

**Section 42A Report: Plan Change 19 –
Residential Chapter Provisions**

Reply Report

Author: Liz White

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1. Purpose and Scope of Report

1. The purpose of this Reply Report is to:
 - a. outline where my recommendations on PC19 have altered, either as a result of the questions arising from the Hearing Panel, submitter evidence or matters traversed at the hearing; and
 - b. identify for the Hearing Panel those outstanding matters where submitters appearing at the hearing have indicated they do not agree with the s42A report recommendations or seek further changes.
2. In relation to matters raised in original submissions which are not addressed further in this Reply Report, my opinions and recommendations remain as set out in the Stage 1 and Stage 2 s42A Reports.

2. Format of Report

3. The main body of this report deals with matters on a topic-by-topic basis in relation to key issues that were traversed at the hearing and which were raised by more than one submitter, and/or where expert evidence was presented in support of a submission.
4. **Appendix 1** to this report contains a table which is ordered in accordance with the appearances of submitters at the hearing, identifying and commenting on matters outstanding. Where a matter raised by a submitter is dealt with in the main body of this report, this is noted in the table in Appendix 1.
5. A full set of the changes recommended to provisions are contained in **Appendix 2** to this Report, incorporating recommendations made in the Section 42A Report and in this Reply Report. Changes recommended in the Section 42A Report are shown by way of ~~strikeout~~ and underlining. Changes recommended in this Reply Report are shown by way of ~~red strikeout~~ and red underlining. Footnoted references to the relevant submitter(s), and where applicable, submitter evidence, identify the scope for each recommended change.
6. Where required, an evaluation under s32AA of the RMA is undertaken of any further changes recommended.

3. Applicability and Effect of NPS-UD

Whether the NPS-UD applies to Central Otago

Submitters

7. Several submitters¹ are of the view that the Council is a Tier 3 urban authority under the NPS-UD and that as such, the Council is required to give effect to the NPS-UD. Reasons include that:
- a. While the s42A Report noted that Cromwell Spatial Plan anticipates Cromwell will reach threshold of an urban environment over life of Spatial Plan, it is not expected to reach it over the life of the District Plan provisions; however while the Council is required to review a plan every ten years, it is considered more likely that the current framework and zoning would be in place for more like 15-20 years.²
 - b. Bannockburn, Lowburn, Pisa Moorings and Cromwell Township / the Cromwell Ward³; or Bannockburn, Lowburn and Clyde⁴; or Pisa Moorings, Cromwell, Alexandra and Clyde⁵ are sufficiently connected or linked to be part of a housing and labour market, and in considering them together, the threshold is, or will be reached.
 - c. While the definition of “urban environment” does not include reference to a time span, the timeframes covered in the NPS-UD – of up to 30 years – should be applied, rather than considering the life of the District Plan.⁶

Comment

8. My understanding is that the Council has not identified itself as Tier 3 local authority in terms of the NPS-UD. Through Minute 4, legal advice was sought on whether the Hearing Panel is required to determine if Central Otago contains an urban environment to which the NPS-UD applies, or whether this is a matter for the Council itself to determine; and what time frame should be applied to the “intended to be” element of the NPS-UD. This advice states that while the Council has based PC19 on their basis of its interpretation of urban environment, it is for the Hearings Panel to make the ultimate determination of the latter; and that it would be

¹ Including Stage 1 Evidence of Craig Barr (#82 - Jones Family Trust and Searell Family Trust, #135 - Cairine MacLeod, #139 - Shanon Garden, #146 - Pisa Village Development & Pisa Moorings Vineyard Ltd, #163 - Rowan and John Klevstul), paras 4.1-4.11; #156 - Werner Murray; Stage 2 Evidence of Jake Eastwood (#147 - Stephen Davies), paras 6.2 – 6.18; Stage 1 Evidence of Janne Skuse (#161 - Topp Property Investments 2015 Ltd), paras 12-16; Stage 1 Legal Submissions (#82 - Jones Family Trust and Searell Family Trust) paras 6-22; Representations of James Gardner-Hopkins (#163 - Rowan and John Klevstul, #161 – Sugarloaf Vineyards Ltd, #162 – Topp Property Investments 2015 Ltd), paras 12-18.

² Evidence of Craig Barr (#82 - Jones Family Trust and Searell Family Trust, #135 - Cairine MacLeod, #139 - Shanon Garden, #146 - Pisa Village Development & Pisa Moorings Vineyard Ltd, #163 - Rowan and John Klevstul), para 4.6.

³ Stage 2 Evidence of Jake Eastwood (Stephen Davies - #147), paras 6.2-6.18; #156 - Werner Murray, para 48.

⁴ Summary of James Gardner-Hopkins (#163 - Rowan and John Klevstul, #161 – Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd).

⁵ Stage 1 Evidence of Janne Skuse (#161 - Topp Property Investments 2015 Ltd), paras 12-16;

⁶ Stage 1 Legal Submissions (#82 - Jones Family Trust and Searell Family Trust.), paras 11-12; Representations of James Gardner-Hopkins (#163 - Rowan and John Klevstul, #161 – Sugarloaf Vineyards Ltd, #162 – Topp Property Investments 2015 Ltd), para 18.

consistent and logical for the “intended to be” timeframe to be over the 30-year long term period addressed in the NPS-UD.

9. In my view, the Hearings Panel in making this determination should take into account the evaluative judgements made by the submitters, for example in terms of the connections between townships (i.e. the extent to which different townships can be considered to be the same housing and labour market). This is important because while several submitters (as noted above) stated what they considered were part of a housing and labour market, I consider that this is not a matter of ‘fact’; and instead requires an evaluative judgement of the level to which various townships are interrelated.
10. I consider it is also important to remember that growth projections are ultimately estimates, which are used to assist the Council in its planning for future growth. So while some parties questioned the methodology and assumptions of the Rationale assessments, as noted in the Rational Response to Minute 4, the intent of their assessment was to provide a high-level assessment using the latest growth projections to check the assessments undertaken for the Cromwell Spatial Plan in 2018. I consider it important to remember that the estimates are never going to be exact, that they rely on assumptions which parties may not agree on, and instead are intended to provide a general basis on which to understand broadly, likely future growth, and to appropriately plan for it. The Council will also need to continue to monitor actual growth, update its projections, and adjust its planning accordingly where required. This allows for assumptions on which the projections are based to be reconsidered.
11. Notwithstanding this, I have approached this reply report from the perspective that the NPS-UD applies, to ensure that the provisions proposed in PC19 would give effect to those parts of the NPS-UD that would be relevant, if the District is determined to contain a Tier 3 urban environment.

The Effect of the NPS-UD if it is applicable

Submitters

12. The Hearing Panel asked a number of the submitters commenting on the applicability of the NPS-UD, in what way they considered PC19 did not in any case give effect to the NPS-UD. Comments on this included:
 - a. PC19 would better give effect to NPS-UD provisions if it provided a more flexible range of residential densities, and for local convenience retail activities in residential areas, and additional greenfield rezoning areas.⁷
 - b. PC19 fails to provide for a variety of homes that meet the needs, prices and locations of different households, because it relies on upzoning land to MRZ (increasing densities) to

⁷ Stage 1 Evidence of Craig Barr (#82 - Jones Family Trust and Searell Family Trust, #135 - Cairine MacLeod, #139 - Shanon Garden, #146 - Pisa Village Development & Pisa Moorings Vineyard Ltd, #163 - Rowan and John Klevstul), para 4.12.

achieve these, and otherwise maintains the status quo in terms of the extent and density in other zones.⁸ This also freezes some zoning in time and does not take into account that the NPS-UD acknowledges that amenity is not static and changes to it are not necessarily adverse.⁹

- c. The shortfall in capacity in localised areas (e.g. Pisa Moorings and Bannockburn) is better met through zoning additional land in those areas.¹⁰
 - d. The growth and demand predictions on which PC19 are based overestimate capacity and therefore may not provide sufficient zoned land to meet demand.¹¹
 - e. Because aspects of PC19 reduce intensification opportunities from those currently available, it is contrary to the NPS-UD, for example in terms of supporting competitive land and development markets.¹²
 - f. Because the Future Growth Overlay approach retains a rural zoning, this land is not “plan-enabled” and therefore sufficient plan-enabled land is not provided.¹³
13. In addition, Mr Barr¹⁴ and Mr Giddens¹⁵ both note that the s42A evaluation infers that I consider a discretionary judgment can be made by the Hearings Panel as to whether some expansion is enabled at Bannockburn to alleviate the identified shortfall in capacity in that location, or whether to instead focus on consolidating growth in Cromwell. They both consider that this discretion is not so readily available, due to the direction in the NPS-UD to provide opportunities for growth where there is demand, to meet the needs of the community and through a variety of housing forms. In particular, they consider that the NPS-UD can only be given effect to if the shortfall in capacity in Bannockburn is rectified, noting that housing capacity provided in Cromwell is for a different type of housing (e.g. LRZ and MRZ) than that in Bannockburn.

