

**BEFORE INDEPENDENT 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

Of the Central Otago Operative District Plan
(**CODP**) and Proposed Plan Change 19 to the
Central Otago District Plan (**PC19**)

AND

IN THE MATTER OF

Applications to the Central Otago District
Council (**CODC**) by **D. J Jones Family Trust**
and N.R Searell Family Trust for subdivision
and land use resource consents for residential
subdivision and development at 88 Terrace
Street, Bannockburn (**RC230398**)

**EVIDENCE OF CRAIG ALAN BARR
ON BEHALF OF D. J JONES FAMILY TRUST AND N.R SEARELL FAMILY TRUST**

PLANNING

Dated: 27 September 2024

Presented for filing by:
Chris Fowler
PO Box 18, Christchurch
T 021 311 784
chris.fowler@saunders.co.nz

INTRODUCTION

- 1 My name is Craig Alan Barr.
- 2 I hold the qualifications of Master of Planning and a Bachelor of Science from the University of Otago, and I have been a full member of the New Zealand Planning Institute since 2014.
- 3 I have been employed in planning and development roles since 2006 for both local authorities as well as in private practice. I am based in the Central Otago area and am very familiar with local and regional planning in the Central Otago, Queenstown Lakes, Clutha districts and the Otago region. I have presented evidence on a wide range of planning matters including rural and urban resource issues including landscape, productive land, urban development and infrastructure issues on resource consents, district plan and regional policy statement reviews and plan changes at both Council level hearings and the Environment Court.
- 4 I am also familiar with the CODC's Plan Change 19 (**PC 19**) review of its operative District Plan (**ODP**) residential zone framework and replacement of the ODP Section 7 Residential Resource Area, having appeared for several submitters (including the Trust) in relation to the Large Lot Residential Zone (**LLRZ**).
- 5 My role in relation to the application for resource consent (**Application**) to the Central Otago District Council (**CODC**) by D. J Jones Family Trust and N.R Searell Family Trust (**Trust** or **Applicant**), is as an independent expert witness to the Trust on planning matters.
- 6 I prepared the Application's assessment of effects on the environment lodged with the application¹ and the Applicant's response² to the Council's request for information dated 7th February 2024. I have visited the site and am familiar with the area.
- 7 The Application was publicly notified and a number of submissions were received in support of, and in opposition to the Application. On 20 September 2024 the CODC released an Officer Report prepared under section 42A of the

¹ Dated 22 December 2023, on behalf of Town Planning Group.

² Dated 27 February 2023.

RMA containing an analysis of the Application and a recommendation in response to the Application (**Officer Report**).

- 8 Although this is not an Environment Court proceeding I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

SCOPE OF EVIDENCE

- 9 In my evidence I address the following matters:
- (a) context;
 - (b) a summary of my initial assessment;
 - (c) a response to those submissions in opposition that address matters within scope of my expertise, with particular emphasis on matters where there is a difference of view between myself and the submitter. I have grouped those matters as follows:
 - (i) Compliance with minimum average lot size requirements
 - (ii) Development of lot 51
 - (iii) Spatial Plan
 - (iv) Buildings and development within the BLR
 - (v) Building on lots outside the BLR
 - (vi) Reserves and Walkways
 - (vii) Ecological issues
 - (d) a response to those parts of the Officer Report that address matters within scope of my expertise, with particular emphasis on matters where there is a difference of view between myself and the Officer Report. In particular I address the following:

- (i) The rule framework, including Plan Change 19 rules with legal effect and whether a resource consent is required for slope stability issues
 - (ii) Summary of the consents required
 - (iii) Section 104 matters, focusing on the LLRZ objectives and policies and the NPSUD, weighting between the ODP and LLRZ objectives and policies, and
- (e) recommended conditions of resource consent, based on the Officers' Report.

CONTEXT

- 10 The Trust has applied for a subdivision and land use resource consent for a residential subdivision comprising residential 20 lots, including the construction of an internal access road and rights of way, recreation reserve and balance lots (**Proposal**) at 88 Terrace Street, Bannockburn, legally referred to as Lot 4 DP339137 (**Site**).
- 11 The Site is 17.6ha in area and is accessed from the eastern extent of Terrace Street and is characterised as a large undeveloped residential zone allotment located at the edge of the existing Bannockburn township. The site is bounded by Shepherd's creek to the east, Revell's Gully to the north, undeveloped residential land to the west and existing residential land generally to the south. The Site is currently bare, vacant land.
- 12 The Site is zoned Residential Resource Area (4) (**RRA(4)**) in the ODP and is partially within a building line restriction overlay (**BLR**) identified on the ODP maps. A restricted discretionary activity resource consent is required under the ODP for subdivision in the RRA(4) zone and to locate buildings within the BLR.

SUMMARY OF MY INITIAL ASSESSMENT

- 13 As noted above I prepared the AEE and the response to the CODC's request for further information. In this section I will provide a brief summary of my assessment.
- 14 The adverse effects of the activity on the environment will be avoided, remedied or mitigated such that they are minor. In particular the adverse effects on landscape and visual amenity and the natural character of nearby

- waterbodies will minor, as will the adverse effects on the identified heritage values.
- 15 There are no servicing, traffic, contaminated land or hazard and site stability impediments to the activity.
- 16 The activity is consistent with the objectives of the ODP and the PC 19 LLRZ objectives and policies, and will assist the Council in its functions to implement the National Policy Statement Urban Development 2020.
- 17 A suite of conditions are volunteered in section 8 of the AEE, and these have been for most part taken up in the Officer's Report and the Council reporting officers recommended conditioned of consent. **Appendix A** of my evidence contains the Officer Report recommended conditions, inclusive of proposed changes shown as tracked changes.
- 18 The subdivision has been carefully designed and considered by the respective supporting technical inputs, which I consider has resulted in a considered and integrated approach to future built form, not only in terms of future buildings within the BLR but the impact of future buildings on all lots of the subdivision, including reducing the building coverage on each lot as much as 50% and careful consideration of maximum building heights on each lot.
- 19 The proposal will provide for several positive aspects, being the preservation and adaptive reuse of archaeological items, a reserve (Lot 30) at the terminus of the proposed road, which the CODC parks manager is supportive of³. The reserve at Lot 30 will be located where it provides a good outlook over the Cromwell Basin, will provide connections to the walking trails on Lot 40 which are proposed to be formalised through easements in gross. Provision is also expected to be made for interpretation panels and integration with the retention and reuse of the archaeological features.
- 20 A draft application for resource consent to the Otago Regional Council for residential earthworks (which primarily manages the effects of construction and erosion and sedimentation) has been prepared, and will be lodged upon granting of this Application. Attachment A of the Application contains a draft indicative earthworks plan upon which the erosion and sediment control plan will be based.

