

BEFORE THE CENTRAL OTAGO DISTRICT COUNCIL

IN THE MATTER OF Plan Change 19 to the Operative Central Otago District
Plan

STATEMENT OF EVIDENCE OF CRAIG ALAN BARR ON BEHALF OF

CAIRINE MACLEOD (#135)

PLANNING

16 MAY 2023

CONTENTS:		PAGE
1.	EXECUTIVE SUMMARY	2
2.	INTRODUCTION	3
3.	SCOPE OF EVIDENCE.....	4
4.	CONTEXT.....	5
5.	DECISION MAKING FRAMEWORK AND KEY STATUTORY POLICIES.....	7
6.	KEY ISSUES	17

ATTACHMENTS:

Appendix A: Key Objectives and Policies

Attachment B: Memo from Checketts McKay Legal

1. EXECUTIVE SUMMARY¹

- 1.1 The Submitter seeks the following amendments to PC19 at Bannockburn:
- (a) That rules LLRZ-S1 and SUB-S1 are amended so that the residential density and subdivision site standards in the Large Lot Residential Zone (**LLRZ**) at Bannockburn are 1200m² minimum and 1500m² average. This would include an existing LLRZ 5.4ha area of land owned by the Submitter; and
 - (b) That a 3.5ha portion of Section 57 Block I Bannockburn SD is rezoned from Rural Resource Area (**RRA**) to LLRZ.
- 1.2 I consider the proposed rezoning to best give effect to the key statutory documents, and while the increase in density of 6 additional lots in the existing LLRZ area and 12 additional lots in the RRA rezoning area will be relatively modest, it will nonetheless contribute to the Council achieving sufficient housing capacity at Bannockburn. While retaining the overall character and scale of Bannockburn.
- 1.3 The rezoning extension is modest by scale, and will 'square off' the current fragmented zoning pattern affecting the southern extent of Bannockburn. The extension of LLRZ into existing RRA land will not appear incongruous with landform or rural amenity values.
- 1.4 The proposed rezoning of 3.5ha from RRA to LLRZ engages Policy 5 of the NPS-HPL but falls within the exemptions provided for in Clause 3.6. The NPS-HPL is not an impediment to the rezoning.
- 1.5 Infrastructure constraints to the existing Council reticulated network are not considered an impediment to the rezoning in terms of the additional 18 residential lots generated by the rezoning.
- 1.6 The rezoning will help the Council provide for sufficient housing capacity at Bannockburn where there is an identified shortfall in capacity. 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

¹ My executive summary can be also taken as the optional summary statement which may accompany briefs of evidence as directed in Minutes 1 and 3 by the Hearings Panel.

3 local authority under the NPS-UD, the NPS-UD requires that the needs of communities are met where the demand exists.

2. INTRODUCTION

2.1 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**).

2.2 This evidence is filed on behalf of Submitter #135 Cairine MacLeod (**Submitter**)

2.3 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.

2.4 In preparing my evidence I refer to and rely on the following evidence:

(a) Mr Campbell Hills, subdivision and infrastructure.

2.5 I also refer to a memo from the Submitter's legal advisor, Fraser Sinclair of Checketts McKay Law dated 15 May 2023 which sets out and summarises the matter of water supply for irrigation to the Submitters land at Hall Road, and that it is unlikely the Submitter will be able to obtain sufficient water for viticulture or horticulture.

2.6 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.

2.7 I am also providing planning evidence for other submitters² 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

² #139 One Five Five Developments LP associated with land in Alexandra, #82 D. J. Jones Trust and Searell Family Trust associated with land in Bannockburn, and #146 Pisa Village Development Limited and Pisa Moorings Vineyard Limited associated with land at Pisa Moorings.

both urban expansion and consolidation opportunities in existing urban areas including at Bannockburn, as identified by the Council's section 42A reports.

Code of conduct for expert witnesses

2.8 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.

3. SCOPE OF EVIDENCE

3.1 I have been asked by the Submitter to give expert planning advice in respect of their properties at Bannockburn, identified in Table 1 and Figures 1 and 2 below.

3.2 The Submitter seeks the following amendments to PC19:

- (a) 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 are 1200m² minimum and 1500m² average.
- (b) That a portion of Section 57 Block I Bannockburn SD which is requested to be rezoned

3.3 With regard to relief (a) above, I note that there are other submitters seeking relief for a minimum allotment size of 1000m² and average of 1500m² at Bannockburn for whom I have prepared evidence in support of³. Therefore, in this evidence I also support a minimum site size of 1000m² and average site size of 1500m².

3.4 My statement provides an 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) The National Policy Statement Highly Productive Land 2022 (**NPS-HPL**) and rural production

³ Submitter #82 D. J. Jones Trust and Searell Family Trust

- (ii) What is the most appropriate form of urban development on the Site?
- (iii) Can the rezoning be serviced?

3.5 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.

4. **CONTEXT**

4.1 The Submitter owns five properties located within, and on the edge of Bannockburn in the Hall Road, Domain Road, Miners Terrace and Terrace Street areas, including properties with established dwellings at 50 Domain Road and 24 Terrace Street.

4.2 The two properties at 50 Domain Road and 24 Terrace Street are what can be characterised as developed suburban properties with dwellings. The third landholding and the focus of my evidence is the larger of the three landholdings located at the southern extent of the existing Bannockburn township.

Table 1. Description of properties within the Bannockburn area of interest to PC 19.