Comment

14. I firstly note that regardless of whether the District contains a Tier 3 urban environment, the s32 report did in any case consider the direction in the NPS-UD and in the Stage 1 Section 42A Report (paras #28-#29), I have set out why I consider PC19 gives effect to the NPS-UD in any case.

⁸ Stage 2 Evidence of Jake Eastwood (Stephen Davies - #147), para 6.19 and 6.26; Stage 1 Evidence of Janne Skuse (#161 – Sugarloaf Vineyards Ltd), paras 19-23.

⁹ Stage 1 Evidence of Janne Skuse (#161 – Sugarloaf Vineyards Ltd), para 19.

¹⁰ Stage 2 Evidence of Craig Barr (#146 - Pisa Village Development & Pisa Moorings Vineyard Ltd), para 7.2; Stage 2 Evidence of Jake Eastwood (Stephen Davies - #147), para 6.19 and 6.27.

¹¹ Stage 2 Evidence of Jake Eastwood (Stephen Davies - #147), paras 6.20-6.25.

¹² Stage 1 Evidence of Janne Skuse (#161 - Topp Property Investments 2015 Ltd), paras 19-20; Representations of James Gardner-Hopkins (#163 - Rowan and John Klevstul, #161 – Sugarloaf Vineyards Ltd, #162 – Topp Property Investments 2015 Ltd), para 35.

¹³ Stage 1 Evidence of Janne Skuse (#161 - Topp Property Investments 2015 Ltd), paras 16-17.

¹⁴ Stage 2 Evidence of Craig Barr ((#82 - Jones Family Trust and Searell Family Trust), paras 6.52-6.53.

¹⁵ Stage 2 Evidence of Brett Giddens (#163 - Rowan and John Klevstul), paras 44-45.

15. Under Clause 1.5(1), Tier 3 local authorities are strongly encouraged, but not required to do the things which Tier 1 and Tier 2 authorities are required to do. However, I accept that if the District contains a Tier 3 urban environment, there are provisions in the NPS-UD which do apply.¹⁶
16. With respect to the above comments, I note the following.
17. In my view, the question of the variety provided in PC19 should be considered as a whole, rather than in relation to particular townships. In my view, given what is proposed is 3 different residential zones, with further variation in density in the LLRZ, a variety of homes and sites is proposed. That does not mean that additional variety may not be appropriate, but I disagree that the current variety is not sufficient to give effect to the NPS-UD. I similarly consider that capacity can be considered as a whole across the urban areas, and that a shortfall in one area is not automatically inconsistent with the NPS-UD if sufficient capacity is provided overall. Again, this does not mean that it might be more appropriate to provide additional capacity in areas with a known shortfall.
18. I also consider that there is a tension in arguing that areas such as Bannockburn, Lowburn, Pisa Moorings and Cromwell should be considered together when determining if the District contains an 'urban environment', i.e. to get over the 10,000 threshold, but then arguing that variety and supply must be met at a township level. I also note that there is nothing in the wording of the provisions in the NPS-UD to support this as being a 'requirement'. It simply requires that sufficient capacity is provided to meet demand; it is entirely consistent with this direction for the Council to determine where it is best to provide capacity and variety, as has been done through the Spatial Plan. I consider that it is beneficial that this is informed by locational considerations, and in this regard I agree with Mr Barr and Mr Giddens that it is important to consider the supply of LLRZ development, given that this is a different offering to LRZ and MRZ. However I do not agree that the Council "must" zone any land in Bannockburn sought through submissions to meet a shortfall in demand in order to give effect to the NPS-UD, if sufficient capacity is provided across the urban environment.
19. As noted above, while there is disagreement over the growth and demand predictions on which PC19 are based, these are based on an intentionally high-level assessment, intended to assist the Council in its planning for future growth at a broad level, rather than providing for very detailed estimates. In my view, while rezoning additional land or increasing density in some areas/zones will increase capacity, the NPS-UD does not automatically support any such rezoning/density increase, even if the estimates are not completely accurate. In other words, I do not agree that the zoning, or increased density, of any *particular* site is required to give effect to the NPS-UD. The rezoning/density increase still needs to be the most appropriate option under s32 of the RMA and ultimately under the NPS-UD contribute to a well-functioning urban environment. This requires consideration of alternate options that might better address any

¹⁶ These are set out in Appendix A of the Stage 1 Legal Submissions (#82 - Jones Family Trust and Searell Family Trust), and include Policies 2, 5, 6, 8 & 10, and clauses 3.2, 3.7-3.11, 3.35 & 3.38.

shortfall, rather than supporting a finding that any particular rezoning/density increase is justified under the NPS-UD on a capacity basis.

20. I also accept that NPS-UD emphasises that amenity and character do not need to be retained as they currently are, but I do not agree that in some instances it is not appropriate to maintain the current level of amenity and character, if that is the most appropriate way to provide for community's well-being. In Lowburn and Bannockburn, for example, the Cromwell Spatial Plan supported the growth of housing, but this was explicitly stated as being balanced with the current section sizes and retaining the character.¹⁷
21. While I accept that PC19 may reduce intensification opportunities from those currently available, I do not consider that this is contrary to the NPS-UD. What the NPS-UD requires is that at least sufficient development capacity is provided. While PC19 may alter the way in which this is provided, this is in order to ensure that development occurs in the most appropriate way to achieve the objectives of the Plan.
22. With respect to the Future Growth Overlay approach, this addressed below.
23. I note that in response to a question from the Panel, I understood Mr Barr to indicate that in his view the application of the NPS-UD allowed for Council to be more positive to zoning additional land, without being restricted by consideration of infrastructure provision. I have been unable to find anything in the NPS-UD provision to support this. Rather, I note that:
 - a. Objective 6 seeks that decisions on urban development are integrated with infrastructure planning and funding decisions.
 - b. Clause 3.2(2) directs that at least sufficient development capacity is provided to meet expected demand for housing, but that in order to be considered sufficient, the development must be infrastructure-ready.
 - c. Clause 3.4(3) then in turn sets out what infrastructure-ready is considered to be. Of note, in the short-term (being 0-3 years) there is adequate existing development infrastructure to support the development of the land, in the medium term (3-10) funding for adequate infrastructure to support development of the land is identified in a long-term plan and in the long term, development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy.
24. Because of this, the Panel needs to be satisfied that any areas which are rezoned are either supported by exiting infrastructure, or that adequate infrastructure will be available in future. Ms Muir's evidence more specifically addresses this.

¹⁷ Page 44 & 45.

4. Density in the Low Density Residential Zone

Submitters

25. A number of parties continued to support a 250m² minimum allotment size being applied in the LRZ.¹⁸
26. Brodie Costello¹⁹ and Rachael Law²⁰ both consider that the recommendation in the Stage 1 s42A report to reduce density to 400m² is an improvement, but consider it can still be reduced further. Ms Law states for example that 300m² would provide for a more compact urban form, is consistent with many current/ more recent subdivisions, would provide better supply in an area with significant pressures and allows for greater choices for developers / landowners. With respect to comments in the Stage 1 s42A Report that development has rarely been taken up at this density, Ms Law also notes the District Plan is intended to look forward to the next 10 years and that while in the past there has been lower demand for smaller houses and smaller lots, the housing situation in the District and beyond has changed in recent years.
27. Mr Dent also states that it is important to note that a lower minimum would not result in every site in this zone being developed or subdivided down to the minimum. In his view, this means that the existing low-density characteristics and open space of these areas are unlikely to change immediately, or to the extent of detrimentally altering the character of the Zone.²¹
28. Some submitters²² also noted or provided examples of where a 400m² minimum would not allow for infill subdivision of 800m²+ sections, where the position of existing houses means that subdivision is only possible if the existing house is removed, making the option less feasible, and providing for less flexibility and less variety in housing choice. Mr Sanford stated that the rules should allow for 800m² to be split in two, without requiring each lot to be 400m² minimum.
29. A number of parties also expressed concerns about the Yield Assessment undertaken by Rationale (and attached as Appendix 2 to the Stage 2 s42A report),²³ essentially questioning the methodology used. Based on their concerns, they generally appear to consider that the modelling overestimates current development capacity, particularly in terms of the feasibility of the capacity that is assumed. In relation to the proposed minimum allotment size in LRZ, some parties consider that this potential overestimation of capacity supports providing a lower minimum lot size.