³ As confirmed by an email from Gordon Bailey dated August 24 2023 and attached as item 5 to the Application's response to information dated 27 February 2024.

Correction

- 21 I have identified an inconsistency with the Application's AEE in relation to the trails identified on the subdivision plans in Attachment A of the Application, and as identified in Figure 4 and the 'Overview' in section 3.1 of the AEE. The explanation in section 3.1 correctly identifies the following on the plan of subdivision:
- (a) Purple Line - ODP Building Line Restriction Annotation;
 - (b) Yellow Line – Proposed single track on Lot 40 incorporated into the adaptive reuse of the water race (to be registered as an easement in gross);
 - (c) Green line – Proposed footpath on existing Terrace Street road reserve (likely asphalt);
 - (d) Orange Line – Proposed New Zealand Cycle Trail Standard (**NZCT**) Grade 1/2. Trail incorporated into the water races. These trails will be located on proposed road (gravel finish); and
 - (e) Red lines – existing informal tracks located on Balance Lots 50 and 51.
- 22 Section 8.4 within the volunteered conditions identifies proposed consent conditions in relation to the recommendations made in the archaeological assessment. The 'Resource Consent Response and Recommendations' column correctly identifies for Lot 40, an easement in gross to the existing trail as a response to the archaeological recommendation for the water race to be adaptively reused as a public walking track (I understand that parts of the water race is already used as an informal track). For Lots 50 and 51 a recommendation is made for easements in gross, however the existing walking tracks on proposed Lots 50 and 51 are not proposed to be formalised by way of easements. These are proposed to remain as informal walking tracks. I understand that Lot 50 is likely to be subject to a future subdivision (being zoned LLRZ and the western approximate two thirds located outside the BLR) in the future and at that time walking connections will be designed in conjunction with roading and other access configurations.

RESPONSE TO SUBMISSIONS

- 23 Some submissions are opposed to the Application. A range of reasons are given for their opposition, some of which relate to my area of expertise.
- 24 The approach I have adopted in this statement of evidence is to identify those parts of submissions in opposition where I disagree with the submission and to explain my reasons for disagreement.

Compliance with Minimum average lot size requirements

- 25 A large number of submissions in opposition, including those by Mr Olds⁴, Mr Stewart⁵, Mr Walton⁶, C & N Hughes⁷ and the Bannockburn Responsible Development Incorporated (**BRDI**)⁸ have asserted that the Application has not achieved the minimum average allotment size required for the RRA(4) Zone of 2000m² (noting that all residential lots achieve the minimum site area of 1500m²). Some of these submissions identified that the balance Lot 40 was used to achieve the average minimum of 2000m² and consider that it is not appropriate to do so.
- 26 Related to the above, I refer to paragraphs 44 and 45 where the Officer's Report discusses the matter that submitters have identified that the Application has relied upon large balance areas of land to achieve the required minimum average in ODP Rule 7.3.3(i)(c), and that the large balance land should not be applied. The Officer's Report states that Rule 7.3.3(i)(c) does not differentiate between residential and non-residential lots and there is no exclusion provision or lot size cap to be applied to the averaging calculation.
- 27 I agree with the Officer's Report. I consider that the average minimum site area of 2000m² has been met and make the following comments, noting that the ODP Rule 7.3.3(i) states '*Minimum Allotment Area - 1500m² provided that the average allotment size is no less than 2000m²*'. And that the ODP

⁴ Submission number 04

⁵ Submission number 38

⁶ Submission number 37

⁷ Submission number 15

⁸ Submission number 10

definition of 'allotment' adopts that in RMA section 218 which essentially means any parcel of land:

- (a) As identified in the Application's AEE in Section 5.1.1, the average minimum of 2000m² has been met while excluding the proposed roads.
- (b) All land used to calculate the average allotment size is zoned Residential in both the ODP and Plan Change 19 zoning, and excludes land will not result in a certificate of title (i.e. roads). In the absence of a definition in the ODP of what constitutes an 'average allotment size'. I consider this approach is reasonable and correct;
- (c) There are no rules which prevent the area within the BLR from being included in the average or minimum allotment area calculations. There are no exclusions to include land because of its slope. The key aspect is that the land is zoned RRA(4) and all allotments are part of the subdivision.
- (d) It is reasonable to exclude Lot 50 (7.82ha) because part of this lot will be likely used for future residential subdivision activity for houses. Lot 50 has not been used in the calculation of average minimum site area
- (e) It is reasonable and correct in terms of the interpretation of the ODP rules to include Lot 40 (4.44ha) because it is highly unlikely it will be used for further subdivision for residential activity or have residential allotments on it.
- (f) Notwithstanding the above, the subdivision achieves an average allotment size of 2166m² excluding Lots 40 and 51, broken down as follows:
- (g) Land included in the average allotment size calculation.
 - (i) Lot 30 (reserve) 0.4ha;
 - (ii) Lot 51 (balance not intended for further residential activity) 0.53ha)
 - (iii) Lots 1-20 Residential lots (total area 3.9ha)

28 Therefore, an average lot size of 2000m² is met excluding Lot 40. The Application is, therefore, consistent with the requests of submitters that Lot 40

should be excluded from the calculation to determine an average lot size of 2000m².

- 29 Therefore, I also consider that the submission from the BRDI⁹ to be unfounded where they suggest that the Application is reliant upon the PC 19 and LLRZ minimum lot size of 1500m².

Development of Lot 51

- 30 Several submitters including Robert and Robyn Galvin¹⁰ seek that as a preference Lot 51 is developed concurrently, or as an alternative to the proposed subdivision design, and that a village commonage is developed centrally within the site. Timothy James¹¹ considers that Lot 50 should be accompanied with concept plans identifying the entire development, including a local reserve.
- 31 I do not agree with these submissions. The site is a large area comprising 17.6ha and it is reasonable to subdivide and develop the site incrementally. The proposed extension of Terrace Street does not present any functional transport or access constraints. The Application does not need to show a concept plan for Lot 50, the proposed roading and connections, including retention of informal walking connections over Lot 50 are shown.

Spatial Plan

- 32 Submissions from BRDI¹² state that the Hearings Panel presiding over submissions on Plan Change 19 suggested that a township scale spatial planning exercise be undertaken. The BRDI seek that the application be rejected until a Bannockburn focused master plan is completed. I do not agree with the submission.
- 33 Having read the Hearings Panel's recommending report on submissions to PC 19 and having been involved in those hearings, I am aware that those statements were made by that Hearings Panel when considering several submissions on PC19 seeking that land located on the periphery of

⁹ Submission number 10.

