

**BEFORE HEARING COMMISSIONERS APPOINTED BY THE CENTRAL OTAGO  
DISTRICT COUNCIL**

**IN THE MATTER OF** The Resource Management Act 1991 (**RMA**  
or **the Act**)

**AND**

**IN THE MATTER OF** Hearing of Submissions and Further  
Submissions on Proposed Plan Change 19  
(**PC19**) to the Central Otago District Plan  
(**CODP** or **the District Plan**)

**AND**

**IN THE MATTER OF** Submissions and Further Submissions on  
Proposed Plan Change 19 by the Doug  
Jones Family Trust and Searell Family Trust  
No. 2 (submitter #82)

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**STAGE 2 – ZONING HEARING  
EVIDENCE OF CRAIG ALAN BARR ON BEHALF OF THE DOUG JONES FAMILY  
TRUST AND SEARELL FAMILY TRUST NO. 2**

Dated: 16 May 2023

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## 1. INTRODUCTION

- 1.1 My name is Craig Alan Barr. I am a planning consultant and have been asked to prepare planning evidence on the Central Otago District Council's (**Council/CODC**) Plan Change 19 (**PC19**) to the operative Central Otago District Plan (**District Plan/ODP**).
- 1.2 This evidence is filed on behalf of Submitter #82 D. J. Jones Family Trust and N.R Searell Family Trust (**Submitter**)
- 1.3 I have earlier filed evidence dated 11 April 2023 for the Submitter (and other submitters) for the Stage 1 Hearing on PC19. My qualifications and experience are set out in that evidence
- 1.4 In preparing my evidence I refer to and rely on the following evidence:
- (a) Mr Tony Milne, landscape; and
  - (b) Mr Richard Ford, Infrastructure.
- 1.5 I also refer to and rely on my evidence dated 11 April 2023 in the PC19 Stage one hearing which identified and discussed the National Policy Statement Urban Development (**NPS-UD**) in the context of PC19 and the District qualifying as a Tier 3 local authority in terms of the NPS-UD.
- 1.6 I am also providing planning evidence for other submitters<sup>1</sup> at the Stage 2 Hearing of PC19, and there are synergies with the relief sought by the Submitter and those other submitters in terms of the application of the NPS-UD, the wider urban residential growth and spatial layout of PC19, and potential constraints to both urban expansion and consolidation opportunities in existing urban areas as identified by the Council's section 42A reports.

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<sup>1</sup> #139 One Five Five Developments LP associated with land in Alexandra, #135 Cairine MacLeod associated with land in Bannockburn, and #146 Pisa Village Development Limited and Pisa Moorings Vineyard Limited associated with land at Pisa Moorings.

## **Code of conduct for expert witnesses**

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

## **2. SCOPE OF EVIDENCE**

2.1 My statement provides a brief overview of the proposal and details the relevant planning considerations regarding the proposed relief sought. The structure of my evidence is focussed upon the following key areas:

- (a) A summary of the decision-making framework and statutory policy context;
- (b) Identification and evaluation of the key issues, being:
  - (i) What is the most appropriate form of urban development on the Site?
  - (ii) Can the rezoning be serviced?
  - (iii) Is the MRZ Commercial Precinct appropriate?
  - (iv) What are the most appropriate provisions (i.e policies, rules or other methods) to provide for the rezoning?
- (c) The adverse effects on the environment

## **CONTEXT**

2.2 I have been asked by the Submitter to give expert planning advice in respect of their properties at 88 Terrace Street Bannockburn, legally described as Lot 4 DP 339137 and is held within Record of Title 474127, and the property to the North legally described as Part Section 103 Block I Cromwell SD held in Record of Title OT16B/1179 (**Site/Subject Land**). I refer to the Graphic Attachment of Mr Milne's evidence which contains location maps, the operative District Plan zoning, PC 19 zoning and proposed relief.

2.3 By way of background, the submitter requested the following relief in their submission:

1. *That the site is rezoned to enable higher densities of residential activity than provided for under the PC19 Large Lot Residential Bannockburn density of 2000m<sup>2</sup>.*
2. *That the site is rezoned to provide for retail, community facility activities and commercial activities which meet the needs of the community and enhance Bannockburn as a vibrant and interesting place for visitors and the community.*
3. *That rules LLRZ-S1 and SUB-S1 are amended so that the residential density and subdivision site standards in the Large Lot Residential Zone at Bannockburn is 1000m<sup>2</sup> minimum and 1500m<sup>2</sup> average.*
4. *Such other relief, consequential or otherwise, as may be required to give effect to the intent and purpose of this submission.*

2.4 Secondary relief identified in the Submission included an indicative zoning map which identified the majority of land west of the Building Line Restriction as LRZ or LLRZ with a density of 1000m<sup>2</sup> and average of 1500m<sup>2</sup>, with an approximate 1.8ha area of MRZ and an 80m wide strip<sup>2</sup> of land adjacent to Bannockburn Road with a commercial precinct overlay. This is the relief assessed by Ms White and Ms Muir in their Section 42A reports.

2.5 Having considered the Section 42A reports, other submissions, and the advice from Messrs Milne and Ford and myself, the relief has been revised as follows, and my evidence is based upon the following outcome:

- (a) MRZ area of 1.8ha with a maximum building height of 8.5m, which is lower than the 11m building height permitted in the MRZ;
- (b) MRZ Commercial Precinct 30m in width along Bannockburn Road to enable a single row of mixed use and local convenience retail activity, with some bespoke rules to foster a mixed use and vibrant centre to Bannockburn;

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<sup>2</sup> This would have enabled two rows of commercial development with a 15m wide central access.

- (c) LLRZ over the remainder of the land with a minimum allotment size of 1000m<sup>2</sup> and average of 1500m<sup>2</sup>.

2.6 For ease of reference I will refer to the above outcome as the “proposed zoning” throughout the balance of my evidence. By way of summary, Mr Ford has undertaken a potential development yield scenario, and under the notified PC19 regime, the residential yield on Stage 2 of the site would be in the order of 20 lots. Under the proposed rezoning, the yield from Stage 2 would be in the order of 46 lots including within the MRZ, which equates to an additional 26 residential lots over the notified PC19 zoning.

2.7 To avoid doubt, the Site (i.e area subject to the relief) is the land outside of and west of the Building Line Restriction (**BLR**) Area identified on the District Plan Maps. In addition, the Submitter is not pursuing any amendments to the BLR.

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

- (a) The PC 19 documentation including the notified text, the Operative District Plan (**ODP**) text which is identified to amended and the Council’s section 32 evaluation;
- (b) The Cromwell Spatial Plan and also the Vincent Spatial Plan;
- (c) The Resource Management Act 1991 (**RMA**);
- (d) The partially operative Otago Regional Policy Statement 2019 (**PORPS**) and the proposed Otago Regional Policy Statement 2021 (**pORPS21**).
- (e) Relevant national policy statements including the NPS-UD and the National Policy Statement Highly Productive 2022 (**NPS-HPL**);
- (f) The National Planning Standards;
- (g) The Council’s Stage 1 section 42A report on the PC 19 text prepared by Ms White (**s 42A Stage 1 report**);
- (h) The Council’s Stage 2 section 42A report on the PC 19 text prepared by Ms White (**s 42A Stage 2 report**);;
- (i) The Council’s Stage 2 section 42A report 2 on infrastructure prepared by Ms Julie Muir (**s 42A Stage 2 report 2**)

- (j) Submissions and further submissions from those persons who have had an influence and/or garnered attention in the s 42A report and/or supplementary evidence.

