Operative District Plan (**ODP**) zoning, being the Rural and Rural Residential Resource Area boundaries;

Option B RTRL’s requested zoning – the RTRA.

2.2 I briefly describe the options as follows.

Option A – the operative zoning

- 2.3 The Rural Resource Area (**RU**) and the Rural Residential Resource Area (**RR**) apply across much of the rural environment of the District. Farming and various other rural activities are provided for. The RR area (comprising 36 ha) can be subdivided to 2ha lots (controlled activity) and the RU (comprising 13.3 ha) could contain one house. Overall the land could accommodate around 18 rural residential lots and one rural lot, based on the ODP's minimum lot sizes. One residential unit per title is allowed. Various development standards apply, including for mitigating effects of development on landscape values.

Option B – RTRL's requested zoning

- 2.4 The RTRA is proposed in a new Section 20 of the ODP, and includes a suite of provisions including objectives, policies and rules which provide for urban activities including a range of residential densities, retirement living, a neighbourhood centre and a potential school, with an associated open space network, walkways, roading and infrastructure.
- 2.5 Development is guided by a Structure Plan which delineates the general layout of activities in the Residential A, Residential B and Open Space Sub-Areas; and in the Retirement Living, Neighbourhood Centre and Education Overlays. Roads and greenways are shown on a Movement Plan; and the rules enable each Development Parcel (shown on the Development Parcel Plan) to be subdivided and developed comprehensively to promote high quality residential neighbourhoods.
- 2.6 Within the Residential A Sub-Area the allotment sizes can range between 160m² and 500m²; and within the Residential B Sub-Area the range is between 400m² and 1000m². No minimum or maximum lot size applies to the Retirement Living, Neighbourhood Centre and Education Overlays. The maximum number of residential units (including retirement living units) in the River Terrace Resource Area is to be 900 residential units.
- 2.7 The RTRA provisions as notified have been updated. The updated provisions are at [Attachment B](#). The modifications are in three groups:
- (a) The inclusion of provisions in accordance with RTDL's submission, as follows, which are shown in blue in the updated provisions:

- Addition of Rule 20.7.7 (x) for the acoustic insulation of buildings containing noise sensitive activities; and
 - Modifications to Rules 20.7.7(viii)(b) and 20.7.7(ix)(b) in relation to no-complaints covenants.
- (b) The inclusion of modifications to or additional provisions responding to the submissions of the Highlands Motorsport Park and the Central Speedway, in relation to the issues, objectives and policies for effects from and on activities nearby the RTRA land, which are shown in green in the updated provisions; and
- (c) The inclusion of modifications to or additional provisions proposed by RTDL in response to general issues raised in submissions, as follows, which are shown in red in the updated provisions:
- Further modifications to objectives and policies in relation to sensitivity effects and reverse sensitivity effects;
 - Addition to Rule 20.7.1(ii)(j) in relation to the number of carparks per unit;
 - Addition to Rule 20.7.3(vi) in relation to the discretion over the effects of traffic from a school or other education facility in the Education Overlay.
 - Additions and modifications to Rule 20.7.3(viii)(f) to require fencing of the boundaries with properties to the west and southwest;
 - Addition of Rule 20.7.3(viii)(k) in relation to the water races;
 - Addition of Rule 20.7.3(viii)(l) requiring in the initial stage of the development the construction of a cycle / walking trail link to Cromwell, sealing of Sandflat Road, upgrading of Pearson Road, and upgrading of the Sandflat Road / State Highway 6 intersection;
 - Addition of Rule 20.7.3(x) in relation to subdivision to create more than 840 units within the RTRA, for assessment of the impact on the Sandflat Road / State Highway 6 intersection;
 - Addition of Rules 20.7.5(vii) in relation to outdoor fires;

- Modification to Rule 20.7.7(ix) in relation to reverse sensitivity – orcharding activities;
- Addition of Rule 20.7.7(x)(e) in relation to mechanical ventilation of units.
- Addition of Rule 20.7.7(xi) in relation to wood burners.

3 The statutory tests

3.1 Various statutory tests are to be applied when considering the most appropriate provisions for the District Plan. The tests¹ are summarised as follows:

- (a) **whether the provisions accord and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1) of the Act);**
- (b) **whether the provisions accord with Part 2 of the Act (section 74(1)(b));**
- (c) **whether the provisions give effect to the regional policy statement (section 75(3)(c));**
- (d) **whether the provisions give effect to a national policy statement (s75(3)(a));**
- (e) **whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s76(3));**
- (f) **the extent to which the objectives are the most appropriate way to achieve the purpose of the Act (s32(1)(a));**
- (g) **whether the policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (s32(1)(b)) and taking into account (under s32(2):**
 - (i) **the benefits and costs of the proposed policies and methods; and**
 - (ii) **the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.**

3.2 I examine each of the tests in Sections 4 – 10 below, but I change the order – I begin with item (e) (and then continue in the above order) because much of the

¹ The tests are from the case *R Adams and others v Auckland Council*, Decision [2018] NZEnvC 008. I have adopted the same summary as in paragraph 53 of that decision but have divided test (f) into two tests to reflect the different duties in s32(1)(a), and s32(1)(b) and s32(2).

rest of my evaluation is based on the assessment of the effects on the environment.

4 Whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect

4.1 The most relevant categories of effects on the environment are as follows:

- Traffic and transportation effects
- Effects on landscape values
- Effects on rural amenities
- Effects on productive capacity of the subject land
- Effects from nearby activities – primary production, motorsports, rural residential living
- Reverse sensitivity effects
- Urban design effects

4.2 Effects in relation to infrastructure (other than roading and traffic), archaeological effects, effects on cultural values, ecological effects, soil contamination, geotechnical and effects relating to natural hazards are relevant and have been assessed in detail in the request. Mr Whitney concludes that these effects are acceptable and I do not further evaluate them.

Traffic and transportation effects

4.3 On the assumption that around 18 lots could be developed under the operative zoning provisions, Option A (the status quo) would have some impact on the roading network, but this impact would be minimal in comparison to the RTRA.

4.4 Having addressed the issues raised by Stantec in the s42A report, Mr Carr's conclusion² is that, while there will undoubtedly be more traffic on the roading network, there is sufficient capacity to accommodate this by the RTRA development and adverse traffic and transportation effects, internally within the

² Evidence of Andy Carr dated 22 April 2019, paragraph 66

RTRA or externally on the wider roading network, will not arise.

- 4.5 This takes into account the upgrade necessary to the Sandflat Road / State Highway 6 intersection (which is required by Rule 20.7.7(ii) of the RTRA provisions) and the sealing of Sandflat Road and upgrade to Pearson Road (required by Rule 20.7.3(viii)(l), plus amendments which take into account NZTA's submission as discussed by Mr Carr³.
- 4.6 The statutory test is whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect. In reliance on Mr Carr's conclusion, and having regard to the RTRA provisions, I conclude that the traffic effects of both Option A and Option B will be acceptable.

Landscape effects

- 4.7 Mr Skelton addresses the effects of the RTRA development on the landscape values of the site and the wider area⁴, and I rely on his assessment. He considers that:
- (a) the landscape displays a mix of urban, peri-urban, rural living, agricultural and visitor attractions and activities within a natural frame of mountains;
 - (b) the RTRA would increase the urban character elements of the landscape, and will result in a low adverse effect on the landscape character of the site and immediately surrounding lands;
 - (c) the distinct character of the wider Cromwell Flats, which is a mix of rural and urban activities, will be retained and the wider landscape will be affected to a low degree;
 - (d) the site is located where it will result in no more than low adverse visual effects which will decrease to very low as internal trees mature. The proposal will not detract from views of the landscape's more natural enclosing mountains.
- 4.8 Mr Ray also addresses the effects on landscape and visual amenity values, in the context of the location of new urban development to accommodate Cromwell's growth⁵, and highlights the inevitability of the change to landscape values wherever urban expansion into rural land is required. I agree with his assessment

³ *ibid*, paragraph 23

⁴ Evidence of Steve Skelton dated 23 April 2019, paragraphs 24 - 26

⁵ Evidence of Alastair Ray dated 22 April 2019, paragraphs 7.38 – 7.41

and note that, other than its rural / rural residential zoning, the subject land is not subject to any overlay controls in relation to landscape or other amenity protection.

- 4.9 Mr Ray also highlights the mitigation measures proposed in the RTRA provisions, including the 30m setback from the state highway and the landscaping which has already been implemented within this setback. These measures change the appearance of the site when viewed from the highway and other nearby viewpoints and will screen or significantly soften the views of the development behind. This will be the case regardless of whether development proceeds under the RTRA (i.e. a more intense urban scale of development); or under the Rural provisions (very low density of dwellings and other rural buildings and other rural changes such as other vegetation, shelter rows etc). As any development will eventually be obscured from view, the difference in the landscape change behind the landscaped setback area will be minimal, whether under Option A or Option B.
- 4.10 For these reasons and in reliance on Mr Skelton and Mr Ray I consider that the effects of the RTRA on landscape values, while being greater than potential development under Option A, would be acceptable. With reference to the statutory test, the RTRA provisions have regard to the actual or potential effects on landscape values of the area, including any adverse effect, and I conclude that Option B is acceptable in relation to effects on landscape and visual amenity values.

Effects on the amenities of nearby properties

- 4.11 There are several rural residential properties adjoining the western boundary of the RTRA site south of the central escarpment. When viewed from these properties the currently open views across the subject site would, under the RR controlled activity subdivision provisions, be likely to change, with a loss of openness. The RR provisions require a 10m setback of buildings from boundaries, and a 50m separation distance between dwellings on adjoining sites, with no requirement for landscaping within those setbacks. I would expect, however, that rural residential lots owners might provide some form of boundary treatment – possibly fencing, hedging, shelter rows, other landscaping or a combination of these, and to plant trees on their properties, all of which would result in the reduction of the openness of the subject land when viewed from outside.
- 4.12 The RTRA would introduce an urban intensity (lots around the periphery would be

around 600m² – 1000m²), and the provisions require a 5m setback of buildings from the external boundary and a 2m wide landscaping area from the boundary, and the new additional requirement for a 2m high solid fence on the boundary (Rule 20.7.3()). The landscaping and fencing is required to be carried out at the time of subdivision. This will provide significant visual screening of the views of the RTRA urban development when viewed from these neighbouring properties. The separation, fencing and boundary planting would also adequately mitigate any potential effects on the privacy of these properties.

- 4.13 The RTRA would generate urban levels of noise, including domestic noise and traffic noise, which will likely be greater than the noise that could otherwise be expected if the land were developed for RR purposes. The submissions from Pearson Road rural residential property owners, including G C & D L Hyndman (Submission 155) and B & C Vangronsvelt (Submission 375) sought that if PC13 were to proceed then they would seek a solid visual / sound barrier, which is now provided in the RTRA rules. The planting within the setback areas is also provided. Other effects including dust and noise during construction would be addressed through the usual standards for construction management, which would be imposed on the developer at the time of subdivision.
- 4.14 In summary I acknowledge that the RTRA would present to the adjoining rural residential properties a different environment than that which would otherwise be expected from the operative RR development, but that the potential adverse effects on the rural amenities are at least mitigated, if not avoided, by the rules requiring boundary fencing and landscaping. The potential effects of Option B have been taken into account in the provisions, and effects are likely to be greater than for Option A.
- 4.15 There is a rural property containing a dwelling on the northern side of the state highway opposite the Sandflat Road intersection. The visual outlook from this property towards the RTRA site will change, in the same way that the view from the highway will change, but the effects are mitigated by the existing shelter row on the north side of the highway road reserve, the RTRA's setback area adjacent to the highway and the northern section of Sandflat Road, and the landscaping within this setback, as I discussed in paragraph 4.9 above. There are no effects on the privacy of this property, and any additional noise effects on the property would be inconsequential given the existing noise effects from the highway, the Motorsport Park and the speedway, and nearby rural activities. There will be additional traffic to and from the RTRA site, using the highway and Sandflat Road, which will add to the perceived level of activity in the area, but this additional activity is not in itself an adverse effect. Additional traffic noise will be

inconsequential in this environment.

- 4.16 I therefore consider that when viewed from the rural property on the northern side of the state highway, Option A and Option B would have very similar outcomes.
- 4.17 The dwelling on the rural property to the immediate east of the RTRA site and west of Sandflat Road is separated to the west by a large storage area (currently occupied mostly by cars in various states of repair) and a shelter row. North of this dwelling the site is open and views of the RTRA land will be visible. This property is owned by the Edgars (Submissions 95, 96 and 97) whose submissions raise a number of issues but not and specific effects on the amenities of their property. Nevertheless, I consider that the visual effects of the RTRA development on this property are mitigated by the setback and buffer planting required (and already in place), which will also mitigate any privacy effects. Noise effects arising from the RTRA development would be inconsequential, for the same reasons I set out in the previous paragraph.
- 4.18 I therefore consider that any potential adverse effects on the rural residential property to the north of the highway and to the east of the RTRA land are not significant and are minor, and that the RTRA provisions have regard to the actual or potential effects on the environment, including any adverse effect.

Effects on the productive capacity of the land

- 4.19 Ms Hampson's view from her experience with the draft National Policy Statement on Highly Productive Soils is that the RTRA land does not contain highly productive soils⁶.
- 4.20 Mr Hill concludes that only Molyneux Soils that meet the Land Use Capability Survey Handbook criteria for classification as LUC Class 1, LUC Class 2 or LUC Class 3, can be referred to as high class soils, and the remainder of Molyneux soils, including those mapped on the River Terrace site, are not high class soils⁷.
- 4.21 The land is not used, and for many years has not been used, for any meaningful primary productive activity; the land is not contributing to the economic wellbeing of the area. Option A does not therefore guarantee that the land will be used productively, and the RR zoning may have the effect of foreclosing or significantly limiting the productive potential of the land by enabling smaller lot sizes that may

⁶ Evidence of Natalie Hampson dated 23 April 2019, paragraph 66(c)

⁷ Evidence of R Hill dated 17 April 2019, paragraph 46

not necessarily be used for productive purposes.

- 4.22 I therefore conclude that the foreclosure of the primary productive capacity of the soils of the subject site by adoption of the RTRA would not generate any adverse effects on the environment.

Sensitivity effects – effects from nearby established activities

- 4.23 Residential activities on the subject land, whether under Option A or Option B (noting of course that under Option B there would be more people residing on the land than under Option A), will be sensitive to aspects of the various activities occurring on land nearby. I term these types of effects “sensitivity effects” (as opposed to reverse sensitivity effects). The potential sensitivity effects include:

- Spray drift from the orcharding activities adjoining the western boundary of the northern part of the site;
- Noise from the State Highway, the Highlands Motorsport Park, the Speedway, and from the orchard activities (frost fighting, bird scaring).

Spray Drift

- 4.24 The RTRA proposes a 5m setback from the boundary with a 2m buffer planting strip adjacent to the boundary (2m height at planting, and at an effective density) which will mitigate the effects of spray drift of agrichemicals, and a new rule has been added to the RTRA provisions requiring that a 3m solid fence be constructed along the boundary with the orcharding operations, to complement the planting already required and the existing tall shelter row, to further mitigate any potential for spray drift from agrichemicals.

- 4.25 Regardless of how the RTRA would protect residents from spray drift, regional rules apply. The standard in Rule 16.3.9.2(d) of the *Regional Plan: Air* is that *the application does not result in any ambient concentrations for contaminants at or beyond the boundary of the property that have noxious or dangerous effects*. If this standard cannot be achieved then discretionary activity consent would be required.

- 4.26 I am advised that no such consents have been obtained, therefore the adjoining orcharding operations should not be allowing spray to cross the boundary. Hence, there should be no effects of spray drift on residents on the land, whether developed under the status quo zonings or under the RTRA.

4.27 The RTRA proposal should therefore not cause any adverse effects on residents within the RTRA arising from spray drift of agrichemicals from the nearby orchard operations.

Noise

4.28 Mr Styles' assessment⁸ is that all buildings to contain activities that are sensitive to noise within the RTRA will need to be insulated to various degrees to ensure that the internal noise levels are low enough to provide respite from motorsport noise and to avoid sleep disturbance from frost fan noise.

4.29 The RTRA provisions, as updated by the RTDL's submission, include these insulation standards, at Rule 20.7.7(x). This rule will ensure that noise sensitive areas of dwellings/buildings RTRA are constructed so that the occupants are not adversely affected by the known external noise sources.