¹⁰ Submission number 33.

¹¹ Submission number 06.

¹² Submission number 10.

Bannockburn be rezoned from Rural to urban. The Trust made a submission on PC19 which affected land in Lot 50 for a commercial precinct and higher density residential activity.

- 34 Those statements made by the Hearings Panel are irrelevant to the Application. The Site is zoned RRA(4) under the ODP and LLRZ under PC 19. The zoning of the site is not challenged and the LLRZ as it relates to the site can be treated as operative. I am aware that those statements of the PC 19 Hearings Panel were not made with any reference to the BLR (which was not disputed). I also note that the comments of the PC 19 Hearings Panel are not binding on the Hearings Panel presiding over this Application.

Buildings and development within the BLR

- 35 All submissions in opposition oppose the location of future buildings within the BLR. I refer to and rely on Mr Milne's evidence in relation to the nature and scale of adverse effects of buildings within the BLR. Some submissions including that from Robert and Robyn Galvin¹³ state in their submission that the BLR is a special landscape feature of local significance¹⁴, and Mason and Julie Stretch state that the change is not an inevitable consequence where development is proposed within the BLR¹⁵.
- 36 From a planning perspective, I disagree for the following reasons:
- (a) The BLR is located on the general location of the ridge and affects the east through to north facing escarpment face down towards the Bannockburn Inlet, and the respective landscape experts (Mr Milne for the Applicant, and Ms Pfluger for the CODC) agree that these escarpment faces are sensitive to subdivision and development;
 - (b) Aside from the above, the justification and support for the BLR in the ODP is in my opinion very limited, if not deficient. The relevant rule sits in section 12 District Wide, and while Rule 12.7.7(ii) identifies that resource consent is required for a restricted discretionary activity to locate buildings within a BLR, the matters of discretion are restricted to the following:

¹³ Submission number 33.

¹⁴ Ibid at statement 2

¹⁵ Submission 09.

1. *The effect on the natural character of water bodies and their margins.*
2. *The effect on amenity values of the neighbourhood in particular the character of the streetscape.*
3. *The effect on the safe and efficient operation of the roading network.*
4. *The effect on infrastructure.*
5. *The effect on the safety of neighbours.*
6. *The effects of noise from the operation of the roading network and compliance with AS/NZS 2107:2000.*

- (c) In my opinion, these matters have little to do with management of the integrity of a landform and landscape management of urban development as viewed from beyond the immediate environs of the Site in question. Matters of discretion 3 to 6 are concerned with operational or reverse sensitivity effects and are not relevant to the submitters concerns associated with effects on landscape and visual amenity. Matters of discretion 1 and 2 relate to natural character, however the proposal itself is not located on the margin of a waterbody, and I consider that matter of discretion 2 tends to refer to localised effects.
- (d) There is no specific policy recognition in the ODP for the BLR at Bannockburn. The issues statement in ODP Section 12 refers to land use activities adjacent to the road network (12.2.1), Noise (12.2.3), adverse effects of lightspill, glare, odour, dust and electrical interference (12.2.4), derelict sites, buildings and works (12.2.5) temporary activities (12.2.6), transmission lines (12.2.7). Likewise Objectives 12.3.1 to 12.3.7 and the policies that follow (Policies 12.4.1 to 12.4.10) relate to these issues and do not refer in any way to the management of buildings within a BLR and landscape and visual amenity effects.
- (e) I do acknowledge that the objectives and policies of RRA require consideration of amenity values. I have assessed these in the AEE and in terms of PC 19, further below. For the purposes of responding to

this submission I note that the explanation statement to Policy RRA 7.2.7 states in relation to the RRA (4) zone at Bannockburn:

The area of land identified as Residential Resource Area (4) applies to Bannockburn, on the eastern side of Bannockburn Road and both sides of Hall Road west until just beyond Miners Terrace. The area is capable of accommodating low density residential development in a manner that provides privacy for the occupiers of dwelling houses and maintains the rural character of Bannockburn. An open form of development is promoted.

- 37 The submission from Mr Olds¹⁶ states that the proposal 'clearly contravenes the intention of the BLR, and in the absence of any change in the regulatory environment it is hard to see why the original intent of the BLR should be ignored'. With respect, I do not consider the provisions of the ODP regarding the BLR at Bannockburn to be helpful to the community to understand the intentions for the management of buildings within the BLR.
- 38 The submission from Mr Timothy James¹⁷ states that the previous Stages of this development south of Terrace Street have respected the BLR, but in this Application it is ignored, and that there is the issue of precedent effects. Precedent effects are covered in section 7.8.1 of the AEE. In that assessment I consider that further subdivision and development potential of the remainder of the BLR on the Site is somewhat limited.
- 39 The submission from the Galvin's also identifies loss of the character through domesticated elements such as accessory buildings, dog kennels, glass houses and clothes lines. I consider that these concerns and the potential effects can be avoided and mitigated by the proposed conditions of consent which, on Lots 4, 5, 13, 14 and 15-20¹⁸ require all domestic elements to be contained within the identified building platform (which are 500m²) and that within this, and all lots buildings are limited to a building coverage of 300m², with two storey buildings limited to a building coverage of 200m², and several design

¹⁶ Submission 04.

¹⁷ Submission 06.

¹⁸ As identified on the Landscape Masterplan in Attachment B of the Application.

controls to ensure buildings use visually recessing exterior materials and colours.

- 40 I consider that the adverse effects of buildings and related domesticated elements within the BLR can be effectively avoided or mitigated.
- 41 I also note that the submission from Arna Verboekt¹⁹ identifies that BLR is *'there to keep the future growth of the township of Bannockburn from fungating into the rural setting of the Bannockburn inlet. The distinction between the township and the inlet must be maintained'*. While I refer to Mr Milne's evidence in terms of the landscape and visual amenity effects of buildings within the BLR, I note that from a planning perspective, the land is zoned Residential and is not zoned Rural nor identified in the ODP as a special amenity landscape or Outstanding Natural Feature or Outstanding Natural Landscape.