Legal Description	Address	Area
Lot 1 & Lot 4 DP 414299	36 Miners Terrace	13.97ha
Lot 2 DP 414299	35 Miners Terrace	2.09ha
Section 57 Block I Bannockburn SD	Not listed	11.65ha
Section 52 Block I Bannockburn SD	97 Hall Road	5.4ha
Lot 1 DP 444666	50 Domain Road	2943m ²
Lot 1 DP 16462	24 Terrace Street	1748m ²

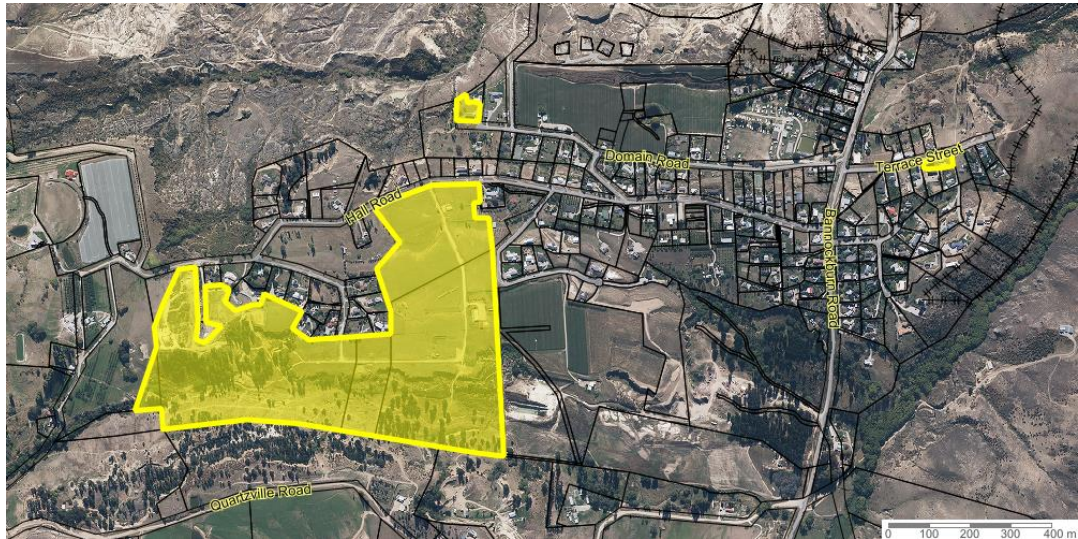


Figure 1. Properties within or adjacent to Bannockburn of interest to PC 19, owned by the Submitter (shaded yellow).

4.3 The land is zoned **LLRZ** through PC 19, and **RRA**. Figure 2 below illustrates the portion of land zoned RRA which is sought to be rezoned to LLRZ.

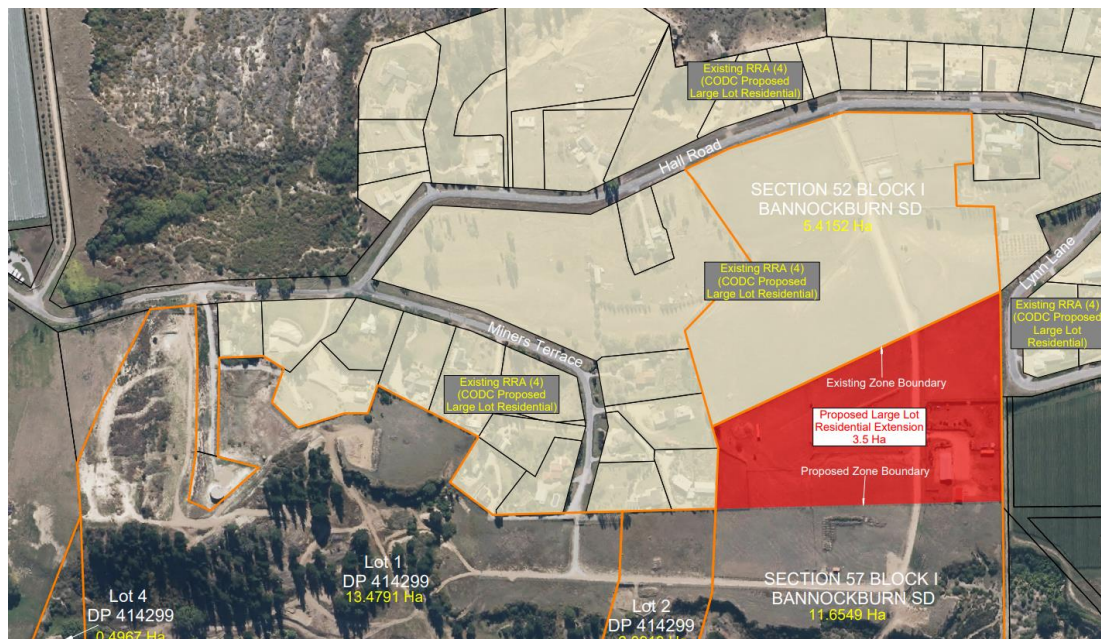


Figure 2. Illustration showing Section 52 Blk I Bannockburn SD (5.4ha) zoned LLRZ and sought to have a density of 1000m² and 1500m² average, and the RRA portion of Section 57 Blk I Bannockburn SD (3.5ha) sought to be zoned from RRA to LLRZ.

