

Before the Hearing Panel
Appointed by the Central Otago District Council

Under The Resource Management Act 1991

In the matter of Private Plan Change 14 to the Central Otago District Plan

Second Brief of Planning Evidence of Brett James Giddens

16 September 2020

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Introduction

- 1 My name is Brett James Giddens. I am a Senior Planner and the Managing Director of Town Planning Group (NZ) Limited, a resource management and planning consultancy that provides planning and resource development advice to local authorities, government agencies and private clients throughout New Zealand.
- 2 My qualifications and experience are set out in my first brief of evidence dated May 2020.
- 3 I have been requested by NZ Cherry Corp to provide a second brief of planning evidence in response to the amended proposal for PC14.
- 4 In preparing this statement of evidence I have considered the following documents:
 - (a) The evidence on soils of Mr Reece Hill for NZ Cherry Corp dated 16 September 2020;
 - (b) The evidence on landscape by Mr Tony Milne for NZ Cherry Corp dated 16 September 2020;
 - (c) The plan set including the amended structure plan and indicative master plan for PC14 provided by way of memorandum to the commissioners dated 24 July 2020 and the amended Structure Plan appended to the evidence of Mr Milne; and
 - (d) The second Section 42A report prepared by Mr David Whitney for the CODC dated 1 September 2020 and landscape assessment addendum by Mr Ben Espie dated 24 August 2020;

Code of Conduct for Expert Witnesses

- 5 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 6 My evidence covers the following matters:
 - (a) a brief overview of the amended proposal;

- (b) the identification and evaluation of the key issues raised in Mr Whitney's supplementary section 42A report, including my reevaluation of key policies relating to the amendments; and
- (c) concluding comments.

Amended Proposal

7 I refer to paragraph [2] of the landscape evidence of Mr Tony Milne dated 15 September 2020. I confirm that Mr Milne accurately depicts the amended proposal.

8 Taking into account the refinements made to the proposal:

- (a) 72.9ha of the 244ha site remains set aside from rural living development as part of the Outstanding Natural Landscape (**ONL**) and will contain public walking and cycling tracks;
- (b) of the 171.1ha of the property outside of the ONL, 29ha is to be established for commercial horticulture;
- (c) the refined proposal enables a further 13.7ha of land for productive uses in RLA 5 and 6, bringing the total area of dedicated productive land to 42.7ha;
- (d) In addition to the above, allotments within RLA 2, 3, 4 and 5 require the identification of a building platform no greater than 1,000m² meaning the land outside the allotments would also be available for varying degrees of productive land uses.

9 The *Purpose of the Proposal* is set out on page 16 of the Request Document and reproduced below:

To enable the subdivision, use and development of approximately 142 hectares of land located at 144 Ripponvale Road to provide a mix of different land use densities to meet demand for rural lifestyle development outside of urban Cromwell; recognise and provide for the natural landscape values of the Pisa Range; and facilitate use of a further approximately 29 hectares of land for horticultural development. Rural lifestyle development is to occur in an integrated, sustainable and planned manner to meet the needs of the District's people and communities, while avoiding, remedying or mitigating potential adverse effects on:

- *The Pisa Range – Outstanding Natural Landscape*
- *Landscape and amenity values*
- *Water resources*
- *The soil resource*

- *Surrounding land uses*
- *Natural hazard risk*

Supplementary Section 42A Report

- 10 Mr Whitney has prepared a supplementary section 42A report dated 1 September 2020 as a response to the request of the commissioners. This report relates to the amended proposal as provided to the commissioners via memorandum of Ms Eveleigh dated 24 July 2020.

Amendment to Structure Plan

- 11 In his section 3.0 (page 2), Mr Whitney provides an overview of the amendments to the structure plan. In regard to his table on page 2, I would like to clarify that the yields identified (referred to respectively to each RLA) should be used for guidance only. This is this because these numbers have been taken from the indicative masterplan that has been prepared to show one possible outcome arising from the implementation of the structure plan.

Scope of the Amendments

- 12 I agree with Mr Whitney at his section 4.1 (page 3) that the amendments to the proposal are within scope of the notified PC14. Broadly, the changes result in the consolidation of an area of RLA 1 and RLA 2 centrally within the site as a result of creating the larger RLA 6 to enable an additional area of productive land use.
- 13 The notified PC14 sought an overall density of 160 allotments and the amended proposal has retained this non-complying 'cap', meaning that the proposal will not result in a greater yielding development than what was notified.
- 14 The notified proposal included a large area of horticulture planting. The area of land to be enabled for productive land uses has been enlarged through the provision of the new RLA 6 density area and this is in keeping with the "Purpose of the Proposal".