### **3. EXECUTIVE SUMMARY**

- 3.1 I consider the proposal to be more appropriate than the notified PC19 zoning because the benefits of providing a modest variety in the housing type, an increase in potential for affordability through a variety in varying residential density, and providing a mixed use village for Bannockburn outweigh any costs, which are identified to effects on the existing character and amenity of Bannockburn township.
- 3.2 Based on the evidence of Mr Ford (discussed below) there should not be any additional costs arising from the proposed rezoning when compared to the yield modelled under the PC19 zoning
- 3.3 The proposal will best give effect to the NPS-UD, the PORPS and District Plan while still being broadly consistent with the Cromwell Spatial Plan which while important to the direction of PC19, and one of the foundations of the section 32 evaluation, compared to the NPS-UD is a subordinate non-statutory document. Irrespective of whether the District is a Tier 3 local authority under the NPS-UD, PC19 must give effect to the NPS-UD and the benefits of the proposal assisting PC19 to best give effect to the NPS-UD outweigh any costs.
- 3.4 The proposed location specific amendments to the PC19 text to include in the Commercial Precinct, and a higher residential density across the Bannockburn LLRZ comply with the prescribed directions of the National Planning Standards, are efficient, robust and can be readily integrated into the PC19 framework.
- 3.5 The proposed zoning provides an opportunity to assist the Council to overcome identified infrastructure constraints at Bannockburn through greater investment

in the area with resultant development contributions and potential for developer agreements to assist with the provisions of infrastructure.

- 3.6 The rezoning will help the Council provide sufficient housing capacity at Bannockburn where there is an identified shortfall in capacity in the short term. It is my view that the Council cannot rely on other parts of the Cromwell Ward to make up housing capacity shortfalls in Bannockburn. Irrespective of whether the District is a Tier 3 local authority under the NPS-UD, the NPS-UD requires that the needs of communities are met where the demand exists.
- 3.7 The landscape, urban design and infrastructure effects and wider rural interface effects can be managed so that the proposal is appropriate.

#### **4. ZONING OF THE SITE UNDER THE ODP AND PC19**

- 4.1 The site is located at the terminus of Terrace Street Bannockburn within the Central Otago District, and is zoned Residential Resource Area (4) (**RRA(4)**) in the Operative Central Otago District Plan, which provides for a minimum allotment size of 1500m<sup>2</sup> and average of 2000m<sup>2</sup>. The site has been zoned LLRZ as part of PC19 which has a minimum site size of 2000m<sup>2</sup>. I refer to Mr Milne's evidence where he describes the site and receiving environment, and his Graphic Attachment which identifies the ODP zoning, the zoning proposed by PC19, and location of the BLR.

#### **5. Decision making framework and key statutory policies**

- 5.1 Section 32AA(1)(a) of the RMA requires a further evaluation in respect of the amendments sought to the existing proposal since the section 32 evaluation was completed. In this context:
- (a) The 'existing proposal' is applying the PC 19 LLRZ and residential density of 2000m<sup>2</sup> to the site; and

- (b) The 'amending proposal' is applying the LLRZ with a density of 1000m<sup>2</sup> minimum and 1500m<sup>2</sup> average, and 1.8ha of MRZ with a commercial Precinct, and any bespoke methods or rules proposed.
  
- 5.2 Section 32AA(1)(b) states that the further evaluation must be undertaken in accordance with sections 32(1) to (4), while section 32AA(c) requires that the level of detail must correspond to the scale and significance of the changes.
  
- 5.3 Under section 32(1)(a) the evaluation must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act. Section 32(1)(b) requires an examination of whether the provisions of the proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options for achieving the objectives, assessing the efficiency and effectiveness of the provisions in achieving the objectives, including the costs and benefits of the options, and the risks of acting or not acting, and summarising the reasons for deciding on the provisions.
  
- 5.4 Section 32(1)(c) states that the evaluation is to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
  
- 5.5 For 'amending proposals', section 32(3) requires that if the proposal (an amending proposal) will amend a change that is already proposed or that already exists, the examination under subsection (1)(b) must relate to –
  - (a) *the provisions and objectives of the amending proposal; and*
  - (b) *the objectives of the existing proposal to the extent that those objectives —*
    - (i) *are relevant to the objectives of the amending proposal; and*
    - (ii) *would remain if the amending proposal were to take effect.*



- 5.6 Additionally, the overarching principles of section 32 must also be considered, namely:
- (a) Are the objectives the most appropriate to achieve the purpose of the RMA?
  - (b) Are any policies or rules the most appropriate way to achieve the objectives?
  - (c) Will the policies or rules be an effective and efficient way to achieve the objectives (by assessing benefits and costs - in a quantifiable way if possible - including the opportunities for economic growth and employment)?
  - (d) Will there be a risk of acting or not acting (ie. including policies or not including policies) if there is uncertain or insufficient information?
- 5.7 Ultimately, I consider the primary question in section 32 terms is whether the proposed rezoning to MRZ, MRZ Commercial Precinct and LLRZ with a higher density than notified (including any bespoke provisions), is the most appropriate zone framework to achieve the Objectives of PC 19 and the ODP and to give effect to the PROPS and NPS-UD.

## **Part 2 RMA**

- 5.8 The purpose and principles in Part 2 of the RMA emphasise the requirement to sustainably manage the use, development and protection of the natural and physical resources for current and future generations.
- 5.9 Section 7 of the RMA is relevant to this proposal in terms of the efficient use of the land, opportunities for the maintenance and enhancement of amenity values and the quality of the environment. I consider that these matters are expressed through the PORPS and the ODP.

## National Policy Statements

- 5.10 When preparing district plans, section 75(3)(a) of the RMA requires that territorial authorities must give effect to any National Policy Statement (**NPS**). The only NPS of direct relevance to the Subject land is the NPS-UD.
- 5.11 In my evidence for the Stage 1 hearing, I explained that the District should be treated as a tier 3 local authority under the NPS-UD, in particular as the NPS-UD definition of “urban environment” is contemplative of population increases in areas meaning that, over time, an area can qualify as an urban environment due to predicted population changes.<sup>3</sup> My earlier evidence also identified some of the key provisions of the NPS-UD which I consider apply.<sup>4</sup> **Appendix 1** contains the full suite of NPS-UD Objectives and Policies which are relevant to the District, and I have included reference to these where relevant throughout my evidence.
- 5.12 For the reasons discussed below in my evidence, I consider that the NPS-UD is a document of primary relevance to the proposal and to PC19 as a whole, and in my view the rezoning proposal promoted by the Submitter better gives effect to the NPS-UD (and PORPS and ODP) than the notified PC19 zoning and rules,
- 5.13 For completeness, while I am of the view that the District is a Tier 3 local authority, in the event the Hearings Panel determine this is not the case, the NPS-UD still applies, albeit to a lesser extent where some parts of the NPS-UD only apply to Tier 1, 2, or 3 local authorities.
- 5.14 Further, and for the avoidance of doubt, in the event the District is not considered a Tier 3 local authority, I remain of the view that the rezoning proposal better gives effect to the NPS-UD (and PORPS and ODP) than the notified PC19 zoning and rules. Where I identify and discuss a provision of the NPS-UD in my evidence I will also identify by footnote if it would apply in the

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<sup>3</sup> Refer to paragraph 4.7 of my evidence for the Stage 1 Hearing

<sup>4</sup> Refer to paragraph 4.9 of my evidence for the Stage 1 Hearing.

event the Hearings Panel determines that the District is not a Tier 3 local authority.