- 4.4 For ease of reference I will generally refer to the above outcomes sought as the “proposed zoning” throughout the balance of my evidence.
- 4.5 The proposed rezoning could result in the following additional residential lots from the PC19 Zoning as notified:
- (a) Section 52 Blk I Bannockburn SD: 6 additional lots (19 lots under PC19 and 25 lots under the proposed zoning).
 - (b) Section 57 Blk I Bannockburn SD: 12 lots under the proposed zoning.
- 4.6 The overall difference in residential yield is in the order of 18 residential lots more than that notified through PC19⁴.

Site and Environment

- 4.7 The Site is located at the southern edge of Bannockburn township. Despite the northern portion of the site having a long-standing residential zoning under the ODP, and zoned LLRZ in PC19 the Site is undeveloped and relatively flat and vegetated in pasture grasses.
- 4.8 The RRA part of the site contains an existing dwelling. To the south of the site there is an escarpment and gully feature which contains former gold workings. The north and west contains the existing Bannockburn urban area and the eastern boundary of the LLRZ and RRA parts of the site adjoin a vineyard,
- 4.9 The vineyard contains a frost fan located approximately 150m from the existing dwelling on the site.

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 2000m² over that portion of the site zoned LLRZ, and RRA; and
 - (b) The ‘amending proposal’ is applying the LLRZ with a density of 1000m² minimum and 1500m² average over Bannockburn and including the

⁴ 30% has been removed from the developable area to account for roads, constraints and any reserves.

5.4ha area of LLRZ, and to replace 3.5ha of RRA with LLRZ as shown in Figure 2 above.

- 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 amendment of the density of the LLRZ at Bannockburn is appropriate, as is the rezoning of 3.5ha from RRA to LLRZ the most appropriate method to achieve the Objectives of PC 19 and the ODP and to give effect to the PORPS 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**). There are two NPS of relevance, the NPS-UD and NPS-HPL.

5.11 I consider the NPS-UD and NPS-HPL comprise two key issues of the proposal.

NPS-UD

5.12 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.⁵ My earlier evidence also identified some of the key provisions of the NPS-UD which I consider apply.⁶ **Appendix A** 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.

- 5.13 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 proposed rezoning better gives effect to the NPS-UD (and PORPS and ODP) than the notified PC19 zoning and rules.
- 5.14 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.
- 5.15 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.

NPS-HPL

- 5.16 The site is mapped as Land Use Capability 3 (**LCU3**) under the Manaaki Whenua Landcare Research mapping, which I understand is to be used during the transitional period of the NPSHPL, until such time as (for this District) the Otago Regional Council has completed highly productive land mapping and that mapping is operative in its Regional Policy Statement / PORPS.
- 5.17 The NPSHPL was introduced in September 2022 and has been in effect since 17 October 2022. The objective of the NPSHPL is that highly productive land is protected for use in land-based primary production, both now and for future generations.
- 5.18 'Highly productive land' (**HPL**) is defined by the NPSHPL as land that has been mapped in accordance with clause 3.4 and is included in an operative regional

⁵ Refer to paragraph 4.7 of my evidence for the Stage 1 Hearing

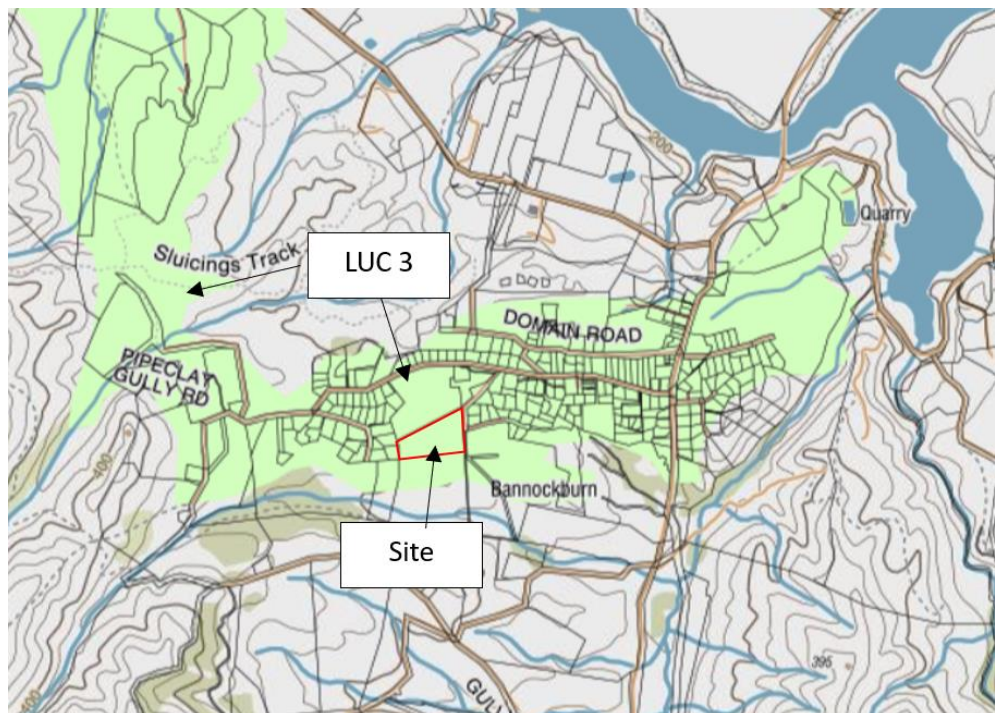
⁶ Refer to paragraph 4.9 of my evidence for the Stage 1 Hearing.

policy statement as required by clause 3.5. Clause 3.5(7) describes what is treated as highly productive land before the maps are included in an operative regional policy statement.