Large Lot Residential Development

- 15 At his section 4.2 (page 3), Mr Whitney states that because the proposal provides for an indicative yield of 111 lots having minimum areas between 2,000m² and 4,000m² in the RLA 1-3 and 18 lots having a minimum area of 1 hectare in the RLA 4, "this essentially creates large residential lots for residential activity" and in his opinion, PC14 will not "meet demand for rural lifestyle development". Mr Whitney

considers that the amended proposal “departs even further” from the Purpose of the Proposal.¹

- 16 I do not share Mr Whitney’s opinion and consider that the proposal, among other things, provides for rural lifestyle development and is consistent with the notified Purpose of the Proposal. Mr Milne has addressed the character of the development in detail in his evidence in chief and supplementary evidence. At Mr Milne’s paragraphs [5] and [6] in his supplementary evidence he specifically notes:

“...the proposal will modify the rural character of the application site, changing it from a working rural farm to a rural living development. I consider this change to be acceptable within the application site and surrounding rural context and I consider the Structure Plan amendments to be in keeping with a rural living character.

The introduction of the RLA6 area for the purpose of productive land use along the south boundary, in place of 1-hectare lots as were proposed on the previous iteration of the Structure Plan, will increase rural amenity as experienced by users of Ripponvale Road and adjacent properties both within and outside the application site. This amendment will also enhance the rural amenity experienced as users enter the application site through the productive land.”

- 17 On page 2 of his report, Mr Whitney refers to the definition of “Rural Lifestyle Zone” from the National Planning Standards to justify his position. I have previously addressed this in my supplementary evidence brief dated 25 May 2020.² I outline this definition below:

“Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.”
[Emphasis Added by Mr Whitney]

- 18 In my opinion, Mr Whitney is interpreting this definition in a vacuum and has overlooked that the PC14 proposal includes the provision of approximately 42.7ha of land to be both used and enable primary production to occur alongside rural living. In my opinion this definition needs to be read in the context of the PC14 proposal as a *whole* (particularly as the request is a zone change guided by an overarching structure plan), and not isolated into a consideration of the allotment sizes as Mr Whitney has done.

¹ Page 4 of supplementary section 42A report

² See from paragraph [49] onwards.

- 19 In consideration of this definition, I note:
- (a) the proposed zone is within an “area” that is to be “used predominantly for a residential lifestyle” – the use of the word “predominantly” indicates that residential lifestyle should be the primary activity in a rural lifestyle zone.
 - (b) the area is within “a rural environment”.
 - (c) the residential lifestyle activity will be “on lots smaller than those of the General rural and Rural production zones” (see below).
 - (d) a balance is achieved by meeting these components of the definition “while still enabling primary production to occur” through the establishment of the Horticulture Block (cherries), and enablement of productive land uses on RLA 5 and RLA 6 in particular.
- 20 I read the requirement to “still enable[ling] primary production to occur” as an overall response for the zone and not as requirement that all lot sizes enabling primary production to occur, which is the approach that Mr Whitney has taken.
- 21 “Primary production” is defined in the National Planning Standards to mean:
- “(a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and*
 - (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);*
 - (c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but*
 - (d) excludes further processing of those commodities into a different product.”*
- 22 The definition does not make the distinction between commercial productive uses and “hobby-scale” productive uses, for instance. In my opinion, the definition provides for a complete range of productive land uses and does not discriminate such uses on the bases that they are not large enough scale and size to be commercial. This is a difference between how Mr Whitney and I have viewed the proposal and its relationship to productive land uses.
- 23 The commitment to provide for 42.7ha of land for productive uses, and in particular to require planting of 60% of the 29ha Horticulture Block in advance of rural living development, is significant in my opinion and it is a unique component of the PC14 request that would be difficult to replicate in most cases.

24 For completeness, I record the other relevant definitions from the National Planning Standards:

- (a) **Large lot residential zone:** Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.
- (b) **General rural zone:** Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.
- (c) **Rural production zone:** Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

25 The function of a “zone” is that it “spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible...”³

26 The National Planning Standards use the term “predominantly” in most of the zone definitions, indicating that each zone is underpinned by one particular activity that is often complemented by another less dominant activity, linking to the environmental considerations of where the zone is located.