Building on Lots outside the BLR

- 42 Submitter BRDI²⁰ states that *'some of the lots partially outside the BLR do not have nominated building platforms and there is a chance that built development could be located within the BLR. A condition has been volunteered for the other lots which are outside the BLR to prevent additional impact on the visual and landscape amenity.'* BRDI seek that the proposal be modified to include these lots in the application.
- 43 I don't understand the intent of this part of the submission. However, if the concern relates to future owners of any lots which do not contain building platforms where there is a building platform on that lot, and potential effects due to development occurring within the BLR, I consider that these issues have been encompassed within the Application. Land use resource consent is sought to locate buildings (subject to conditions) within the building platforms shown in Attachment B of the Application (Lots 4, 5, 13, 14 and 15-20).
- 44 This leaves Lots 6, 10, 11 and 12 with the BLR located on it but without a building platform. I consider it practicable that these lots can be developed

¹⁹ Submission 13.

²⁰ Submission number 10 at page 15.

without a building locating within the BLR. Therefore, future lot owners would need to apply for resource consent to establish buildings in those parts of Lots 6, 10, 11 and 12 within the BLR. I also note that despite part of these lots not being located within the BLR they are subject to mitigation measures limiting the building coverage and colour and design of materials.

Reserves and Walkways

- 45 Submitters C & N Hughes suggest that Lots 40 and 51 should be vested as a public reserve. Regarding Lot 40, the Applicant offered Lot 40 to the Council as a reserve, with the Council declining this offer. This aspect resulted in redesign of the subdivision with proposed Lot 30 as the reserve, being a smaller area but still offering important public access and recreation areas and is supported by Council officers. I understand that Lot 51 has not been offered as a reserve because the wastewater services within it would need to be integral to future subdivision.

Ecological issues

- 46 Submitter James Dicey²¹ states that no ecological assessment has been performed to determine if any rare or threatened species exist on the site which would be affected by the residential development.
- 47 An ecological assessment has not been undertaken, however, the rules in the ODP relating to indigenous vegetation clearance are located only within the Rural Resource Area section 4 of the ODP. On this basis because the site is zoned urban and I do not consider an ecological assessment to be required where urban development is proposed.

RESPONSE TO OFFICER REPORT

- 48 The Officer Report recommends acceptance of the Application. A range of reasons are given for their recommendation, some of which relate to my area of expertise.

²¹ Submission number 11 at page 5.

- 49 The approach I have adopted in this statement of evidence is to identify those parts of the Officer Report where I disagree with the Officer Report and to explain my Reasons for disagreement.
- 50 I have also identified some matters where I agree with Officers Report, but note that a submission has raised a matter with a countervailing position.

Rule Framework, Plan Change 19 rules which now have legal effect, and whether a Resource Consent Required for slope stability issues

- 51 At paragraphs 15-17, the Officer Report identifies resource consent is required as a restricted discretionary activity for subdivision which meets the minimum lot size and minimum average lot sizes (ODP Rule 7.3.3(i)(a), and land use consent for locating future buildings on Lots 4, 5, 6, 13, 14 and 15 to 20 within or partially within the BLR.
- 52 I agree with this assessment. I do not agree with the Officers Report at Paragraph 18 that a resource consent is required in relation to ODP Rule 7.4.4(ii) because the site is likely to be subject to land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation of any source. I discuss this further below.

PC 19

- 53 Paragraph 23 of the Officers Report identifies relevant rules introduced by PC 19. When the application was lodged on 22 December 2023 (and the notification determination made on 22 May 2024) the Council had not yet released the decisions on submissions to PC 19, which were publicly renotified on 27 June 2024.
- 54 PC19 has rezoned the site to Large Lot Residential Zone (**LLRZ**), and the residential density standard requires a minimum allotment size of 1500m² for residential lots, and unlike the ODP RRA(4) zone, does not require a minimum average lot size to be achieved. As identified in the Officers Report all 20 proposed residential lots achieve a minimum lot size of 1500m².
- 55 The officers Report identifies that resource consent is required by Rule SUB-R6 which requires a restricted discretionary activity resource consent for all subdivision for residential activity which complies with minimum allotment sizes as required by Rule SUB-S1 (a non-complying activity resource consent

is required otherwise), and for natural hazards Rule SUB-S7 which I discuss below. I also note that corresponding land use rule LLRZ – S1 requires a minimum site area per residential unit of 1500m².

56 An important part of the Large Lot Residential Zone framework introduced through submissions on PC19 and now reflected in the CODC's decisions version which has legal effect, is the 'comprehensive residential development' (**CRD**) framework. The CRD framework provides for an application to be made which dispenses with the minimum allotment size of 1500m² for each lot providing a gross site area of 1500m² is achieved. This means that allotments for residential activity can be less than 1500m² providing an average is achieved over the site including elements normally excluded such as roads, rights of way accesses and balance land.

57 The guiding text of the District Plan in relation to CRD is in LLRZ Policy 9 and states:

LLRZ-P9 Comprehensive Residential Development

Provide for a higher density of development on larger sites, where development is undertaken in a comprehensive manner and:

- 1. the overall layout provides for a variety of lot sizes and opportunities for a diversity of housing types while still being designed to achieve the built form outcomes in LLRZ-P1;*
- 2. the design responds positively to the specific context, features and characteristics of the site;*
- 3. areas of higher density development are located or designed so that the overall character of the surrounding area is retained; and*
- 4. the development delivers a public benefit, such as public access, reserves or infrastructure improvements*

58 The relevant rule is LLRZ-R12 which for Bannockburn and including the Site, requires the density across the site to be no greater than 1 dwelling per

1500m². Where this is achieved a restricted discretionary activity is required, and a non-complying activity consent is required if this is not met.

59 The relevant subdivision rule is SUB—R5 which requires a gross site area to be achieved. Although the Application does not need to rely on this rule, because all residential lots achieve a minimum of 1500m², I consider that the CRD framework to be important for context, not in this case because a minimum lot size of 1500m² is not achieved, but because the CRD provisions contemplate compensatory elements associated with larger scale subdivisions within the LLRZ. In the case of this Application, this is particularly relevant because of the large size of the site, and the offering of Lot 30 which as a reserve with walking, and the efforts made to integrate where practicable archaeological items and the protection of the more important archaeological items.