### **Partially Operative Regional Policy Statement for Otago 2019 (PORPS)**

5.15 Section 75(3)(c) of the RMA requires that a district plan must give effect to any operative regional policy statement. Section 74(2)(a) requires that a territorial authority shall have regard to any proposed regional policy statement when preparing or changing a district plan. All PORPS provisions of relevance to this proposal are operative.<sup>5</sup> I consider that there is one objective and two policies which are relevant to the relief sought and are summarised below with the full text provided in **Appendix 1**:

- (a) Objective 4.5 – urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments;
- (b) Policy 4.5.1 – that urban growth is provided for by the provision of sufficient capacity, and coordinating the extension of urban areas with infrastructure development programmes to provide infrastructure in an efficient and effective way; and
- (c) Policy 4.5.2 – which requires the strategic integration of infrastructure, including through coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.

5.16 Policy 4.5.1 requires that urban growth is provided for through provision of sufficient capacity and I discuss this below in the context of Bannockburn. I consider Policy 4.5.2 to be particularly relevant to the relief sought because it encourages infrastructure to be planned to accommodate changes in growth, including actual and foreseeable land use change. This rezoning and provision of greater densities where there is a current wastewater capacity constraint identifies an opportunity for the Council to coordinate the delivery of

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<sup>5</sup> Those provisions that remain the subject of court proceedings and that are not yet operative, are Policy 4.3.7, and Methods 3.1.6, 3.1.10, 3.1.18, 4.1.3, 4.1.22 and 5.1.2: [https://www.orc.govt.nz/media/9658/rps\\_partially-operative\\_2019\\_2021.pdf](https://www.orc.govt.nz/media/9658/rps_partially-operative_2019_2021.pdf)

infrastructure and incorporate these into its Long Term Plan processes. I discuss this further below.

### **Operative District Plan**

5.17 The relevant ODP and PC19 objectives and policies are discussed where relevant and those provisions are in **Appendix 1**. Of particular relevance are ODP Objective 6.3.4 and related Policies 6.4.1 and 6.4.2, which I list in full below:

#### *6.3.4 Objective - Urban Infrastructure*

*To promote the sustainable management of the District's urban infrastructure to meet the present and reasonably foreseeable needs of the District's communities.*

#### *6.4.1 Policy - Maintenance of Quality of Life within Urban Areas*

*To maintain and, where practicable, enhance the quality of life for people and communities within the District's urban areas through:*

- (a) Identifying and providing for a level of amenity which is acceptable to the community; and*
- (b) Avoiding, remedying or mitigating the adverse effects on the community's social, economic and cultural wellbeing and health and safety which may result from the use, development and protection of natural and physical resources, and*
- (c) Recognising that change is inevitable in the use of land to enable the community to provide for its wellbeing.*

#### *6.4.2 Policy - Expansion of Urban Areas*

*To enable the expansion of urban areas or urban infrastructure in a manner that avoids, remedies or mitigates adverse effects on:*

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

5.18 By way of summary in the context of the proposal and PC19, ODP Policy 6.4.1(c) is similar to and consistent with the direction in the NPS-UD to recognise that there will be change within urban environments. NPS-UD Objective 4 and Policy 6 requires that urban environments, including their amenity values, develop and change over time, and that changes in themselves are not an adverse effect. The

first two limbs of ODP Policy 6.4.1 provide a counter lever to an extent where references are made to identifying and providing a level of amenity which is acceptable to the community and to manage the adverse effects. I consider that the NPSUD addresses the tensions of providing for change within urban environments with the outcome being a well-functioning urban environment.

5.19 At a broad level, the PC19 framework seeks to manage the change in urban environments, including the intensification provided by the MRZ through the use of design guidelines (which I support in my Stage 1 evidence to be given more weight by being incorporated by reference into the District Plan), and the MRZ comprehensive development rule. For the proposal, I support these rules applying to the proposed MRZ, with a reduced maximum building height of 8.5m to ensure a good quality outcome and well-functioning urban environment at Bannockburn.

5.20 Policy 6.4.2 is an important policy for a rezoning context but is not directly engaged by the proposal because it is not an urban expansion, rather it is a relatively modest scale consolidation in the central part of Bannockburn which is already zoned urban.

## **6. KEY ISSUES**

6.1 The following identifies and discusses the key issues relevant to the proposal. Cues have also been taken from the discussion and recommendations of the Council's S42A report not only in response to the Submitter's submission<sup>6</sup>, but the wider growth issues for Bannockburn and Cromwell Ward:

6.2 By way of summary, the S42A report identified the following matters in relation to the Submission:

- (a) Whether a commercial overlay/precinct is appropriate<sup>7</sup>;

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<sup>6</sup> Stage 2 Section 42A Report 1 Liz White Section 12 'North-east Bannockburn'.

<sup>7</sup> Ibid at [92].

- (b) The change in character and effects of applying the MRZ at Bannockburn<sup>8</sup>;
- (c) Whether the increased residential density could be serviced<sup>9,10</sup>, while acknowledging that higher densities of housing could help alleviate the identified housing capacity shortfall in Bannockburn<sup>11</sup>; and
- (d) Retention of the urban zoning and BLR at the terminus of Terrace Street<sup>12</sup>.

6.3 Other themes emerging for Bannockburn identified in the S42A report with synergies to this proposal included:

- (a) The demand for housing in Bannockburn falling short of supply, and this being exacerbated if the Domain Road Vineyard promulgated through PC19 as LLRZ is not accepted, while noting that at a Cromwell ward level (i.e Bannockburn, Cromwell and Pisa Moorings combined) there is sufficient housing capacity;
- (b) Reticulated water and wastewater network infrastructure capacity constraints for Bannockburn and part of Cromwell;
- (c) The spatial extent of Bannockburn and whether there should be expansion, intensification or both; and
- (d) Any direction provided in the Cromwell Spatial Plan.

6.4 I will address these themes in the body of my evidence, but by way of summary I consider the merits of the proposal are:

- (a) The rezoning can provide added housing capacity at Bannockburn, at both a LLRZ density which is consistent with the existing patterns of development to date, and opportunities for choice through a variety of

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<sup>8</sup> Ibid at [93].

<sup>9</sup> Noting that the submission was assessed as having a much higher density where the majority of the Site was assessed as LRZ (i.e. 500m<sup>2</sup> lot sizes), whereas the relief now sought over that area is LLRZ with 1000m<sup>2</sup> minimum lot size and an average of 1500m<sup>2</sup>.

<sup>10</sup> Ibid at [94].

<sup>11</sup> Ibid at [94 and 95].

<sup>12</sup> Ibid at [96].

housing under the MRZ and mixed use activities in the Commercial Precinct.