¹⁸ Including #93 - Sean Dent, #94 - Crossbar Trust, #95 - Shamrock Hut Ltd, #144 - Wally Sanford, #149 - Kathryn Adams, #156 - Werner Murray, #166 - Christian Paul Jordan

¹⁹ Stage 1 Evidence of Brodie Costello (#150 - Landpro Ltd)

²⁰ Stage 1 Evidence of Rachael Law (#165 - Patterson Pitts Group Cromwell, #21 - Brian De Geest, #145 - Thyme Care Properties Ltd, #30 - Freeway Orchards, #31 - Goldfields Partnership, #32 - Molyneaux Lifestyle Village Ltd, #33 - M & G Stewart, #51 - D & J Sewhoy, Heritage Properties Ltd)

²¹ Statement of Sean Dent (93 - Sean Dent, #94 - Crossbar Trust, #95 - Shamrock Hut Ltd), para 27.

²² Including #161 – Topp Property Investments Ltd 2015, #162 Sugarloaf Vineyards Ltd (tabled by Joanne Skuse tabled at the hearing), #166 - Christian Paul Jordan, #144 - Wally Sanford.

²³ For example, #156 - Werner Murray, Stage 2 Evidence of Rachael Law (#51 – D & J Sew Hoy, Heritage Properties Ltd), para 14, Stage 2 Evidence of Brodie Costello (#150 – Landpro Ltd), paras 12-16, Stage 2 Evidence of Jake Eastwood (Stephen Davies - #147), para 6.17 and 6.21-6.25

Comment

30. In an overall sense, I continue to consider that a minimum allotment size in LRZ of 400m² is appropriate. It is consistent with densities anticipated by Spatial Plan, and the intent to prioritise intensification within medium density zoned areas – which is where lower lot sizes have generally been taken up. In this regard, I agree that historical trends should not dictate what should apply going forward, but I consider that prioritising areas where higher density is provided, rather than continuing to provide for it in all suburban areas, is more appropriate. I also reiterate that the minimum allotment size cannot be considered in isolation of other existing built form standards, which have essentially not changed through PC19. My understanding is that these make it difficult to site a complying dwelling on a lot of 250m², so retaining this minimum lot size may not actually lead to development of smaller lots, or could result in inefficiencies associated with land use consents being triggered for breaches of other standards.
31. With respect to the Rationale assessment, I reiterate my earlier comment that the growth and yield assessment are estimates, intended to provide an indication of likely future demand and uptake, to assist the Council in its planning for future growth. As estimates, they are made on assumptions, and are never intended (or possible) to be completely accurate. That is not to say that the concerns raised by the planning witnesses and Ms Hampson may not be relevant, but I consider that the Rationale assessment is sufficient – regardless of criticisms about the detailed methodology applied - for the purpose of broadly determining likely demand and capacity to supply that demand. I also do not consider that any potential overestimation of capacity automatically requires that greater capacity be provided through greater opportunity for infill development in the LRZ, where such infill development could result in a lack of distinction between the MRZ and LRZ zones, and also result in ad hoc development, rather than the more strategically planned approach to providing for it in targeted locations (i.e. in MRZ areas).
32. In relation to Mr Dent's comments, these appear to rely on landowners not taking up opportunities that would be provided under the provisions sought, in order to achieve the outcomes sought for the zone, and I do not agree that this is appropriate, nor consistent with the requirements of s32 of the RMA.
33. I do however consider that where an existing site is 800m²+, it would be appropriate to allow for two residential units / a two-lot subdivision to occur, without both lots needing to meet the 400m² minimum. The overall density would still be retained, while providing greater flexibility and more efficient use of existing sites, particularly where there is an existing house that need not be removed.
34. While I have recommended the retention of 400m² minimum except in the circumstances noted above, for completeness I note that if the Hearing Panel is minded to apply a smaller minimum lot size of 300m² or 350m², I still consider the more flexible approach for infill should apply as well. However, if the Hearing Panel is minded to apply a 250m² minimum lot size then I do not consider that the additional amendments would be needed.

Recommendation

35. Amend SUB-S1 as follows:

Low Density Residential Zone	3. Where a reticulated sewerage system is available or is installed as part of the subdivision the minimum size of any allotment shall be no less than 4500m². 4. Where a reticulated sewerage system is not installed or available, the minimum size of any allotment shall be no less than 800m².	Where: 5. <u>SUB-S1.3 is not met, but the minimum size of any allotment is no less than 250m², the minimum average allotment size is no less than 400m² and only one additional allotment is created: RDIS</u> Matters of discretion are restricted to: a. <u>Those matters set out in SUB-R4.</u> Where: <u>SUB-S1.4 or SUB-S1.5 is not met: NC</u>
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36. Amend LRZ-S1 as follows:

LRZ-S1	Density	Activity Status where compliance not achieved:
Low Density Residential Zone	1. Where the residential unit is connected to a reticulated sewerage system: a. <u>the minimum site area no more than one residential unit is provided per unit is 5400m² →, or</u> b. <u>on any site less than 400m², one residential unit per site.</u> 2. Where the residential unit is not connected to a reticulated sewerage system, no more than one <u>residential unit dwelling</u> is provided per 800m².	NC

37. In terms of s32AA of the RMA, I consider that the changes will still be effective at achieving the outcome sought of a pleasant, low-density suburban living environment which maintains a good level of openness around buildings and good quality on-site amenity (LRZ-O2), by retaining 400m² as an average, while providing a more efficient and flexible approach to infill subdivision and development.

38. In accordance with paragraph 6(d) of Minute 4 issued by the Hearings Panel, I circulated a draft of the changes recommended above to several of the planning witnesses who had addressed this matter, in order for them to comment on the drafting. Ms Skuse noted that the drafting would deliver a slightly higher yield than the notified provisions, and while maintaining her view that a lower 250m² density is more appropriate, commented that the recommended changes will provide a practical approach to achieve limited infill.

5. Site Coverage Standard in MRZ

Submitters

39. Mr Costello²⁴ does not support the proposed site coverage limit in MRZ of 40%. Mr Costello considers that providing a higher building coverage will assist in encouraging infill development, and considers that while providing an open and spacious feel is important, it needs to be balanced with need to provide for infill development to support supply of new housing, and the benefits of such infill. He notes that the proposed Queenstown and Porirua District Plans both propose a 45% building coverage in their medium density zones and considers that this provides a more appropriate balance between open space and encouraging infill.
40. Ms Skuse²⁵ remains concerned about the feasibility of building to these standards, and considers that in MRZ, the focus should be on ensuring open space and amenity derived from reserves and other public spaces.
41. Mr Duthie²⁶ supports an increased site coverage of 50%, noting that the MDRS has determined that such coverage is seen as creating good quality appropriate amenity for medium density housing. He also considers that eaves should be excluded, as otherwise it incentivises a particular type of design, and notes that the height in relation to boundary controls manage effects of eaves on neighbouring properties.
42. Ms Law²⁷ continues to seek a higher site coverage limit of 60%.

Comment

43. I am cognisant that the 40% was based on urban design advice which recommended this limit to provide a more open and spacious feel within the Central Otago context, and specifically considered the impacts of a 50% coverage, concluding that it would provide for potentially large and continuous built forms that would be too urban in the Central Otago context. I am however also cognisant that a lower building coverage in itself does not guarantee the avoidance of large and continuous built forms, and 40% coverage limit also applies in the LRZ, reducing the distinction between the two zones. Mr Costello has also noted higher site coverage limits proposed in Queenstown and Porirua of 45%, and I note Ashburton also uses 45% in their Residential B zone which has a comparable density to that proposed in PC19. While I accept that the MDRS standard is 50%, I consider that the specific type of development anticipated by the MDRS is not that same as that sought through the MRZ in the Central Otago context. In relation to 60%, I note that this is higher than that provided in the MDRS, and therefore I do not consider there is appropriate justification for it.

²⁴ Stage 1 Evidence of Brodie Costello (#150 – Landpro Ltd)

²⁵ Stage 1 Evidence of Janne Skuse (#161 – Topp Property Investments 2015 Ltd)

²⁶ Stage 1 Evidence of John Duthie (#79 – Wooing Tree)

²⁷ Stage 1 Evidence of Rachael Law (#165 – Patterson Pitts Group Cromwell, #21 – Brian De Geest, #145 – Thyme Care Properties Ltd, #30 – Freeway Orchards, #31 – Goldfields Partnership, #32 – Molyneaux Lifestyle Village Ltd, #33 – M & G Stewart, #51 – D & J Sewhoy, Heritage Properties Ltd)

44. In response to Minute 4 of the Hearing Panel, further urban design advice has also been provided in relation to the difference in outcome between a 40% site coverage and a 45% site coverage. Based on modelling undertaken, this advice re-emphasises that a more open and spacious feel within the Central Otago context remains an appropriate outcome, but concludes that an additional 5% building coverage appears appropriate to accommodate more built form at lower levels, without excessive loss of landscape coverage or sense of openness. It also notes that it would provide more flexibility for compact single storey houses, generous floor areas within two storey houses or for larger households within three storey houses. Further, the modelling demonstrated that the streetscene would remain largely consistent between 40% and 45% coverage and most built form variation would occur more centrally within the site, impacting future occupants, rather than public and neighbours. Overall, the advice concluded that an increase to 45%, when applied alongside other performance standards, would likely result in appropriate built form outcomes that remain compatible with urban form, accessibility constraints and contextual outcomes anticipated for the zone from an Urban Design perspective.
45. Taking into account the above, I consider that 45% coverage would provide a more appropriate balance between achieving the slightly more open and spacious outcomes sought in the Central Otago context, while incentivising medium density development. I also agree with Mr Duthie that eaves should be excluded as they will have minimal impact on the level of openness around and between buildings (MRZ-P1(4)).