60 The matters of discretion in CRD Rule LLRZ-R12 are:

- a. Provision for housing diversity and choice.*
- b. How the development responds to the context, features and characteristics of the site.*
- c. The extent to which the proposal provides wider community benefits, such as through protection or restoration of important features or areas, increased opportunities for connectivity or community facilities.*
- d. Measures proposed to ensure higher density areas do not detract from the character and amenity of the wider surrounding area.*
- e. Integration with transport networks, including walking and cycling.*
- f. The location, extent and quality of public areas and streetscapes, taking into account servicing and maintenance requirements.*
- g. How the configuration of lots will allow for development that can readily achieve the outcomes sought in LLRZ-P1.*
- h. Where the application also seeks provision for future built development to breach any of the standards, discretion is also restricted to those matters specified in the relevant standard.*

61 These matters are relevant to the LLRZ policies I have assessed further in my evidence. However, I consider the Application to accord with the intent of these matters, including how the development has responded to the features and characteristics of the site, integration of walking tracks with the proposed road, quality public areas (via Lot 30), and the protection of important archaeological features, as recommended in Mr Sole's assessment and evidence on heritage and archaeological matters.

62 The matters of discretion in Rule SUB-R5 are the same as those for Rule SUB-R6:

- a. *Whether the subdivision creates allotments that can accommodate anticipated land uses and are consistent with the purpose, character, and qualities of the applicable zone.*
- b. *The provision of adequate network utility services (given the intended use of the subdivision) including the location, design and construction of these services.*
- c. *The ability to lawfully dispose of wastewater and stormwater.*
- d. *The location, design and construction of access to public roads and its adequacy for the intended use of the subdivision.*
- e. *The provision of landscaping, including road berms.*
- f. *Earthworks necessary to prepare the site for development occupation, and/or use.*
- g. *Subdivisional design including the shape and arrangement of allotments to:*
 - i. *facilitate convenient, safe, efficient and easy access.*
 - ii. *achieve energy efficiency, including access to passive solar energy sources.*
 - iii. *facilitate the safe and efficient operation and the economic provision of roading and network utility services to secure an appropriate and co-ordinated ultimate pattern of development.*
 - iv. *maintain and enhance amenity values.*
 - v. *facilitate adequate access to back land.*
 - vi. *protect existing water races.*
- h. *The provision of or contribution to the open space and recreational needs of the community.*
- i. *The provision of buffer zones adjacent to roads, network utilities or natural features.*
- j. *The protection of important landscape features, including significant rock outcrops and escarpments.*
- k. *Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways.*
- l. *The provision of esplanade strips or reserves and/or access strips.*
- m. *Any financial contributions necessary for the purposes set out in Section 15 of this Plan.*
- n. *Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.*
- o. *Consistency with any Structure Plan included in this District Plan*

63 These are not dissimilar to those of the RRA(4) subdivision matters and have been canvassed in the Application's AEE. I consider the Application to accord with these matters.

64 I note that there are not any provisions in the LLRZ or wider PC19 rule framework which exclude the CRD rules from the general minimum lot size

standards and subdivision rule SUB-R6 where the minimum site area requirements are met. I consider that these rules are applicable to the activity.

- 65 As noted above, the above matters of discretion closely resemble the relevant policy considerations in the LLRZ objectives and policies. These matters are considered below.

Natural Hazards and Subdivision

- 66 Paragraphs 18 and 19 of the Officers Report identify that a discretionary activity resource consent is required pursuant to ODP Rule 7.4.4(ii) and at paragraph 22 for PC 19 Rule SUB-S7 for where a *site is likely to be subject to land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation of any source*. The Officers Report considers a discretionary activity resource consent is required because a Geotechnical investigation submitted with the application²², identifies that the site is affected by slope stability issues and recommends conditions of consent to mitigate any risk during development of the site, and in particular for the development of Lots 15, 16, 17, 18 and 19
- 67 I do not agree with this assessment. This matter was traversed in the Council's request for information and the Applicant's response, including related land use rule 7.5.3(ii). The reasons why I disagree are as follows.
- 68 The relevant ODP Rule 7.3.4 (in full as stated in the ODP is:

7.3.4 Discretionary Activities

...

(ii) Subdivision of Land Subject to Hazards

Any subdivision that involves land that is subject to or potentially subject to the effects of any hazard as identified on the planning maps or land that is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source is a discretionary activity. Any application under this rule will generally not be notified but is to be accompanied by written comment obtained from a qualified professional that addresses the risk associated with the hazard within the proposed development and any remedial measures necessary to avoid, remedy or mitigate the hazard.

²² Attachment D of the Application, prepared by Engeo.

69 I consider that a consent would be required by Rule 7.3.4(ii) if one of two limbs are met, the first is whether any hazard is identified on the planning maps. In this case, the planning maps do not identify any hazards and this limb is not relevant to the application. The other limb (which is that relied upon in the Officers Report) is whether the land is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source. The second element of the rule requires a qualitative judgement.

70 The relevant PC19 Rule SUB-S7 which now has legal effect is repeated below, and I note that it is similar, with the two limbs separated out in the decisions version text appended to the Hearings Panel's recommending report, but joined in the version available in the CODC eplan. The text relating to notification process in ODP Rule 7.3.4(ii) has been removed:

SUB-R7

Where:

1. *The subdivision involves land that is subject to or potentially subject to the effects of any hazard as identified on the planning maps; or*
2. *The subdivision involves land that is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.*

71 When interpreting the rule, I consider that the presence of any slope stability issues and a landowner engaging a specialist to better understand building feasibility and recommendations to manage natural hazard risk in itself does not render the site likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source. If this approach were applied then every subdivision undertaken in the District would trigger the rule because no site in the District is without the risk of a natural hazard which may potentially result in subsidence or slippage. For instance, in terms of triggering this rule as part of a subdivision application and applying the rules in a planning context and my basic knowledge of earthquake risk, there are several active faults within the District and the Alpine Fault located approximately 100km to the north of the site. A large earthquake including on

these faults could affect every property in the District in some way. Therefore, unless the rule is applied cautiously it would apply to every subdivision of the Residential Resource Area.

- 72 In this case, the ENGEO report (located in Attachment D of the Application) in my opinion confirms that the second limb of Rules 7.3.4(ii) and SUB-R7 are not engaged by the application, as set out in their assessment²³.
- (a) Lot 18 - It is not clear that there is significant risk from the geohazard identified, and it is our opinion this hazard will be able to be mitigated through a combination of good engineering practises for hill slope development (Appendix 6) and specific engineering mitigation design.
 - (b) Lots 15, 16, 17 and 19 - unlikely to accelerate, worsen or result in material damage to the land, provided good engineering practice for hill slope development (AGS, 2007) is applied (Appendix 6).
 - (c) All other Lots - If geotechnical recommendations outlined in following sections are adopted, these lots are not expected to be subject to significant risk from geohazards identified in this report in accordance with the provisions of Section 106 of the Resource Management Act 1991.
- 73 The ENGEO assessment has identified and recommended practicable measures which may be deployed at the time of building to ensure that any risk related to the second limb of Rules 7.3.4(ii) and SUB-R7) is appropriately managed. The key phrase in these rules are that the 'site is likely to be subject to material damage' These measures will help ensure that the site is not likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.
- 74 For the above reasons, I consider that the ENGEO assessment provides sufficient certainty that the activity complies with Rules 7.3.4(ii) and SUB-R7 and does not require resource consent.