27 In my opinion, the zone enabled by PC14 is most appropriately considered as rural lifestyle.

Reverse Sensitivity

28 At section 4.3 (page 4), Mr Whitney infers that his issue with reverse sensitivity primarily relates to effects on outdoor living areas. He also considers that applying RLA1 to the land adjacent to the Horticulture Block as “retrograde”.

29 Mr Humpheson has previously addressed reverse sensitivity (noise) effects in his evidence in chief dated 13 May 2020 and his supplementary evidence dated 25 May 2020. He concluded that with the inclusion of his recommended control

³ Page 49 of National Planning Standards (November 2019)

measures, the residential amenity of both future occupiers and existing properties will be protected such that adverse noise effects will be appropriately managed and reverse sensitivity effects mitigated.⁴

30 I addressed the effects of spray drift in my evidence in chief dated 13 May 2020.⁵

31 The amended structure plan introduces a further setback from Rockburn Winery than has been previously proposed. In my opinion, any potential reverse sensitivity effects will be further avoided through this amendment.

Pedestrian and Cycle Underpass

32 The amendment to Rule 4.7.2(ii)(a)(vi) requires the provision of a pedestrian/cyclist underpass or formal crossing point across State Highway 6 prior to section 224(c) RMA certification for the 51st rural lifestyle allotment. Mr Whitney supports this amendment (with a minor formatting change).

33 I have previously considered the connection of PC14 to Cromwell in detail in my supplementary evidence dated 25 May 2020. I considered Objective 4.5 and its associated policies under the Partially Operative RPS (2019) in the context that PC14 is not “urban development” and this amendment further reinforces my opinion.

34 With the proposed amendment State Highway 6 can very definitively be considered as providing no barrier to any form of access to and from the PC14 site. This further reinforces my opinion that the proposal is consistent with policies 7 and 8 of the Otago/Southland Regional Land Transport Plan 2018 reproduced below.

7. When needed to ensure resilience, prompt a change in travel behaviour towards increased walking, cycling and public transport use in urban areas, by: managing traffic to maintain certain levels of congestion; adapting the supply and pricing of car parking over time; promoting multi-modal journeys.

8. Support and promote growth in cycle and pedestrian trips and in public transport patronage.

Landscape and Visual Amenity Effects

35 Mr Milne has provided an updated landscape assessment based on the refined proposal. This has been peer reviewed by landscape architect, Mr Ben Espie for the Council.

⁴ Paragraph [16] of Humpheson Evidence in Chief

⁵ Paragraph [75] of Giddens Evidence in Chief

36 In regard to the landscape effects on rural character and amenity, Mr Milne concludes at his [10] that:

“On the whole, this increase of approximately eight lots and the associated increase in density in this area of the site, is not viewed as a significant change in the context of the overall scale of the proposal, and as the proposed elements are of a rural character (rural roading, materials, colour, built-form, etc.), the development will still deliver a rural outcome.”

37 I agree with and have adopted Mr Milne's findings for the purposes of my assessment.

38 At section 5.3, Mr Whitney provides his opinion on the visual simulations prepared by Mr Milne. The simulations have been evaluated by Mr Milne and Mr Espie for the Council; as qualified and experienced landscape architects, I have considered both their views.

39 Mr Espie's comments in his Supplementary Landscape Review (dated 24 August 2020) are mostly in agreement with Mr Milne and at paragraph [12] he confirms:

“The additional information that has been provided does not materially change the findings of my Peer Review or Response Comments, other than in relation to the immediate Ripponvale Road area as set out in paragraphs 5 and 6 above.”

40 Mr Espie's paragraphs [5] and [6] state:

“In relation to landscape character, I consider this amendment [the creation of larger lots in the structure plan] reduces the adverse effects of PC14 on the landscape character of the immediate Ripponvale Road vicinity compared to the pre-amendments proposal. More rural and productive landscape character will be retained.

Similarly, in relation to views and visual amenity as experienced from the immediate Ripponvale Road area, I consider the amendments reduce the degree of adverse effect; the rural living area being visually buffered by a considerable area of open space and productive land use.”