4.30 In order to achieve the noise insulation standard it is necessary also to ensure that windows and doors are able to be kept closed. This is likely to be impracticable in the summer and therefore a mechanical cooling (air conditioning) standard is included in the rules, at Rule 20.7.7(xi), along with a source of fresh air to meet the relevant requirements of the Building Code.

4.31 I understand that these measures are relatively commonplace where sensitive activities co-exist with noisy activities.

4.32 I therefore consider that, provided these measures are adopted, the potential adverse sensitivity effects of the Option B development will be adequately mitigated.

4.33 For Option A, the Rural and RR provisions contain a similar standard, Rule 4.7.6E(d), which states:

- (d) Where any new activity locates within any part of the Rural Resource Area and that activity includes any noise sensitive activity, the activity or any building associated with the noise sensitive activity shall be sited, oriented and constructed so as to ensure that habitable spaces within the building shall be adequately isolated from any noise source on another site within the class of sources described in sub-clauses (b) – (c) of this rule. Adequate sound isolation shall be achieved by siting and constructing the building to achieve an indoor design sound level of 45 dBA L_{max} within any habitable room where the exterior noise source is within the class of sources described in sub-clauses (b) – (c) of this rule. The indoor design level shall be achieved with windows and doors open unless adequate alternative ventilation means is provided, used, and maintained in operating order.**

⁸ Evidence of Jon Styles dated 23 April 2019, paragraph 21

- 4.34 Any residential development under Option A would therefore similarly be required to protect its residents from the noise from the external sources.
- 4.35 I therefore consider that both Option A and Option B adequately deal with the potential for sensitivity effects.

Reverse sensitivity effects – effects on nearby established activities

- 4.36 The potential for reverse sensitivity effects is in my view avoided by the requirement – in Rule 20.7.7(viii) *Reverse Sensitivity- Motorsports Activities* and Rule 20.7.7(ix) *Orcharding Activities* of the RTRA provisions – for each of the new titles in the RTRA development to be encumbered with a no-complaints covenant. The encumbrance sets the appropriate expectations for the incoming RTRA residents about the environment they are coming to.
- 4.37 I agree with Mr Styles that the covenant method is necessary to create awareness of the nature and scale of noise effects that orcharding activities, the Highlands Motorsport Park and the Speedway are permitted to generate across the RTRA land. I also agree with Mr Styles that the no complaints covenant method is effective for setting expectations of the incoming landowners.
- 4.38 I therefore consider that the potential for reverse sensitivity effects are effectively addressed by the RTRA provisions.
- 4.39 Under Option A, the following policy and its explanation are relevant:

4.4.9 Policy - Effects of Rural Activities

To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.

Explanation

With the recent trend towards country living, traditional agriculture, mining, horticulture, viticulture, utilities and energy generation and transmission activities may be subject to an increasing number of complaints in respect of the effects of their day to day activities. The effects of these activities often cannot be readily avoided, remedied or mitigated by the person undertaking the activity without causing significant adverse economic effects. If people choose to live in the rural area of the Central Otago District, they should be prepared to accept the inconveniences, discomforts, disturbances or irritation that are caused and will be caused by such operations as a normal and necessary aspect of living in a district with strong rural character and a healthy developing agricultural/ horticultural/

viticultural sector and utility and energy generation/transmission activities.

Although such inconveniences, discomforts, disturbances or irritations may not be acceptable in an urban area, they are to be expected in rural areas. It is therefore considered appropriate that those activities that locate adjacent to an existing rural activity should take steps to mitigate the effects that the existing rural activity may have upon them.

- 4.40 The method for implementing this policy is Rule 4.7.6E(d) which I discussed in relation to sensitivity effects above (paragraph 4.33). The rules do not go so far as to impose no-complaints covenants on any properties, however, but rather require that sensitive activities take steps to mitigate themselves from the potential effects.
- 4.41 The RTRA provisions therefore go further than what the operative provisions otherwise require, in relation to avoiding and mitigating reverse sensitivities, and I consider this is justified given the significant increase in sensitive receivers that would inhabit the RTRA compared with the operative development capacity. Nevertheless, if developed under the operative zonings, even though the risk is probably low there is no guarantee that there would not be complaints about the noise sources, whereas under the RTRA the residents will be obliged not to complain.
- 4.42 I therefore consider that Option B better fulfils the statutory test in having regard to the actual or potential effects on the environment, including, in particular, any adverse reverse sensitivity effect, than Option A although I acknowledge that the reverse sensitivity risk from Option A is likely to be minor.

Urban Design effects

- 4.43 I rely on Mr Ray's evidence on urban design matters. One of the issues is the manner in which the RTRA development integrates with, or does not integrate with, the existing urban fabric of Cromwell. Integrated management of effects is a key matter in relation to the Council's functions under s31(1)(a) of the Act (which I address in Part 5 below). The function is the *integrated management of the effects of the use, development and protection of resources*.
- 4.44 A useful way to examine the *integrated management of effects* is through the guidance from Policy 1.2.1 of the Partially Operative Regional Policy Statement (**PORPS**), which I address in detail in Part 7 below and in **Attachment B**. I summarise my discussion of that policy as follows:

- (a) The RTRA coordinates the resources of the RTRA land by the spatial layout of the various activities, and their relationships with one another, and by their interconnectedness (parks, walkways, road hierarchy etc);
- (b) The RTRA coordinates with the surrounding activities by the methods including acoustic and ventilation treatment of buildings containing sensitive activities, the no-complaint covenants, and the various boundary treatments, to avoid or adequately mitigate sensitivity effects and reverse sensitivity effects;
- (c) The RTRA integrates with the wider environment, including with Cromwell, by the existing roading connections and the proposed walking and cycling connections, as discussed by Mr Ray. The level of integration with, say, Cromwell's town centre is clearly a function of the location of the two areas, and this needs to be considered in the context of the existing dependency on the car for many day to day trips to the different destinations in and around Cromwell⁹.
- (d) The effects of the management of one natural or physical resource (the RTRA) on the values of another, and vice versa, where they extend beyond their boundaries, are inherent in the relationships between the RTRA and the nearby uses, including the state highway, motorsport, primary production and rural living activities. I have assessed these effects above. My conclusion from those assessments is that urban development undertaken in accordance with the RTRA provisions will adequately maintain the values of each of the adjacent activities and of the wider environment, while establishing the type of urban environment anticipated in the RTRA.

4.45 I therefore consider that Option B does not generate adverse effects in relation to the integrated management of effects, as any potential effects that relate to activities within and beyond the RTRA boundaries have been addressed. Option A development would likely integrate with its surroundings, but I do not consider that it would yield any better or worse outcomes than Option B when viewed in the context of the wider issue of managing urban growth and housing affordability. Further, Option B provides for the walkway / cycleway link whereas Option A does not.

4.46 Mr Ray also addresses specific issues within the RTRA¹⁰, including the house / lot size, range of typologies, outlook, cluster design, streets, access, and parking.

⁹ Evidence of Alastair Ray dated 23 April 2019, paragraphs 7.32 – 7.37

¹⁰ *ibid*, paragraphs 7.42 – 7.56

He considers that adverse effects will not arise, and I defer to and rely on his urban design expertise on these issues.

Summary – effects on the environment

- 4.47 The statutory test under section 76(3) is whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect.
- 4.48 The effects of the operative zonings, being the status quo Option A, are broadly anticipated and accepted, although there is no assurance that new rural / rural residential landowners would not complain about surrounding activities, because no rules forbid them from doing so. I consider that the risk of this is low, however. Option A is likely to have less effects from domestic noise and traffic noise on adjacent rural residential properties than Option B, but the two options are not dissimilar in relation to visual and privacy effects because of the boundary treatments required by the RTRA provisions.
- 4.49 The effects of Option B development on the environment are in my view understood and certain, because of the detail in the RTRA provisions, the purpose of which is to both enable development and to regulate it in such a way that adverse effects are avoided or appropriately mitigated.
- 4.50 Any change of any rural or rural residential zone to an urban zone, wherever it is located, would represent significant change to the local environment of that land, and the RTRA is no exception. I consider that, overall, the effects are acceptable, and that both Option A and Option B meets the statutory test as to whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect.

5 Whether the provisions accord and assist the Council in carrying out its functions and achieve the purpose of the Act (section 74(1) of the Act)

- 5.1 The Council's functions are set out in section 31 of the Act:

31 Functions of territorial authorities under this Act

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or

protection of land and associated natural and physical resources of the district:

- (aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district: ...**
- (d) the control of the emission of noise and the mitigation of the effects of noise:**

- 5.2 In relation to s31(1)(a), I addressed the *integrated management of the effects of the use, development or protection* of the land in Part 4 above, and my broad conclusion from that assessment is that the RTRA provisions both enables the use and development of the land and protects the various established uses of resources surrounding it. The RTRA integrates within itself (in the way the masterplan spatially lays out the development areas, activities, roading, open spaces etc) and with its external surroundings and activities.
- 5.3 In relation to s31(1)(aa), additional residential land supply in Cromwell is required as there is insufficient undeveloped capacity to meet expected housing demands, as discussed by Ms Hampson, Mr Meehan, Mr Bretherton, and Mr Ray. Changing the zone of the subject land to a zone that enables residential and associated activities (Option B) is supported by the residential land demand analysis. Retaining the land in its operative zonings (Option A) does not have sufficient regard to the market analysis, in my view.
- 5.4 In relation to s31(1)(d), the RTRA provisions include appropriate measures for controlling the emissions of noise and most importantly for the mitigation of the effects of noise, as I discussed in Part 4 above in relation to sensitivity effects and reverse sensitivity effects.
- 5.5 The Council's functions under s31 are *for the purpose of giving effect to this Act*. I consider that the RTRL rezoning achieves the purpose of the Act, for the reasons I set out in Part 6 below.

Summary

- 5.6 For the above reasons I consider that Option B is the most appropriate option to achieve the Council's functions under s31, and to achieve the purpose of the Act, and that Option A does less to assist the Council in carrying out its functions including its duty to achieve the purpose of the Act.

6 Whether the provisions accord with Part 2 of the Act (section 74(1)(b))

- 6.1 There is one matter of relevance under s6(f) of the Act (the protection of historic heritage from inappropriate subdivision, use, and development). There are two historic water races within the property, constructed in the 1870s to provide irrigation to land on Cromwell Flat. The races have subsequently been truncated by 20th century development on either side of the plan change site, with the remaining portions falling into disuse and being partly filled in by natural accumulation processes; both races are almost imperceptible on the site. The remains of these water races have a moderate archaeological significance.
- 6.2 One of the races, the northern race, is included within the open space reserve area (except where it is crossed by the proposed roads). Rule 20.7.3(viii)(k) requires that topographical record work is carried out and archaeological authority from Heritage New Zealand is sought prior to any development works occurring on the site, in fulfillment of the statutory requirements of the Heritage New Zealand Pouhere Taonga Act (2014). The protection provided is therefore appropriate, and this achieves section 6(f) of the Act.
- 6.3 The key section 7 matters (matters to which regard must be given) are:
- (b) The efficient use and development of natural and physical resources:**
 - (c) The maintenance and enhancement of amenity values:**
 - (f) The maintenance and enhancement of the quality of the environment:**
 - (g) Any finite characteristics of natural and physical resources:**
- 6.4 Regarding efficiency in relation to Option B, in my view:
- (a) It is efficient for a property market to have zoned capacity ready to be developed, to maintain and where possible improve levels of affordability;
 - (b) It is efficient to expand Cromwell in a location which can absorb urban residential and related activities, in relatively close proximity to the existing urban area and the physical and social amenities that the town provides, bearing in mind that there is a need for more land to accommodate growth and that most if not all greenfield locations that could accommodate urban expansion are likely to face various constraints and potential inefficiencies arising from their distance to the town's existing facilities and amenities;

- (c) It is efficient to provide for urban development where it can co-ordinate with existing infrastructure networks without cost to the community;
- (d) It would not be efficient to locate sensitive activities in close proximity to noisy activities in a way would create adverse sensitivity and reverse sensitivity effects. This is not the case for the RTRA because, as I have discussed above, the RTRA provisions contain methods for avoiding and appropriately mitigating such effects;
- (e) It is efficient to co-locate a small neighbourhood centre within the plan change area, for convenience, walkability and the reduction of vehicle trips, without undermining the core retail and business services already provided in Cromwell;
- (f) It is efficient to provide the potential for a school within the plan change area, for convenience and walkability for children, and in recognition of the growth of Cromwell generally.

6.5 Regarding efficiency in relation to Option A, I consider that:

- (a) The Rural and RR zonings do not promote the efficient use of the land given Cromwell's growth pressures and the need for developable urban land to improve levels of affordability;
- (b) It is not efficient to retain land with very limited development capability in a location close to the existing urban area and which can otherwise absorb urban residential and related activities and where it can co-ordinate with existing infrastructure networks without cost to the community.

6.6 I therefore consider that Option B is a more efficient use of the land resource than Option A.

6.7 Regarding *amenity values* and *quality of the environment*, I consider that the RTRA provisions adequately promote, internally, a quality environment, taking into account the measures to address effects from external sources, while addressing its effects on external receivers, as I discussed in Part 4 above. The settlement pattern promoted by the RTRA structure plan and the related provisions for subdivision and the built environment, including the provision of open spaces and "greenways" and the proposed walkway / cycleway link to Cromwell, serve to establish and maintain amenity values and the quality of the environment for new residents. The methods to manage the effects from and on external sources, including the state highway, the Motorsport Park and the rural

production activities, and rural living, have due regard to the amenity values and the quality of the environment for all parties, to accord with the duty under s7(c) and (f) to have regard to these matters.

6.8 As I discussed in paragraphs 4.11 – 4.14 above I consider that Option A development (under the RR zone) would change the environment of the rural residential properties to the west of the site, through boundary treatments and loss of the current open aspect across the site, and that generally effects on the amenity and quality of the environment of those properties would be less under Option A than Option B.

6.9 Regarding *finite characteristics* in relation to Option A, I consider that the RTRA land possesses the following attributes:

- (a) In reasonable proximity to the existing urban area;
- (b) Ability to integrate with available infrastructural services and roading;
- (c) Ability to be developed efficiently, in relation to construction costs and servicing;
- (d) Ability to co-exist with other land uses in the vicinity;
- (e) Not committed to another activity worth retaining in the long term;
- (f) Not affected by a natural value worth protecting, such as any ecological or landscape values, or land of high value for rural production;
- (g) Ability to contribute to a quality, compact urban form by providing the opportunity to create a new masterplanned settlement area with a distinct urban design and character;
- (h) In a single ownership and is therefore able to be developed comprehensively and holistically through a masterplanned process;
- (i) Can be developed in the short term, through commitment from the landowner.

6.10 Land with this combination of attributes is a finite resource which the District Plan should recognise and should enable the inherent opportunities in the natural and physical resources. I consider that the RTRA land is a suitable greenfields site for Cromwell's urban expansion to assist in meeting the foreseeable demand for new residential stock.

- 6.11 Regarding *finite characteristics* in relation to Option A, the attributes I listed in paragraph 6.9 above are not recognised by Option A. I therefore conclude that Option B has better regard to s7(g) than Option A.
- 6.12 Option B is therefore more consistent with the principles in sections 6 and 7 of the Act than Option A, in my view.
- 6.13 The purpose of the Act, in section 5, is to promote the sustainable management of natural and physical resources. This has an enabling component (using, developing and protecting resources to enable wellbeing); and a regulating component (the matters in s5(2)(a)-(c) including sustaining the potential of resources to meet the reasonably foreseeable needs of future generations; safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 6.14 In my view regarding Option B:
- (a) There is need for more greenfields land to accommodate Cromwell's foreseeable growth;
 - (b) The Change to create the RTRA enables well-being for the Cromwell community by expanding the urban area to contribute to accommodating Cromwell's population growth, in a location and in a manner that promotes high quality of urban amenity and provides for a range of property sizes, house typologies and affordability levels.
 - (c) The RTRA sustains the potential of the natural and physical resources of the land and wider environs to meet the reasonably foreseeable needs of future generations, by accommodating growth for a full range of permanent residents, including, in particular, retirees and families, while complementing and not compromising the long term viability of Cromwell's existing amenities including the Cromwell town centre, business areas and physical infrastructure.
 - (d) The intrinsic values of the air, water, soil and ecosystems will continue to be safeguarded through the protection of water and soil by the reticulation and disposal of wastewater to the established reticulated systems.
 - (e) The RTRA provisions avoid, remedy or mitigate potential adverse effects on the environment, as necessary, as I addressed in more detail in Part 5 above.