5.19 Given that the NPSHPL has only recently been gazetted and come into effect, the PORPS has not been updated to include mapping for HPL. As per the definition of HPL, until the PORPS is updated, HPL is deemed to be land which is zoned general rural (or rural production), identified as LUC 1, 2 or 3 land, and not identified for future urban development or subject to a council initiated or adopted plan change to rezone it from general rural to urban.

5.20 In this case in the absence of mapping being undertaken and completed in the PORPS, the RRA is considered to fall into the category of a general rural zoning. LUC 1, 2 and 3 land is defined by the NPSHPL as land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.

5.21 The New Zealand Land Resource Inventory Mapping is understood to be published by Manaaki Whenua Landcare Research. This mapping shows the site as LUC3, as illustrated in Figure 3 below⁷.



⁷ The LUC 1-3 mapping is only provided below 1:25,000 scale.

Figure 3. Annotated excerpt of the New Zealand Land Resource Inventory Mapping showing the LUC 1-3 land in the vicinity of Bannockburn. The green shading is LUC 3 land. There is no LUC 1-2 land in the vicinity of Bannockburn.

- 5.22 Policy 5 of the NPSHPL requires that *the urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement*. The rezoning is therefore considered to be an urban rezoning and Policy 5 applies.
- 5.23 Clause 3.6(4) sets out the implementation requirements for restricting urban rezoning of HPL (and the exceptions referred to in Policy 5). As a non-Tier 1-2 local authority, the Council may allow an urban rezoning of HPL, only if:
- (a) *the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
 - (b) *there are no other reasonably practicable and feasible options for providing the required development capacity; and*
 - (c) *the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*
- 5.24 In terms of matter (a), I discuss below that the urban rezoning can make a contribution to Bannockburn fulfilling sufficient development capacity and therefore, meet demand. I also consider that in order to give effect to the NPS-UD sufficient housing should be provided where the demand exists and at a variety of housing types, and I do not consider it is appropriate to rely on the wider Cromwell area to make up for a shortfall of capacity at Bannockburn. I consider the proposal to qualify under exemption (a).
- 5.25 Limb (b) requires consideration of whether there are other reasonably practicable and feasible options. For matter (b) I am unaware of whether the housing capacity shortfall identified in Ms White's S42A Report for Bannockburn (which I discuss below) would be alleviated by a combination of some or all (if at all) of the submissions seeking a rezoning, or greater densities (smaller lot sizes) of development within Bannockburn LLRZ were to be accepted. However, from Ms White's S42A Report I infer that there are not likely to be any more practicable or more feasible options in terms of consolidating or extending Bannockburn to account for the forecasted shortfall in housing capacity, and I also infer that measured expansion to the south is likely to be more appropriate

than expansion of Bannockburn to the north or north west. For this reason I consider that there are no other practicable or feasible options to locate development in Bannockburn, particularly in the case of the Submitter land which is adjoining the existing LLRZ urban environment.

- 5.26 With regard to limb (c) I consider the costs of the rezoning and loss of HPL to be minimal, as detailed in the memo from Checketts McKay Law that the Submitter's land has no practicable means to access irrigation water supply. I also consider that caution needs to be applied to LUC 3 land in the Central Otago District, prior to the ORC initiating the identification of HPL in the PORPS and the mapping becoming operative in the RPS. Landcare Research's Land Use Capability Survey Handbook identifies that LUC 3 land is selected on the basis that any potential limitations have been removed:

Where it is feasible to either remove or significantly reduce the physical limitation (e.g. installing drainage or permanent irrigation, improving soil fertility, removing surface gravel, stones or boulders, or minimising erosion), then the land is assessed as if the limitation has already been removed or managed. For example, stoney Kopua soils (Plate 79) may be classified as LUC3s even before stone picking has taken place⁸.

- 5.27 Furthermore, I note that the Handbook defines the capability of land as:
- Suitability for productive use, after taking into account the various physical limitations the land may have.*

- 5.28 While I acknowledge the NPSHPL is in effect, by applying the LUC 3 class of land the NPSHPL makes a significant and erroneous assumption that constraints such as irrigation have been overcome. In other parts of the country it may not be an issue, but for Bannockburn which has a semiarid climate and has a median annual rainfall of 351mm – 400mm, and has a relatively low number of rain days per year, being 61 – 70 annual rain days, the physical limitations of LUC 3 have the potential to be a determining factor as to whether the productive land uses are viable.

⁸ Lynn IH, Manderson AK, Page MJ, Harmsworth GR, Eyles GO, Douglas GB, Mackay AD, Newsome PJF 2009. Land Use Capability Survey Handbook – a New Zealand handbook for the classification of land 3rd ed. Hamilton, AgResearch; Lincoln, Landcare Research; Lower Hutt, GNS Science. 163p. At [85].