Recommendation

46. Amend MRZ-S4 as follows:

The building coverage of the net area of any site must not exceed ~~45%~~ 45%, excluding any area covered only by eaves.

47. In terms of s32AA of the RMA, I consider that the changes strike a better balance between the achievement of MRZ-O1 and MRZ-O2, in that they will provide greater opportunity or flexibility for more intensive residential living opportunities, while still ensuring a good quality living environment which meets the direction in MRZ-P1.

6. Medium Density Design Guidelines

Submitters

48. The relevance of the Guidelines to PC19 was addressed in the evidence of Mr Barr,²⁸ Ms Skuse,²⁹ and Mr Costello.³⁰

²⁸ Stage 1 Evidence of Craig Barr (#82 - Jones Family Trust and Searell Family Trust, #135 - Cairine MacLeod, #139 - Shanon Garden, #146 - Pisa Village Development & Pisa Moorings Vineyard Ltd, #163 - Rowan and John Klevstul),

²⁹ Stage 1 Evidence of Janne Skuse (#161 - Topp Property Investments 2015 Ltd)

³⁰ Stage 1 Evidence of Brodie Costello (#150 – Landpro Ltd)

49. Ms Skuse considers that the Guidelines should either be incorporated by reference into the District Plan, or otherwise left as any other matter to be considered. Mr Costello considers that further clarity is required around matters like when the Guidelines are updated, and the process around that. Mr Barr is concerned if they are not incorporated by reference, that limited weight could be placed on them, and that they could be updated without any consultation and queries how this would ensure that they align with the policies which they have informed (i.e. MRZ-P1 and MRZ-P2). He specifically seeks that they are referenced in MRZ-P1, MRZ-P2 and a standard added requiring resource consent applications to include a statement confirming its relevant design elements have been considered.

Comment

50. In the Stage 1 s42A report, I took a neutral position on this matter. However having further considered the points raised in evidence, I consider that incorporating them by reference would be preferable, and aligns with the intent that they are to be read in conjunction with MRZ-P1 and MRZ-P2 and related matters of discretion. While I anticipated that updates to them might be appropriate as a consequence of matters identified through their implementation, I take Mr Barr's point, in particular, that in absence of their incorporation, they are not directly related to the relevant plan provisions they are intended to implement, and that amendments to them might not necessarily align with MRZ-P1 and MRZ-P2. I also agree with both Mr Barr and Ms Skuse that in absence of incorporating them by reference, they would have less weight.
51. However, I do not agree that it is necessary for the policies to require 'consideration' of the guidelines. I note Mr Barr also suggested inserting a new rule requiring that for all restricted discretionary, discretionary and non-complying activities under the MRZ rules, applications for resource consent be required to include a statement confirming that the relevant design elements from the Guide have been considered. I consider this requirement is inefficient as there may be various consent requirements triggered under the rules that do not need this level of assessment. I consider that including it as a matter of discretion for MRZ-R1, MRZ-R2, and for breaches of relevant standards is a more targeted, and therefore more efficient approach.

Recommendation

52. Add the following matter of discretion to MRZ-R1, MRZ-R2, MRZ-S2, MRZ-S4 and MZ-S6 to MRZ-S12:

Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.

53. In terms of s32AA of the RMA, I consider that incorporation of the Design Guide by reference is more explicit and its inclusion will be more effective in assisting with the achievement of MRZ-O2 and the implementation of MRZ-P1.

7. “Comprehensive Development” or Structure Plan Approaches

Submitters

54. Within the MRZ, there is provision for development, above the density otherwise specified within the MRZ but where undertaken on a comprehensive basis, to be considered through a restricted discretionary consent pathway (under MRZ-R2), and against specific policy guidance for this type of development (MRZ-P2). A prerequisite for this, is that the starting application site must be 3,000m². Ms Skuse, in her Stage 1 evidence sought application of a similar concept to the LLRZ and LRZ zones.³¹
55. Through her Stage 2 evidence, Ms Skuse³² sought that a Structure Plan be added in relation to a site in the Muttontown Area, and related provisions, which ultimately provide for a lower density in this area of LRZ (of 300m² minimum) where in accordance with the Structure Plan. Changes sought include adding reference to the Structure Plan in the LRZ introduction, within LRZ-O2 (Character and amenity values objective) and LRZ-P6 (Future Growth Overlay policy) and in the matters of discretion for subdivision (SUB-R4). This would be accompanied by a rule stating that development not in accordance with the structure plan is a non-complying and an amendment to SUB-S1 to provide for a minimum lot size of 300m² in the Structure Plan area. Additional standards specific to the Structure Plan area are also proposed by Ms Skuse, although apart from density these appear to be the same or similar to those otherwise applying in the LRZ. Ms Skuse also seeks an overall density of 1 dwelling per 500m² gross site area. Although not included in Ms Skuse’s evidence itself, I assume that the Structure Plan being sought to be included in the District Plan (along with related text included by Ms Skuse) is that included in the evidence of Mr Weir. However, I note Mr Weir’s evidence is that Structure Plans evolve through a participatory process with key stakeholders and the community.³³
56. In relation to the Sugarloaf Vineyard site in Lowburn, an alternate approach to density, than otherwise applying in LLRZ Precinct 2, was sought through Ms Skuse’s Stage 2 evidence, whereby a higher density of 1 dwelling per 1500m² of gross site area would apply under a comprehensive development.³⁴
57. In relation to both the Sugarloaf Vineyard site in Lowburn, and the Muttontown site, I understand Mr Weir to consider that a ‘standard’ approach to subdivision – through the application of a uniform minimum allotment size – is not preferred by Mr Weir, and he instead supports, along with a structure plan approach for the Muttontown site, application of a gross residential density along with a minimum allotment size, in this case, being 600m² and 300m²

³¹ Stage 1 Evidence of Joanne Skuse (#161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd).

³² Stage 2 Evidence of Joanne Skuse (#161 - Topp Property Investments 2015 Ltd).

³³ Stage 2 Evidence of Bruce Weir (#161 - Topp Property Investments 2015 Ltd), para 17.

³⁴ Stage 2 Evidence of Joanne Skuse (#162 - Sugarloaf Vineyards Ltd)

respectively.³⁵ Similarly, he supports a 1,500m² average and 300m² minimum in relation to the Lowburn site.³⁶

58. For the Lowburn site, landscape evidence was also provided by Mr Blakely, who considered the effects of development on landscape values from both large lot residential development at 3,000m² lot sizes, as well as through a comprehensive development approach at higher densities. Overall, from a landscape character perspective, he concludes that compared to large lot residential, the more intensive development will result in some reduction in open space, trees and lawn, but that this will be replaced with a more interesting, compact and diverse village landscape.³⁷ Due to the location and topography of the site, Mr Blakely considers that visual effects from outside the site of the increased development would be marginal and may have some positive effects if the development is comprehensive, well-planned and cohesive.³⁸ I note that his assessment refers to a 1 dwelling for 1,500m² gross site area, but he does not appear to consider a specific overall minimum allotment size. I also note that Mr Blakely refers to:

- a. the comprehensive development including open space and controls on building design and materials;³⁹ and
- b. various things occurring in relation to the adjoining land (i.e. outside the area to which the submission relates) including a QEII Covenant and biodiversity improvements on part of the site, and a public walking and cycling track.⁴⁰

59. Although not specifically relating to structure plans or a comprehensive development framework, I consider there are other submitters who sought changes to minimum and/or average allotment sizes in relation to particular areas, which I consider are relevant to this discussion. These are set out below; however the relief sought more broadly is addressed later in this report.