- (f) The RTRA will enable the spatial expansion of Cromwell to meet current and future residential land needs and complement and enhance Cromwell's popularity as a place to live, work and visit. Adequate zoned capacity and the efficient use of finite land resources are necessary to meet housing demand and to maintain housing affordability.
 - (g) Well thought-out master-planning that takes into account locational attributes, market needs, and best practice urban design will deliver high quality urban intensification. The diversity of housing choice, a variety of open spaces, safe walking and cycling connections, and slow-speed safe roads all contribute to a successful medium and higher density living environment that maintains long term amenity values, environmental quality and overall well-being, while sustaining the potential of the resources, safeguarding the intrinsic values of natural resources, and avoiding, remedying and mitigating adverse effects on the environment.
- 6.15 Option A, the status quo zonings, may enable the land to continue to be available for primary production but does not contribute meaningfully to economic wellbeing because it forecloses appropriate urban development in a strategic location.

Summary

- 6.16 The statutory test is whether the provisions accord with Part 2 of the Act, under s74(1)(b). From the foregoing evaluation I consider that Option B better achieves the purpose and principles of the Act than Option A because Option B can better provide for wider wellbeing, better sustains the potential of the resources for the reasonably foreseeable needs of the current as well as future generations, given Cromwell's foreseeable growth, and can appropriately manage its effects on the environment.

7 Whether the provisions give effect to the regional policy statement (section 75(3)(c))

- 7.1 The PORPS was issued in January 2019. Provisions not yet operative are subject to a draft consent order, based on the mediated version. In [Attachment B](#) I set out the relevant provisions of the PORPS and the consent order and assess them in relation to the two options. My main findings are broadly summarised as follows:

- (a) I consider that urban use of the land is a more sustainable use than the existing rural and rural residential zoning in the short, medium and long term, for the well-being of Cromwell; the RTRA fulfils the need to secure land resources for the reasonable needs for human wellbeing, i.e. the RTRA will contribute to ensuring that there is sufficient housing land development capacity available.
- (b) As with other urban settlements including Pisa Moorings, Bannockburn and Lowburn, the RTRA land does not physically adjoin the existing urban area of Cromwell, being separated by the Motorsport Park. However, integration by road connections (SH6, Sandflat, Pearson and Bannockburn Roads), and by walking and cycling connections as discussed by Mr Ray, provide as much connection as is feasible and necessary.
- (c) Within the RTRA there is significant interconnectedness and integration, by the network of roads and parks / walkways / cycleways, and the central location of the small commercial centre and the potential school, to reduce the number of vehicle trips outside the zone.
- (d) As I have discussed in Part 4, integration with the surrounding activities can be adequately managed through the suite of rules provided, including to avoid or mitigate effects on and from the RTRA activities, including the acoustic insulation rules, the covenants, and the boundary treatment requirements inherent in the RTRA provisions.
- (e) The Council's master planning strategy is well underway but the outcomes are not yet public. I concur with Mr Ray's view that the RTRA is consistent with the best possible broad option promoted in the draft masterplan documentation (Option 2, which provides for balanced town renewal and growth beyond the urban area).
- (f) The RTRA development would coordinate with infrastructure development such that infrastructure is provided in an efficient and effective way.
- (g) The land is not being used (and for many years has not been used) for any meaningful primary production. The RTRA will not disable primary production and other rural activities that support that production on other land nearby. The RTRA will not change the productive efficiency of the land or of Cromwell's wider productive efficiency. Urban development may result in the loss of productive use of the soil resources, inviting

consideration as to whether the loss of the use of the soil resource in question outweighs the value to the wider economy of urban use. In my opinion the loss of the productive capacity of the soil resources of this land is inconsequential in the wider issue of economic wellbeing of Cromwell and the District.

- 7.2 Mr Whitney has commented on some of the relevant RPS provisions, principally in relation to integration of the RTRA with the urban area of Cromwell, reverse sensitivity effects, effects on the roading network, and effects on the soil and productive capacity of the land. I disagree with him on these matters, for the reasons set out above in more detail in my Attachment C and in reliance on other witnesses.

Summary

- 7.3 The statutory test is whether the provisions give effect to the RPS, under section 75(3)(c). The status quo provisions (Option A) in my view generally give effect to the relevant RPS provisions but do not address the RPS provisions to use resources sustainably to promote economic wellbeing by ensuring that there is sufficient housing land development capacity available. I consider that the RTRA provisions (Option B) better give effect to the relevant RPS provisions.

8 Whether the provisions give effect to a national policy statement (s75(3)(a))

- 8.1 The National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) is relevant. The relevant provisions are all of the objectives and policies PA1 – PA4. I address these in the table at [Attachment D](#).

- 8.2 My key findings from that assessment are:

- (a) The urban environment that would establish in the RTRA enables people and the wider community to provide for their well-being, as I discussed in relation to the purpose of the Act, in Part 6 of this evidence;
- (b) The RTRA provides further opportunities, within the wider Cromwell area, for the development of housing to contribute to meeting the needs of residents and the wider community, and future generations. It provides individuals with additional locational choice, a range of lot sizes and dwelling types, and provides for retirement living. The operative zonings do not provide these opportunities;

- (c) The RTRA also enables an appropriate quantum of business land, within the Neighbourhood Centre Overlay, which complements the residential areas without impacting adversely on the existing business areas in Cromwell;
- (d) The RTRA will assist in how the Council adapts and responds to the evidence provided (by Ms Hampson, Mr Meehan, Mr Bretherton and Mr Tristram) about the market activity and the timeliness of enabling development-ready land for urbanisation. The operative zonings do not respond to the evidence provided about the current and foreseeable future market activity and the need for urban development;
- (e) The RTRA is aligned with Option 2 of the information available so far on the master planning strategy for Cromwell, as discussed by Mr Ray who considers the appropriateness of the options set out in the available master planning strategy documents. The operative zonings are not aligned with Option 2;
- (e) The RTRA promotes efficiencies in co-ordinating urban development with the provision of infrastructure at no additional cost to the community; the Council will not need to provide for or further extend trunk services at ratepayers' cost to enable the development. The operative zonings would not promote these efficiencies;
- (f) The RTRA provides competition to the market and will therefore promote more affordability and contribute to avoiding adverse impacts on the competitive operation of land and development markets. The operative zonings do not provide for competition in the marketplace.

Summary

- 8.3 The statutory test is whether the provisions give effect to the national policy statement under section 75(3)(a). From the foregoing evaluation I consider that Option B does give effect to the relevant provisions of the NPS-UDC and Option A does not.

9 The extent to which the objectives are the most appropriate way to achieve the purpose of the Act (s32(1)(a))

- 9.1 I do not need to address the operative, status quo objectives as they are settled

and in any case my assessment of the purpose of the Act (in Part 6 above) concludes that the Option B better achieves the purpose and principles of the Act than Option A because Option B can better provide for wider wellbeing, better sustains the potential of the resources for the reasonably foreseeable needs of the current as well as future generations, given Cromwell's foreseeable growth, and can appropriately manage its effects on the environment.

- 9.2 In **Attachment E** I set out the updated RTRA objectives and assess their appropriateness in achieving the purpose of the Act¹¹. My view is that the objectives, in combination, enable peoples' and the community's social, economic and cultural wellbeing while addressing the matters in section 5(2)(a) – (c) of the Act. The updated objectives include modifications responding to the submission by the Highland Motorsport Park, being a reworded Objective 20.3.10 (in relation to reverse sensitivity) and a new Objective 20.3.11 (in relation to healthy buildings). I support these modifications and consider they improve the way in which the provisions achieve the purpose of the Act.
- 9.3 Mr Whitney comments briefly on the RTRA objectives¹² and concludes that they are not the most appropriate way to achieve the purpose of the Act, broadly on the basis of integration with Cromwell and incompatibility with existing activities nearby. I disagree with him, for the reasons set out in Parts 4, 5 and 6 above and in my Attachment E.

Summary

- 9.4 The statutory test is the extent to which the objectives are the most appropriate to achieve the purpose of the Act under section 32(1)(a). From the foregoing evaluation I consider that the RTRA objectives better give effect to purpose of the Act than the Option A objectives.
- 10 Whether the policies and methods are the most appropriate method for achieving the objectives / efficiency and effectiveness / benefits and costs / risk of acting or not acting**
- 10.1 In **Attachment F** I evaluate the options in the context of the settled higher order (District-wide) objectives and policies of the District Plan, particularly those for

¹¹ Attachment E is adapted from the equivalent Table, Table 3 in the s32 that supported the plan change request

¹² s42A report, page 68

urban areas; the Business zones; the District-wide rules and performance standards; and Infrastructure, energy and utilities. I do not address Option A in that table as the various higher order provisions are not relevant to the rural / rural residential zonings or the kind of development that could emerge on the site under those zonings.

10.2 My key conclusions from that evaluation are:

- (a) Based on my opinion in relation to the purpose of the Act, which in turn is based on the opinions of other witnesses, I consider that urban use of the land is a more sustainable use for the well-being of Cromwell than the existing rural and rural residential zoning.
- (b) The RTRA does not affect the amenity values of the environments found in the existing urban areas. The RTRA's own amenity values will be created by the design and built environment the emerge from implementation of the rules, and from the effects of the existing surrounding activities that will be experienced within the RTRA. These will be managed in accordance with the rules (acoustic insulation, covenants, and boundary treatments), as discussed in Part 4 of my evidence.
- (d) The level of amenity that will be experienced within the RTRA will likely be different to that in other urban parts of Cromwell – there will be spatial differences affected by a variety of different influencing factors, and there is not a universally applicable standard of amenity. I consider that the mitigation measures promoted by the RTRA and as discussed by other witnesses, particularly Mr Styles, will ensure that the amenity values will acceptable to the RTRA community who will have bought into that environment.
- (e) The land resources are not currently used, and have not been used for any meaningful productivity for many years. The foreclosure of the ability of the land to be used productively is of not particular consequence to the economic well-being of the District
- (f) The RTRA would inevitably change the landscape and amenity values of the RTRA land and environs and hence these values would not be maintained or enhanced, when considered at the local scale of the site and environs. The effects are mitigated to some extent by the existing development in the vicinity and the proposed road setbacks and intervening landscaping, and other boundary treatment. However, when

considered at the scale of the wider Cromwell valley, landscape values would be maintained given the very minor area of change from the RTRA development.

- (g) On reverse sensitivity, the key policy is Policy 13.4.11 which recognises that some established activities may generate noise and other effects that can disturb neighbours, by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics. The explanation to this policy includes:

If people choose to live near established activities they should be prepared to accept the inconveniences, discomforts, disturbances or irritation that are caused and will be caused by utility and energy generation/transmission activities. It is therefore considered appropriate that those new activities that locate adjacent to an existing activity should take steps to mitigate the effects that the existing activity may have upon them.

The RTRA recognises the existing established activities nearby and includes measures to avoid or adequately mitigate the effects of those activities on residents within the RTRA. Those new residents will be expected to accept the potential inconveniences, discomforts, disturbances or irritation that are caused and will be caused by the nearby activities. The proposed covenant is the method to ensure this, and to avoid reverse sensitivity effects.

- 10.3 The updated policies include an additional clause (d) to Policy 20.4.5 (in relation to indoor amenity outcomes), and a new policy, Policy 20.4.12 (that replaces the notified Policy 20.4.11C) in relation to reverse sensitivity. I support these policy changes as they are appropriate in achieving the relevant objectives.
- 10.4 I therefore conclude that Option B is broadly consistent with and achieves the higher order District-wide objectives and policies of the Plan. Given also that I consider that urban use of the land is a more sustainable use of the land for the wider well-being of Cromwell than operative zonings, I conclude that Option B is the better option in relation to the higher order provisions.
- 10.5 The s32 that accompanied the PC13 request¹³ included Table 4 which evaluated the appropriateness, efficiency, effectiveness, costs and benefits of the RTRA policies under s32(1)(b) and s32(2)(a), and other practical options considered. I will not repeat that evaluation, however the draft RTRA provisions have been

¹³ Document 4 of the Request

updated since the notified version, including the additions and modifications I listed in paragraph 2.7 above. In **Attachment G** I evaluate the updates to the provisions. I support the modifications to the methods, and consider they improve the way in which the provisions overall achieve the relevant objectives.

Summary

- 10.6 The statutory test under section 32 is whether the provisions are the most appropriate method for achieving the Plan's objectives, having regard to their efficiency and effectiveness and taking into account the benefits and costs of the proposed policies and methods; and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods. From the foregoing evaluation I consider that the Option B provisions are appropriate and achieve the objectives of the Plan, and they better achieve this than the Option A provisions.

11 Summary and conclusion

- 11.1 I have addressed the two options under the statutory tests for plan changes. In summary, my opinion is as follows:

Section 76(3) – effects on the environment?

- 11.2 The statutory test under section 76(3) is whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect. I consider that, overall, the effects are acceptable, and that both Option A and Option B meets the statutory test as to whether the provisions have regard to the actual or potential effects on the environment, including, in particular, any adverse effect.

Section 31 – achieve the Council's functions?

- 11.3 The statutory test is whether the provisions accord and assist the Council in carrying out its functions and achieve the purpose of the Act under s74(a). From my evaluation in Part 5 above I consider that Option B is the most appropriate option to achieve the Council's functions under s31, and to achieve the purpose

of the Act, and that Option A does less to assist the Council in carrying out its functions including its duty to achieve the purpose of the Act.

Section 74(1)(b) – accord with Part 2?

- 11.4 The statutory test is whether the provisions accord with Part 2 of the Act, under s74(1)(b). From my evaluation in Part 6 above I consider that Option B better achieves the purpose and principles of the Act than Option A because Option B can better provide for wider wellbeing, better sustains the potential of the resources for the reasonably foreseeable needs of the current as well as future generations, given Cromwell's foreseeable growth, and can appropriately manage its effects on the environment. Option A, while being able to manage its effects on the environment, does not achieve the enabling component of section 5 and does not sustain the potential of the resources for the reasonably foreseeable needs of Cromwell.

Section 75(3)(c) – give effect to the RPS?

- 11.5 The statutory test is whether the provisions give effect to the RPS, under section 75(3)(c). From my evaluation in Part 7 above I consider that the status quo provisions (Option A) in my view generally give effect to the relevant RPS provisions but do not address the RPS provisions to use resources sustainably to promote economic wellbeing by ensuring that there is sufficient housing land development capacity available. I consider that Option B better gives effect to the relevant RPS provisions than Option A.

Section 75(3)(a) – give effect to a NPS?

- 11.6 The statutory test is whether the provisions give effect to the national policy statement under section 75(3)(a). From my evaluation in Part 8 above I consider that Option B does give effect to the relevant provisions of the NPS-UDC and Option A does not.

Section 32(1)(a) – objectives appropriate to achieve the purpose of the Act?

11.7 The statutory test is the extent to which the objectives are the most appropriate to achieve the purpose of the Act under section 32(1)(a). From my evaluation in Part 9 above I consider that the Option B objectives better give effect to purpose of the Act than the Option A objectives.

Section 32(1)(b) and 32(2) – policies and methods the most appropriate to achieve objectives?

11.8 The statutory test under section 32 is whether the provisions are the most appropriate method for achieving the Plan's objectives, having regard to their efficiency and effectiveness and taking into account the benefits and costs of the proposed policies and methods; and the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods. From my evaluation in part 10 above I consider that the Option B provisions are appropriate and achieve the objectives of the Plan, and they better achieve them than the Option A provisions.

Overall conclusion

11.9 In conclusion, I consider that Option B, the RTRA, is the better option for the zoning of the land than the operative zonings.

J A Brown

23 April 2019

Curriculum vitae – Jeffrey Brown**Professional Qualifications**

1986: Bachelor of Science with Honours (Geography), University of Otago

1988: Master of Regional and Resource Planning, University of Otago

1996: Full Member of the New Zealand Planning Institute

Employment Profile

- May 05 – present: Director, Brown & Company Planning Group Ltd – resource management planning consultancy based in Queenstown and Auckland. Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.
- 1998 – May 2005: Director, Baxter Brown Limited – planning and design consultancy (Auckland and Queenstown, New Zealand). Consultants in resource management statutory planning, landscape architecture, urban design, strategic planning, land development, environmental impact assessment, public liaison and consultation.
- 1996-1998: Director, JBA, Queenstown – resource management consultant.
- 1989 – 1996: Resource management planner in several local government roles, including Planner (1992 – 1994) and District Planner (1994 – 96), Queenstown-Lakes District Council. Held responsibility for all policy formulation and consent administration.