- 5.29 The Site does not have access to irrigation and is located in a persistency dry area that is unlikely to support horticulture or viticulture activities with meaningful irrigation supply. I also note the Bannockburn Sluicing land located east of Bannockburn is also identified as LUC 3, which to me, emphasises the coarse nature of the mapping and that only after the more detailed mapping process by the ORC can Policy 5 be applied with certainty that by avoiding urban rezonings on LUC 3 land, a planning authority is in fact likely to be protecting HPL.
- 5.30 In this context, I consider that the interim definition of HPL as provided for in the NPSHPL has been broadly and somewhat carelessly cast across Bannockburn. In the absence of the ORC having completed the mapping of HPL in the region, and that process being completed in terms of submissions and subsequent appeals for the mapping to be made operative in the Regional Policy Statement. For all of these reasons I consider that a degree of caution needs to be applied when implementing Policy 5 of the NPSHPL, and whether to avoid urban rezonings on land subject to the interim definition of HPL.
- 5.31 I consider that despite the LUC 3 classification over the Site, the proposal satisfies clause 3.6(4) and the urban rezoning is able to be provided for in terms of Policy 5.

Partially Operative Regional Policy Statement for Otago 2019 (PORPS)

- 5.32 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.⁹ 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 A**:
- (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

⁹ 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

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.

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

Operative District Plan

5.34 The relevant ODP and PC19 objectives and policies are discussed where relevant and those provisions are in **Appendix A**. 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.*

5.35 By way of summary in the context of the proposal and PC19, ODP Policy 6.4.1(c) is 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.

5.36 Policy 6.4.2 is an important policy for a rezoning expansion context and a key issue is the effect of the rezoning on adjoining rural areas. I note that the site to the east at Doctors Point Vineyard contains a productive vineyard with a frost fan. By locating urban development in proximity to the frost fan and other viticulture related activities such as spraying or bird deterrent activities, there is the increased potential for reverse sensitivity effects from new landowners complaining over (coming to the nuisance of) the established viticulture activities. I consider that this issue, if it exists, is not new and would not be likely to compromise the operations any more than what may occur already. Figure 4 below is an aerial photograph of the existing frost fan on the vineyard and the area sought to be rezoned is no closer to the frost fan than existing residential units in the LLRZ.

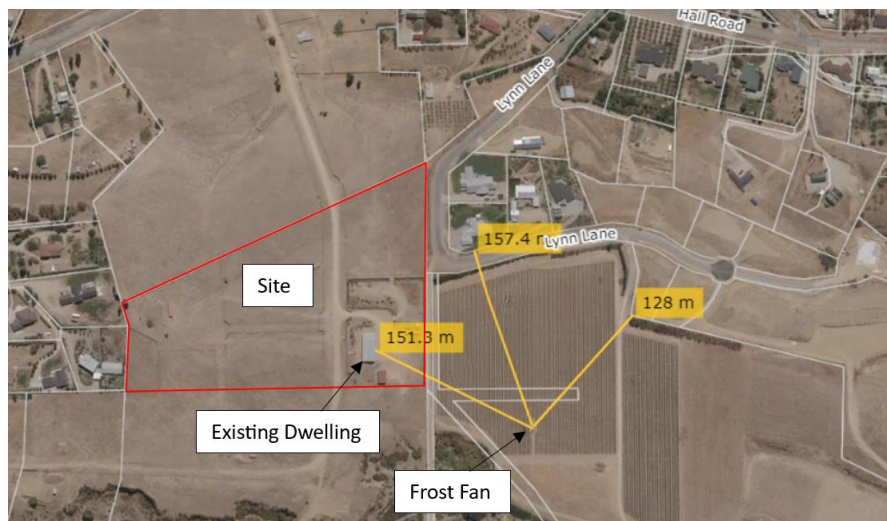


Figure 4. Aerial photograph of the Site indicating the distance of an existing frost fan to existing residential activity.

- 5.37 I also consider that the rezoning would not be contrary to Rural Resource Area Policy 4.4.2 which seeks to manage the adverse effects of land use and subdivision, with regard to the location of structures and works and particularly in respect to the open natural character of hills and ranges, skylines, prominent places and natural features, and the compatibility with the surrounding environment. The site is located adjacent to an existing zoned area, on land with the same topography and character. I note that the southern edge of the proposed LLRZ Zone extension provides at least substantial buffer from the escarpment edge and former mining area.
- 5.38 For these reasons I consider that rezoning the 3.5ha area of land would not be contrary to ODP RRA Objectives 4.3.1 (needs of the District's People and Communities), 4.3.7 (Soil Resource) and 4.3.3 (Landscape and Amenity Values), and achieve urban growth policy 6.4.2 (Expansion of Urban Areas).

6. KEY ISSUES

- 6.1 The following are the key issues associated with the proposal. Cues have also been taken from the discussion and recommendations of the Council's S42A report not only in response the Submitter's submission but the wider growth issues for Bannockburn and Cromwell Ward:
- (a) The NPS-HPL and Policy 5, which has been discussed above;
 - (b) Reverse sensitivity issues with the established vineyard located to the east, which has also been discussed above.
 - (c) The NPS-UD and ODP facilitating well-functioning urban environments and urban extensions;
 - (d) Is there sufficient housing capacity in Bannockburn?
 - (e) LLRZ Density;
 - (f) Infrastructure Capacity;
 - (g) What are the most appropriate provisions?

NPS-UD and ODP facilitating well-functioning urban environments and urban extensions

- 6.1 Ms White has addressed the matter of potential extensions to the south and/or west of Bannockburn as raised by several separate submitters. I am also

cognisant of submissions and further submissions on the overall growth and direction for Bannockburn. Ms White identifies¹⁰ that the Cromwell Spatial Plan did not specifically identify any additional areas for growth in Bannockburn, but instead opted to retain Bannockburn to their existing extents, to strengthen a compact pattern of development within existing Cromwell.