- (b) Mr Ford considers that the Site has capacity within the existing (i.e PC19) infrastructure capacity for up to 80 lots, and this can accommodate the proposal. The capacity available to service the Proposal on the Site, and the identified constraints in Mr Fords evidence means that the infrastructure required for the proposal is about the same as that already contemplated to be taken under the PC19 zoning of the site
- (c) The MRZ and Commercial Precinct better gives effect to the NPS-UD by:
  - (i) facilitating a well-functioning urban environment as discussed in Mr Milne's evidence (Objective 1 and Policy 1),
  - (ii) a variety of housing to meet the needs of the community and to promote affordability and competitive land markets (Objective 2) and enabling greater opportunities for development (Policy 2), and
  - (iii) providing for intensification in a sensitive manner than can create vibrancy and an anchor to the centre of Bannockburn (Objective 3 and Policy 5). The Commercial Precinct helps PC19 give effect to the Cromwell Patial Plan where it refers to a mixed use in the heart of Bannockburn, as elaborated upon in Mr Milne's evidence.

**What is the most appropriate form of urban development on the Site and Bannockburn?**

**MRZ**

6.5 I acknowledge the concerns raised by Ms White in her S42A Report around how the introduction of a MRZ could result in a shift in the character of Bannockburn. I refer to the evidence of Mr Milne where he evaluates the effects on the immediate and wider landscape and, the existing urban character of

Bannockburn from the changes associated with the MRZ and the Commercial Precinct. Mr Milne considers that while the MRZ will change the existing character, the change will be appropriate, and that a well-designed mixed-use commercial precinct can complement the existing commercial activities on Bannockburn Road opposite the Site. Such changes are signalled in the Cromwell Spatial Plan.

- 6.6 I also note the S42A report identifies that the purpose of the MRZ is to locate within the larger townships of Alexandra, Clyde and Cromwell. I accept that Alexandra and Cromwell are the two main suburban centres which contain MRZ areas, however the urban area of Clyde<sup>13</sup> is approximately 185ha, with approximately 24ha MRZ, which equates to 19% of the area of Clyde being zoned MRZ.
- 6.7 By comparison, Bannockburn is approximately 130ha in area as notified in PC19. The proposal seeks 1.8ha of MRZ which is 1.3% of the urban zoned area of the township. While I acknowledge the obvious difference in density between the two settlements, in that Clyde is zoned LRZ (outside of the MRZ area) and Bannockburn is zoned LLRZ, the modest extent of MRZ sought at Bannockburn needs to be put into context. I also consider that the proposed Commercial Precinct can foster a local centre for Bannockburn which is evident at Clyde through the long-established heritage precinct, however, the commercial area is not nearly as prominent in Bannockburn.
- 6.8 I also note that Bannockburn is about a six minute drive to the southern part of Cromwell and ten minutes to the town centre, which is not more than the commute from Clyde to Alexandra. In terms of the geographic extent and relative distance to the main suburban centre I consider Bannockburn to be both large enough and central enough to Cromwell that from a spatial planning perspective, the proposed MRZ is appropriate and would not undermine the PC19 framework. Nor do I consider this to undermine the intent of the Cromwell

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<sup>13</sup> Meaning the PC19 zoned extend, not including the two notified Future Growth Areas



Spatial Plan. The scale of MRZ sought is modest and will not detract from the bigger picture intentions of the Cromwell Spatial Plan which the Council has for encouraging consolidation and the focus of the population at Cromwell.

6.9 I have also considered the 'most intensive' potential building outcomes for the MRZ at Bannockburn, and whether as a practicable alternative option the LRZ would be more appropriate. Particularly where the MRZ anticipates a relevant intensive development pattern of 200m<sup>2</sup> allotment sizes and a building height of 11m, noting in this case I recommend the maximum building height for the Bannockburn MRZ is two storeys and 8.5m.

- (a) The MRZ will help facilitate and encourage synergy between the proposed Commercial Precinct and adjoining MRZ.
- (b) The MRZ has a comprehensive development rule framework (Rule MRZ-R2) which applies when greater than two units are proposed on a site. The comprehensive development rule will help ensure good built form outcomes, including that development responds to its context and site features. By comparing the notified LLRZ and LRZ chapters do not offer this type of rule.
- (c) The MRZ has design guidelines which promote good built form outcomes and can be applied to assert that there will be good outcomes. The design guidelines only apply to the MRZ and not the LLRZ or LRZ.
- (d) For the Commercial Precinct, the MRZ anticipates the option for buildings on separate lots to adjoin<sup>14</sup>, and otherwise a 1 metre setback from internal boundaries and a 2 metre setback from road boundaries applies.

6.10 When considering all these matters I have contemplated recommending for Bannockburn, a slightly larger minimum allotment size requirement than the 200m<sup>2</sup> provided for in the MRZ as provided for in Rule SUB-S1, for instance

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<sup>14</sup> PC 19 Rule MRZ-S6.

350m<sup>2</sup>. However, I do not consider this to be necessary for the following reasons:

- (a) Bannockburn (like all of Central Otago's towns) cannot rely on public transport and each Site will more likely than not include garaging, carparking and manoeuvring space. This tends to require a slightly larger site footprint than what is otherwise provided for by 200m<sup>2</sup>;
- (b) The ODP Residential Zone and developed parts of Cromwell and Alexandra have a 250m<sup>2</sup> lot size<sup>15</sup>. It appears evident however, that the market preference has been for larger sites with single story dwellings. While the MRZ offers a better fit than the LRZ in terms of bulk and location rules for mixed use development and opportunities to establish a node of development centrally within Bannockburn, it is unlikely in my view the Site's would be development as intensively to 200m<sup>2</sup> site sizes.

6.11 For these reasons I do not consider the 200m<sup>2</sup> minimum site size provided for in the MRZ to result in an outcome that is too intensive and risks detracting from good quality amenity outcomes. I also reiterate that the Design Guidelines and comprehensive development provisions will ensure good outcomes, with the ability for the Council to decline poor quality outcomes.

6.12 I also note that NPS-UD Objective 4 and Policy 6, alongside ODP Policy 6.4.2(c) recognise urban environments, and the amenity values change over time to respond to the diverse and changing needs of people, communities and future generations. The proposal finds support in these provisions where there will be a degree of change associated with the MRZ at Bannockburn, however I do not consider these changes to be adverse. As identified by Mr Milne, if undertaken correctly they can result in positive outcomes through enhanced amenity.

6.13 Overall, I consider the costs of the MRZ and related commercial precinct, from a bulk, location and built form perspective to be acceptable, and the benefits in

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<sup>15</sup> ODP Rule 7.3.3(i)(a).

terms of a variety of housing and opportunities for a mixed use and enhancement of the village centre to Bannockburn to be acceptable and outweigh any costs.

### **LLRZ Density**

6.14 The relief seeks that the LLRZ density at Bannockburn is amended from 2000m<sup>2</sup> to a minimum lot size of 1000m<sup>2</sup> and average of 1500m<sup>2</sup>. I consider that not only for the site, but the wider area of Bannockburn a density of 1500m<sup>2</sup> is a better reflection of the development which has occurred to date, so will not be detrimental to the character of Bannockburn while providing for a more efficient pattern of housing which will still be able to provide for high levels of amenity through generous room on site for landscaping, generous street and internal setbacks, off street parking amenity tree planting.