Other

- Full member of the Resource Management Law Association
- New Zealand Planning Institute – presenter at *The Art of Presenting Good Planning Evidence* workshops for young planners (2016 –)
- Judge, New Zealand Planning Institute Best Practice Awards (2017 – present)

B

**River Terrace Resource Area provisions
Updated version including modifications from RTRA's submission and in
response to other submissions**

[see separate document]

Assessment of the relevant provisions of the Otago Regional Policy Statement (various versions)

Table A – Partially Operative 2019 version

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A Current zoning: Rural / Rural Residential Resource Area	Option B Proposed zoning: River Terrace Resource Area (RTRA)
Chapter 1 – Resource management in Otago is integrated			
Objective 1.1	Otago’s resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities	<p>The land is currently under-utilised; it is not used for a productive purpose and has not been used for any meaningful production for many years. Given the location close to the existing urban boundary of Cromwell, urban activities are a more sustainable use of the land for economic, social and cultural well-being.</p> <p>Given the existence of Option B, I consider that Option A does not achieve the objective.</p>	<p>Based on my opinion in relation to the purpose of the Act, which in turn is based on the opinions of other witnesses (as discussed in relation to effects on the environment above and the NPS-UDC provisions below), I consider that urban use of the land is a more sustainable use, in the short, medium and long term, for the well-being of Cromwell than the existing rural and rural residential zoning.</p> <p>Option B achieves the objective.</p>
Policy 1.1.1	<i>Economic wellbeing - Provide for the economic wellbeing of Otago’s people and communities by enabling the resilient and sustainable use and development of natural and physical resources.</i>	<p>The land in its current state, under the current zoning, does not contribute to economic wellbeing.</p> <p>Option B does not achieve the policy.</p>	<p>Based on my comment on Objective 1.1 above I consider that the economic well-being is better enabled by the RTRA which provides for resilience and sustainable use of the resources, including in relation to the manner by which it can integrate with the existing urban activities, and the way in which effects on and from nearby activities can be managed by the various provisions.</p> <p>Option B achieves the policy.</p>
Policy 1.1.2	<i>Social and cultural wellbeing and health and safety – provide for the social and cultural wellbeing and health and safety of Otago’s people and communities when undertaking subdivision, use, development and protection of natural and physical resources by all of the following:</i>	<p>Items (c) – (f) of this objective are the most relevant:</p> <p>On item (c), the status quo zonings do not respond to the diverse needs of the market in seeking developable land for a variety of urban residential demands.</p> <p>On item (d), the status quo zonings recognise the potential significant adverse effects of activities on human health and promote methods to avoid or</p>	<p>Items (c) – (f) of this objective are the most relevant:</p> <p>On item (c), there are diverse needs arising from the shortage of developable land for urban residential purposes. The RTRA responds to these needs.</p> <p>On item (d), the potential significant adverse effects of activities on human health have been recognised, and methods adopted in the provisions to avoid or adequately mitigate these, as</p>

	<p>a) <i>Recognising and providing for Kāi Tahu values;</i></p> <p>b) <i>Taking into account the values of other cultures;</i></p> <p>c) <i>Taking into account the diverse needs of Otago's people and communities'</i></p> <p>d) <i>Avoiding significant adverse effects of activities on human health;</i></p> <p>e) <i>Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing;</i></p> <p>f) <i>Promoting good quality and accessible infrastructure and public services.</i></p>	<p>adequately mitigate these, as discussed in Part 4 of my evidence. Reverse sensitivity effects are not guaranteed to be avoided, however.</p> <p>On item (e), the status quo zonings do not promote community resilience in relation to land supply for affordable urban residential living by not fulfilling the need to secure land resources for the reasonable needs of residential land supply.</p> <p>I therefore consider, overall, that Option A does not achieve the objective.</p>	<p>discussed in Part 4 of my evidence.</p> <p>On item (e), the RTRA provisions promoting community resilience in relation to land supply for affordable urban residential living, in a manner which is resilient by recognising and appropriately managing potential adverse effects on the environment. The RTRA fulfils the need to secure land resources for the reasonable needs for human wellbeing, i.e. for residential land supply.</p> <p>On item (f), the development of the RTRA would promote good quality and accessible infrastructure and public services.</p> <p>Option B achieves the objective.</p>
<p>Objective 1.2</p>	<p>Recognise and provide for the integrated management of natural and physical resource to support the wellbeing of people and communities in Otago.</p>	<p>The operative zonings integrate with the nearby rural land uses in that they provide for rural / rural residential activities.</p> <p>They may not integrate with the nearby noise generating activities in that reverse sensitivity effects are not managed through the operative rules.</p> <p>The operative zonings do not support wellbeing insofar as they do not contribute to land needs for urban expansion.</p> <p>Option B does not achieve the objective.</p>	<p>As with other urban settlements including Pisa Moorings, Bannockburn and Lowburn, the RTRA land is not physically adjacent to the existing urban area of Cromwell, being separated by the Motorsport Park. However, integration by road connections (SH6, Sandflat, Pearson and Bannockburn Roads), and by walking and cycling connections as discussed by Mr Ray, provide as much connection as is feasible and necessary.</p> <p>Within the RTRA there is significant interconnectedness and integration, by the network of roads and parks / walkways / cycleways, and the central location of the small commercial centre and the potential school, to reduce the number of vehicle trips outside the zone.</p> <p>Integration with the surrounding activities can be adequately managed through the suite of rules provided, including to avoid or mitigate effects on and from the RTRA activities, including the acoustic insulation rules, the covenants, and the boundary treatment requirements.</p>

			Option A therefore achieves the objective.
Policy 1.2.1	<p><i>Integrated resource management – Achieve integrated management of Otago’s natural and physical resources, by all of the following:</i></p> <p>a) <i>Coordinating the management of interconnected natural and physical resources;</i></p> <p>b) <i>Taking into account the impact of management of one natural or physical resource on the values of another, or on the environment;</i></p> <p>c) <i>Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest;</i></p> <p>d) <i>Ensuring that resource management approaches across administrative boundaries are consistent and complementary;</i></p> <p>e) <i>Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits.</i></p> <p>f) <i>Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement.</i></p> <p>g) <i>Promoting healthy ecosystems and ecosystem services;</i></p> <p>h) <i>Promoting methods that reduce or negate the risk of exceeding</i></p>	<p>For the reasons expressed on Objective 1.2 above I consider that Option A does not achieve this policy.</p>	<p>I consider that the RTRA achieves integrated management of the natural and physical resources, and I address items a) – h) of this policy as follows:</p> <p>On item (a):</p> <ul style="list-style-type: none"> the RTRA coordinates the resources of the RTRA land by the spatial layout of the various activities, and their relationships with one another, and by their interconnectedness (parks, walkways, road hierarchy etc); the RTRA coordinates with the surrounding activities by the methods including acoustic treatment of buildings, covenants, and boundary treatment, to ensure that potential adverse effects on and from those activities are avoided or appropriately mitigated; the RTRA integrates with the wider environment, including with Cromwell, by the existing roading connections and the proposed walking and cycling connections. <p>On items (b) and (c), the impact of the management of one natural or physical resource (the RTRA) on the values of another (and vice versa) where they extend beyond their boundaries, are inherent in the identified relationships between the RTRA and the nearby uses, including motorsport, primary production and rural living activities. I have addressed these in Part 4 (effects on the environment) of my evidence. My conclusion from that assessment is that the RTRA rules (that promote better and acceptable compatibility between activities that without such rules would otherwise be incompatible in relation to sensitivity effects and reverse sensitivity effects), are necessary to maintain the values of each of the adjacent activities and of the wider environment.</p> <p>Item (d) is not relevant except to the extent that business and</p>

	<i>sustainable resource limits.</i>		<p>population growth in Queenstown and Wanaka impact also on the business and population growth of Central Otago, particularly Cromwell.</p> <p>On item (e), the actual and potential effects of the RTRA have been recognised and addressed in the RTRA provisions, to ensure that the effects are managed appropriately.</p> <p>On item (f), I consider that, overall, the actual and potential adverse effects of the RTRA activities give effect to the objectives and policies of the Regional Policy Statement.</p> <p>Item (g) is not relevant because there is no impact of the RTRA activities on the health of ecosystems and ecosystem services, provided the proposed methods of infrastructural servicing are adopted.</p> <p>I do not consider that Item (h) is relevant because sustainable resource limits are not challenged by the RTRA.</p> <p>Based on the above analysis I consider that Option B achieves this policy.</p>
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Chapter 2 – Kāi Tahu Values and interests are recognised and Kaitiakitaka is expressed

Objective 2.1	The principle of Te Tiriti o Waitangi are taken into account in resource management processes and decisions.	Any development is likely to be subject to accidental discovery protocols.	The cultural and archaeological values of the site were assessed in the report by Origin Consultants (Document 11 to the request bundle), which found that there are no known Maori cultural values of relevance to the site.
Objective 2.2	Kāi Tahu values, interest and customary resources are recognised and provided for.	Option A will achieve these objectives.	The accidental discovery protocols in the RTRA rules ensure that any unforeseen potential effects on cultural values are avoided or mitigated.

Chapter 4 – Communities in Otago are resilient, safe and healthy

Objective 4.1	Risks that natural hazards pose to Otago's communities are minimized.	The land is not in a hazardous area, as concluded in the reporting for the RTRA.	The RTRA is not in a hazardous area, as addressed in the geotechnical report that supported the request (Document 9 of the request bundle).
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<p>Objective 4.3</p>	<p>Infrastructure is managed and developed in a sustainable way.</p>	<p>The operative zonings have little bearing on infrastructure networks. Subdivision conditions (under Chapter 16 of the Plan) would require appropriate infrastructure provision for new sites.</p> <p>Option A achieves the policy.</p>	<p>Mr Whitney comments on this objective, in relation to the local use of the state highway being contrary to the primary role of a state highway which is to carry through traffic.</p> <p>I disagree with Mr Whitney. State highway 6 is a primary connector between communities including, locally, Cromwell, Lowburn and Pisa Moorings; and in many other examples including Arrowtown, Jacks Point, Frankton, Five Mile and Queenstown; and Luggate, Hawea and Wanaka. Providing intersections with the state highway promote safety, then I do not consider that the state highway would not be managed sustainably.</p> <p>Other infrastructure networks can be managed sustainably including by RTRA connections.</p> <p>Option B therefore achieves the objective.</p>
<p>Policy 4.3.1</p>	<p><i>Managing infrastructure activities – Recognise and provide for infrastructure by all of the following:</i></p> <ul style="list-style-type: none"> a) <i>Protecting and providing for the functional needs of lifeline utilities and essential or emergency services;</i> b) <i>Increasing the ability of communities to respond and adapt to emergencies, and disruptive or natural hazard events;</i> c) <i>Improving efficiency of natural and physical resource use;</i> d) <i>Minimising adverse effects on existing land uses, and natural and physical resources;</i> e) <i>Managing other activities to ensure the functional needs of infrastructure are not compromised.</i> 	<p>The operative zonings have little bearing on infrastructure networks. Subdivision conditions (under Chapter 16 of the Plan) would require appropriate infrastructure provision for new sites.</p> <p>Option A achieves the policy.</p>	<p>The RTRA is able to be serviced for utilities, including for water supply, wastewater management, stormwater management, power and telecommunications. No adverse effects will arise in relation to these infrastructural services.</p> <p>Mr Carr has addressed the various concerns raised by Stantec in the s42A report and in reliance on Mr Carr's evidence I consider that the RTRA will not cause adverse effects from a traffic and transportation perspective.</p> <p>Option B achieves the policy.</p>

<p>Objective 4.5</p>	<p>Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments.</p>	<p>Not relevant – the operative zonings do not provide for urban development.</p>	<p>Mr Whitney comments on this objective. He considers that the RTRA does not integrate effectively with the adjoining urban and rural environments as required by the objective.</p> <p>In reliance on the evidence of other witnesses, including Ms Hampson (in relation to urban land supply); Mr Ray (in relation to the design of the RTRA and the way that it can integrate with the nearby urban environment); both Ms Hampson and Mr Ray (in relation to the strategic location of new urban growth opportunities in the Cromwell valley); Mr Styles (in relation to integration with the noise from adjoining motorsport and rural activities); and Mr Skelton (in relation to landscape values) I consider that the RTRA area:</p> <ul style="list-style-type: none"> • Is well designed and will be internally integrated; • Is strategically located given the finite locations where greenfields growth can readily occur; • Will integrate with existing nearby activities. <p>I therefore disagree with Mr Whitney's comment on this objective. I consider that Option A achieves the objective.</p>
<p>Policy 4.5.1</p>	<p><i>Providing for urban growth and development – Provide for urban growth and development in a strategic and coordinated way, including by:</i></p> <p>a) <i>Ensuring future urban growth areas are in accordance with any future development strategy for that district.</i></p> <p>b) <i>Monitoring supply and demand of residential, commercial and industrial zoned land;</i></p> <p>c) <i>Ensuring that there is sufficient housing and business land</i></p>	<p>Not relevant – the operative zonings do not provide for urban development.</p>	<p>Mr Whitney addresses this policy. He considers that PC13 does not provide for urban growth and development in a strategic and coordinated way. Cromwell Masterplan process is underway and the outcome is uncertain.</p> <p>He considers that the proposal may be inconsistent with item (a) (in relation to the Cromwell master-planning exercise which is underway and the outcome is uncertain); and is contrary to item (f)(i) in relation to soils and activities which sustain food production; and item (h) in relation to reverse sensitivity effects on neighbouring incompatible existing land uses.</p> <p>I disagree with Mr Whitney.</p> <p>I consider as follows:</p>

	<p><i>development capacity available in Otago;</i></p> <p>d) <i>Setting minimum targets for sufficient, feasible capacity for housing in high growth urban areas in Schedule 6.</i></p> <p>e) <i>Coordinating the development and the extension of urban areas with infrastructure development programmes, to provide infrastructure in an efficient and effective way.</i></p> <p>f) <i>Having particular regard to:</i></p> <p>i. <i>Providing for rural production activities by minimizing adverse effects on significant soils and activities which sustain food production</i></p> <p>ii. <i>Minimising competing demands for natural resources;</i></p> <p>iii. <i>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;</i></p> <p>iv. <i>Maintaining important cultural or</i></p>		<p>On item (a), there is currently no future development strategy but I acknowledge that the Council's master planning strategy is well underway but the outcomes are not yet public. Mr Ray has addressed this¹⁴ and I concur with his opinion that the RTRA is consistent with the best possible option promoted in the draft masterplan documentation (Option 2, which provides for balanced town renewal and growth beyond the urban area.</p> <p>On item (c), the RTRA will contribute to ensuring that there is sufficient housing land development capacity available;</p> <p>On item (e), the development is coordinated with infrastructure development such that infrastructure is provided in an efficient and effective way.</p> <p>On item (f) I address the issue of soil and primary productivity in policies below but do not consider that the land is necessary for retaining for primary production.</p> <p>On item (g), I consider that the RTRA is an efficient use of the land, as discussed in Part 6 above in relation to s7(b).</p> <p>On item (h), reverse sensitivity effects can be adequately managed by the RTRA provisions as I discussed in Part 4 of this evidence.</p> <p>For these reasons I consider that Option B achieves the policy.</p>
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¹⁴ Evidence of Alastair Ray dated XXX, paragraphs 7.1 – 7.40

	<p><i>historic heritage values;</i></p> <p>v. <i>Avoiding land with significant risk from natural hazards;</i></p> <p>g) <i>Ensuring efficient use of land;</i></p> <p>h) <i>Restricting urban growth and development to areas that avoid reverse sensitivity effects unless those effects can be adequately managed;</i></p> <p>i) <i>Requiring the use of low or no emission heating systems where ambient air quality is:</i></p> <p>i. <i>Below standards for human health;</i> <i>or</i></p> <p>ii. <i>Vulnerable to degradation given the local climatic and geographic context;</i></p> <p>j) <i>Consolidating existing coastal settlements and coastal urban areas where this will contribute to avoiding or mitigating sprawling or sporadic patterns of settlement and urban growth.</i></p>		
Policy 4.5.2	<p><i>Integrating infrastructure with land use – Achieve the strategic integration of infrastructure with land use, by undertaking all of the following:</i></p> <p>a) <i>Recognising and providing for the functional needs of infrastructure;</i></p> <p>b) <i>Locating and designing infrastructure to take into account all of the following:</i></p> <p>i. <i>Actual and reasonably</i></p>	<p>Not relevant. The operative zonings have little bearing on infrastructure networks. Subdivision conditions (under Chapter 16 of the Plan) would require appropriate infrastructure provision for new sites.</p> <p>Option A achieves the policy.</p>	<p>Mr Whitney comments on this policy. He considers that PC13 does not recognise or provide for the functional needs of infrastructure being SH6, and do not consider that the strategic integration of infrastructure with land use is achieved in this instance. Providing for the use of SH for local traffic is contrary to its primary purpose of serving through traffic. PC13 will increase traffic volumes on Sandflat Road south, Pearson Road and Bannockburn Road – the adequacy of these roads has not been assessed.</p>