- 6.2 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 NPS-UD, PORPS and operative District Plan.
- 6.3 NPSUD Objective 1 and Policy 1 work collectively to address the theme of providing for well-functioning urban environments that enable all people and communities to provide for their wellbeing. Objective 1 seeks to achieve communities and future generations to provide for their well-being and Policy requires that to be achieved via a variety of housing types and a well-functioning urban environment.
- 6.4 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);
 - (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.
- 6.5 The proposal will assist the Council give effect to NPSUD Policy 1 through providing for a homes at a slightly higher density than the LLRZ as notified in PC19, and have good access between jobs and housing. Bannockburn is a short commute to Cromwell and the wider area, and the Site is nearby to existing

¹⁰ Stage 2 S42A Report 1 Liz White at [112].

walkways and recreational areas such as the Bannockburn Inlet and the sluicing trails.

- 6.6 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 2000m² identified for the LLRZ.
- 6.7 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. In the context of Bannockburn, the proposed rezoning would increase capacity by 18 lots (with provision for minor residential units as provided in the LLRZ Rule framework).
- 6.8 For the above reasons, the resultant extension to the southern boundary of Bannockburn is more appropriate than the notified PC19 zoning from a spatial planning perspective because it will help form a more defined boundary to the southern extent of the township. The zoning extension will also give effect to the NPS-UD in a more appropriate way than the notified PC 19 documentation.
- 6.9 I consider that from a spatial planning perspective, the rezoning area will fill in a gap in the zoned extent of Bannockburn that does not appear to be due to any obvious landform change, existing use or incompatible activity occurring on the site. I also note that the S42A report recommends accepting the ODP residential zoning of each site to the east and west of the rezone area. I consider this reinforces the filling in of the zoning gap, as shown below¹¹.



¹¹ S42A Report 1 Stage 2 at [115].

Figure 4. Excerpt of the S42A Report which illustrates the ODP residential zoning (red) and that this would align with the extent of zoning sought by the Submitter (submission site located to the west/left of image).

Is there sufficient housing capacity in Bannockburn?

- 6.10 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 recommends that if the Domain Road Vineyard site is accepted for rezoning to LLRZ, a building line restriction is imposed to avoid buildings on an elevated terrace¹². I am not sure of the extent of this as the recommended building line restriction was not mapped in the Section 42A report, 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.
- 6.11 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. 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 is enabled at Bannockburn which would help alleviate the identified housing capacity shortfall, or choose instead to consolidate growth in Cromwell.
- 6.12 In the context of the policy framework relevant to PC19, I do not consider that discretion to be so readily available. 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.
- 6.13 NPSUD Policy 2 requires that 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. I consider that the NPSUD can only be given effect to if the shortfall in capacity at Bannockburn is rectified, such as through appropriate expansions, rather than

¹² Ibid at [84].

deferring all development to Cromwell. This is particularly relevant where a large portion of the housing capacity within Cromwell is MRZ and LRZ which is a different housing type to that offered through this proposal.

- 6.14 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 the other.
- 6.15 NPSUD Objective 2 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, NPS-UD 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.
- 6.16 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 NPS-UD and also reinforces my view that while the Cromwell Spatial Plan is an important document which has provided insights into future growth of Cromwell, in a decision making context it is a subordinate consideration to the NPS-UD and ODP Policy 6.4.2.
- 6.17 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 Development Strategies are defined in Subpart 4 of the NPS-UD as part of the requirements for Tier 1 and 2 local authorities. The Cromwell Spatial Plan is not a future development strategy.
- 6.18 In the event that there is sufficient housing capacity for Cromwell if one or more all of the rezoning submissions are accepted, the NPS-UD 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.

6.19 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.

6.20 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.

LLRZ Density

6.21 I support amending the LLRZ density at Bannockburn from 2000m² to a minimum lot size of 1000m² and average of 1500m². I consider that not only for the site, but the wider area of Bannockburn a density of 1500m² is a better reflection of the development which has occurred to date, and 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.

6.22 For these reasons I consider a minimum of 1000m² and average of 1500m² is more appropriate than the PC19 and will better give effect to the NPS-UD.

6.23 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 any substantial infill development on any existing allotments with established dwellings. The costs in terms of amenity and character are considered to be low.

Infrastructure Capacity

6.24 Ms Muir's S42A report identifies that servicing the subject site would require significant upgrading to existing water reticulation and storage capacity to achieve the required pressure to the site and would also require increases in wastewater treatment.

6.25 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 framework¹³.

- 6.26 Mr Hills's evidence has identified that there are local network servicing options available and the demand from the rezoning proposal is not substantially greater than what is anticipated to occur in Bannockburn.
- 6.27 While the proposed rezoning would add demand to the existing wastewater network, 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 the status quo, 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. The additional 6 lots within the existing LLRZ, and the additional 12 lots in the proposed rezoning area will create a small additional demand on the overall network. For these reasons I do not consider infrastructure constraints to be detrimental to the proposal.

What are the most appropriate provisions?

- 6.28 I consider that the inclusion of the rezoning with a residential density rule for Bannockburn is appropriate as follows. 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 2000m², which may not be intended a part of the notified drafting. I recommend the following amendment¹⁴:

One Residential Unit Per Site ~~The~~ or a minimum site area per residential unit is 2000m².