6.15 For these reasons I consider a minimum of 1000m<sup>2</sup> and average of 1500m<sup>2</sup> is more appropriate than the PC19 and will better give effect to the NPS-UD.

6.16 I consider the costs to be very small and are outweighed by the benefits of the increase in flexibility of housing types and efficiency of a slightly more intensive urban settlement. I also note that the changes will only affect undeveloped sites. The amendments will be unlikely to enable infill development on any existing allotments with established dwellings.

### **Zoning and Density of Residential Development at Bannockburn**

6.17 As part of assessing Bannockburn for other submitters, Ms White has addressed the matter of potential extensions to the south and/or west of Bannockburn. I am also cognisant of submissions and further submissions on the overall growth and potential for change generally. Ms White identifies<sup>16</sup> that the Cromwell Spatial Plan did not specifically identify any additional areas for growth in

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<sup>16</sup> Stage 2 S42A Report 1 Liz White at [112].

Bannockburn, but instead opted to retain Bannockburn to its existing extent, and to strengthen a compact pattern of development within existing Cromwell.

6.18 Ms White identified that the Cromwell Spatial Plan identified 'Key Moves' for Bannockburn, being identified relate to providing a better heart, in terms of commercial development and community spaces, as well as supporting growth of housing balanced with the current section sizes and retaining the character of the local streets. Ms White concluded by identifying that a key question for the Hearings Panel whether additional growth should be provided for Bannockburn<sup>17</sup>.

6.19 I consider that the Cromwell Spatial Plan is an important document which can be referenced as a tool utilised as part of a process to understand community views on growth and development, and for the community to provide feedback on draft versions of that plan. However, it is a subordinate document in terms of the statutory planning instruments which PC 19 is required to give effect to, being the NPSUD, PORPS and operative District Plan.

6.20 NPSUD Objective 1 and Policy 1<sup>18</sup> work collectively to address the theme of providing for well-functioning urban environments that enable all people to and communities to provide for their wellbeing. Objective 1 seeks to achieve communities and future generations to provide for their well-being and Policy 1 requires that to be achieved via a variety of housing types and a well-functioning urban environment.

6.21 NPSUD Policy 1 requires that planning decisions contribute to well functioning urban environments, that as a minimum achieve the following by way of summary:

- (a) A variety of homes that meet the needs, in terms of type, price and location of different households (a)(i);

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<sup>17</sup> Ibid at [112].

<sup>18</sup> I consider these provisions to apply to all local authorities, not only Tier 3.

- (b) Have good accessibility for all people between housing, jobs, community services, natural spaces and open spaces, including by public or active transport (c); and
- (c) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets.

6.22 The proposal will help the Council give effect to NPSUD Policy 1 through providing for a variety of homes, in the LLRZ at a slightly higher density than the notified LLRZ, and through real opportunities for a variety of housing types in the MRZ and also for residential units at first floor level within the Commercial Precinct. As noted above, the proposal also finds support from NPS-UD Objective 4 and Policy 6, while still being able to be undertaken in a way which means that changes in amenity are not adverse.

6.23 The MRZ and mixed uses available within the Commercial Precinct will facilitate a variety of housing which can provide a greater range of housing options for persons to live in Bannockburn who are not in a position to afford, or who don't need or seek a large lot suburban lot. This may include retirees or young families. I consider these options would better give effect to PC19 than the notified version, while being of a small enough scale to not detract from the LLRZ achieving its objectives for Bannockburn.

6.24 I consider that Bannockburn is accessible to Cromwell and there is good access between jobs and housing. Bannockburn is a short commute to Cromwell where the majority of the local workforce is employed according to the Rationale Growth Projections<sup>19</sup>. In addition, the proposed Structure Plan identifies provisions for walking connections and potential links to the wider Bannockburn area via the existing walkway from Lynn Lane to Schoolhouse Road.

6.25 I consider this position to be supported by NPSUD Policy 6<sup>20</sup> which is that when making planning decisions affecting urban environments, particular regard is

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<sup>19</sup> S42 Stage 1 Report Ms Liz Wite. Footnote 8 at [67] Table 41.

<sup>20</sup> Policy 6 applies to all local authorities.

had to the benefits of urban development that are consistent with a well-functioning urban environment, and any relevant contribution that will be made toward providing development capacity.

6.26 The proposal will also support the concept of competitive land and development markets by offering a housing option which is an alternative to the general 2000m<sup>2</sup> identified for the LLRZ at Bannockburn.

6.27 In this context, Policy 8 of the NPS-UD<sup>21</sup> is relevant as part of the responsive planning obligation of local authorities which requires local authorities to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments. In the context of Bannockburn, the proposed rezoning would increase capacity by 26 lots (with provision for minor residential units as provided in the LLRZ Rule framework).

6.28 For the above reasons, I consider that the increased density of the LLRZ, and the proposed MRZ is appropriate at Bannockburn. The zoning extension will also give effect to the NPSUD in a more appropriate way than the notified PC 19 documentation.

### **Can the rezoning be serviced?**

6.29 Ms Muir's S42A report identifies that servicing the subject site as sought in the submission would require significant upgrading to existing water reticulation and storage capacity. It would also require capacity increases in wastewater treatment. These upgrades exceed current infrastructure planning provisions for level of service and growth.

6.30 I acknowledge that Ms Muir had no option but to base her initial assessment on the submission relief which was potentially for LRZ over an approximate 10ha area which anticipates a residential density 4 times greater than that of the LLRZ

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<sup>21</sup> Policy 8 applies to all local authorities.

as notified. In rough terms this may have been up to 80 LRZ lots rather than 20 lots anticipated under PC19 LLRZ.

- 6.31 As noted above the demand from the revised relief is significantly less than that sought in the submission, and as identified in the evidence of Mr Ford the overall demand on water and wastewater from the proposal is about the same as that already provided for and anticipated under the modelled yield for PC19 zoning.
- 6.32 I note that servicing constraints already exist in the water and wastewater network which the Council have identified as being required to be resolved to be able to accommodate the development associated with the PC19 zoning framework<sup>22</sup>.
- 6.33 With the proposal and in particular the MRZ area, there exists the ability for the Council to garner funding for infrastructure upgrades through development contributions and/or developer agreements to assist with the provision of infrastructure. Under a business as usual approach identified in PC19, the funding for infrastructure upgrades which are necessary in any case would fall on ratepayers and revenue secured through non targeted development contributions raised at the time of subdivision.
- 6.34 PC 19 as notified did not identify any growth for Bannockburn (with the exception of the Domain Road Vineyard site), and the rezoning of greenfield land for MRZ provides opportunities for the Council to work with subdividers to contribute to network infrastructure.
- 6.35 I also refer to Mr Ford's evidence where he identifies that the site is serviced already, and that 'local' water and wastewater capacity matters are able to be resolved associated with the subdivision and development provided by the proposal.

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<sup>22</sup>Stage 2 S42A Report 2 Julie Muir at [37].

6.36 For these reasons I consider that infrastructure is not an impediment to the proposal. In section 32 terms the costs (i.e additional demand on infrastructure funding) can be resolved and these do not outweigh the benefits of the rezoning.