	<p><i>foreseeable land use change;</i></p> <p><i>ii. The current population and projected demographic changes;</i></p> <p><i>iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;</i></p> <p><i>iv. Natural and physical resource constraints;</i></p> <p><i>v. Effects on the values of natural and physical resources;</i></p> <p><i>vi. Co-dependence with other infrastructure;</i></p> <p><i>vii. The effects of climate change on the long-term viability of that infrastructure;</i></p> <p><i>viii. Natural hazard risk.</i></p> <p><i>c) Coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.</i></p>		<p>I disagree with Mr Whitney. NZTA's Planning Policy Manual 2007 states that:</p> <p><i>NZTA's objective under the Land Transport Management Act (2003) is to 'operate the state highway system in a way that contributes to an integrated, safe, responsive and sustainable land transport system'. This clarifies that [NZTA's] role is, in addition to building roads in response to traffic pressures, to manage the state highway network as a key component of New Zealand's wider transport system.</i></p> <p>Infrastructure network connections can be provided to the RTRA in an efficient manner, without cost to the community.</p> <p>Option B achieves the policy.</p>
Policy 4.5.3	<p><i>Urban design – Design new urban development with regard to:</i></p> <p><i>a) A resilient, safe and healthy community;</i></p> <p><i>b) A built form that relates well to its surrounding environment;</i></p> <p><i>c) Reducing risk from natural hazards;</i></p> <p><i>d) Good access and connectivity within and between communities;</i></p>	Not relevant.	<p>Mr Whitney addresses this policy. He considers that the site has significant constraints having regard to the established land use activities in the immediate vicinity and that the noise associated with these activities will significantly compromise residential amenity by compromising outdoor living within the RTRA.</p> <p>He also considers that there is inadequate access and connectivity provided between the RTRA and the commercial and community facilities and</p>

	<p>e) <i>A sense of cohesion and recognition of community values;</i></p> <p>f) <i>Recognition and celebration of physical and cultural identity, and the historic heritage values of a place;</i></p> <p>g) <i>Areas where people can live, work and play;</i></p> <p>h) <i>A diverse range of housing, commercial, industrial and service activities;</i></p> <p>i) <i>A diverse range of social and cultural opportunities.</i></p>		<p>residential areas that exist in Cromwell.</p> <p>I have discussed these matters in Part 4 of my evidence. For the reasons set out in Part 4 I disagree with Mr Whitney.</p> <p>Mr Ray addresses the urban design rationale for the RTRA. Based on his evidence I consider as follows on the items in the policy:</p> <p>On item (a), the RTRA can provide for a resilient, safe and healthy community, and the provisions promote this.</p> <p>On item (b), the surrounding environment is predominantly open and rural but any urban expansion into rural land will contrast to some degree with its immediate context. In the case of the RTRA the various boundary treatment requirements (setbacks, landscaping, lot sizes) and the sensitivity / reverse sensitivity requirements provide for built form that relates as well as possible to its surrounding environment.</p> <p>On item (c), there is little risk from natural hazards.</p> <p>On item (d), there is adequate access and connectivity within the RTRA and between the RTRA and other parts of Cromwell, as discussed by Mr Ray and Mr Carr;</p> <p>On item (e), the RTRA will provide for a sense of cohesion and recognition of community values by establishing its own innovative character and identity, through the spatial layout and provision of open space, greenways, the neighbourhood centre, and the walkway / cycleway linkages;</p> <p>On item (f), the RTRA will establish its own identity and protects the limited historic heritage values;</p> <p>On item (g), the structure plan shows substantial areas of open space for recreation to complement the residential areas. The work areas are limited but the RTRA is close to the main industrial / employment area of Cromwell.</p>
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			<p>On items (h) and (i), the RTRA promotes a wide range of residential product to attain affordability and diversity and will contribute to the range of social and cultural opportunities by availability to a wide age range (families, retirees, etc).</p> <p>I therefore consider that Option B achieves the policy.</p>
Policy 4.5.4	<i>Low impact design – Encourage the use of low impact design techniques in subdivision and development to reduce demand on stormwater, water and wastewater infrastructure and reduce potential adverse environmental effects.</i>	Not relevant.	<p>The subdivision and development of the RTRA would use the most efficient methods for managing the infrastructure to avoid or substantially reduce potential adverse effects of these services on the environment.</p> <p>Option B achieves the policy.</p>
Policy 4.5.5	<i>Warmer buildings – Encourage the design of subdivision and development to reduce the adverse effects of the region’s colder climates, and higher demand and costs from energy, including maximizing passive solar gain.</i>	Not relevant.	<p>The additional insulation standards contribute to achieving this policy.</p> <p>Option B achieves the policy.</p>
Policy 4.5.6	<i>Designing for public areas – Design and maintain public spaces, including streets and open spaces, to meet the reasonable access and mobility needs of all sectors.</i>	Not relevant.	<p>The RTRA’s spatial layout inherent in the Structure Plan and associate plans include open spaces, greenways, the neighbourhood centre, and the walkway / cycleway linkages, which meet reasonable access and mobility needs.</p> <p>Option B achieves the policy.</p>
Chapter 5 – People are able to use and enjoy Otago’s natural and built environment			
Objective 5.2	Historic heritage resources are recognised and contribute to the region’s character and sense of identity.	<p>The historic values of the site are known (through the PC13 research) and if the land is subdivided under the operative zonings conditions would likely be imposed to address the heritage items.</p> <p>Option A therefore achieves the objective.</p>	<p>One of the historic water races within the RTRA land, the northern race, will be protected by integration into the open space area. The Horn’s shaft mineshaft on the adjacent property will also be protected by the RTRA provisions.</p> <p>Option B therefore achieves the objective.</p>
Objective 5.3	Sufficient land is managed and protected for economic production.	The land has had a rural or rural residential zoning for many years but has not been developed for any productive purpose, or for	The RTRA would foreclose its productive capability, but I do not consider that the land is necessary

		<p>rural residential purposes. I do not consider that the land is necessary to contribute to any sufficiency of land for economic production. Nevertheless, retaining the land in its operative zonings does not fully foreclose its productive capability.</p> <p>Option A achieves the objective.</p>	<p>to contribute to any sufficiency of land for economic production.</p> <p>On this basis Option B achieves the objective.</p>
<p>Policy 5.3.1</p>	<p><i>Rural activities – Manage activities in rural areas, to support the region’s economy and communities, by:</i></p> <p>a) <i>Enabling primary production and other rural activities that support that production;</i></p> <p>b) <i>Providing for mineral exploration, extraction and processing;</i></p> <p>c) <i>Minimizing the loss of significant soils;</i></p> <p>d) <i>Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects;</i></p> <p>e) <i>Minimizing the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;</i></p> <p>f) <i>Providing for other activities that have a functional need to locate in rural areas.</i></p>	<p>I comment on this policy as follows:</p> <p>On item (a) the operative zonings enable primary production and other rural activities that support that production, but that opportunity has been open for many years and the land has not been used for any meaningful productive purpose;</p> <p>On item (b) the soils are not high-class soils and their loss to urban development is of minor consequence to the regional or local economy;</p> <p>On item (d) the operative zonings could potentially lead to reverse sensitivity effects as I discussed in Part 4 above, although the risk is likely to be low;</p> <p>On item (e), the zoning allows for subdivision into smaller rural residential lots over a large part of the land but this is unlikely to be of consequence to the overall productivity capacity which is minimal anyway;</p> <p>I consider that Option A achieves the policy.</p>	<p>Mr Whitney comments on this policy. He considers that the proposal will result in the use of high-class soils and the establishment of incompatible activities in the existing rural environment.</p> <p>I disagree with Mr Whitney, as follows:</p> <ul style="list-style-type: none"> • In relation to the soil class, the soils are not high class soils and their loss to urban development is of minor consequence to the regional or local economy; • In relation to incompatibility with nearby uses and reverse sensitivities, I have addressed these in Part 4 of this evidence in which I conclude that the RTRA provisions adequately address the potential for sensitivities and reverse sensitivities with the nearby activities. <p>Further, while I accept that the motorsport activities and the orcharding operations clearly have a need to locate rurally, urban expansion (at least a substantial part of it) to accommodate population growth needs to occupy rural land also, and the options for such expansion in the Cromwell setting are very limited. The RTRA land is therefore, in my view, important for urban growth but it needs to take into account the existing activities to ensure that they are not adversely affected.</p> <p>With that background, I address items a) – f) of the policy as follows:</p> <p>On item (a), the RTRA land is not being used (and for many years has not been used) for any meaningful primary production.</p>

			<p>The RTRA would foreclose primary productive activities on the land but I do not consider that this is problematic given that there is no compulsion to use the land for that purpose. Further, the RTRA will not disable primary production and other rural activities that support that production on other land nearby.</p> <p>On item (c), the soils are not by class definition “significant soils” and their loss is not an issue.</p> <p>On item (d), the RTRA has the potential to be incompatible with nearby activities, but this potential has been recognised in the preparation of the provisions and these provisions restrict, where necessary, activities within the RTRA such that sensitivities and reverse sensitivities are avoided or appropriately mitigated.</p> <p>On item (e), the RTRA land is not used for primary production and the subdivision into smaller urban lots will not change the productive efficiency of the land or of Cromwell’s wider productive efficiency.</p> <p>On item (f), based on (d) and (e) above the RTRA provides for the other existing activities that have a functional need to locate in rural areas, by not impinging on their ability to function efficiently.</p> <p>I therefore conclude that Option B achieves the policy.</p>
<p>Policy 5.3.2</p>	<p><i>Distribution of commercial activities – Manage the distribution of commercial activities by:</i></p> <ul style="list-style-type: none"> a) <i>Enabling a wide variety of commercial, social and cultural activities in central business districts, and town and commercial centres;</i> b) <i>Enabling smaller commercial centres to service local community needs;</i> c) <i>Restricting commercial activities</i> 	<p>Not relevant.</p>	<p>The RTRA includes a small commercial centre to serve the local needs of the RTRA community without the potential to undermine the vibrancy and viability of the other established commercial centres in Cromwell, as discussed by Ms Hampson.</p> <p>Option B achieves the policy.</p>

	<p><i>outside of a) and b) when such activities are likely to undermine the vibrancy and viability of those centres;</i></p> <p><i>d) Encouraging the adaptive reuse of existing buildings.</i></p>		
Policy 5.3.3	<p><i>Industrial land – Manage the finite nature of land suitable and available for industrial activities, by all of the following:</i></p> <p><i>a) Providing specific areas to accommodate the effects of industrial activities;</i></p> <p><i>b) Providing a range of land suitable for different industrial activities, including land-extensive activities;</i></p> <p><i>c) Restricting the establishment of activities in industrial areas that are likely to result in:</i></p> <p><i>i. Reverse sensitivity effects; or</i></p> <p><i>ii. Inefficient use of industrial land or infrastructure.</i></p>	Not relevant – the existing zoning does not provide for industrial activities.	Not relevant – the RTRA does not provide for industrial activities.
Policy 5.3.5	<p><i>Tourism and outdoor recreation – Recognise the social and economic value of some forms of outdoor recreation and tourism have access to, and being located within, outstanding natural features and landscapes.</i></p>	Not relevant – the land is not within the ONL or ONF area.	Not relevant – the land is not within the ONL or ONF area.

Table B – Proposed version following mediation / consent order (yet to be ratified by the Environment Court)

Provision No.	Provision	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
		Option A Current zoning: Rural / Rural Residential Resource Area	Option B Proposed zoning: River Terrace Resource Area (RTRA)

<p>Policy 3.1.7</p>	<p>Soil values</p> <p>Safeguard the life-supporting capacity of soil and manage soil to:</p> <ul style="list-style-type: none"> a) Maintain or enhance as far as practicable <ul style="list-style-type: none"> i. Soil biological diversity; ii. Biological activity in soils; iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere; iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination; v. Soil fertility where soil is used for primary production; b) Where a) is not practicable, minimise adverse effects; c) Recognise that urban and infrastructure development may result in loss of soil values. d) Control the adverse effects of pest species, prevent their introduction and reduce their spread; e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained. 	<p>The soils are not high-class soils and their loss to urban development is of minor consequence to the regional or local economy.</p> <p>Option A does not foreclose loss of the soils for production but fails to recognise the capacity of the land for urban development (under item (c) of the policy.</p> <p>On that basis I do not consider that Option A achieves the policy.</p>	<p>Mr Whitney comments on this policy. He considers that PC13 is contrary to the policy because the soils are high class and the urbanisation will adversely affect their productive capacity.</p> <p>I disagree with Mr Whitney. The soils are not high class and their loss is not an issue.</p> <p>The land is not being used (and for many years has not been used) for any meaningful primary production and will not disable primary production and other rural activities that support that production on other land nearby.</p> <p>The RTRA will not change the productive efficiency of the land or of Cromwell's wider productive efficiency.</p> <p>Item (c) of the policy recognises that urban development may result in the loss of soil, inviting consideration as to determining whether the loss of the soil resource in question outweighs the value to the wider economy of urban use.</p> <p>In this case I consider that the urban use of the land significantly outweighs the loss of the productive capacity of the soils.</p> <p>Option B achieves the policy.</p>
<p>Policy 3.2.4</p>	<p><i>Managing outstanding natural features, landscape and seascapes – Protect, enhance or restore outstanding natural</i></p>	<p>Not relevant – the Rural / Rural Residential land is not within an outstanding natural feature or landscape.</p>	<p>Not relevant – the RTRA land is not within an outstanding natural feature or landscape.</p>

	<p><i>features, landscape and seascapes, by all of the following:</i></p> <ul style="list-style-type: none"> <i>a) In the coastal environment, avoiding adverse effects on the outstanding values of the natural feature, landscape or seascape;</i> <i>b) Beyond the coastal environment, maintaining the outstanding values of the natural feature, landscape or seascape;</i> <i>c) Avoiding, remedying or mitigating other adverse effects;</i> <i>d) Encouraging enhancement of those areas and values that contribute to the significance of the natural feature, landscape or seascape.</i> 		
<p>Policy 3.2.6</p>	<p><i>Managing highly valued natural features, landscapes and seascapes – Maintain or enhance highly values natural feature, landscapes and seascapes by all of the following:</i></p> <ul style="list-style-type: none"> <i>a) Avoiding significant adverse effects on those values that contribute to the high value of the natural feature, landscape or seascape;</i> <i>b) Avoiding, remedying or mitigating other adverse effects;</i> <i>c) Encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape.</i> 	<p>Not relevant.</p> <p>Using the values set out in Schedule 3 of the RPS I do not consider that the land is “highly valued”, particularly given that such values (including biophysical attributes, sensory attributes, and associate attributes) are not recognised in the existing zonings and the development capability enabled by them.</p>	<p>Not relevant.</p> <p>Using the values set out in Schedule 3 of the RPS I do not consider that the land is “highly valued”, particularly given that such values (including biophysical attributes, sensory attributes, and associate attributes) are not recognised in the existing zonings and the development capability enabled by them.</p>

<p>Policy 3.2.17</p>	<p>Identifying significant soil</p> <p>Identifying areas of soil that are significant using the following criteria:</p> <ul style="list-style-type: none"> a) Land classified as land use capability, I, II and IIIe in accordance with the New Zealand Land Resource Inventory; b) Degree of significance for primary production; c) Degree for providing contaminant buffering or filtering services; d) Significance for providing water storage or flow retention services; e) Degree of rarity. 	<p>The soils are not high-class soils and their loss to urban development is of minor consequence to the regional or local economy.</p> <p>The degree of significance to primary production is very limited.</p> <p>To the extent the policies are relevant, Option A achieves them.</p>	<p>Mr Whitney comments on this policy. He considers that PC13 is contrary to the policy because the soils are high class and the urbanisation will adversely affect their productive capacity.</p> <p>I disagree with Mr Whitney. Not relevant.</p> <p>The soils are not high-class soils and their loss to urban development is of minor consequence to the regional or local economy.</p> <p>The degree of significance to primary production is very limited.</p> <p>The land is not being used (and for many years has not been used) for any meaningful primary production and will not disable primary production and other rural activities that support that production on other land nearby.</p> <p>The RTRA will not change the productive efficiency of the land or of Cromwell's wider productive efficiency.</p> <p>Item (c) of the policy recognises that urban development may result in the loss of soil, inviting consideration as to determining whether the loss of the soil resource in question outweighs the value to the wider economy of urban use.</p> <p>In this case I consider that the urban use of the land significantly outweighs the loss of the productive capacity of the soils.</p> <p>To the extent the policies are relevant, Option A achieves them.</p>
<p>Policy 3.2.18</p>	<p>Managing significant soil</p> <p>Manage areas of significant soil, by all of the following:</p> <ul style="list-style-type: none"> a) Maintaining those values which make the soil significant b) Avoiding, remedying or mitigating other adverse effects; c) Recognising that loss of significant soil to urban development may occur in accordance with any future development strategy; d) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread. 		<p>To the extent the policies are relevant, Option B achieves them.</p>