²³ Application Attachment [D] Project Number 19377.000.001 Geotechnical Investigation Lot 4 Water Race Hill, Bannockburn. Section 6.1.

- 75 If the activity is determined to require a consent by these rules and be a discretionary activity (and not a restricted discretionary activity), the implications are that the matters to consider are not limited by those in matters of discretion identified in the rule framework in the application. In this context, the matters of discretion in in the ODP subdivision rule are broad and encompass a wide range of matters, such as having regard to subdivision design maintaining amenity values, which in any case directly engages with a key matter at issue, being the location of buildings within the BLR.

Summary of consents required

- 76 For the reasons discussed above, I consider that the Application requires resource consent for the following, all of which require a restricted discretionary activity resource consent:
- (a) ODP Rule 7.3.3(i)(c) for subdivision which achieves a minimum lot size of 1500m² and average allotment size of 2000m²;
 - (b) ODP Rule 12.7.7 for buildings located within a BLR;
 - (c) Rule LLRZ-R12 for comprehensive residential development
 - (d) Rule SUB-R5 for a subdivision which achieves a lot size of 1500m²; and
 - (e) Rule SUB-R6 for a comprehensive residential subdivision.

Section 104 matters

- 77 Section 104(1)(a) requires any actual and potential effects on the environment of allowing the activity. The effects have been assessed in the AEE and by the respective experts in their technical reports appended to the AEE and their evidence. I consider that the effects of activity are appropriate.
- 78 Section 104(1)(b) states that the consent authority must subject to part 2 have regard to:
- (b) any relevant provisions of—*
 - (i) a national environmental standard:*
 - (ii) other regulations:*
 - (iii) a national policy statement:*
 - (iv) a New Zealand coastal policy statement:*

- (v) a regional policy statement or proposed regional policy statement;
- (vi) a plan or proposed plan

79 I consider that the provisions of the ODP, PC19 and the National Policy Statement Urban Development are relevant to this Application.

Officers Report

80 The Officers Report has assessed the objectives and policies of the ODP, PC19, the Operative Regional Policy Statement for Otago 2019, and the Proposed Regional Policy Statement for Otago 2021. I generally agree with the assessment in the Officers Report, particularly paragraph 173 where it states, in summing up the assessment of the activity against the relevant objectives and policies:

The subdivision will present as a natural extension to the Bannockburn township. It will provide for public access and recreation space, provide additional housing opportunities to support the Bannockburn community, and will result in lot sizes which are commensurate with the existing and future environments. The subdivision has been designed to protect and enhance heritage values where possible. Water and wastewater will be reticulated and stormwater will be appropriately managed. Any natural hazard risk is able to be adequately mitigated. The land has recently been evaluated as part of the PC19 public process and the subdivision is consistent with that evaluation.

ODP Objectives and Policies

81 In terms of the ODP objectives and policies, I refer to section 7.3 of the Application's AEE where I assessed the following objectives and policies of the ODP:

- (a) Section 6 Urban Areas;
- (b) Section 7 residential Areas;
- (c) Section 12 District Wide;
- (d) Section 14 Heritage Buildings, Places, Sites, Objects and Trees; and
- (e) Section 16 Subdivision.

82 I do not repeat that assessment, but adopt it for the purposes of this evidence. I also reiterate that the ODP does not have an objective or policy in

Section 12 which appears to support the BLR at Bannockburn in terms of landscape or visual amenity effects. Despite this, Residential Resource Area Policies 7.2.2 - Amenity Values, 7.2.3 Environmental Quality and 7.2.5 Open Space are relevant to the effects of locating buildings within the BLR at Bannockburn.

83 I maintain my view set out in the AEE, that the activity is consistent with those policies and the objectives and policies of the ODP.

Plan Change 19 Objectives and Policies

84 At the time of preparing the AEE, the notified LLRZ objectives and policies were assessed. Some of these provisions have been amended following the decisions on submissions, and as noted above new provisions such as Policy LLRZ-P9 and comprehensive residential development was introduced as part of the decisions on submissions.

85 The following assessment is on the decisions version LLRZ objectives and policies.

Large Lot Residential Zone

LLRZ-P1 Built Form

Ensure that development within the Large Lot Residential Zone:

- 1. provides reasonable levels of privacy, outlook and adequate access to sunlight;*
- 2. provides safe and appropriate access and on-site parking;*
- 3. maintains a high level of spaciousness around buildings and a modest scale and intensity of built form that does not unreasonably dominate adjoining sites;*
- 4. is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe;*
- 5. provides generous usable outdoor living space for residents and for tree and garden planting;*
- 6. maintains the safe and efficient operation of the road network;*
- 7. mitigates visual effects through screening of storage areas and provision of landscaping; and*
- 8. encourages water efficiency measures.*

86 Each residential allotment achieves 1500m² and will be able to achieve reasonable levels of privacy and open space. I also note that the nearest proposed allotments (Lots 2, 3 and 6) to existing residential properties on

Terrace Street (Lot 35 and Lot 36 DP 339137) are separated by an existing ROW located on the western boundaries of the application site. This Row can provide an additional buffer of buildings on Lots 2, 3 and 6 from existing properties.

- 87 With regard to spaciousness, allotments are generously sized, being not smaller than 1501m² and the mitigation offered over the entire subdivision area of 300m² building coverage is significantly smaller than the 600m² building coverage able to be undertaken on a 1500m² sized allotment via ODP Rule ODP Rule 7.3.6 (iv) which permits up to 40% building coverage.
- 88 For instance, as identified in page 18 of the Application's AEE, proposed Lot 8 is located completely outside of the BLR, and the ODP permits a building coverage of 764m². The Application volunteers limiting the building coverage to 300m² and 200m² where a two-storey building is used. Limitations on building coverage are offered on all allotments and considered building limitations are placed on each allotment. I consider these to be demonstrations of a considered approach to the subdivision and future development that will ensure that development does not unreasonably dominate adjoining sites.
- 89 I also consider that the proposal will maintain safe and efficient operation of the road network.

- 90 The Application is consistent with Policy LLRZ-P1.

LLRZ-P2 Residential Activities

Provide for a range of residential unit types and sizes to meet the diverse and changing residential demands of communities.