### **Is the MRZ Commercial Precinct Appropriate?**

6.37 The S42A report has expressed concern with the Commercial Precinct, where it states<sup>23</sup>:

*In terms of provision for commercial activities, I note that PC19 only relates to residential areas. I consider that the zoning of the area adjacent Bannockburn Road for local convenience retail and community facilities is better considered when the Business Resource Area framework is reviewed. I also consider that application of a commercial precinct would not align with the NP Standards, which describe the MRZ, LRZ and LLRZ as "areas used predominantly for residential activities". The types of activities anticipated by the proposed commercial precinct would in my view align instead with a commercial zoning, such as a neighbourhood centre or local centre zoning and it would therefore be inconsistent with the NP Standards to apply a precinct.*

6.38 As noted above, the revised relief seeks a Commercial Precinct which is 30m wide, for a length of approximately 160 metres along the Bannockburn Road frontage, which is narrower than the 80m width sought in the submission.

6.39 The S42A report considers that any commercial zoning should be considered when the Business Resource Areas are reviewed. In regard to this, the land was reviewed and rezoned as part of PC19, there is jurisdiction available for a submission to identify any zoning, so I do not believe there to be any issues regarding the ability to seek an alternative form of zoning. I infer that the S42A report would prefer that a commercial area is considered at the time the ODP Business Zones are reviewed. I consider it unlikely the Council would identify and initiate new commercial zoning at Bannockburn, off the back of the review of its existing Business Zones, while acknowledging the Cromwell Spatial Plan identifies a mixed use/commercial village or 'heart' for Bannockburn on the Site, as identified in Mr Milnes evidence and Graphic Attachment.

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<sup>23</sup> Stage 2 S42A Report 2 Liz White at [92].



- 6.40 The proposed Commercial Precinct is not a separate business zone, but a place-based method which applies some bespoke activity rules, the underlying zone remains in terms of the treatment of non-specified activities requiring a resource consent and the bulk and location rules also apply. The precinct approach is already applied in PC19, albeit generally limited to density in relation to the Precincts 1-4 of the LLRZ and the MRZ Clyde Precinct which has a 8.5m building height. In addition, the Cromwell Spatial Plan identifies mixed use activities on the Site and in this regard it cannot be considered surprising that the Submitter has taken an interest in following through with a proposal for local retail and service activities at Bannockburn.
- 6.41 I consider this is a good a time as any to consider the merit of a mixed use zoning at Bannockburn, noting that this was signalled in the Cromwell Spatial Plan, and the fundamental tenet of PC19 as identified in the Council's section 32 evaluation is to give effect to the Cromwell Spatial Plan.
- 6.42 Ms White also identifies that a commercial precinct added to the PC19 text may not be a suitable fit with the Government's National Planning Standards Framework (**NPSF**), and that a commercial precinct is not consistent with the purpose of residential zones. I disagree, the NPSF identifies the use of precincts for the following purposes:
- (a) If used, precincts that apply to only one zone must be located within the relevant zone chapter or section<sup>24</sup>.
  - (b) If used, precincts that apply to multiple zones, must use the Precincts (multi-zone) heading and each precinct must be a separate chapter.
  - (c) Precincts must be identified with 'PREC', followed by a sequential number, a space, an en-dash, a space, the precinct's unique name, a space, and 'precinct'<sup>25</sup>.

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<sup>24</sup> National Planning Standards. Part 4 District Plan Structure Standard.

<sup>25</sup> Ibid Section 10 Format Standard.

- (d) A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s)<sup>26</sup>.

- 6.43 I consider that the proposed commercial precinct fits comfortably within the NPSF because the purpose of the Commercial Precinct at Bannockburn is to identify and manage an identified area where additional place-based provisions apply which modify or refine aspects of the policy approach to the MRZ.
- 6.44 I also note that other recently reviewed District Plans have applied commercial precincts to residential zones, including the Queenstown Lakes Proposed District Plan (**PDP**) which has a commercial precinct in the urban Settlement Zone at Luggate, Cardrona, Kingston and Glenorchy. The combined Proposed West Coast Districts Te Tai o Poutini Plan utilises a commercial precinct within its Rural Settlement Zones, with provision for a dedicated neighbourhood centre in other areas. Likewise, the QLDC PDP has a dedicated Local Shopping Zone in more densely populated areas such as Wanaka, Albert Town and Frankton.
- 6.45 I also consider that a commercial precinct is appropriate, and more appropriate than selecting an existing ODP Business Zone because unlike a dedicated Business Zone or the NSPF Neighbourhood Centre Zone, the proposed Commercial Precinct is a place specific method of the underlying zone, which means that with the exception of specifically identified rules or other provisions for the Commercial Precinct, the underlying zoning, objectives, policies and rules of the MRZ apply.
- 6.46 This approach is very efficient because it only engages those specific place-based provisions, and avoids the need for a dedicated 'new' zone. This 'constraint' also helps ensure that the role and function of the commercial precinct is for local convenience retail and services. In addition, I have proposed

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<sup>26</sup> Ibid Section 12 District Spatial Layers Standard. Table 18.

some rules which will ensure subdivision and development is in keeping with the intended purpose and character of the surrounding area:

- (a) A reduced 8.5m maximum height, and two storey building limit to reflect the character of Bannockburn;
- (b) Activity rules ensuring the precinct is used as intended for local services, including the identification of a limited range of commercial activities, and providing for residential units above ground floor.
- (c) Rules limiting the floor area of individual office and individual retail activities to ensure that the activities are of a small scale, fulfil a local need and do not have potential to detract from the role, function and viability of the Business Zoned land in Cromwell.

6.47 The full suite of proposed marked-up rules are set out below. I consider it is important to emphasise that the design of the Commercial Precinct District Plan text is that it is not a dedicated commercial zone, but an overlay that sits within the MRZ framework.

6.48 I also note that NPS-UD Objective 1 and Policy 2 relate equally to business land capacity and supply, and the inclusion of Commercial Precinct at Bannockburn will contribute to a well-functioning urban environment through the provisions of services and convenience retail to meet the needs of the community.

6.49 For the above reasons, the benefits of providing for a commercial precinct to facilitate a modest node of mixed use development, and foster the emergence of a village centre to Bannockburn outweigh any costs.

### **Is there sufficient housing capacity in Bannockburn?**

6.50 Ms White's S42A Report Stage 2 identifies that the Bannockburn township has a shortfall of housing capacity which would be exacerbated if the Domain Road Vineyard site is not accepted for LLRZ. Ms White records that the PC19 zonings are expected to provide for just over 500 dwellings, which is a shortfall of around

200 under the medium forecasted demand and 300 under the high forecasted demand<sup>27</sup>.