Assessment of the relevant provisions of the National Policy Statement on Urban Development Capacity 2016

Provision of the NPS - UDC	Assessment: Is the objective / policy achieved? If so, how? If not, why not?	
	Option A Current zoning: Rural / Rural Residential Resource Area	Option B Proposed zoning: River Terrace Resource Area (RTRA)
OBJECTIVES		
<i>Objective Group A – Outcomes for planning decisions</i>		
OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.	The operative zonings do not enable an urban environment that can effectively or efficiently contribute to wellbeing. Option A does not achieve the objective.	I consider that the urban environment that would establish in the RTRA enables people and the wider community to provide for their well-being, as I discussed in relation to the purpose of the Act, in Part 6 of this evidence. Option B achieves the objective.
OA2: Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.	The operative zonings do not provide opportunities for the development of housing to meet demand and does not contribute to choices of location and dwelling types to meet peoples' and the communities' needs. Option A does not achieve the objective.	The RTRA provides further opportunities, within the wider Cromwell area, for the development of housing to contribute to meeting the needs of residents and the wider community, and future generations. The RTRA provisions cater to a range of dwelling types including by way of a range of lot sizes (from 160m ² to 1000m ²) and for retirement living. The provisions also enable an appropriate quantum of business land, within the Neighbourhood Centre Overlay, which complements the residential areas without impacting adversely on the existing business areas in Cromwell. Option A achieves the objective.
OA3: Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.	The operative zonings do not enable an urban environment that can develop and change over time for the needs of people and communities, both now and in the future. Option A does not achieve the objective.	The RTRA provisions enable a wider range of lot sizes (than is otherwise provided for in the District) and therefore development can be adaptable to respond to the changing needs of the market. Option B achieves the objective.
<i>Objective Group B – Evidence and monitoring to support planning decisions</i>		

<p>OB1: A robustly developed, comprehensive and frequently updated evidence base to inform planning decisions in urban environments.</p>	<p>This is less relevant to the individual developer and more relevant to the duties of the local authority. However, the market information underpinning this plan change request can assist in informing the current and future planning decisions.</p> <p>Both Option A and Option B achieve the objective.</p>	
<p>Objective Group C – Responsive planning</p>		
<p>OC1: Planning decisions, practices and methods that enable urban development which provides for the social, economic, cultural and environmental wellbeing of people and communities and future generations in the short, medium and long-term.</p>	<p>The operative zonings do not enable wellbeing in the manner sought by the objective.</p> <p>Option A does not achieve the objective.</p>	<p>The RTRA is a method for enabling urban development that provides for wellbeing, as discussed in objectives OA1 and OA2 above. The intention is to contribute to the short- and medium-term housing needs of the community.</p> <p>Option B achieves the objective.</p>
<p>OC2: Local authorities adapt and respond to evidence about urban development, market activity and the social, economic, cultural and environmental wellbeing of people and communities and future generations, in a timely way.</p>	<p>Retaining the operative zonings is not responsive to the evidence provided about the current and foreseeable future market activity and need to urban development in response to that evidence.</p> <p>Option A does not achieve the objective.</p>	<p>The RTRA will assist in how the Council adapts and responds to the evidence provided (by Ms Hampson, Mr Meehan, Mr Bretherton and Mr Tristram) about the market activity and the timeliness of enabling development-ready land for urbanisation.</p> <p>Option B achieves the objective.</p>
<p>Objective Group D – Coordinated planning evidence and decision-making</p>		
<p>OD1: Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.</p>	<p>Not relevant.</p>	<p>The RTRA will be developed in a way that integrates with infrastructure provision.</p> <p>Option B achieves the objective.</p>
<p>OD2: Coordinated and aligned planning decisions within and across local authority boundaries.</p>	<p>Not relevant</p>	<p>Option B aligns with an appropriate future planning strategy for Cromwell, and arguably the only viable future planning strategy for Cromwell, as discussed by Mr Ray.</p> <p>Option B achieves the objective.</p>
<p>POLICIES</p>		
<p>Outcomes for planning decisions</p> <p>Policies PA1 to PA4 apply to any urban environment that is expected to experience growth.</p>		
<p>PA1: Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the table below:</p>	<p>The operative zonings would not ensure that sufficient housing land development capacity is available in the short- to mid-term.</p> <p>Option A does not achieve the policy.</p>	
<p>Short term</p>	<p>Development capacity must be feasible, zoned</p>	<p>The RTRA would, if zoned, contribute to the sufficiency of housing and associated business land in the short- and medium-term because it can be readily serviced with infrastructure, all to be funded by the developer.</p> <p>Option B achieves the policy.</p>

	and serviced with development infrastructure.		
Medium term	<p>Development capacity must be feasible, zoned and either:</p> <ul style="list-style-type: none"> • serviced with development infrastructure, or • the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002. 		
Long-term	<p>Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.</p>		
PA2: Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.		Not relevant.	All infrastructure required to support the RTRA is available. Option B achieves the policy.
PA3: When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of		<p>I consider that:</p> <p>(a) The operative zonings do not contribute to individuals' choices to meet their needs, and the communities needs now and in the future in relation</p>	<p>I consider that:</p> <p>(a) The RTRA provides for individual's choices to meet their needs, and the communities needs now and in the future in relation to the potential range of dwelling</p>

<p>people and communities and future generations, whilst having particular regard to:</p> <ul style="list-style-type: none"> a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses; b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets. 	<p>to the potential range of dwelling types available, and the location.</p> <ul style="list-style-type: none"> (b) The existing zonings do not promote the efficient use of urban land as I discussed in Part 6 of this evidence in relation to s7(b); (c) The operative zonings do not contribute to competition in the urban development market. <p>Option A does not achieve the policy.</p>	<p>types available, and the location. The RTRA provides more limited opportunity for business land, based on the needs of the RTRA community and the compatibility of the Neighbourhood Centre with the RTRA and the wider business environment of Cromwell;</p> <ul style="list-style-type: none"> (b) The RTRA promotes the efficient use of urban land and development infrastructure and other infrastructure, as I discussed in Part 6 of this evidence in relation to s7(b); (c) The RTRA provides competition to the market and will therefore promote more affordability and contribute to avoiding adverse impacts on the competitive operation of land and development markets. <p>Option B achieves the policy.</p>
<p>PA4: When considering the effects of urban development, decision-makers shall take into account:</p> <ul style="list-style-type: none"> a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as the local effects. c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets. 	<p>I consider that:</p> <ul style="list-style-type: none"> a) The operative zonings will not provide the benefits that urban development could provide in relation to current and future wellbeing; b) Based on the evaluation of benefits and costs in the request and as discussed in Part 10 of my evidence, I consider that costs of Option A outweigh the benefits; c) The operative zonings do not contribute to competition in the urban development market. <p>Option A does not achieve the policy.</p>	<p>I consider that</p> <ul style="list-style-type: none"> a) The RTRA will be of benefit by providing for people, the community and future generations to provide for their social, economic, cultural and environmental wellbeing, as I discussed in Part 6 above in relation to the purpose of the Act; b) Based on my evaluation of benefits and costs in Part 10 of my evidence, I consider that the RTRA will be of benefit at the regional and district scales (in accommodating growth being experienced in Queenstown-Lakes District as well as in Central Otago District). At the local level, being the RTRA land and its environs, effects can be managed as I have addressed in Part 4 of this evidence, and I consider that the benefits of the RTRA outweigh the costs; c) The RTRA provides competition to the market and will therefore promote more

		<p>affordability and contribute to avoiding adverse impacts on the competitive operation of land and development markets.</p> <p>Option B achieves the policy.</p>
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Assessment of the appropriateness of the RTRA objectives in achieving the purpose of the Act

RTRA Objective	Appropriateness of the RTRA objective in achieving the purpose of the Act
<p>Objective 20.3.1 – Efficient, co-ordinated, integrated greenfields development</p> <p><i>Efficient greenfields development that is co-ordinated by way of a Structure Plan to achieve an integrated, connected, high quality residential neighbourhood.</i></p>	<p>The objective requires development of the Zone to occur efficiently and in a co-ordinated and integrated manner. I have addressed co-ordination and efficiency in Parts 4, 5 and 6 of this evidence.</p> <p>The objective is appropriate to achieve the Act's purpose.</p>
<p>Objective 20.3.2 – Diversity of housing product and housing affordability</p> <p><i>Increased housing supply, variety and choice by creating a well-designed residential development comprising a range of housing densities and typologies to enable a range of price options.</i></p>	<p>The objective seeks a diversity of housing product which in turn should enable a range of housing typologies and a range of price options. This would likely not arise if all lot sizes were of a uniform size. This assists people and the wider community to provide for their wellbeing (economic, social and cultural).</p> <p>The objective is appropriate to achieve the Act's purpose.</p>
<p>Objective 20.3.3 – Well-designed built environment</p> <p><i>A well-designed built environment that provides for and positively responds to roads and open spaces, provides high quality amenity for residents, and contributes to public safety.</i></p>	<p>The objective intends that development is well designed and contributes to the health and safety of residents. The Resource Area provides for a built environment that is spatially structured as the result of a diligent masterplanning process that has taken into account the natural features of the site and the surrounding physical resources and activities.</p> <p>The objective is appropriate to achieve the Act's purpose.</p>
<p>Objective 20.3.4 – Retirement living opportunities</p> <p><i>A variety of residential opportunities for retirement-age people, along with related services and amenities.</i></p>	<p>It is appropriate to provide for residential growth for all sectors of the community. The spatial layout of activities provides for retirement living along with nearby shared amenities and services, and this will contribute to social and cultural wellbeing of older people.</p> <p>The objective is appropriate to achieve the Act's purpose.</p>
<p>Objective 20.3.5 – Parks and open space network</p> <p><i>Parks and open spaces that cater for the recreation and amenity needs of residents, and a network of pedestrian and cycle connections and greenways that are safe and convenient and which, along with the road network, allow easy connections within and beyond the Resource Area.</i></p>	<p>The inclusion of a clear and easily visible and accessible network of parks and open spaces is necessary to achieve the social and cultural well-being of residents and visitors.</p> <p>The objective is appropriate to achieve the Act's purpose.</p>
<p>Objective 20.3.6 – Road Network</p> <p><i>A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the existing transport network and possible future development in surrounding areas.</i></p>	<p>The road network contributes to the efficient development and use of the Resource Area for traffic, cycling and walking. This supports social interaction and social and cultural wellbeing. Providing for other modes of transport other than vehicles promotes health and wellbeing of the community. Mr Carr has addressed the integration with the wider roading network and I rely on his assessment which is consistent with the objective.</p> <p>The objective is appropriate to achieve the Act's purpose.</p>

RTRA Objective	Appropriateness of the RTRA objective in achieving the purpose of the Act
<p>Objective 20.3.7 – Public Infrastructure <i>Adequate connections to public infrastructure and appropriate distribution of infrastructure through the Resource Area, and an appropriate total number of dwellings within the Resource Area in line with servicing capacities.</i></p>	<p>Suitable and efficient infrastructure is necessary to facilitate appropriate development of a new residential community and to avoid adverse effects on natural and physical resources, including on existing network services.</p> <p>The objective is appropriate to achieve the Act’s purpose.</p>
<p>Objective 20.3.8 – Neighbourhood Centre <i>A neighbourhood centre in a convenient location to provide for day to day convenience needs of the residential neighbourhood, and to complement and not undermine the existing Cromwell retail and business centres.</i></p>	<p>A neighbourhood centre can provide for convenience for the new community and provide opportunities for increased social, economic and cultural wellbeing. It is essential that the centre is compatible with and does not undermine existing commercial centres while providing a convenient amenity for the neighbourhood.</p> <p>The objective is appropriate to achieve the Act’s purpose.</p>
<p>Objective 20.3.9 – Education Precinct <i>Provide land for a school or other educational facility, to cater for the needs of the immediate and wider community.</i></p>	<p>Schools and other educational facilities in close proximity to their users help maintain the community’s social and cultural wellbeing and provide a social community hub.</p> <p>The objective is appropriate to achieve the Act’s purpose.</p>
<p>Objective 20.3.10 – Reverse sensitivity <i>Protect existing activities from adverse reverse sensitivity effects on existing activities adjacent to the Resource Area, particularly Highlands Motorsport Park, Cromwell Speedway and horticulture activities / orcharding so that constraints on those activities resulting from reverse sensitivity effects are avoided.</i></p>	<p>The objective (<u>updated from the notified version, in response to the Highlands / Speedway submissions</u>) recognises that the site is located nearby to existing physical resources and activities which are important and which should not be compromised. The State Highway provides for important transport linkages with surrounding towns and its ongoing functioning is vital to the economic wellbeing of the community. The Motorsport Park, speedway, neighbouring orchards are also important contributors to wider economic wellbeing.</p> <p>The objective is appropriate to achieve the Act’s purpose.</p>
<p>Objective 20.3.11 – Healthy buildings <i>Construction of buildings that provide quiet and healthy internal environments that protect residents, to the extent necessary, from effects of existing activities surrounding the Resource Area.</i></p>	<p>This objective (<u>an additional objective to the notified version in response to the Highlands / Speedway submissions</u>) recognises that the sensitive development within the RTRA should protect itself from the potential adverse effects of the external effects of the nearby activities including the state highway, Motorsport Park, speedway, and neighbouring orchards.</p> <p>The objective is appropriate to achieve the Act’s purpose.</p>

Assessment of the options in relation to the relevant provisions of the “higher order” objectives and policies of the District Plan