¹³Stage 2 S42A Report 2 Julie Muir at [37].

¹⁴ 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)

LLRZ-S1	Density	Activity Status where compliance not achieved:
Large Lot Residential Zone (Excluding Precincts 1, 2 & 3)	1. One Residential Unit Per Site <u>or a minimum site area per residential unit is 2000m².</u> 1a. <u>At Bannockburn the minimum site area per residential unit shall be no less than 1000m² and average of 1500m².</u>	NC

Subdivision Standards

SUB-S1	Density	Activity status where compliance is not achieved:
Large Lot Residential Zone (excluding Precincts 1, 2 & 3)	5. The minimum size of any allotment shall be no less than 2000m ² . 5a. <u>At Bannockburn the minimum size of any allotment shall be no less than 1000m² and average of 1500m².</u>	NC



Craig Barr
16 May 2023

National Policy Statement Urban Development

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
- (b) 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.

2. Relevant Parts of the National Policy Statement Highly Productive Land

2.1 Objective

Objective: Highly productive land is protected for use in land-based primary production, both now and for future generations.

2.2 Policies

Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.

Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.

Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.

Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.

Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.

Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.

Policy 8: Highly productive land is protected from inappropriate use and development.

Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

Part 3: Implementation

...

3.6 Restricting urban rezoning of highly productive land

...

- (4) Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:
 - (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and
 - (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and
 - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

Relevant parts of the Partially Operative Otago Regional Policy Statement 2019

Provision
<p>Objective 3.2 – Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded; and allied policies;</p> <p>Policy 3.2.6 – Maintain or enhance highly valued natural features, landscapes and seascapes by ...avoiding significant adverse effects on those values which that contribute to the high value of the natural feature, landscape or seascape; avoiding, remedying or mitigating other adverse effects; encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape.</p>
<p>Objective 5.3 – Sufficient land is managed and protected for economic production; and</p> <p>Policy 5.3.1 – Rural Activities – Manage activities in rural areas, to support the region's economy and communities, by ... restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects; providing for other activities that have a functional need to locate in rural areas.</p>
<p>Objective 4.5</p> <p>Urban growth and development is well designed, occurs in a strategic and coordinated way, and integrates effectively with adjoining urban and rural environments</p> <p>Policy 4.5.1</p>

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.

Relevant CODC Operative District Plan objectives and policies.

Central Otago Operative District Plan Objective or Policy	
6.3.1	Objective - Needs of People and Communities To promote the sustainable management of the urban areas in order to:
(a)	Enable the people and communities of the district to provide for their social, economic and cultural wellbeing and their health and safety; and
(b)	Meet the present and reasonably foreseeable needs of these people and communities
6.3.2	Objective - Amenity Values
	To manage urban growth and development so as to promote the maintenance and enhancement of the environmental quality and amenity values of the particular environments found within the District's urban areas.
6.3.3	Objective - Adverse Effects on Natural and Physical Resources
	To avoid, remedy or mitigate the adverse effects of urban areas on the natural and physical resources of the District.
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.
- (h) The intrinsic values of areas of significant indigenous vegetation and habitats of significant indigenous fauna.

Relevant CODC Operative District Plan Rural Resource Area objectives and policies.

Operative District Plan Objective or Policy

4.3.1 Objective - Needs of the District's People and Communities

To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.

4.3.7 Objective - Soil Resource

To maintain the life-supporting capacity of the District's soil resource to ensure that the needs of present and future generations are met.

4.3.3 Objective - Landscape and Amenity Values

To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.

4.4.2 Policy – Landscape and Amenity Values

To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,
- (c) The ability to adequately dispose of effluent on site,
- (d) Controlling the generation of noise in back country areas,
- (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,
- (f) Controlling the spread of wilding trees.
- (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.

16 May 2023

Central Otago District Council
By email

Plan Change 19 - Water and Reverse Sensitivity - Cairine Heather MacLeod - Section 57 Block I Bannockburn SD

We act for Cairine Heather MacLeod and we provide this letter in connection with her submission in respect of Plan Change 19.

We comment as set out below in respect of the parcel of land (being part of Section 57 Block I Bannockburn SD, Record of Title OT18B/1145 “the land”) that our client is seeking to be rezoned as part of Plan Change 19.

Water and Productivity of Land

1. The land is situated in Bannockburn, which according to historical rainfall data receives the lowest median annual rainfall in New Zealand. As such, to productively farm or grow crops in Bannockburn it is necessary to have an irrigation water supply.
2. Bannockburn also suffers hard frosts through spring and in order to grow grapes or other fruit, it is necessary to frost fight. Frost fighting in Central Otago is primarily undertaken by spraying water or by using mechanically generated air movement.
3. We understand that the Central Otago District Council do not allow its reticulated water supply to be used for irrigation or frost fighting. As such, it is necessary to have a private water supply to undertake commercial growing activities. This is not physically available or economically feasible in some cases.
4. Our client’s land has no current private water supply capable of supporting commercial growing and the only known possible water supply would be from the Carrick Irrigation Company Limited (“Carrick”) scheme. However, our client’s land is not connected to the Carrick water scheme and in order to do so would need Carrick board approval, assessment of easements from the scheme supply point to the land (which may necessitate third party easements) and construction of physical water infrastructure from the scheme supply point to the land to be used.
5. The Carrick scheme is a periodical scheme (supplies water to one user at a time for a set period) which would necessitate a significant investment in water storage (usually a water dam) in order to use the scheme water for viticulture or horticulture.