- 6.51 Ms White supports the Domain Road Vineyard site for rezoning to LLRZ as notified, except that a BLR is imposed to avoid buildings on an elevated terrace<sup>28</sup>. I am not certain of the extent of this as the recommended BLR was not mapped in the Section 42A report to my knowledge, however this indicates that the extent of feasible housing in Bannockburn may be less than what was notified as part of PC19, even if the Domain Road Vineyard is accepted in some form.
- 6.52 Ms White's evaluation and recommendations appear to be rather circumspect in that while there is sufficient housing capacity in the Cromwell Ward overall, there is a shortfall in Bannockburn, but that this may be unsurprising given that the Cromwell Spatial Plan did not identify any growth for Bannockburn (with PC19 adding housing capacity only through the exception the Domain Road Vineyard site). I infer from Ms White's recommendations that there is a discretionary judgement to be made by the Hearings Panel as to whether some expansion or consolidation is enabled at Bannockburn which would help alleviate the identified housing capacity shortfall, or choose instead to consolidate growth in Cromwell and set aside the matter of housing demand being met at Bannockburn.
- 6.53 In the context of the policy framework relevant to PC19, I do not consider that discretion to be so readily available to the Hearings Panel. The direction of the NPSUD is that opportunities for housing and making room for growth are provided for where there is demand to meet the needs of the community, though a variety of housing forms and to support competitive land markets.
- 6.54 NPSUD Policy 2 requires that Tier 1, 2, and 3<sup>29</sup> local authorities, at all times, provide at least sufficient development capacity to meet expected demand for

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<sup>27</sup> Stage 2 S42A Report 1 Liz White at [83].

<sup>28</sup> Ibid at [84].

<sup>29</sup> Policy 2 applies to only Tier 1, 2, or 3 local authorities.

housing and for business land over the short term, medium, term, and long term. I consider that the NPSUD can be best effect to if the shortfall in capacity at Bannockburn is rectified, such as through appropriate expansions, rather than deferring all development to Cromwell.

- 6.55 In addition existing ODP Policy 6.4.2 contemplates urban expansions providing a range of environmental effects related qualifiers are met. The ODP framework when contemplating urban extensions, does not explicitly prefer residential development to be focused in one area over any other.
- 6.56 NPSUD Objective 2<sup>30</sup> seeks to improve housing affordability by supporting land and development markets. In this regard, whether a local authority is achieving its 'housing bottom lines' in the case of Tier 1 or 2 local authorities, or providing sufficient housing capacity for Tier 3 local authorities such as the CODC, NPSUD Objective 2 approaches the concept of a local authority achieving sufficient housing capacity not as a ceiling, but as a minimum and to be responsive to opportunities for proposals that would add further to housing supply.
- 6.57 For these reasons, I consider that any shortfall of housing capacity in Bannockburn should be resolved within Bannockburn rather than reliance on other settlements in the Cromwell Ward. The above evaluation of the NPSUD also reinforces my view that while the Cromwell Spatial Plan is an important document which has provided insights into potential future growth of Cromwell, in a decision making context it is a subordinate consideration to the NPSUD and ODP Policy 6.4.2. As I have discussed above, the provision of a variety of housing in Bannockburn which can be realised through the MRZ will provide opportunities for persons seeking smaller homes such as retirees.
- 6.58 I also note that PORPS Policy 4.5.1 requires that urban growth and development meets a range of matters, including in (a) that future urban growth areas are in accordance with any future development strategy for that district. Future

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<sup>30</sup> Objective 2 applies to all local authorities.

Development Strategies are defined in Subpart 4 of the NPSUD as part of the requirements for Tier 1 and 2 local authorities. The Cromwell Spatial Plan is not a future development strategy.

6.59 Ms White also contemplates whether any recommendations on the relief should be accepted in lieu of a separate planning exercise for Bannockburn which evaluates the wider growth of Bannockburn, including consolidation and how that should occur. I consider that this is not necessary or appropriate. Through the Cromwell Master Plan the community had an opportunity to express views on wider growth of the Cromwell area with the Master Plan process and the Council ultimately recommending that expansion not be identified for Bannockburn. Through this PC19 process, the community have also expressed their views for change in Bannockburn through PC19 and the Schedule 1 RMA process, which provides for a transparent forum for views to be considered, and the ability for the community through its submissions and hearings process to provide evidence which is able to be tested by the Hearings Panel.

6.60 I consider that in section 32 terms there is sufficient information available to act (i.e. make a recommendation). I also consider from a cost transaction perspective to both the Council and the submitters, there may be little to be gained from embarking on a separate process, to arrive back at the same place. For these reasons I consider it would be inappropriate and inefficient to defer making any recommendations for Bannockburn; there is sufficient information before the Hearings Panel to make recommendations on submissions.

6.61 In this context, Policy 8 of the NPS-UD is relevant as part of the responsive planning obligation of local authorities which requires local authorities to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments. While approximately 26 additional lots are not significant in a District context, it is a substantial addition to Bannockburn's housing capacity.

6.62 Overall, I consider the proposal is consistent with the NPS-UD, and the rezoning would contribute positively toward the District Plan giving effect to the NPS-UD. The proposal will best give effect to Objective 2 of the NPS-UD by providing for the needs of community to be met by assisting the Council achieve the shortfall in demand of housing capacity at Bannockburn.

### **What are the most appropriate provisions?**

6.63 Having considered the revised relief, evidence from Messrs Milne and Ford, and the s 42A report of Ms White, I consider that the inclusion of the rezoning with some relatively minor text amendments to the PC19 provisions would provide for effective management of development of the MRZ and Commercial Precinct.

6.64 I have also recommended Rule LLRZ-S1 (residential density) be amended so that the rule does not engage a site which has already been created. Currently the rule is drafted in a way that requires each residential unit to have a minimum site area. The way in which the rule is drafted may not account for existing vacant sites smaller than 2000m<sup>2</sup>, which may not be intended a part of the notified drafting. I recommend the following amendment<sup>31</sup>:

*One Residential Unit Per Site ~~The or a~~ minimum site area per residential unit is 2000m<sup>2</sup>.*

6.65 For the Commercial Precinct I also support and recommend the same rules at Pisa Moorings for Submitter #146, to provide for a local convenience retail node, Therefore, the new provisions can be applied universally to more than one area. In this context I consider the proposed provisions to be efficient and effective in section 32 terms, i.e in terms of their costs and benefits in terms of their implementation but are also efficient from a plan design perspective.

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<sup>31</sup> This may also apply to the LRZ.

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

### **Amend Introduction MRZ**

#### **MEDIUM DENSITY RESIDENTIAL ZONE**

##### **Introduction**

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

[Add the following text after the fourth paragraph:]

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

[Add the following text after the fifth paragraph:]

...

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

### **New Objectives and Policies Medium Density Residential Zone**

<b>Objective</b>	
<b><u>MRZ-O3</u></b>	<b><u>PREC1- Commercial Precincts</u></b>



Commercial activities and community facilities are provided for within the Commercial Precincts, are limited in scale and maintain or enhance residential amenity, provide for local convenience and services, and support the local economy.

**Policy**

**MRZ-P7**

**PREC1- Commercial Precincts**

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

1. restricting the gross floor area of individual retail activities and individual office activities that may adversely affect the:
  - a. establishment and retention of a diverse range of activities within the Commercial Precinct;
  - b. role and function of the Business Resource Areas that provide for large scale retailing; and
  - c. safe and efficient operation of the transport network.
  
2. controlling the height, scale, appearance and location of buildings to achieve a built form that:
  - a. complements the existing pattern of development, where established;
  - b. positively contributes to the streetscape and any open space; and
  - c. minimises adverse effects on neighbouring residential activities.