60. The submission from the J Klevstul and R Klevstul and Rubicon Hall Road Limited (#163), relating to land to the south of the current Bannockburn Township, sought application of LLRZ, with lower average allotment sizes where urban design principles relating to a hamlet concept are met. In the Stage 2 s42A report (para 113) I expressed concerns about how the hamlet concept would be incorporated into the District Plan, and ultimately implemented through the Plan provisions. Urban design evidence was provided by Mr Lunday,⁴¹ which I understand was intended to explain the hamlet concept. In his evidence, he expresses concerns that the LLRZ framework does not necessarily create a sense of openness (due to the level of built form the site coverage limits allow for) and supports an approach which would allow for smaller clusters

³⁵ Stage 2 Evidence of Bruce Weir (#161 - Topp Property Investments 2015 Ltd), para 27

³⁶ Stage 2 Evidence of Bruce Weir (#162 - Sugarloaf Vineyards Ltd), para 47

³⁷ Stage 2 Evidence of Philip Blakely (#162 - Sugarloaf Vineyards Ltd), para 19

³⁸ Stage 2 Evidence of Philip Blakely (#162 - Sugarloaf Vineyards Ltd), paras 21 and 22

³⁹ Stage 2 Evidence of Philip Blakely (#162 - Sugarloaf Vineyards Ltd), para 19

⁴⁰ Stage 2 Evidence of Philip Blakely (#162 - Sugarloaf Vineyards Ltd), para 18

⁴¹ Stage 2 Evidence of James Lunday (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited)

of houses to achieve this outcome, with reduced building coverage.⁴² In particular, he explains how ‘conventional’ subdivisions can result in houses dotted in the centre of lots, but considers that increase yield can be provided while preserving things such as streams and vegetations, by clustering houses in a more compact form.⁴³ He also notes that condensing development into a smaller area can increase the amount of ‘undeveloped’ land allowing more land for *“nature, live, work, play, food production...”* Mr Lunday goes on to support minimum allotment size of 400m² *“set within common land”*.⁴⁴ He also states that *“with correct objectives, policies, rules, and standards, outcomes of reduced building coverage, with some increase in density can be achieved”*.⁴⁵

61. Similarly, the landscape assessment provided by Mr Espie⁴⁶ in relation to the rezoning of this refers to the policy directing cluster or hamlet style development with significant open space and balance areas.⁴⁷ Mr Espie states that the provisions sought in the submission will result in a development pattern *“that involves significant greenspace with clusters of residential activity, as well as open areas and visually soft vegetated treatments, to a much greater degree than would result with an application of the standard LLRZ provisions”*.⁴⁸
62. I understand both Mr Espie’s and Mr Lunday’s evidence, as well as those of other technical experts relating to this submission, are based on an overall development of one house per 2000m² (i.e. 35 houses across the 7.3ha site).
63. In relation to the site at the north-east of Bannockburn Township, Mr Milne’s landscape evidence noted areas of the site where smaller and larger lot sizes would be appropriate,⁴⁹ including where larger lots would protect values of landforms and help retain rural character qualities. He also included an “Archaeological and Historical Features Plan” in his evidence, identifying areas where archaeological features would be integrated with development, and areas where these features will constrain or preclude development.⁵⁰ He concludes that the proposed approach would provide a more considered land planning approach to the site, recognising the specific characteristics of the site and the wider Township,⁵¹ with the topographical and heritage constraints being able to be appropriately provided for/addressed through an integrated subdivision proposal.⁵²

⁴² Stage 2 Evidence of James Lunday (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 26

⁴³ Stage 2 Evidence of James Lunday (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), paras 51-52

⁴⁴ Stage 2 Evidence of James Lunday (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 65

⁴⁵ Stage 2 Evidence of James Lunday (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 26

⁴⁶ Stage 2 Evidence of Benjamin Espie ((#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited)

⁴⁷ Stage 2 Evidence of Benjamin Espie ((#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 11

⁴⁸ Stage 2 Evidence of Benjamin Espie ((#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 60

⁴⁹ Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), paras 99 and 110

⁵⁰ Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), page 8 of Graphic Attachment.

⁵¹ Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), para 14

⁵² Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), para 101

Comment

64. I generally consider that Structure Plans can be useful tools to provide greater certainty about the form of development, prior to more detailed subdivision plans being prepared. In particular, they can identify key aspects to be met or achieved by future development, such as roading, walking and cycling connections, and locations of reserves or other features. I also agree with Mr Weir that that a structure plan provides a framework to address connectivity, infrastructure provision and land uses, providing for a co-ordinated and integrated approach that provides greater certainty to the developer, Council and the community.⁵³ I have previously recommended a policy and matter of discretion relating to these within the subdivision chapter, and consider this would allow for additional structure plans to be added, without additional site-specific policies or rules needing to be added. However, with respect to the proposed Muttontown Structure Plan included by Mr Weir, I note that has not gone through the type of participatory process he refers to, as it has only been included through evidence. This indicates to me that it would not be appropriate (or supported by Mr Weir) to introduce a structure plan through this submission process, given it wasn't included in the submission, nor has it been subject of a participatory process with any stakeholders or the wider community. I therefore do not support its inclusion, nor the related framework sought by Ms Skuse.
65. I also have a number of concerns that the development assumed by a number of the technical experts above is not guaranteed through the planning framework sought through the submissions and/or planning evidence, which appears to largely seek lower minimum or average allotment sizes. This includes:
- a. That Mr Blake's assessment refers to controls on building design and materials, as well as potential actions being undertaken on a site adjoining the submission. However, there is no particular control proposed in relation to building design and materials, and no link to actions undertaken on land outside the submission site.
 - b. While Mr Lunday's evidence appears to further the type of approach sought in terms of what constitutes a hamlet development, I note that Mr Giddens⁵⁴ proposed framework which simply applies a much lower minimum site size (of 400m² and at an average of 1000m²), with no additional matters of discretion, and an additional policy only to *"Provide for a variety of lot sizes, managed by a minimum lot area combined with an average lot size, to maintain a high open space to built form ratio..."*. In my view, his approach does not in any way guarantee the cluster-type development supported by Mr Lunday, nor the preserving of streams and vegetations, nor expand on the 'common land' approach referred to by Mr Lunday. Nor does the proposed policy direction appear to direct the clustering of development and significant open space and balance areas, or the type of landscape treatment referred to by Mr Espie. I also have concerns that the simplified reduction in minimum and average allotment sizes would allow for much greater development than that assessed by the technical experts (i.e. greater than 35 houses).

⁵³ Stage 2 Evidence of Bruce Weir (#161 - Topp Property Investments 2015 Ltd), paras #14-15.

⁵⁴ Stage 2 Evidence of Brett Giddens (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited)

- c. While Mr Milne’s landscape evidence generally notes areas where larger lot sizes would be appropriate to protect or retain existing values and character qualities, and identifies features of the site that could be integrated with or constrain development, the proposed response – to lower the minimum and average allotment sizes – does not guarantee the implementation of this in any way.
66. Notwithstanding the above concerns about the planning framework proposed for specific sites, I consider the urban design and landscape evidence for each demonstrates that on larger sites in an LRZ or LLRZ, there are examples of development that may not meet the minimum density requirements, but which could be designed to still achieve the outcomes sought by the zone. This is because while the submissions, or related planning evidence have ultimately sought changes to the density standards, the technical assessments have been more focused on whether these approaches could still meet the objectives, rather than suggesting the outcomes sought are not appropriate. In several cases, the more specific development assessed also identifies benefits that could result from the alternate approach to applying the proposed minimum density – for example, positive actions undertaken on adjoining land in Lowburn that could be included in a land use and subdivision consent; clustered development in south Bannockburn which also allows for protection and enhancement of streams and vegetation and greater landscape treatment; and subdivision layout in northeast Bannockburn that responds to existing values, character and archaeological features. This indicates to me that an alternate pathway could be provided to allow for consideration of proposals beyond the minimum density otherwise applying in LRZ or LLRZ, provided that the assessment process is sufficiently robust to ensure that higher density proposals would still achieve the outcomes sought for the zone, and where increased density is offset by wider benefits that would not accrue if a standard minimum lot size was instead applied. This would broadly consist of:
- a. A comprehensive development pathway being provided (both as a land use and a subdivision rule)⁵⁵, as a restricted discretionary activity, for development of larger areas of land.
 - b. Such a pathway would allow for lots to be created below the minimum lot sizes otherwise applying in the zone, but subject to an overall density being met.
 - c. Additional policy direction being provided against which to assess such proposals.
67. In terms of a), I have recommended a change to the definition of Comprehensive Residential development to include a threshold for the LRZ and LLRZ. The recommended minimum is around 10-15 times the minimum lot size otherwise applying and therefore broadly consistent with that proposed for MRZ. For simplicity, I have recommended a single threshold for LLRZ (rather than multiple minimum sizes for each precinct).