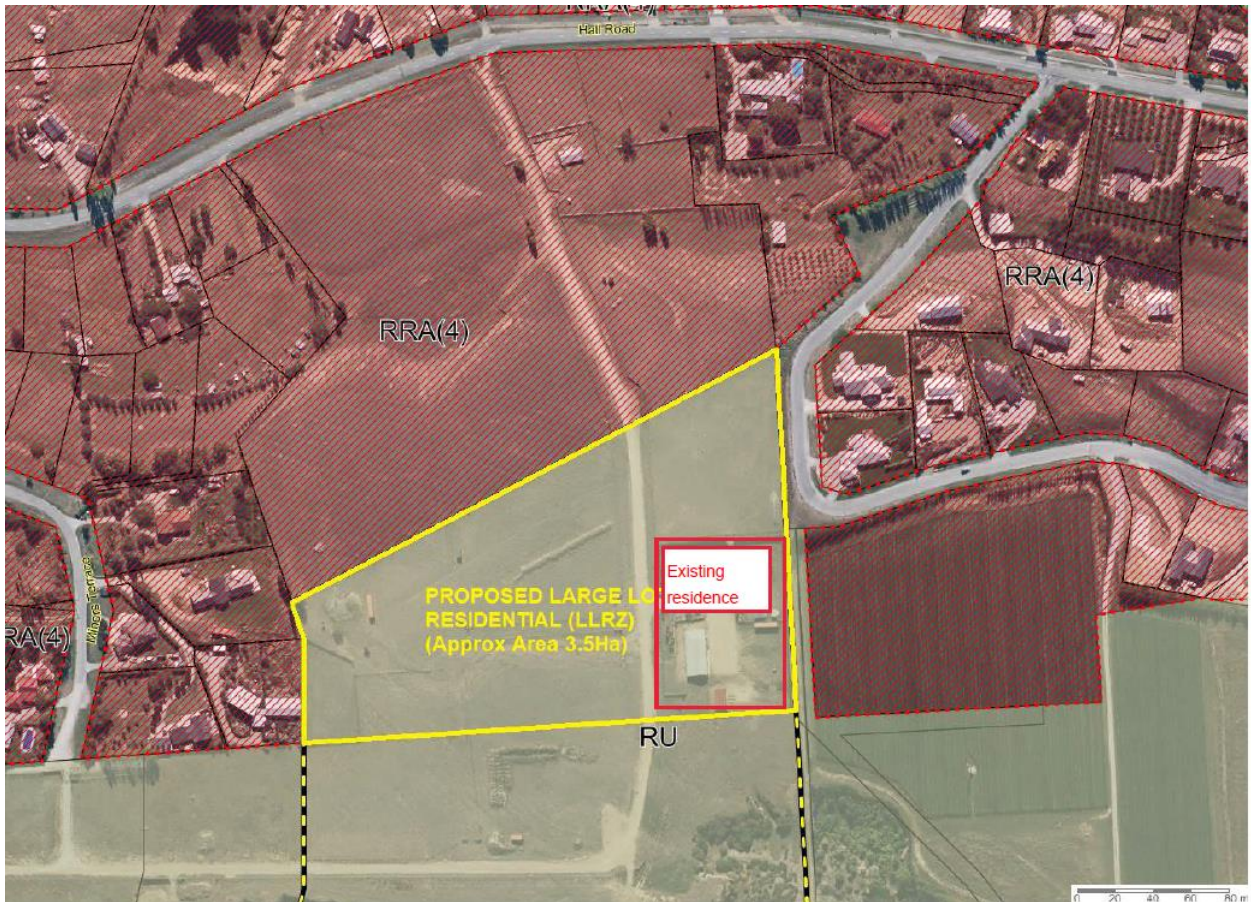
6. The Carrick water scheme was created using deemed water permits originating from the days of mining in the area. All such deemed water permits terminated in 2021 pursuant to the Resource Management Act 1991. As such, it was necessary for Carrick to apply for new replacement water permits under the Resource Management Act 1991. The Otago Regional Council have advised us that such replacement consents have not yet been granted and if granted, will only have a consent term of 6 years.

6. We do not consider that the water consents currently enjoyed by the Carrick scheme would (given the short consent period) give any potential grower sufficient security to incur the significant capital expenditure required in order to develop the land for viticulture or horticulture.

Reverse Sensitivity

7. We understand another submitter (land to the east/ southeast) has raised reverse sensitivity concerns in respect of vineyard frost fighting activities (wind machine) on the land to the east/ southeast. In that regard we would comment as follows:

- a) A residential dwelling already exists on the land in close proximity to the adjoining vineyard (see map snip below);
- b) Other residential dwellings (off Lynne Lane and Miners Terrace) are already in close proximity to the vineyard and the wind machine (see map snip below);
- c) Wind machines are only used for limited periods of the year for frost fighting;
- d) Modern dwellings can be constructed to control sound; and
- e) Our client would be willing to impose a reverse sensitivity covenant in respect of the operation of the existing frost fighting wind machine on the land to the east/ southeast (subject to it complying with the Resource Management Act 1991, the CODC District Plan and the conditions of any resource consent) on any new residential lot created from the land, if the land is rezoned as proposed.



Yours faithfully
Checketts McKay Law Limited

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Director

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