41 Like Mr Milne and Mr Espie, I do not share Mr Whitney's concerns with the visual simulations. To evaluate the effects of the proposal from the air is very unusual in my experience and comes with the risk of creating a dangerous precedent for the assessment of future plan changes and also the review of the Central Otago District Plan if it was adopted. I note for completeness that throughout the current review of the Queenstown Lakes District Plan, I am unaware of views from the air being considered when evaluating landscape effects.

42 Mr Whitney's conclusion that "the July 2020 Structure Plan exacerbates adverse landscape and visual effects when compared to the development enabled by the notified Structure Plan and the Structure Plan as amended at the hearing on 28 May 2020". This conclusion is not supported by the landscape evidence of Mr Milne or the review by Mr Espie.

Availability of Irrigation

43 Mr Whitney discusses the availability of water for irrigation at his section 6.0 (page 7). He concludes that there is the potential to irrigate land on the PC14 site (beyond the horticulture block) from a new bore on the site, from the existing Ripponvale Irrigation Company Limited (**RICL**) Ripponvale Irrigation Scheme allocation and/or from an additional allocation from the RICL.

44 I agree that there is the potential to obtain further water.

45 Mr Heller's evidence is that there currently available groundwater allocation and that the site is likely to yield around 15L/s. This allocation may cease to be available over time, if it is allocated to other groundwater users.

46 In regard to surface water, Mr Jones for RICL say they do not take its full annual volume, but is close to taking its full volume in summer months and has exceeded its monthly volume in two dry summers. Mr Whitney acknowledges this, but then goes on to conclude (page 8) that "it appears that it is possible to supply more water to the PC14 site from the existing Ripponvale Irrigation Scheme". In my view there is limited, if any, capacity to supply any significant new area of irrigation to support commercial productive uses from the RICL given the current water demand in summer months.

47 To the extent that further water can be obtained from either source, in my opinion this could be utilised to support productive uses on the RLA6 lot(s) as shown on the amended structure plan.

48 In my opinion it is important to point out that just because water *may be* available to irrigate some of the land does not mean that it *is* available; at the least it is still subject to consents. In my opinion, an appropriate balance has been achieved by enabling 42.7ha of land within the PC14 site for future productive uses. These may well be constrained by the availability of water and that reality should in my opinion be considered, much in the same way that any commercial decision would rely on water availability prior to embarking on any productive use of land.

Soils Mapping

- 49 I have read and rely on the soils evidence of Mr Reece Hill dated 15 September 2020. I have also read the evidence and supplementary soils evidence of Mr Gibson for HortNZ.
- 50 While I do not agree with Mr Whitney at his section 7.0 (page 10) that the Leamy and Saunders maps should be treated as “accurate”, I consider that they should be relied on as the most relevant information currently available for regional and district soil mapping (being the mapping level I consider appropriate for the evaluation of a district-level plan change). I consider that they still need to be treated with some caution.
- 51 Mr Whitney at section 7.0 (page 11) refers to the purchaser of a 4ha block in the RLA6 may choose to graze that block, and in his opinion, the potential use of the high class soils may not be achieved for, say, horticulture or viticulture. This scenario is not problematic in my opinion (and I will discuss further in relation to the RPS) and is not unique; if PC14 is not approved that does not mean that land will be used for any productive use. This also overlooks the constraints on water availability which will likely constraint the extent of productive uses on the land – with or without the development rights for rural living sought under PC14.
- 52 Mr Hill’s key findings are summarised at paragraph [17] of his evidence in chief. In relation to the matters of my expertise, I note the following conclusions:
- (a) Based on the high class soils definition provided in the Operative Regional Policy Statement, the soils on the site do not meet the criteria for high class soils as both soil and climate limitations restrict the capability of the site to grow a wide range of plants, including some horticulture and arable crops.
 - (b) The soils on the site are not considered to be “significant soils” in terms of Policy 3.2.17 of the Proposed Regional Policy Statement because they fail to meet the requirements of criteria (a), (c) and (d), and there is doubt to whether they meet criteria (b) and (e) of the policy.
 - (c) None of the soils on the site in question are classed as high for orchards, cropping or food production.
 - (d) Although some of the soils on the site in question are capable of supporting one or two highly productive horticulture crops (cherry orchards and viticulture) their inherent soil and climate limitations are very likely to restrict their capability to support a wider range of horticulture and cropping land uses.