⁵⁵ Note, the subdivision rule is recommended to apply to Comprehensive Residential Development in all zones, including MRZ, as this makes it clearer how a combined subdivision and land use application would be treated.

68. In terms of b), the overall density recommended for LRZ (of 600m²) is consistent with that recommended by Mr Weir and while that was for the specific Muttontown site, I have not understood this to be based on anything particular about this site, so have assumed it would equally apply to other larger LRZ sites. For LLRZ, the overall density would broadly align with that assessed by Mr Blakely in relation to the Lowburn site, the average allotment size assessed by Mr Milne in relation to north-eastern Bannockburn, and would allow for a slightly higher density than that assessed in relation to the Klevstul property (noting that the 35 houses assumed in the technical assessments would relate to an overall density of 2,000m²).
69. In terms of c), the recommended policy is based on that applying in the MRZ, while reflecting that the intended outcome in the LRZ and LLRZ is somewhat different, as MRZ is intended to provide for higher density development more generally (with the comprehensive pathway to ensure it is well-designed) whereas the comprehensive pathway in LRZ and LLRZ is more about providing flexibility to include higher density development but only where the overall built form outcomes (which are different to those of MRZ) are still achieved and a wider benefit to the community is provided than would occur if a 'standard' subdivision was undertaken. This distinction is also reflected in the recommended matters of discretion.

Recommendation

70. Add the following Policy to the LRZ and LLRZ chapters:

<u>LRZ-P7 / LLRZ-P9</u>	<u>Comprehensive Development</u>
<u>Provide for a higher density of development on larger sites, where development is undertaken in a comprehensive manner and:</u> <u>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/LRZ-P1;</u> <u>2. the design responds positively to the specific context, features and characteristics of the site;</u> <u>3. areas of higher density development are located or designed so that the overall character of the surrounding area is retained; and</u> <u>4. the development delivers a public benefit, such as public access, reserves or infrastructure improvements.</u>	

71. Add the following Rule to the LRZ and LLRZ chapters:

<u>LRZ-RX / LRZ-RX</u>	<u>Comprehensive Residential Development</u>	
<u>Large Lot Residential Zone / Low Density Residential Zone</u>	<u>Activity Status: RDIS</u> <u>Where [LLRZ]:</u> <u>1. The density across the site is no greater than 1 dwelling per:</u> <u>a. 2000m² gross site area in Precinct 2 or 3; or</u> <u>b. 1500m² elsewhere.</u> <u>Where [LRZ]:</u> <u>1. The density across the site is no greater than 1 dwelling per 600m² gross site area.</u>	<u>[LLRZ]</u> <u>Activity status when compliance is not achieved with RX.1.a: DIS</u> <u>Where:</u> <u>2. The overall density across the site is no greater than 1 dwelling per 1500m² gross site area; and</u> <u>3. Either 1500m², or 50m² per unit, whichever is the greater, is provided for public use as an area of open space.</u> <u>Activity status when compliance is not achieved with RX.1.b, RX.2 or RX.3: NC</u>

	<u>Matters of discretion are restricted to:</u> <u>Provision for housing diversity and choice.</u> <u>How the development responds to the context, features and characteristics of the site.</u> <u>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,</u> <u>Measures proposed to ensure higher density areas do not detract from the character and amenity of the wider surrounding area.</u> <u>Integration with transport networks, including walking and cycling.</u> <u>The location, extent and quality of public areas and streetscapes, taking into account servicing and maintenance requirements.</u> <u>How the configuration of lots will allow for development that can readily achieve the outcomes sought in LLRZ-P1/LRZ-P1.</u> <u>Where the application also seeks provision for future built development to breach any of the rule requirements, discretion is also restricted to those matters specified in the relevant rule requirement.</u>	<u>[LRZ]</u> <u>Activity status when compliance is not achieved with RX.1: NC</u>
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72. Add the following rule to the Residential Subdivision Chapter:

<u>SUB-RX</u>	<u>Subdivision of land where a land use consent has been obtained, or is applied for concurrently, under LLRZ-RX, LRZ-RX or MRZ-R2.</u>	
<u>Large Lot Residential Zone</u>	<u>Activity Status: RDIS</u> <u>Where:</u> <u>The density across the site is no greater than 1 dwelling per:</u> <u>2000m² gross site area in Precinct 2 or 3; or</u> <u>1500m² elsewhere.</u> <u>Matters of discretion are restricted to:</u> <u>Those matters set out in SUB-R4.</u>	<u>Activity status when compliance is not achieved with RX.1.a: DIS</u> <u>Where:</u> <u>The overall density across the site is no greater than 1 allotment per 1500m² gross site area; and</u> <u>Either 1500m², or 50m² per allotment, whichever is the greater, is provided for public use as an area of open space.</u> <u>Activity status when compliance is not achieved with RX.1.b, Rx.2, RX.3 or RX.4: NC</u>
<u>Low Density Residential Zone</u>	<u>Activity Status: RDIS</u> <u>Where:</u> <u>The density across the site is no greater than 1 allotment per 600m² gross site area.</u> <u>Matters of discretion are restricted to:</u> <u>Those matters set out in SUB-R4.</u>	

<u>Medium Density Residential Zone</u>	<u>Activity Status: RDIS</u> <u>Matters of discretion are restricted to: Those matters set out in SUB-R4.</u>	
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73. In terms of s32AA, I consider that the comprehensive development provisions will, collectively, provide greater opportunities for development, while the consent pathway will still ensure that the effects of development are appropriately managed to achieve the outcomes sought. I consider that the comprehensive development approach is likely to result in some additional benefits being gained through subdivision and development which might not otherwise be achieved through 'standard' subdivisions, while the costs of this approach, in terms of potential impacts of smaller lots, are minimised through the clear policy direction ensuring that such development still meets the outcomes sought. I therefore consider that the approach, which provides an additional pathway for development, is both efficient and effective at achieving the outcomes sought.
74. In accordance with paragraph 6(d) of Minute 4 issued by the Hearings Panel, I circulated a draft of the changes recommended above to several of the planning witnesses who had addressed this matter, in order for them to comment on the drafting. This is recorded below.

Planning Witness	Comment	Reporting Officer Response	Areas of Agreement / Disagreement
Joanne Skuse	Recommended changes to the policy wording, particularly in terms of the direction that such development must deliver a public benefit.	The intent of Ms Skuse's changes have been incorporated in the recommended drafting.	Agreed - Ms Skuse is comfortable with the policy worded now recommended (as set out above).
	In relation to LLRZ, requested further flexibility for Precinct 1, by providing a lower overall density where a minimum level of public space is provided.	Ms Skuse's changes have been incorporated in the recommended drafting. I agree that it is appropriate to provide greater flexibility in Precinct 1 when the minimum levels of open space are provided.	Agreed

	Suggested addition of density requirement within the land use rules as well as the subdivision rule.	Ms Skuse's changes have been incorporated in the recommended drafting, as they provide better integration between the land use and subdivision provisions.	Agreed
	Requested lower minimum lot sizes than those proposed in draft circulated, on the basis that a smaller lot size can be incorporated and noting the design will be scrutinised to a greater degree. Given the gross density, the lot sizes will achieve a range and therefore will overall offset the smaller sites.	A lower minimum lot size was included in the draft circulated, which was intended to provide a "bottom line" for what lot size might be too low. However, given the overall density, and the direction under the policy and matters of discretion (e.g. having to demonstrate how built form outcomes in LLRZ-P1 are still achieved and the retention of overall character of surrounding area), I consider that any applicant will have to demonstrate how any proposal with smaller lot sizes would achieve this. Removing the minimum therefore provides greater flexibility, while still ensuring any design	Agreed - Ms Skuse is comfortable with the removal of the minimum lot sizes from the comprehensive development rule.

		achieves the outcomes sought. I therefore agree with removing the minimum lot sizes and relying on the overall average.	
Brett Giddens	Suggested minor wording changes to improve clarity.	Agree with changes.	Agreed
	Agrees with the general concept and drafting as it provides flexibility in development outcome, such as the hamlet concept mooted by James Lunday or the more conventional style of development that exists in Bannockburn. He notes however, that the matters are so broad that it effectively makes the activity a pseudo discretionary activity. Suggests inclusion of a non-notification clause to address this.	While I agree that the matters of discretion are broad, I consider it more appropriate than a fully discretionary status, as the matters which the Council can consider are clearly identified for all parties. I do not agree with non-notification on the basis that if the effects are more than minor, it is appropriate for the community to be able to comment.	Not agreed
	While supporting concept, retains preference for application of 400m ² minimum and 1000m ² average.	Reasons set out above.	Agreed – Mr Giddens is comfortable with the approach now recommended (as set out above).
Craig Barr	Suggested minor wording changes to improve clarity.	Agree with changes.	Agreed