- 91 The provision for a range of residential units and sizes through the variation in the allotment sizes of the subdivision has also been considered in the AEE, as promoted by the matters of discretion. The proposal provides for a range of lots that will provide for dwellings from 1502m² to 1600m² (Lots 1,2,3,6,9,10,11,13,14), and 1658m² to 1771m² (Lots 5, 12, 16, 17, 18, 19, 20) and larger sized lots from 1820m² to 2268m² (Lots 4, 7, 8, 15).
- 92 The activity is consistent with this policy, while still also being consistent with Policy LLRZ-P1.

LLRZ-P9 Comprehensive Development

Provide for a higher density of development on larger sites, where development is undertaken in a comprehensive manner and:

- 1. the overall layout provides for a variety of lot sizes and opportunities for a diversity of housing types while still being designed to achieve the built form outcomes in LLRZ-P1;*
- 2. the design responds positively to the specific context, features and characteristics of the site;*
- 3. areas of higher density development are located or designed so that the overall character of the surrounding area is retained; and*
- 4. the development delivers a public benefit, such as public access, reserves or infrastructure improvements.*

- 93 The Application site a relatively large 17.6ha undeveloped LLRZ site. Matter 1 has been addressed in the preceding assessment of Policies LLRZ-P1 and P2 and the Application is consistent with these matters.
- 94 With regard to Limb (2), the Application is considered to have responded positively to the context of the site, including the careful consideration of archaeological items for preservation, adaptation with destruction of these limited to the extent practicable. The adverse effects of future buildings locating within the BLR have been carefully considered in the assessment from RMM and Mr Milne's evidence , and the peer review from Ms Pfluger by the CODC. The landscape experts agree that the proposal is appropriate from a landscape and visual amenity perspective, and I consider that this equates to a positive response to the constraints of the site.
- 95 In terms of limb (3), the area does not contain areas of high density, noting that all residential lots achieve the minimum site area of 1500m². The Application does not engage this part of the policy.
- 96 In relation to limb (4), the Application includes a proposed reserve in Lot 30 which will provide a public recreational area, carparking in conjunction with the road terminus and links to the proposal walking trail (to be registered as an easement in gross) located on Lot 40. The Application will provide a public benefit.
- 97 The activity is consistent with Policy LLRZ – P9
- 98 The relevant objectives to the above policies are:
LLRZ-01 Purpose of the Large Lot Residential Zone

The Large Lot Residential Zone provides primarily for residential living opportunities.

LLRZ-02 Character and Amenity Values of the Large Lot Residential Zone

The Large Lot Residential Zone is a pleasant, low-density living environment, which:

- 1. contains predominantly low-rise and detached residential units on large lots;*
- 2. maintains a predominance of open space over built form;*
- 3. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and*
- 4. is well-designed and well-connected into the surrounding area.*

99 The proposal will be for residential living and achieves Objective LLRZ-O1.

100 Objective LLRZ-O2 requires a pleasant, low-density living environment. The limbs of the objective refer to a predominantly low-rise and detached residential units on large lots. All lots exceed the minimum requirement anticipated in the LLRZ, and will ensure that the development resulting from the subdivision is characterised as a large – lot residential subdivision.

101 The subdivision is considered to be well designed, taking into account the constrains and opportunities presented through the presence of archaeological items, and presence of the BLR, while the proposed road is a cul de sac, trail connections are available.

102 The proposal is consistent with and achieves Objective LLRZ-O2.

103 The relevant PC19 and LLRZ subdivision objectives and policies are:

SUB-O1 Subdivision Design

The subdivision of land within residential zones creates sites and patterns of development that are consistent with the purpose, character and amenity values anticipated within that zone.

SUB-P1 Creation of New Allotments

Provide for subdivision within residential zones where it results in allotments that:

- 1. reflect the intended pattern of development and are consistent with the purpose, character and amenity values of the zone; and*

2. *are of a size and dimension that are sufficient to accommodate the intended built form for that zone;*
3. *minimise natural hazard risk to people's lives and properties; and*
4. *are adequately served by public open space that is accessible, useable and well-designed.*

SUB-P2 Dual Use

Recognise the recreation and amenity benefits of the holistic and integrated use of public spaces, through:

1. *encouraging subdivision designs which provide multiple uses for public spaces, including stormwater management and flood protection areas; and*
2. *integration of walking and cycling connections with waterways, green spaces and other community facilities.*

104 The matters raised in Objective SUB-O1 and Policies SUB-P1 and P2 have been considered in the preceding assessments and the Application's AEE.

105 The activity will provide for public spaces with walking connections to wider area. The activity is consistent with these objectives and policies.

Summary

106 I consider that the activity is consistent with the objectives and policies of the District Plan, both the ODP and PC 19 objectives and policies.

Weighting

107 Where provisions have been proposed to be replaced and both provisions have legal effect, a weighting exercise is required to be applied to understand how much weight is applied relative to each set of provisions.

108 PC 19 and the LLRZ proposes to replace the RRA(4) zone and those rules relating to the RRA(4) zone from the ODP. The PC 19 notification documentation²⁴ identified that PC 19 will: *Delete 'Section 7: Residential Resource Area' in full, and replace with the 'Residential Zones' section, set out in Appendix 6, which comprise a Large Lot Residential Zone Chapter; a Low*

²⁴ PC 19 Plan Change Amendments to the District Plan: Primary Changes at [2] URL Link: <https://lets-talk.codc.govt.nz/78611/widgets/378880/documents/237613>

Density Residential Chapter; a Medium Density Residential Chapter; and a Residential Subdivision chapter.