Provision No.	Provision	Option A (operative zonings) / Option B (River Terrace Resource Zone) as relevant Is the objective / policy achieved? If so, how? If not, why not?
Section 6 – Urban Areas		
Objective 6.3.1	<p>Needs of People and Communities – To promote the sustainable management of the urban areas in order to:</p> <p>(a) Enable the people and communities of the district to provide for their social, economic and cultural wellbeing and their health and safety; and</p> <p>(b) Meet the present and reasonably foreseeable needs of these people and communities.</p>	<p>I have addressed the sustainable management purpose of the Act in Part 6 of this evidence. Based on my opinion in relation to the purpose of the Act, which in turn is based on the opinions of other witnesses, I consider that urban use of the land is a more sustainable use, in the short, medium and long term, for the well-being of Cromwell than the existing rural and rural residential zoning.</p> <p>Mr Whitney comments on this objective – he considers that PC13 will not promote the sustainable management of the urban area of Cromwell given the lack of integration with the existing town. I disagree, and consider that the RTRA, although like other urban areas in the Cromwell valley does not physically adjoin Cromwell’s urban area, can integrate with it as discussed by Mr Ray.</p> <p>The RTRA promotes the sustainable management and I consider that Option B achieves the objective.</p> <p>The operative Rural and Rural Residential zonings do not achieve this objective as they do not enable people or the communities to provide for their wellbeing by meeting the demand for additional urban land, and do not meet the foreseeable needs of the current or future generations.</p> <p>I therefore consider that Option A does not achieve the objective.</p>
Objective 6.3.2	<p>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.</p>	<p>The RTRA does not affect the amenity values of the environments found in the existing urban areas. It’s own amenity values will be created by:</p> <ul style="list-style-type: none"> • the design and built environment the emerge from implementation of the RTRA rules for subdivision and development); and • the existing surrounding activities that generate noise and other effects that will be experienced within the RTRA. These will be managed in accordance with the rules (acoustic insulation, covenants). <p>On this basis I consider that Option B will achieve the objective.</p>
Objective 6.3.3	<p>Adverse Effects on Natural and Physical Resources – To avoid, remedy or mitigate the adverse effects of urban areas</p>	<p>The potential significant adverse effects of the urban activities promoted by the RTRA (namely in relation to sensitivities to and reverse sensitivities on motorsport and production activities nearby) have been</p>

	on the natural and physical resources of the District.	<p>recognised, and methods adopted in the provisions to avoid or adequately mitigate these, as discussed in Part 4 of my evidence.</p> <p>Mr Whitney comments on this objective – he considers that PC13 will result in adverse effects from reverse sensitivity effects on the established land use activities in the immediate vicinity, and in terms of the loss of the productive potential of high-class soils. I disagree with him for the above reasons.</p> <p>I consider that Option B achieves the objective.</p>
Objective 6.3.4	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.	<p>The RTRA is able to be serviced for utilities, including for water supply, wastewater management, stormwater management, power and telecommunications. No adverse effects will arise in relation to these infrastructural services.</p> <p>Mr Carr has addressed the various concerns raised by Stantec in the s42A report and in reliance on Mr Carr’s evidence I consider that the RTRA will not cause adverse effects from a traffic and transportation perspective.</p> <p>Option B achieves the objective.</p>
Objective 6.3.5	Heritage Values – To recognise and protect the heritage values of the District’s urban areas.	<p>One of the historic water races within the RTRA land, the northern race, will be protected by integration into the open space area. The Horn’s shaft mineshaft on the adjacent property will also be protected by the RTRA provisions.</p> <p>Option B therefore achieves the objective.</p>
Objective 6.3.6	Community and Emergency Service Activities – To enable and promote the provision of accessible community facilities and emergency service activities, to meet the social, economic, cultural, health and safety needs of the community.	<p>Emergency service vehicles can access the RTRA when required. Medical activities (including doctors and other health care professionals) and community activities are permitted activities in the Neighbourhood Centre Overlay area and the RTRA therefore can contribute to providing for the well-being of the local community.</p> <p>Option B achieves the objective.</p>
Policy 6.4.1	<p>Maintenance of Quality 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:</p> <p>(a) Identifying and providing for a level of amenity which is acceptable to the community; and</p> <p>(b) Avoiding, remedying or mitigating the adverse effects on the community’s social, economic and cultural well-being and health and safety which may result from the use, development and protection</p>	<p>As above I relation to Objective 6.3.2, the RTRA does not have any affect on the amenity values of the environments found in the existing urban areas. Its own amenity values are yet to be established, and will be created by:</p> <ul style="list-style-type: none"> the design and built environment the emerge from implementation of the RTRA rules for subdivision and development); and the existing surrounding activities that generate noise and other effects that will be experienced within the RTRA. These will be managed in accordance with the rules (acoustic insulation, covenants). I consider that they are acceptable. <p>Mr Whitney comments on this policy; his view is that PC13 will not provide a level of amenity acceptable to the community having regard to the effects of the established land use in the immediate vicinity. I disagree with his for the reasons expressed above.</p>

	<p>of natural and physical resources, and</p> <p>(c) Recognising that change is inevitable in the use of land to enable the community to provide for its wellbeing.</p>	<p>On the specific items in the policy, I comment:</p> <p>On item (a), the level of amenity that will be experienced within the RTRA will likely be different to that in other urban parts of Cromwell – there will be spatial differences affected by a variety of different influencing factors, and there is not a universally applicable standard of amenity. I consider that the mitigation measures promoted by the RTRA and as discussed by other witnesses, particularly Mr Styles, will ensure that the amenity values will be acceptable to the RTRA community who will have bought into that environment.</p> <p>On item (b), the potential adverse effects have been recognised and the RTRA provisions avoid or appropriately mitigate them.</p> <p>On item (c), the growth pressures mean that change is inevitable in the use of land to enable the community to provide for its wellbeing – i.e. in accommodating growth.</p> <p>I therefore consider that the urban quality of life for people and communities will not be adversely affected, and will be maintained, and Option B will achieve the objective.</p>
<p>Policy 6.4.2</p>	<p>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:</p> <p>(a) Adjoining rural areas.</p> <p>(b) Outstanding landscape values.</p> <p>(c) The natural character of water bodies and their margins.</p> <p>(d) Heritage values.</p> <p>(e) Sites of cultural importance to Kai Tahu ki Otago.</p> <p>(f) The integrity of existing networks utilities and infrastructure, including their safe and efficient operation.</p> <p>(g) The life supporting capacity of land resources.</p> <p>(h) The intrinsic values of areas of significant indigenous vegetation and habitats of significant indigenous fauna.</p>	<p>The proposal seeks expansion of the urban area onto rural land with a number of established existing uses. Mr Whitney considers that PC13 will not enable the expansion of urban areas in a manner that avoids, remedies or mitigates adverse effects on the adjoining rural areas or the life supporting capacity of land resources.</p> <p>I disagree with him based on my following assessment of the items in the policy:</p> <p>On item (a), based on my assessment of the effects on the adjoining rural areas, I consider that the effects on the existing rural residential amenities are adequately taken into account and addressed by the RTRA provisions.</p> <p>On items (b) – (e) and (h), there are no adverse effects on these values.</p> <p>On item (f), the integrity of the existing utilities is not affected.</p> <p>On item (g), the land resources are not currently used, and have not been used for any meaningful productivity for many years. The foreclosure of the ability of the land to be used productively is of not particular consequence to the economic well-being of the District.</p> <p>I therefore consider that Option B achieves the policy.</p> <p>The operative zonings do not enable the expansion of urban areas and I consider that Option A does not achieve the policy.</p>
<p>Policy 6.4.3</p>	<p>Heritage Resources – To ensure heritage values are recognised and provided for in the use and development of the</p>	<p>As addressed under Objective 6.2.5 above, the historic water race and the mineshaft on the adjacent property will be protected by the RTRA provisions.</p>

	natural and physical resource found within the District's urban areas.	Option B therefore achieves the policy.
Policy 6.4.4	<p>Community and Emergency Service Activities – To recognise the special characteristics and needs of community and emergency service activities and to ensure that they are accessible and convenient for the community they serve, while avoiding, remedying or mitigating adverse effects on:</p> <ul style="list-style-type: none"> (a) Amenity values, (b) Environmental qualities of neighbouring properties, (c) The safe and efficient operation of the roading network and other community infrastructure. 	<p>As addressed under Objective 6.3.6 above, emergency service vehicles can access the RTRA when required. Medical activities (including doctors and other health care professionals) and community activities are permitted activities in the Neighbourhood Centre Overlay.</p> <p>The various standards will ensure that these activities will not adversely affect amenity values, environmental qualities of the properties nearby the Neighbourhood Centre Overlay, or the safe operation of roads.</p> <p>Option B achieves the objective.</p>
Objective 8.1.1	Community Focal Points – To maintain the business areas of the District's urban areas as focal points for the community.	<p>The Neighbourhood Centre would become the focal point for the RTRA and wider community as it is central to the retirement overlay and the open space network.</p> <p>Option B achieves the objective.</p>
Objective 8.1.2	Safe and Convenient Business Areas – To ensure that the business areas are safe and convenient areas to visit and conduct business within.	<p>The Neighbourhood Centre would a safe and convenient area for the RTRA and wider community.</p> <p>Option B achieves the objective.</p>
Policy 8.2.1	Provision for a Variety of Activities – To enable the development of a wide range of activities within the Business Resource Area provided significant adverse effects are avoided, remedied or mitigated.	<p>The Neighbourhood Centre Overlay provides for a variety of activities that are appropriate to its scale, nature and location.</p> <p>Option B achieves the policy.</p>
Policy 8.2.2	<p>Visual Amenities – To ensure the visual amenity values of the Business Resource Areas are maintained and enhanced and to avoid, remedy or mitigate any adverse visual effects on the environment through:</p> <ul style="list-style-type: none"> (a) Retaining a continuity in building heights. (b) Ensuring the design, dimension and location of signs is not visually obtrusive. (c) Retaining a common design theme of building facades in selected areas. 	<p>The Neighbourhood Centre Overlay provisions address the scale and design of buildings and related activities, and ensure their visual integration into the urban environment proposed.</p> <p>Option B achieves the policy.</p>

	<ul style="list-style-type: none"> (d) Mitigating the harsh, stark appearance of large areas of hard standing surface by requiring landscaping. (e) Requiring that cables be installed underground where practicable. (f) Maintaining a continuity of frontage in selected areas. 	
Policy 8.2.4	<p>Mitigation of Effects on Residential Resource Areas – To ensure that the adverse effects that activities carried out within the Business Resource Area can potentially have on activities in neighbouring Residential Resource Areas are avoided, remedied or mitigated by:</p> <ul style="list-style-type: none"> (a) Ensuring appropriate separation distance area provided. (b) Providing appropriate landscaping. (c) Ensuring noise levels are acceptable. (d) Avoiding the visual intrusion of signs. 	<p>The standards promoted in the Neighbourhood Centre Overlay provides for integration with the adjacent residential sub area and the open space.</p> <p>Option B achieves the policy.</p>
Objective 12.3.2	<p>Protection from Noise – To avoid, remedy or mitigate the adverse effects of noise on the District’s amenity values and the health and wellbeing of the District’s people.</p>	<p>The mitigation measures imposed by the RTRA will mitigate the potential adverse effects of the noise from established nearby activities</p>
Objective 12.3.4	<p>Avoidance, Remediating or Mitigation of Nuisances – To ensure that activities avoid, remedy or mitigate nuisance to adjoining properties from odour, dust, lightspill, glare and electrical interference.</p>	<p>There are no effects from odour, dust, or electrical interference.</p> <p>Mr Skelton has considered lightspill and glare on the night time landscape values and considers that any adverse effects would be minor.</p> <p>Option B achieves the objective.</p>
Policy 12.4.1	<p>Parking, Loading and Manoeuvring – To avoid, remedy or mitigate adverse effects on the safe and efficient operation of the roading network by requiring:</p> <ul style="list-style-type: none"> (a) Safe and efficient access points to the roading network, and (b) Off-road loading and manoeuvring space and facilities, and 	<p>There is adequate provision for access, parking and maneuvering, as discussed by Mr Carr.</p> <p>Option B achieves the policy.</p>

	(c) Off-street parking, Where these are appropriate.	
Policy 12.4.2	<p>Noise – To determine the suitability of noise generating activities in any given locality by having regard to:</p> <ul style="list-style-type: none"> (a) The specific characteristics and amenity values of the locality from which the noise originates, and (b) The sound pressure level of the proposed activity, and (c) The frequency that the noisy activity takes place, and (d) The length of time that the noise continues, and (e) Any special characteristics of the noise, <p>To ensure that the adverse effects of noise on other activities and the natural and physical resource of the locality (including cumulative effects) reflect standards acceptable to the community.</p>	<p>The RTRA is not a noise generating activity but this policy is relevant to the extent that there is the need to ensure that the adverse effects of noise on other activities and the natural and physical resource of the locality (including cumulative effects) reflect standards acceptable to the community. The RTRA is an “other activity” in this regard, and, as it is a sensitive receiver entering an existing environment with existing noise generators, it is obliged to respond by avoiding or mitigating its sensitivity and the potential for reverse sensitivity. This is achieved by the various measures inherent in the RTRA rules, including the acoustic standards and the covenants proposed.</p> <p>Option B therefore achieves the policy.</p>
Policy 12.4.7	<p>Management of Nuisance Effects – To encourage resource users to adopt management practices that avoid, remedy or mitigate the adverse effects of:</p> <ul style="list-style-type: none"> (a) Odour, (b) Lightspill and glare, (c) Dust, and (d) Electrical interference, <p>on the use and enjoyment of neighbouring properties.</p>	<p>As discussed under Objective 12.3.4 above, there are no effects from odour, dust, or electrical interference, and Mr Skelton has considered lightspill and glare on the night time landscape values and considers that any adverse effects would be minor.</p> <p>Option B achieves the policy.</p>
Objective 13.3.1	<p>Transportation Network – To enable the safe and efficient operation and development of the transportation network while ensuring that amenity values and environmental quality is maintained or enhanced.</p>	<p>Mr Carr considers that the traffic generated by the development of the site can be accommodated on the adjacent roading network without capacity or efficiency issues arising. RTRA standards are proposed which address the SH6 intersection upgrade.</p> <p>Mr Carr also considers that the RTRA’s internal roading and traffic environment will be acceptable.</p> <p>Option B achieves the objective.</p>
Objective 13.3.2	<p>Utilities – To enable the efficient operation and development of utilities including transmission network while ensuring that effects on</p>	<p>The infrastructure assessment concludes that the RTRA can be serviced with utilities. This can occur without affecting the values listed in the objective.</p> <p>Option B achieves the objective.</p>

	amenity, heritage, landscape values and public safety are avoided, remedied or mitigated.	
Objective 13.3.5	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.	<p>This objective is specific to the rural environment and so is of limited relevance to any plan change seeking to change a rural zoning to a different zoning enabling more intensive development.</p> <p>Regardless, the RTRA would inevitably change the landscape and amenity values of the RTRA land and environs and hence these values would not be maintained or enhanced, when considered at the local scale of the site and environs. The effects are mitigated to some extent by the existing development in the vicinity and the proposed road setbacks and intervening landscaping, and other boundary treatment.</p> <p>When considered at the wider scale of the Cromwell valley, I consider that these values would be maintained given the very minor area of change from the RTRA development.</p> <p>At the local scale I consider that Option B does not achieve the policy, but at the wider scale I consider it does achieve the policy.</p>
Policy 13.4.1	Positive Contribution of Infrastructure – To recognise the essential and positive contribute that infrastructure and its ongoing development makes to the social, economic, and cultural wellbeing, and to the health and safety of the District’s people and communities.	Not relevant except to the extent that the infrastructure proposed for the RTRA is part of the wider network for the area and the positive contribution this makes.
Policy 13.4.2	<p>Managing the Development of the Transportation Network – To ensure that the design, location and operation of the transportation network recognises and provides for the following matters:</p> <p>(a) The avoidance, remedying or mitigation of any significant adverse effects on the environment resulting from the generation of noise, vibration, glare, lightspill and dust emissions.</p> <p>(b) The avoidance, remedying or mitigation of adverse effects on the on-going operation of activities that are permitted on adjacent land in terms of the plans provisions.</p>	<p>Mr Carr has addressed these matters in detail and I rely on his expertise, including in response to the s42A report.</p> <p>On items (a) – (k) below, which the policy requires to be recognised and provided for, I comment:</p> <p>On items (a), the addition to the transportation network as a result of the RTRA will not have any significant adverse effects from the generation of noise, vibration, glare, lightspill and dust emissions.</p> <p>On item (b), The avoidance, remedying or mitigation of adverse effects on the on-going operation of activities that are permitted on adjacent land in terms of the plans provisions.</p> <p>On items (c) – (f) and (h), any potential adverse effects of the additions to the transportation network on these values are minor.</p> <p>On item (g), there is no risk to public safety provided new intersections, roads and other thoroughfares meet the relevant standards.</p> <p>On item (i), the RTRA provides for the intended level and type of traffic usage, and foreseeable future demands, as discussed generally by Mr Carr.</p>

	<ul style="list-style-type: none"> (c) The avoidance, remedying or mitigation of adverse effects on the landscape. (d) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and statutorily managed sports fish and game, water bodies and their margins. (e) The protection of the integrity of significant heritage and cultural values. (f) The protection of the integrity of values of importance to Kai Tahu ki Otago, (g) Public safety, (h) The potential for material damage from erosion, subsidence, slippage, inundation or other natural hazard events and the likelihood that the exacerbation of any of these processes, is avoided, remedies or mitigated. (i) The intended level and type of traffic usage, and any foreseeable future demands. (j) The promotion of efficient energy use. (k) The maintenance of the safe and efficient operation of the existing infrastructure and utilities including integration with existing transportation network. 	<p>On item (j) the RTRA promotes energy efficiency, as far as is practicable, by providing for the ability of residents to live, play and (to some extent) work in local neighbourhood and thereby minimising external trips.</p> <p>On item (i), the additional infrastructure and transportation network can integrate safely and efficiently with the existing infrastructure and transport network.</p> <p>Option B therefore achieves the policy.</p>
<p>Policy 13.4.3</p>	<p>Public Works and Network Utilities – To enable the development and operation of public works and network utilities including the transmission network that are sited or designed in such a way that amenity, heritage and landscape values are not significantly adversely affected.</p>	<p>The RTRA can connect to the existing networks in such a way that amenity, heritage and landscape values are not significantly adversely affected.</p> <p>Option B achieves the policy.</p>
<p>Policy 13.4.4</p>	<p>Development of Utilities – To ensure that the design, location and operation of utilities including the transmission</p>	<p>As with the above policy, the RTRA can connect to the existing networks in such a way that amenity, heritage</p>

	<p>network, having regard to specific locational and operation efficiency requirements, recognises and provides for the following matters, where relevant:</p> <ul style="list-style-type: none"> (a) The avoidance, remedying or mitigation of the adverse effects of noise, vibration, lightspill and glare on the environment. (b) The avoidance, remedying or mitigation of adverse effects on landscape values. (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and statutorily managed sports fish and game, water bodies and their margins. (d) The avoidance, remedying or mitigation of any significant increase in risk to the safety of the public. (e) The maintenance of the efficient operation of other utilities and infrastructure. (f) The protection of the integrity of significant heritage values. (g) The protection of the integrity of sites of importance to Kai Tahu ki Otago. 	<p>and landscape values are not significantly adversely affected.</p> <p>Option B achieves the policy.</p>
<p>Policy 13.4.11</p>	<p>Reverse Sensitivity – To recognise that some established activities may generate noise and other effects that can disturb neighbours, by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics</p>	<p>The explanation to this policy, in emphasising the effects of network utilities and energy generation and transmission, states:</p> <p><i>If people choose to live near established activities they should be prepared to accept the inconveniences, discomforts, disturbances or irritation that are caused and will be caused by utility and energy generation/transmission activities. It is therefore considered appropriate that those new activities that locate adjacent to an existing activity should take steps to mitigate the effects that the existing activity may have upon them.</i></p> <p>The RTRA recognises the existing established activities including the Highlands Motorsport Park, the speedway, and existing rural production activities, and includes measures to avoid or adequately mitigate the effects of those activities on residents within the RTRA. Those new residents will be expected to accept the potential</p>

		<p>inconveniences, discomforts, disturbances or irritation that are caused and will be caused by the nearby activities. The proposed covenant is the method to ensure this, and to avoid reverse sensitivity effects.</p> <p>The RTRA's acoustic insulation standards ensure that the new residents are protected from the potential adverse effects from the noise and other effects of the nearby activities.</p> <p>On this basis I consider that Option B achieves the policy.</p>
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s32AA assessment of the updates to the RTRA provisions

The following tables contain the Section 32AA evaluation of the proposed new rules and standards arising from the evidence.

