

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

IN THE MATTER of a Proposed Private Plan Change 13 to the Central
Otago District Plan

BY **RIVER TERRACES DEVELOPMENTS LIMITED**
Proponent

**FURTHER SUBMISSIONS ON BEHALF OF THE MCKAY FAMILY TRUST
(SUBMITTER 228) AND 45 SOUTH GROUP OF COMPANIES
(SUBMITTER 123)**

Dated 24 July 2019

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MAY IT PLEASE THE COMMISSIONERS:

Introduction

- 1 These submissions comment on the third supplementary statement of evidence of J A Brown dated 15 July 2019.
- 2 They are lodged in accordance with the Commissioners' Minutes 13 and 15.

ODP Objectives

- 3 Despite section 32(3) and the submissions made at the hearing by the opponents of PC13, Mr Brown has not evaluated in this or any earlier evidence PC13 against the objectives of the Operative Plan.

PC13 Objectives

- 4 Section 32 of the RMA requires, among other things, PC13 to be tested against its own objectives.
- 5 Mr Brown has carried out that exercise in this (and earlier) evidence.

Objective 20.3.1 - Diversity of housing product and housing affordability

- 6 Housing "*affordability*" is an uncertain and unmeasurable concept. Everything is affordable to someone.
- 7 Mr Brown's commentary should be treated with caution.

Objective 20.3.2 - Efficient, coordinated, integrated greenfields development

- 8 It is proposed to achieve "*an integrated, connected, high quality residential neighbourhood*".
- 9 The exposure of the site to high noise levels from many sources and to the other effects from horticulture and motorsport activities mean that a "*high quality residential neighbourhood*" is an unachievable outcome.
- 10 Mr Brown's assessment acknowledges these detriments but they do not, inexplicably, affect his overall assessment¹.

Objective 20.3.3 - Well-designed built environment

- 11 This is said to include "*open spaces which provide high quality amenity for residents*"

¹ Pages 4 to 5

- 12 This objective cannot be achieved because of the site's exposure to noise from surrounding land use activities. This is conceded by Mr Brown².

Objective 20.3.4 - Retirement living opportunities

- 13 While Mr Brown's analysis notes the adverse effects from neighbouring activities, this, curiously, does not affect his overall assessment³.

Objective 20.3.5 - Parks and open space network:

- 14 The analysis by Mr Brown is silent on the noise and other adverse effects from adjoining activities.

Objective 20.3.10 - Reverse sensitivity

- 15 Mr Brown's assessment is that reverse sensitivity is avoided through the imposition of restrictive covenants⁴.
- 16 That is simply incorrect. Reverse sensitivity effects are not avoided as Mr Brown claims by covenants. On the contrary, covenants do not remove reverse sensitivity effects. They add others. These impacts are identified in the submissions for the McKay Family Trust and 45 South dated 2 July 2019. They are not repeated here. The commissioners are referred to paragraphs 36 to 57 inclusive.

Objective 20.3.11 - Healthy buildings

- 17 The commissioners should note this objective can only be achieved by adequate acoustic insulation and mechanical ventilation⁵.

Comparison

- 18 Mr Brown compares the achievement of the PC13 objectives on the River Terrace's site with their hypothetical achievement at other locations, described as options B and C.
- 19 There is a degree of unreality in the comparison, because the other sites are physically different in nature and location, and different planning regimes apply to them.
- 20 The commissioners should observe:
- 20.1 In Mr Brown's analysis, option B is the preferred option for achieving four of the objectives.
- 20.2 In Mr Brown's analysis, options A and B were equal for three other objectives.
- 20.3 In Mr Brown's analysis, two objectives, neighbourhood centre (20.3.8) and education precinct (20.3.9) are "*less relevant*" to option B because of its proximity to the existing town centre and educational facilities.

² Pages 6 to 7

³ Pages 8 to 9

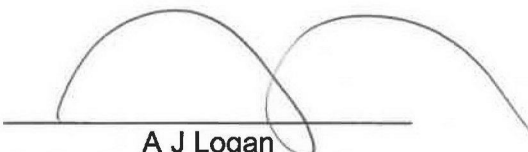
⁴ Pages 16 to 17

⁵ Pages 19 to 20

- 20.4 Option A in Mr Brown's analysis was only superior for two objectives.
- 20.5 One of the objectives for which option A was considered the most appropriate by Mr Brown is the elusive and elastic objective 20.3.1, housing affordability.
- 20.6 The other objective which scored option A highest was retirement living (20.3.4) which is somewhat surprising given the tendency of retired people to be at home, and therefore suffer greater exposure to noise and other adverse effects.
- 20.7 Option B was preferred in terms of the integration to Cromwell (20.3.2), outdoor amenity (20.3.3), reverse sensitivity (20.3.10), and healthy buildings (20.3.11). It is significant that in Mr Brown's assessment, option B is superior for the very reasons the McKay Family Trust and 45 South submit option A should be declined.

Conclusion

- 21 Parts of Mr Brown's analysis can be criticised for understating the adverse effects which the site experiences and which render it unsuitable for residential development.
- 22 Nonetheless the thrust of Mr Brown's evidence is crystal clear. It confirms both that the site is unsuitable, because residential development of the site cannot achieve the objectives of PC13, but also that residential development for Cromwell is better undertaken elsewhere.
- 23 Accordingly, PC13 must be declined.



A J Logan
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and the McKay Family Trust

Date: 24 July 2019