	Identified need to make consequential changes to LLRZ-R1.	Agree that interrelationship with other rules are required, and this is addressed through changes recommended to LLRZ-R/LRZ-R1 and LLRZ-S1/LRZ-S1	Agreed
	Recommends a lower threshold for comprehensive residential development threshold in LLRZ of 1.5ha, noting that 3ha = approximately 13 LLRZ sites (@ 2000m ²), but there could be a missed opportunity for comprehensive type development in places like Bannockburn which may include walkways and local purpose reserves as part of the comprehensive development option, as there are less greenfield sites.	As a consequence of recommending that the minimum site area in LLRZ is reduced to 1500m ² (refer later in this report) I also agree with reducing the threshold from that originally proposed, but consider that 2ha is more consistent with the other thresholds. In particular, I do not consider it should apply to a development of less than 10 sites.	Not fully agreed
	Generally supportive of the concept, but continues to support, at Bannockburn, a minimum lot size of 1000m ² and an average lot size of 1500m ² . Also has concerns that requirement to maintain a gross average site area does not provide sufficient incentive to engage the	Preference noted and commented on later in report in respect of Bannockburn. The intent of the overall density requirement is to allow for shared/common areas to be included	Not Agreed.

	comprehensive development rule when compared to the status quo minimum allotment size otherwise applying.	in the averaging, e.g. roads, reserves, any areas set aside for conservation purposes etc, but also to incentivise development by allowing smaller lots than would otherwise occur through a 'normal' subdivision, where done on a comprehensive basis.	
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8. Servicing broadly

76. A number of submitters referred to the ability for Council to obtain funding for infrastructure upgrades through development contributions and developer agreements. I agree that these can be used to assist with both site-specific upgrades that may be required due to development, as well as contributing towards wider upgrades necessitated by overall growth (i.e. not attributable to a single development).
77. However, I consider it important to note that the crux of the servicing issues identified by Ms Muir do not relate to the funding of upgrades, but to their timing, and ultimately are about ensuring that growth is not enabled ahead of provision of appropriate infrastructure. In particular, as noted in Ms Muir's response to Minute 4, any rezoning needs to be considered in the context of the need to supply the wider network and customers and maintain required levels of service, while also servicing growth needs. She also notes that when considering rezoning requests, consideration needs to be given to how this will impact on treatment capacity, capacity of reticulation mains, and reservoir and main pumpstation requirements. This largely relates to the potential for increased demand from additional zoned land, and not how the individual development will be connected to the existing network, as it is the additional demand that will cause the issue rather than how the connection is provided.
78. I consider that if the Hearings Panel rezones land through the PC19 process, then they need to be satisfied that this can be integrated with infrastructure, both at a localised level as well as the wider network. This includes taking into account whether the additional capacity required to service the rezoning requested through submissions will come at the expense of capacity to service the existing customers or those areas proposed for growth through PC19. This is addressed further below in terms of the application of Future Growth Overlays.

79. I consider that it is also important to note that Ms Muir’s evidence, as well as her response to Minute 4, identified that some areas where rezoning are sought are areas which will have more expensive ongoing operating costs, which will result in increased average costs to customers across the networks they are connected to, such as where there are higher pumping costs, and/or low connection densities. I understand from Ms Muir that development contributions are not able to meet the increased ongoing operational costs, which instead must be met by the ratepayers.

9. Future Growth Overlays (FGO)

80. A number of parties have expressed concerns about the way that the FGO framework would work.⁵⁶ For brevity, the crux of the concerns appears to be that if the only constraint to development is the timing of infrastructure upgrades, then the proposed approach is inefficient, because in the interim (i.e. prior to the upgrades occurring) it retains the existing zoning and requires a further plan change to ‘uplift’ the future intended residential zoning. I agree with this concern. As traversed with some of the planning witnesses at the hearing, there appeared to be a level of support for applying the intended zoning now (which provides greater certainty to land owners, developers and the community), while managing the need for network upgrades to occur ahead of development through a rule precluding development of these areas until the upgrades have occurred. I note that this type of approach is used in the Operative Plan, under Rule 7.3.5(viii), which lists subdivision of specified land parcels as a non-complying activity *“prior to the provision of a reticulated wastewater disposal scheme at Clyde that is capable of servicing this land”*. I therefore recommend that:
- a. The Future Growth Overlay is retained (and where detailed in other places in this report, applied to additional areas);
 - b. These areas are rezoned so that the identified ‘future’ zone identified is applied now;
 - c. An additional rule is added to the Residential Zones Subdivision chapter, which applies a non-complying activity status for subdivisions within an FGO, prior to specified servicing upgrades being undertaken.
81. While, in the interim prior to the upgrades occurring, the relevant residential zone framework will apply, development will be limited through both further subdivision being restricted through the above additional rules, as well as through the rules limiting the number of residential units per site (LLRZ-R1, LRZ-R1, MRZ-R1). I consider that this approach will therefore still be effective at achieving the outcomes sought – including Objective 6.3.4 and Policy 6.4.2, as well as Objective 4.5 and Policies 4.5.1 and 4.5.2 of the partially operative Otago Regional Policy Statement (2019 ORPS) – while being a more efficient approach. This is because it ensures that urban growth is appropriately co-ordinated with the provision of infrastructure. I therefore

⁵⁶ Including Stage 2 Evidence of Craig Barr (#146- Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd); Stage 2 Evidence of Brodie Costello (#150 – Landpro Ltd), #83 - Sean Dent, Rachael Law (Tabled statement for #1 - MA and JM Bird); Stage 1 Evidence of Jo Skuse (#161 – Topp Property Investments Ltd 2015)

consider that under s32AA of the RMA, the proposed approach is more appropriate. This approach is also consistent with Objective 6 of the NPS-UD, which seeks that decisions on urban development are integrated with infrastructure planning. Zoning the land now also ensures that it is “plan-enabled” as directed under clause 3.2(2), while still meeting the requirement for the capacity supplied to be “infrastructure-ready” in the long term under Clause 3.4(3)(c). This addresses the concerns of Ms Skuse set out earlier, that retention of an underlying rural zoning would not be plan-enabled.

82. I note Mr Woodward’s view that a rule is not necessary because he considers that the matters of control already included in PC19 are sufficient.⁵⁷ Similarly, Mr Dent considers that servicing matters can be addressed through reliance on the matters of discretion for subdivision.⁵⁸ I do not consider this approach to be as efficient or effective, as it provides less of a clear signal about the need for infrastructure upgrades to be integrated with development, and relies on consideration on a case-by-case basis. I also consider that his approach would provide less certainty for developers than a clear signal on what servicing upgrades are required to be undertaken ahead of development.

Recommendation

83. Amend the introduction to the LLRZ, LRZ and MRZ as follows:

The Future Growth Overlay identifies ~~any~~ areas that have either been signalled in the Vincent Spatial Plan for [large lot/low density/medium density] residential zoning, in future, or other areas identified as being appropriate for future residential growth. The provisions applying to this area are those of the underlying zoning, and therefore a Plan Change will be required to rezone this area in future. However, there are some wider servicing constraints to developing these areas that must be addressed before they are able to be developed. Provisions are therefore applied in the Overlay is intended to identify any location where future growth is anticipated, when further supply of residential land is required, and provided that restricting development until there is capacity within the reticulated water and wastewater networks to service the additional development.

84. Amend LLRZ-P8, LRZ-P6 and MRZ-P7 as follows:

~~Recognise and provide for rezoning~~ Restrict development of land within the Future Growth Overlay for [residential purposes/ medium density development], where until :

~~1. — It is demonstrated as necessary to meet anticipated demand; and~~

~~2. — It is able to be serviced by reticulated water and wastewater networks and transport infrastructure.~~

85. Add new subdivision rule as follows:

<u>SUB-R7</u>	<u>Subdivision of Land within a Future Growth Overlay</u>	
<u>Future Growth Overlay –</u>	<u>RDIS</u> <u>Where:</u>	<u>Activity status when compliance is not achieved with R7.1 or R7.2: NC</u>

⁵⁷ Summary Statement of Jake Woodward (#123 - Lowburn Viticulture Limited), para 1.15.

⁵⁸ Stage 2 Evidence of Sean Dent (#83 - A F King and Sons Ltd #83), para 124.