1. Proposed New Rule 20.7.3(iv)(h) – Carparking

A minimum of 1 carpark space per dwelling shall be provided on site and at least 2 spaces per dwelling including on-street parking shall be provided, ~~provided that~~ plus an additional carpark shall be provided in association with a home occupation

The proposed new rule achieves the objectives of the zone in the following manner:

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><u>20.3.6 Objective – Road network</u></p> <p>A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the existing transport network and possible future development in surrounding areas.</p>	<p>Appropriateness:</p> <p>The additional requirement for car parking (either on site or on-street) provides for visitor parking and for instances when residents have more than one car.</p> <p>Effectiveness:</p> <p>The proposed rule amendment provides for additional car parking (on and off site) to give flexibility for residents who have more than one car or require space for boats and like. This amendment to the minimum requirements for car parking is effective in providing for this need.</p> <p>Efficiency:</p> <p>Providing for on and off-site carparking at the time subdivision design and dwelling design is efficient.</p> <p>Costs:</p> <p>The more car parking provided for within the zone decreases site coverage for residential purposes and does not assist in promoting a model shift from the private motor vehicle.</p> <p>Benefits:</p> <p>The benefits arise from ensuring that there is sufficient space allocated for car parking so that the internal roading network of the Resource Area is not compromised by unsafe parking of private cars where there is insufficient space internally within the site.</p>

2. Proposed New Rules 20.7.7(xi) – Heating [standard] and 20.7.5(vii) – Outdoor fires [non-complying activity]:

20.7.7(xi) Heating

Any wood burner installed has a discharge of less than 1.5g/kg of dry wood burnt and has a thermal efficiency of not less than 65%.

20.7.5(viii) Outdoor fires

Burning of any garden wastes, rubbish, or materials of any kind whatsoever other than solid fuel (such as wood or coal) burned within a barbeque when cooking. For the purposes of this rule “barbeque” means any portable or permanent device constructed or placed for the purpose of outdoor cooking.

The proposed new rules achieve the objectives of the Resource Area in the following manner:

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><u>20.3.3 Objective – Well-designed built environment</u></p> <p>A well-designed built environment that provides for and positively responds to roads and open spaces, provides high quality amenity for residents, and contributes to public safety.</p>	<p>Appropriateness:</p> <p>The proposed rules impose a standard for any wood burners and to prevent the outdoor burning of wastes and materials which may create adverse effects and discharges to air.</p> <p>It is appropriate for new residents to use cost effective methods of heating, but they must also supply with the Air Shed requirements for urban areas (such as Cromwell).</p> <p>Effectiveness and efficiency:</p> <p>The proposed standard ensures that only low emissions wood burners are utilized within the development, these comply with the standard for urban Cromwell and as stipulated in the Regional Plan: Air.</p> <p>Costs:</p> <p>The cost is principally that residents of the zone have a reduced selection of wood burners to choose from when constructing dwellings in the zone. These are designed for low emissions in urban areas.</p> <p>Benefits:</p> <p>The benefits arise from ensuring that residential development does not contribute to additional air quality issues in Cromwell</p>

3. Proposed New Matter of Discretion for Rule 20.7.3(vi)

9. For a school or other educational facility within the Education Overlay, the effects of the school or other facility on the effects of traffic on the local transportation network.

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><u>20.3.6 Objective – Road network</u></p> <p>A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the</p>	<p>Appropriateness:</p> <p>The proposed matter of discretion ensures that if a school is to be constructed within the Zone that the effects of the school on the transportation network are taken into account.</p>

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
existing transport network and possible future development in surrounding areas.	<p>It is appropriate that schools are seen as part of the urban fabric of the Resource Area but every effort is made to ensure that they are integrated into zone including safe vehicle access as well as the good pedestrian access so children living in the Resource Area do not need to rely on vehicle access to school.</p> <p>Effectiveness and efficiency:</p> <p>The proposed matter of discretion ensures transportation is a matter that is given consideration in the design and planning of a school. The matter of discretion ensures upfront that transportation effects from a school are taken into account.</p> <p>Costs:</p> <p>Costs are limited as effective integration of the school into the urban area of the Resource Area is essential for safety.</p> <p>Benefits:</p> <p>The benefits arise from ensuring that any future school is integrated into the transportation network to ensure efficiency and to allow for alternative modes of transport to and from school (other than private vehicles).</p>

4. **Proposed Amendment to Rule 20.7.3(viii)(f) Periphery treatment at boundaries of the Resource Area**

(f) **Periphery treatment at boundaries of the Resource Area**

- (i) *At the time of subdivision, every lot within Residential Sub-Areas A or B with a boundary adjoining the western boundary of the River Terrace Resource Area and adjoining Section 98, Block I Cromwell SD shall be planted in vegetation to provide a suitable buffer from the potential effects of rural activities on the opposite side of the boundary. The planting shall:*
 - (a) *Be a width of 2m parallel with the Resource Area boundary.*
 - (b) *Be evergreen, and have a minimum height at planting of 2m and planted at a density of not less than 1m centres;*
 - (c) *Be retained and maintained in perpetuity, and this shall be ensured by the imposition of a consent notice on the title of each affected lot.*
- (ii) *At the time of subdivision, a solid fence of minimum height 2m shall be constructed along the Resource Area boundary adjoining Lots 1 – 3 DP25841 and Section 98, Block I Cromwell SD.*
- (iii) *At the time of subdivision, a solid fence of minimum height 3m shall be constructed along the Resource Area boundary adjoining Sections 33 – 36, Sarita Subdivision.*
- (iv) *The fences required by (ii) and (iii) above shall be retained and maintained in perpetuity, and this shall be ensured by the imposition*

of a consent notice on the title of each affected lot within the River Terrace Resource Area.

This rule, and mechanisms to implement it, shall cease to apply when, and to the extent that, the adjoining land is not zoned Rural Resource Area or Rural Residential Resource Area.

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><u>20.3.10 Objective – Protect existing activities from adverse reverse sensitivity effects</u></p> <p>Subdivision design, site layout and building design takes account of the effects generated by existing activities surrounding the River Terrace Resource Area, particularly Highlands Motorsport Park, Cromwell Speedway and horticulture activities/orcharding so that constraints on those activities caused by reverse sensitivity effects are avoided.</p>	<p>Appropriateness:</p> <p>The additional requirements for solid fencing adjacent to some of the boundaries of the zone with neighboring properties is an appropriate mechanism to reduce any potential effects from the development, including spray drift, noise, and access.</p> <p>Effectiveness and efficiency:</p> <p>The proposed rule provides for the fences to be built as part of the subdivision, before dwellings are constructed. The requirement for boundary fencing provides for a solid buffer between the rezoned area and adjacent orcharding and rural residential development. This is efficient, while the requirement for a consent notice ensures that the works are maintained in perpetuity.</p> <p>Costs:</p> <p>Costs include the cost of the fencing and the amenity effects of the fencing although these are low as the fencing will be in the context of mandatory landscaping also.</p> <p>Benefits:</p> <p>The benefits arise from mitigating any adverse amenity and reverse sensitivity effects from the development to neighbouring properties.</p>

5. Proposed Amendment to Rule 20.7.3(viii)(k) – Water Races

(k) Water races

Prior to any works commencing on the site, the water races shall be topographically surveyed and an archaeological authority from Heritage New Zealand shall be obtained for any modifications to the race. The northern race shall be retained provided that any modifications shall be for access across it only.

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><u>20.3.1 Objective – Efficient, co-ordinated, integrated greenfields development</u></p>	<p>Appropriateness:</p> <p>The northern water race has historical importance and the design and construction should ensure that</p>

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
Efficient greenfields development that is co-ordinated by way of a Structure Plan to achieve an integrated, connected, high quality residential neighbourhood.	<p>its maintenance is provided for as part of the development. Heritage New Zealand provide archaeological authority and are the appropriate organization to provide comment.</p> <p>Effectiveness and efficiency:</p> <p>The proposed rule provides for an archaeological authority to be provided prior to commencing works on site – this is effective and prevents any adverse effects on this important historical reference. The requirement for archaeological authority and survey is efficient in ensuring the protection of this important historical reference.</p> <p>Costs:</p> <p>Costs include survey costs and costs of the authority, all borne by the developer.</p> <p>Benefits:</p> <p>The benefits arise from the opportunity to protect the significance of the water race.</p>

6. Proposed Amendment to Rule 20.7.3(viii)(l) – Staging of the development

Staging of the development

Stage One of the subdivision of the Resource Area shall comprise at least 400 residential lots, and shall include the following works:

- (i) *The sealing of the balance of Sandflat Road to Pearson Road;*
- (ii) *The shoulder sealing of Pearson Road between Sandflat Road and Bannockburn Road;*
- (iii) *The intersection upgrades required at the State Highway 6 / Sandflat Road intersection (left turn deceleration and acceleration lanes);*
- (iv) *The formed off-road walkway/cycleway 3m wide connecting River Terrace to Bannockburn Road.*

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><u>20.3.1 Objective – Efficient, co-ordinated, integrated greenfields development</u></p> <p>Efficient greenfields development that is co-ordinated by way of a Structure Plan to achieve an integrated, connected, high quality residential neighbourhood.</p> <p><u>20.3.6 Objective – Parks and open space network</u></p> <p>Parks and open spaces that cater for the recreation and amenity needs of residents, and a network of pedestrian</p>	<p>Appropriateness:</p> <p>The addition of these staging requirements ensure that the development will provide for essential works to be undertaken including improvements to surrounding roads and additional connections to surrounding areas.</p> <p>Effectiveness and efficiency:</p> <p>It is effective and efficient to ensure (by way of a rule in the Resource Area) that sufficient residential capacity is provided for in Stage 1 of the Resource</p>

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p>and cycle connections and greenways that are safe and convenient and which, along with the road network, allow easy connections within and beyond the Resource Area.</p> <p>20.3.7 Objective – Road network</p> <p>A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the existing transport network and possible future development in surrounding areas</p>	<p>Area development. Additional roading and connections are also best provided for at this time.</p> <p>Costs:</p> <p>Costs include the financial cost of undertaking this level of development at once.</p> <p>Benefits:</p> <p>The benefits include the assurance of reasonable physical integration of the RTRA with the surrounding environment.</p>

7. **Proposed Amendment to Rule 20.7.3(x) – Development of between 840 and 900 residential units within the Resource Area**

(x) Development of between 840 and 900 residential units within the Resource Area

Any subdivision or development which will result in the total residential units (including retirement units) within the Resource Area exceeding 840

The Council's discretion is restricted to the effects of the units on the safety and efficiency of the intersection of Sandflat Road and State Highway 6

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p>20.3.6 Objective – Road network</p> <p>A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the existing transport network and possible future development in surrounding areas.</p>	<p>Appropriateness:</p> <p>This additional rule provides for the Council to further assess the possible additional traffic effects of numbers of residential units exceeding 840.</p> <p>Effectiveness and efficiency:</p> <p>The proposed rule provides Council with suitable control to assess the additional effects of development on the surrounding roading network.</p> <p>The Council and NZTA are best placed to ensure the safety and efficacy of the roading network. A Restricted Discretionary framework for assessment of additional units is an efficient way of determining and safety and efficiency issues of the intersection.</p> <p>Costs:</p> <p>There are no costs other than the transaction costs of the resource consent process.</p> <p>Benefits:</p>

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
	The benefits arise from having an additional trigger for the Council and NZTA to assess the functioning of the intersection.

8. Proposed Amendment to Rule 20.7.7(ii) – State Highway 6 / Sandflat Road intersection upgrade

ii) State Highway 6 / Sandflat Road intersection upgrade

- (a) *No more than 40 residential lots shall be created within the Resource Area until a left-turn deceleration lane is constructed at the State Highway 6 / Sandflat Road to the NZ Transport Agency standards or as otherwise agreed with NZ Transport Agency. ~~intersection in accordance with Austroads Guide to Road Design Part 4A (“Unsignalised and Signalised Intersections”)~~.*
- (b) *No more than 300 residential lots shall be created within the Resource Area until a left-turn acceleration lane is constructed at the State Highway 6 / Sandflat Road intersection to the NZ Transport Agency standards or as otherwise agreed with NZ Transport Agency in accordance with Austroads Guide to Road Design Part 4A (“Unsignalised and Signalised Intersections”).*

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><u>20.3.6 Objective – Road network</u></p> <p>A safe and efficient road network within the Resource Area that provides for all transport modes, including walking and cycling, while also integrating with the existing transport network and possible future development in surrounding areas.</p>	<p>Appropriateness:</p> <p>NZTA is the appropriate agency to determine the future design of the intersection at State Highway 6 and Sandflat Road. The changes to the rule provide NZTA with more flexibility in the design process.</p> <p>Effectiveness and efficiency:</p> <p>The proposed changes to the rule are efficient in that they give NZTA the ability to use all available information in examination of the design of the intersection is available.</p> <p>Costs:</p> <p>Costs are limited as the proposed changes allow for flexibility in design.</p> <p>Benefits:</p> <p>The benefits arise the flexibility in design of the proposed roundabout.</p>

9. Proposed Amendment to Rule 20.7.7(v) – mechanical ventilation

- (v) *Where the design requires and doors to be closed to meet the OITC requirements, all Noise Sensitive Spaces shall be ventilated or supplied with fresh air to meet the requirements of the Building Act, and shall be mechanically cooled (air conditioned) to ensure that the occupants do not need to open windows or doors for thermal comfort.*

Objective	Discussion: Appropriateness, Effectiveness and Efficiency, Costs and Benefits
<p><u>20.3.11 Objective – Protect existing activities from adverse reverse sensitivity effects</u></p> <p>Subdivision design, site layout and building design takes account of the effects generated by existing activities surrounding the River Terrace Resource Area, particularly Highlands Motorsport Park, Cromwell Speedway and horticulture activities/orcharding so that constraints on those activities caused by reverse sensitivity effects are avoided.</p>	<p>Appropriateness:</p> <p>The proposed additional requirements for mechanical ventilation ensure that residents are able to enjoy their internal living environments on those days when the speedway is operating without needing to open windows and doors.</p> <p>Effectiveness and efficiency:</p> <p>The proposed rule provides for effective control of temperature within homes.</p> <p>The rule places additional requirements on the residents to operate mechanical ventilation, however it is an effective method of controlling noise effects used in many similar environments.</p> <p>Costs:</p> <p>Costs include the additional construction costs of each residential unit to provide for the mechanical ventilation.</p> <p>Benefits:</p> <p>The benefits arise from mitigating any adverse amenity effects from the surrounding existing uses (motorsport park and orchards) to the new residential units.</p>