53 Mr Hill in my opinion has undertaken a thorough review that considered all available information sources. I have relied on his assessment to inform my evaluation of the RPS below.

National Policy Statements

54 Mr Whitney at section 9.0 (page 11) comments on the NPSs. I confirm the view expressed in my evidence in chief and agree with Mr Whitney that the NPS for Urban Development Capacity (and the now NPS for Urban Development) is not relevant to the consideration of PC14. The Central Otago District does not contain land that meets the definition of an “urban environment”.

55 I also confirm my evidence in chief and agree with Mr Whitney that the draft NPS for Highly Productive Land is not relevant to the assessment of PC14.

Otago Regional Policy Statement(s)

Landscape

56 In respect of the RPS and taking into account the landscape evidence of Mr Milne relating to the amended proposal, I confirm that my opinion remains that the proposal will give effect to the objectives and policies of the proposed RPS (2015), including:

- (a) **Objective 3.2** Otago’s significant and highly-valued natural resources are identified, and protected or enhanced;
- (b) **Policy 3.2.4** Managing outstanding natural features, landscapes and seascapes;
- (c) **Policy 3.2.5** Identifying highly valued natural features, landscapes and seascapes; and
- (d) **Policy 3.2.6** Managing highly valued natural features, landscapes and seascapes.

Soils

57 In light of the refined proposal and Mr Hill’s evidence on soils, I have reconsidered my assessment of the operative and proposed Regional Policy Statement (**RPS**). In forming my opinions, I have also taken into account the soils evidence of Mr Gibson for Hort NZ and the general comments from Mr Whitney in his section 42A report.

Operative RPS (1998)

- 58 The key objective relating to soil is **Objective 5.4.1**. **Policies 5.5.2** and **5.5.3** implement this objective.
- 59 **Objective 5.4.1** seeks to promote the sustainable management of Otago’s land resources in order to maintain and enhance the primary productive capacity and life-supporting capacity of land resources, and to meet the present and reasonably foreseeable needs of Otago’s people and communities.
- 60 **Policy 5.5.2** promotes the retention of the primary productive capacity of Otago’s existing high class soils to meet the reasonably foreseeable needs of future generations and the avoidance of uses that have the effect of removing those soils or their life-supporting capacity and to remedy or mitigate the adverse effects on the high class soils resource where avoidance is not practicable.
- 61 **High class soils** are defined in the operative RPS (1998) as “*soils that are capable of being used intensively to produce a wide variety of plants including horticultural crops. The definition requires good soil and other resource features that in combination are capable of producing a wide range of crops. It does not include areas that may be suited to one or two specialist crops, largely due to the climate rather than soil quality*”.
- 62 The only specific evidence that considers this definition is from Mr Hill.
- 63 Mr Hill and Mr Gibson have considered a range of information sources to evaluate the significance and importance of the soils. While McIntosh is one source of soils information, it has no direct bearing to the soils policy under the operative and proposed RPSs. Notwithstanding McIntosh's findings, Mr Hill considers that the soils on the site would not be considered high class soils due to soil and climate limitations reducing their capability of *being used intensively to produce a wide variety of plants including horticultural crops*.⁶
- 64 **Objective 5.4.1** does not specifically refer to “high class soils” and seeks to maintain and enhance the primary productive capacity and life-supporting capacity of “land resources”, and to meet the present and reasonably foreseeable needs of Otago’s people and communities. The proposal achieves this by enabling a considerable area of land (42.7ha) for productive land uses and setting aside land to maintain the capacity of the land resource. **Policy 5.5.2** goes further by referring specifically to “high class soils”, which are defined. Based on this definition, Mr Hill considers that the soils on the site do not meet the criteria for high class soils as both soil and climate limitations restrict the capability of the site to grow a wide

⁶ Paragraph 17 (d) of Hill Evidence

range of plants, including some horticulture and arable crops.⁷ I have adopted Mr Hill's findings in this regard and consider that the proposal is not at odds with this policy and gives effect to the objective. In the event that it was considered that the soils are "high class soils", the development and setting aside of 42.7ha of land for productive land uses would satisfy me that this policy would be achieved by the proposal.