**New Rules**

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

**MRZ-RX**  
**PREC1**

**PREC1 - Commercial Precinct**

<p><b><u>Medium Density Residential Zone</u></b></p>	<p><b><u>The following activities within a Commercial Precinct</u></b></p> <p><b><u>Activity Status: RDIS</u></b></p> <p><b><u>Where:</u></b></p> <p>1. <u>Buildings;</u></p> <p>2. <u>Commercial Activity;</u></p> <p>3. <u>Community Facilities;</u></p> <p>4. <u>Residential Activity located above ground floor.</u></p>	<p><b><u>Activity status where compliance with Rx1-4 is not achieved: NC</u></b></p> <p><b><u>Matters of Discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>Hours of operation.</u></li> <li>2. <u>Location of parking, provision for mobility parking, traffic safety, manoeuvring.</u></li> <li>3. <u>Location and screening of recycling and waste.</u></li> <li>4. <u>Servicing.</u></li> <li>5. <u>Noise.</u></li> <li>6. <u>Design.</u></li> <li>7. <u>Scale and appearance of buildings.</u></li> <li>8. <u>Signs.</u></li> <li>9. <u>Lighting.</u></li> </ol>
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**New Standard**

<p><b><u>MRZ-SX PREC1</u></b></p>	<p><b><u>Retail and office activities within a Commercial Precinct</u></b></p>	
<p><b><u>Medium Density Residential Zone</u></b></p>	<ol style="list-style-type: none"> <li>1. <u>Individual retail activities within a Commercial Precinct shall not exceed 200m<sup>2</sup> gross floor area.</u></li> <li>2. <u>Individual office activities within a Commercial Precinct shall not exceed 100m<sup>2</sup> gross floor area.</u></li> </ol>	<p><b><u>Activity status where compliance is not achieved: NC</u></b></p>

	<p>3. <u>In the Commercial Precinct at Pisa Moorings, in addition to rule SX.1 one individual retail activity may exceed 200m<sup>2</sup> but shall not exceed 400m<sup>2</sup> gross floor area.</u></p> <p><u>Note: For rules Sx. 1 and Sx.3 any associated office, storage, staffroom and bathroom facilities used by the activity shall not be included in the calculation of gross floor area.</u></p>	
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MRZ-S2	Height	Activity status where compliance is not achieved
<p><b>Medium Density Residential Zone</b></p>	<p>1. The maximum height of buildings and structures must not exceed: a. 11m measured from ground level to the highest part of the building or structure; and b. 3 storeys.</p> <p><b>Within Precinct 1 and Precinct 2</b></p> <p>2. The maximum height of buildings and structures must not exceed: a. 8.5m measured from ground level to the highest part of the building or structure; and b. 2 storeys.</p>	<p>Where:</p> <p>MRZ-S2.1 is not met, but the height of the building or structure does not exceed 10<sup>32</sup>m: RDIS</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Dominance of built form in the surrounding area.</li> <li>Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties.</li> <li>Any mitigation measures proposed which reduce the adverse effects of the increased height</li> </ol> <p>Where: MRZ-S2.2 is not met: <b>NC</b></p>

<sup>32</sup> The S42A report recommends amending this to 12m.

<b>LLRZ-S1</b>	<b>Density</b>	<b>Activity Status where compliance not achieved:</b>
Large Lot Residential Zone (Excluding Precincts 1, 2 & 3)	<p>1. <u>One Residential Unit Per Site</u> <del>The</del> <u>or a</u> minimum site area per residential unit is 2000m<sup>2</sup>.</p> <p><u>1a. At Bannockburn the minimum site area per residential unit shall be no less than 1000m<sup>2</sup> and average of 1500m<sup>2</sup>.</u></p>	<b>NC</b>
<b>Subdivision Standards</b>		
<b>SUB-S1</b>	<b>Density</b>	<b>Activity status where compliance is not achieved:</b>
Large Lot Residential Zone (excluding Precincts 1, 2 & 3)	<p>5. The minimum size of any allotment shall be no less than 2000m<sup>2</sup>.</p> <p><u>5a. At Bannockburn the minimum size of any allotment shall be no less than 1000m<sup>2</sup> and average of 1500m<sup>2</sup>.</u></p>	<b>NC</b>

## CONCLUSION

6.66 For the foregoing reasons I consider the proposal can enhance the centre of Bannockburn, provide a variety of housing of housing all while minimising effects on amenity and infrastructure, in a way which best gives effect to the key statutory documents being the NPS-UD, PORPS and District Plan.

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

**Craig Barr**

**16 May 2023**

## Plan Change 19 – Relevant Policy Framework

**Table 1: NPS-UD objectives and policies**

### Part 1: Objectives and policies

#### 1.1 Objectives

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

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

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

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

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

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

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

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

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

**Objective 8:** New Zealand's urban environments:

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

## 1.2 Policies

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

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

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

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

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

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

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

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

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

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

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
  - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
  - (ii) are not, of themselves, an adverse effect
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.



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

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

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

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

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

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

- (a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and
- (b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and
- (c) engage with the development sector to identify significant opportunities for urban development.

**Policy 11:** In relation to car parking:

- (a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and

- (b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

**Table 2. Partially Operative Otago Regional Policy Statement 2019**

**Objective 4.5**

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

**Policy 4.5.1**

Providing for urban growth and development

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

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

Policy 4.5.2 Integrating infrastructure with land use

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

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

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

<b>Central Otago Operative District Plan Objective or Policy</b>	
6.3.1	<p>Objective - Needs of People and Communities To promote the sustainable management of the urban areas in order to:</p> <ul style="list-style-type: none"> <li>(a) Enable the people and communities of the district to provide for their social, economic and cultural wellbeing and their health and safety; and</li> <li>(b) Meet the present and reasonably foreseeable needs of these people and communities</li> </ul>
6.3.2	<p>Objective - Amenity Values</p> <p>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>
6.3.3	<p>Objective - Adverse Effects on Natural and Physical Resources</p> <p>To avoid, remedy or mitigate the adverse effects of urban areas on the natural and physical resources of the District.</p>
6.3.4	<p>Objective - Urban Infrastructure</p> <p>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>
6.4.1	<p>Policy - Maintenance of Quality of Life within Urban Areas</p> <p>To maintain and, where practicable, enhance the quality of life for people and communities within the District's urban areas through:</p> <ul style="list-style-type: none"> <li>(a) Identifying and providing for a level of amenity which is acceptable to the community; and</li> <li>(b) Avoiding, remedying or mitigating the adverse effects on the community's social, economic and cultural wellbeing and health and safety which may result from the use, development and protection of natural and physical resources, and</li> <li>(c) Recognising that change is inevitable in the use of land to enable the community to provide for its wellbeing.</li> </ul>
6.4.2	<p>Policy - Expansion of Urban Areas</p> <p>To enable the expansion of urban areas or urban infrastructure in a manner that avoids, remedies or mitigates adverse effects on:</p> <ul style="list-style-type: none"> <li>(a) Adjoining rural areas.</li> <li>(b) Outstanding landscape values.</li> <li>(c) The natural character of water bodies and their margins.</li> <li>(d) Heritage values.</li> <li>(e) Sites of cultural importance to Kai Tahu ki Otago.</li> </ul>

- (f) The integrity of existing network utilities and infrastructure, including their safe and efficient operation.
- (g) The life supporting capacity of land resources.
- (h) The intrinsic values of areas of significant indigenous vegetation and habitats of significant indigenous fauna.