- 109 Therefore, the matter which requires weighting are the objectives and policies of PC19 and LLRZ, versus the ODP Section 7 Residential Resource Area objectives and policies. As noted above section 7.3.2 of the Application's AEE assesses the ODP section 7 RRA objectives and policies.
- 110 I have assessed the appeals to the Environment Court filed by submitters on PC 19²⁵. I also note that while the Trust were a submitter on PC19 in relation to the Application Site, they have not filed or joined any appeals. I also confirm that no appeals by other persons have been made in relation to the Site or the BLR at Bannockburn.
- 111 While there are appeals seeking that land elsewhere is zoned from LLRZ to LLRZ Precinct 1²⁶, there are not any appeals which seek the LLRZ residential density of 1500m² is reduced (for instance, from 1500m² to 2000m² residential density) and there are not any appeals which seek that the comprehensive residential development framework is removed or substantially altered.
- 112 The only noteworthy appeal in relation to this issue is the appeal of Brian De Geest²⁷, who seeks that their land located in north Cromwell (near McNulty Inlet) is rezoned from LLRZ Precinct 1 which provides higher levels of density than that enabled by the LLRZ, or to provide for a comprehensive residential density framework for Precinct 1.
- 113 While there is an appeal on LLRZ – P9, the De Geest appeal seeks greater enablement, as opposed to restrictions on development and the scope of that appeal to amend Policy LLRZ-P9 is likely limited to inclusion of LLRZ Precinct 1. Therefore, I consider there to be certainty that Policy LLRZ-P9 in its decision version form will be retained, and that it cannot become more restrictive.
- 114 I also note that none of the appeals on PC 19 seek to remove the LLRZ planning framework or the zoning of the site.
- 115 Therefore, I consider that greater weight can be placed on the LLRZ provisions than the ODP Section 7 RRA objectives and, policies. That said, I consider that

²⁵ [Plan Change 19 - Residential Zoning | Let's Talk Central Otago \(codc.govt.nz\)](#)

²⁶ LLRZ Precinct 1 has a minimum allotment size of 1000m².

²⁷ ENV-2024-CHC-76. URL Link [PC00019 ENV - 2024 - CHC - 076 Brian De Geest](#)

the Application is consistent with both the RRA objectives and policies and those of the LLRZ.

116 I note that the BLR rule is located in the ODP Section 12 District Wide section and was not proposed to be amended through PC19.

117 With regard to the above, I consider that the submission from the BRDI²⁸ is not correct or an accurate depiction of appeals on PC 19 where it states in relation to existing RRA(4) subdivision density rule 7.3.3(i), *'Note that the modification from 2000m² to a minimum 1500m² with no lot size averaging is currently not operative as PC19 is subject to an appeal of this provision'*.

118 I note that the PC19 rules are not operative (or made partially operative), this would need to occur through a formal resolution of Council²⁹, and the rules cannot be treated as operative³⁰ owing to the presence of appeals, but that simply because an appeal has been lodged on in relation to PC19 does not mean that the provisions are disregarded in the interim. As I have identified above, the appeals on PC19 do not seek the reversion back to the ODP of an average of 2000m², and because of the relief sought which seek rezonings, the LLRZ framework in the context of the CRD rule and Rule SUB-S1 which requires a minimum site area of 1500m² with no average can be treated as having significant weight. I note that the BRDI submission does not identify which appeal or part of any appeal seeks that the 2000m² is reinstated.

National Policy Statement Urban Development 2020

119 The following assessment has been undertaken in the context that Bannockburn is part of the wider Cromwell Ward urban environment, which as provided for by the NPSUD's definition of urban environment, comprises any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, part of a housing and labour market of at least 10,000 people.

Theme: Making room for growth

²⁸ Submission number 10, page 4.

²⁹ RMA 1991 Schedule 1 Clause 20.

³⁰ RMA 1991 section 86F.

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.

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.

120 The activity would help the Council contribute to achieving Objective 1 and Policy 1 by increasing the variety of homes available within the urban extent of Bannockburn which are accessible in terms of the existing road network and, location of local trails, and public amenities in and around the inlet, and recreation opportunities in Bannockburn such as the sluicings trails, and wider trail network around the inlet.

Theme: Housing affordability

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

121 The activity can also contribute to housing affordability through increased housing supply and competition within the urban Bannockburn and part of the wider Cromwell area.

Theme: Clarifying amenity and change in urban environments

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.

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 NPS*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and that 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 increase 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 NPS to provide or realise development capacity*
- (e) the likely current and future effects of climate change*

122 Policy 6 recognises that within urban environments changes to the environment do not equate to adverse effects where the development accords with the opportunity for new housing and varied urban forms, and that urban development contributes to a well functioning environment. The activity will accord with Policy 6 by realising greater housing opportunities in the LLRZ as anticipated by the Comprehensive Residential Development provisions of the District Plan.

RECOMMENDED CONDITIONS OF CONSENT

123 The Officers Report has recommended a suite of conditions. I have attached a revised set of conditions with some amendments at **Appendix A** in clean text formatting. In **Appendix B** the same is attached with track changes showing, for ease of reference. Reasons for the amendments are summarised below:

Prior to S224(c) certification/subdivision development works

- (a) Condition 5(b), a minor change cross referencing to the RMM Landscape Master Plan which contains all building platforms;
- (b) Condition 6(g) contains amendments to better reflect the proposed roading and access configurations, and the vehicle gradient of the access to Lots 15-20 as described in Mr Bartlett's evidence;
- (c) Condition 6(m) to better reflect street lighting considerations;
- (d) Condition 6(n-p) to better ensure the reserve is developed as proposed. An advice note is recommended to clarify the comments made in the Officers Report that the vesting process is separate to the resource consent and RMA 1991 approvals. Condition (p) was located as a consent notice condition, any interpretive panels in Lot 30 will be established as part of the subdivision development;
- (e) Condition 6(s) clarification that the financial contribution payment may be offset by the reserve development, maintenance period and vesting. There has not been any discussion in the Officers Report or communication from Council whether the vesting of Lot 30 will provide for a reserve financial contribution credit, or reduction in the financial contribution;

Section 221 / Consent Notice Conditions to be applied to the Record of Titles

- (f) Condition 7(a) is a minor amendment to properly identify that the building platforms are shown for the purposes of consent on the Landscape Master Plan. As part of the subdivision process, the building platforms will be identified and certified on the LT plan.
- (g) Condition 7(i) has been relabelled from 'hazards' to 'slope stability' to better reflect the matter at issue. The conditions have been amended to better reflect the recommendations in the Engeo report with the report referenced.
- (h) Condition 7(k), earthworks. The condition as drafted referred to the erosion and sediment control plan for the subdivision and development works. However this plan will be a civil construction scale management regime and irrelevant to a residential scale construction. I suggest that a residential construction scale guidance is attached. The CODC do not have any guidance so I have suggested Auckland Council guidance which is adopted by the Otago Regional Council.
- (i) The archaeological and heritage accidental discovery condition has been moved to the subdivision development works section (under section 6).
- (j) The additional mitigation measures identified in paragraphs 71-72 of Mr Milne's evidence. These conditions are a mix of subdivision development conditions (prior to s224c) and other place obligations on future landowners and will be registered by consent notice.

CONCLUSION

124 A summary of my evidence is provided above.

125 Thank you for the opportunity to present my evidence.

Craig Barr
27 September 2024

Revised set of conditions (Clean formatting)

Revised set of conditions (Track Change formatting)