Partially Operative RPS (2019)

65 **Objective 5.3** seeks that sufficient land is managed and protected for economic production. **Policy 5.3.1** (Rural activities) requires the management of activities in rural areas, to support the region's economy and communities, by:

- (a) Enabling primary production and other rural activities that support that production;
- (b) Providing for mineral exploration, extraction and processing;
- (c) Minimising the loss of significant soils;
- (d) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects;
- (e) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency;
- (f) Providing for other activities that have a functional need to locate in rural areas.

66 My opinion on this policy has not changed with the consideration of the amended proposal. **Objective 5.3** is focussed on land for economic production and PC14 specifically incorporates 29ha of land for this purpose with the horticulture block and cherry expansion for NZ Cherry Corp.

67 **Policy 5.3.1** further emphasises the need for management of the land "to support the region's economy and communities". "Primary production and other rural activities that support that production" are enabled through PC14, in particular the amended RLA 6 area. This land will be managed and protected through the PC14 provisions. The soils are not "significant" but notwithstanding this, the loss of soils in general will be minimised the amended proposal. The consideration of incompatible activities has been covered in my prior evidence. The subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency has been minimised through the refinement of the

⁷ Paragraph 17 (f) of Hill Evidence

positioning of the smaller rural living allotments and enlargement of those areas that are most practical for productive land uses (RLA 6).

68 In my opinion, the amended PC14 achieves a greater consistency with this objective and policy.

Proposed RPS (2015)

69 **Objective 3.1** seeks that the values of Otago's natural resources are recognised, maintained and enhanced.

70 **Policy 3.1.7** (Soil values) directs to safeguard the life supporting capacity of soil and manage soil to:

- (a) Maintain or enhance as far as practicable
 - (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 for historic heritage objects unless an archaeological authority has been obtained.

71 For the same reasons I express above and as set out in my evidence in chief, this objective and policy is given effect to through PC14. The amended proposal in particular sets aside a greater area of land for productive uses.

72 **Objective 3.2** seeks that Otago's significant and highly-valued natural resources are identified, and protected or enhanced.

- 73 **Policy 3.2.17** (Identifying significant soils) requires the identification of areas of soil that are significant using the following criteria:
- (a) Land classified as land use capability I II and IIIe in accordance with the NZ Land Resource Inventory
 - (b) Degree of significance for primary production
 - (c) Significance for providing contaminant buffering or filtering services
 - (d) Significance for providing water storage or flow retention services
 - (e) Degree of rarity
- 74 **Policy 3.2.17** sets out criteria to establish what are “significant soils”. Evidence appended to the Request document confirmed that the soils on the PC14 site do not meet this classification, specifically not falling within the land use capability classification in limb (a). Mr Balderston for the ORC also considers that significant soils are not identified on the site.⁸
- 75 Mr Gibson’s evidence focusses almost solely on limb (b), the degree of significance for primary production. Mr Edwards and Mr Larsen discuss the productive values in their evidence and it is evident that soil is only one factor contributes to primary production, a fact also acknowledged by Mr Gibson in his evidence.
- 76 I have relied on Mr Hill’s evidence for guidance in assessing this policy. Mr Hill does not consider the soils on the site in question to be significant soils because they fail to meet the requirements of criteria (a), (c) and (d), and there is doubt to whether they meet criteria (b) and (e).⁹
- 77 If it was considered that the soils were “significant soils” under this policy, it would not alter my opinion that those soils have been identified as part of this process, evaluated in terms of the uses proposed as part of PC14, and the methods put in place are the most appropriate to manage those soils, as discussed below in the context of Policy 3.2.18.
- 78 **Policy 3.2.18** (Managing significant soil) requires the management of areas of significant soil by all of the following:
- (a) Maintaining those values which make the soil significant
 - (b) Avoiding remedying or mitigating other adverse effects

⁸ Paragraph 26 of Balderston Evidence

⁹ Paragraph 17 (g) of Hill evidence

(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

79 As per above, I do not consider that the soils are “significant soils” and therefore this policy is not directly relevant.

80 For the reasons I have set out above, I consider that the values of the soil within the PC14 site have been maintained. I also consider that the general loss of soils (irrespective of the quality of the soils) to rural living development has been largely remedied.

81 PC14 is consistent with this policy

Conclusion

82 In my opinion the amended proposal better achieves and gives effect to the operative RPSs and is consistent with the proposed RPS.

83 My conclusion remains consistent with what I set out in the Request document in that PC14 will achieve the Purpose of the RMA.



Brett James Giddens

Dated 16 September 2020