<u>Pisa Moorings</u>	1. <u>The Cromwell Wastewater Treatment plant has been upgraded to implement nitrogen removal and increase the capacity of the membrane treatment plant; and</u> 2. <u>The Cromwell and Pisa Moorings Water schemes have been combined and a regional council water take consent issued.</u> <u>Matters of discretion are restricted to:</u> Those matters set out in SUB-R4.	
<u>Future Growth Overlay – Lowburn</u>	<u>RDIS</u> <u>Where:</u> 3. <u>The Cromwell Wastewater Treatment plant has been upgraded to implement nitrogen removal and increase the capacity of the membrane treatment plant; and</u> 4. <u>The Lowburn wastewater main and pumpstation has been reconfigured and upgraded.</u> <u>Matters of discretion are restricted to:</u> Those matters set out in SUB-R4.	<u>Activity status when compliance is not achieved with R7.3 or R7.4: NC</u>
<u>Future Growth Overlay – Clyde</u>	<u>RDIS</u> <u>Where:</u> 5. <u>The Alexandra Wastewater Treatment plant has been upgraded and a regional council discharge consent has been issued for treatment of Alexandra and Clyde wastewater.</u> <u>Matters of discretion are restricted to:</u> Those matters set out in SUB-R4.	<u>Activity status when compliance is not achieved with R7.5: NC</u>

10. Bannockburn

Domain Road Vineyard Zoning

Submissions

86. Key matters emphasised at the hearing by submitters⁵⁹ opposed to the zoning included:
- a. Domain Road Vineyard not being included in Spatial Plan and not part of community consultation.

⁵⁹ Including #19 – James & Gillian Watt, #52 - Perkins Miller Family Trust, #71 - Bridgid Anne & Jason David Short, #85 - Niall & Julie Watson, #97 - Jim and Diane Walton et al., #120 - Robyn Jane Fluksova and Jindrich Fluksa, #134 – Ros and Peter Herbison, #140 - Bannockburn Responsible Development Inc

- b. There are other options for growth which in submitters' views do not have the same effects on the settlement.
 - c. Concerns about loss of productive use.
 - d. Impact on people's views and character of the Township
 - e. Effects not having properly been considered (e.g. servicing and traffic)
87. Mr Dicey (#70) indicated that the Domain Road Vineyard is afforded protection under NPS-HPL. As noted in the Stage 2 s42A Report (para #79), I do not consider this to be the case. However, as noted by other submitters⁶⁰, this is somewhat of a 'technicality' which results to the timing of PC19. While the NPS-HPL does not apply to this site – in terms of having to give effect to its more directive provisions - it does not mean that the Panel cannot consider the effect of the rezoning in terms of impacts on productive use.
88. In his presentation to the Hearing Panel, Graeme Crosbie (#117), who supports Domain Road Vineyard being zoned LLRZ, emphasised the largely urban surrounding of the site, and the impact of this on vineyard operations.

Comment

89. The zoning of this site is discussed in the Stage 2 s42A report, at paras #71-#89, and my view remains broadly the same – that the location of the site would, in my view, provide a logical expansion of the township, the site can be integrated with servicing, and it would assist in providing supply in an area where there is high demand. However balanced against this, is the loss of the productive use of the land and the high level of amenity and character the community derive from the rural use of the site. I also consider it important to emphasise that this site was not included in the Cromwell Spatial Plan and therefore has not been considered as part of a wider community discussion on whether and where Bannockburn should grow. If the Hearing Panel agree to recommend that the Council consider growth options in Bannockburn further through a township-specific Spatial Planning exercise, then I consider it more appropriate to consider the Domain Road vineyard site as part of such a process, rather than rezoning it now. Conversely, if the Hearing Panel consider it appropriate to rezone areas of Bannockburn now through PC19, then I consider it appropriate that the Domain Road Vineyard is considered as part of this.

Density

90. PC19 applies the LLRZ to Bannockburn Township, which results in a minimum density applying of 2000m². This is broadly consistent with the current zoning, which, while applying a lower minimum of 1500m², requires an average of 2000m².

⁶⁰ #52 - Perkins Miller Family Trust, #71 - Bridgid Anne & Jason David Short, #85 - Niall & Julie Watson, #120 - Robyn Jane Fluksova and Jindrich Fluksa

Submissions

91. There is continued support from some submitters for the proposed 2000m² minimum being applied, on the basis that this is considered consistent with character of the area.⁶¹
92. Other submitters continue to support a lower minimum of 1000m² applying in Bannockburn.⁶² Reasons include that:
- a. There are already 4 sections in Bannockburn of this size, and 11 sections which have two houses, so they are likely to be subdivided to this level in future. It is therefore better to plan for this rather than allow it only on an ad hoc basis.
 - b. It would assist in addressing the lack of supply to meet demand.
 - c. It would provide for a more flexible range of densities at Bannockburn would reflect the pattern of development which has occurred to date in Bannockburn and provide for a more efficient use of land for housing.
93. While supporting a lower minimum lot size of 1000m², Mr Barr seeks that this is coupled with an average of 1500m² being applied. He considers that 1500m² is a better reflection of the development which has occurred to date, and will not be detrimental to character of Bannockburn.⁶³ This is supported by Mr Milne, a landscape architect, who states that the pattern of settlement in Bannockburn consists of large lot residential varying in size from 1500m² - 3000m² with some smaller 1000m² sections closer to town centre. He considers 1000m² min and 1500m² average to be in keeping with residential development within wider settlement area.⁶⁴ However, for completeness I note this is in relation to the application of these minimum lot sizes to a particular site rather than across Bannockburn as a whole.
94. Jake Woodward⁶⁵ opposes increase in minimum allotment size in Bannockburn from 1500m² to 2000m², and supports a minimum of 1500m² being applied. He states that there is an extensive variation in lot sizes below 2000m² (with examples provided in his evidence) and therefore does not consider that applying a 2000m² minimum is truly consistent with the existing amenity and character. However, he also considers that a lower minimum (i.e. beyond 1500m²) would result in a *“fundamental shift in character over and above what presently characterises the immediate vicinity”*, with vicinity in this context being the area near the submitter’s property.

Analysis

95. I note the support for applying a 2000m² minimum, but I accept that as the current framework allows for smaller lots of 1500m², applying this as a minimum would still be consistent with the existing character of the Township. While development at this lower level might, over time,

⁶¹ Including #46 – Charles & Nicola Hughes, #140 - Bannockburn Responsible Development Inc.

⁶² Including #34 - Gordon Stewart, #117 - Graeme Crosbie, Stage 2 Evidence of Craig Barr (#135 – Cairine MacLeod)

⁶³ Stage 2 Evidence of Craig Barr (#135 – Cairine MacLeod), para 6.21

⁶⁴ Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), paras 56 and 110.

⁶⁵ Stage 1 Evidence of Jake Woodward (#147 – Stephen Davies)

result in a lower overall average lot size, I do not consider that it will result in a perceptible shift in the character of the township. I consider that a 2000m² minimum might result in a more uniform lot size than at present, whereas a lower size of 1500m² might be more likely to encourage a range of sizes. I have also discussed this matter with Ms Muir, who does not consider a reduction in the minimum allotment size to 1500m² to be material, on the basis that more density in connections is easier and more cost effective than expansion options. I therefore support reducing the minimum allotment size to 1500m², consistent with the current zoning.

96. I agree that application of a lower minimum lot size of 1000m² would provide greater flexibility and more opportunity for infill, but I consider that this could alter the character of the township. In my view, there is a different character between Pisa Moorings (where there is a 1000m² minimum lot size) and Bannockburn, which has larger lots. As the Spatial Plan has not considered this, I do not think it is appropriate to change this without wider consultation being undertaken with the community. This is because I consider that the township's current amenity and character is derived, in part, from the current development pattern, and therefore changes to it require consideration as to whether it is most appropriate to retain the existing amenity and character, or whether, in order to provide greater development opportunities and meet demand, greater opportunities for infill development should be provided for, allowing for a change to the amenity and character over time. As noted in the Stage 2 s42A Report (paras 123 – 125), this could be part of further holistic process to consider the growth of Bannockburn, and could include technical assessments of character and amenity.
97. As noted earlier, I do not agree that simply allowing for smaller lot sizes will better give effect to the NPSUD. While the NPSUD includes direction in relation to providing sufficient development capacity, this is within a framework that overall seeks to ensure well-functioning urban environments that provide for community wellbeing. In my view, the character and amenity of different townships is an important aspect of what contributes to community wellbeing. As also noted earlier, I consider that provisions of a variety of homes should also be considered across the wider environment and not interpreted as requiring a range of lot sizes in any situation. Therefore I consider it entirely aligned with the NPSUD to apply a lot size in Bannockburn that is consistent with the current amenity and character of the Township, which contributes to the variety of housing options across the wider District.

Recommendation

98. Amend

LLRZ-S1	Density	Activity Status where compliance not achieved:
Large Lot Residential Zone (Excluding Precincts 1, 2 & 3)	- The minimum site area per residential unit is 20001500m²-, or <u>On any site less than 1500m², one residential unit per site.</u>	NC

99. Amend SUB-S1, as it relates to the LLRZ (outside precincts), as follows:

Large Lot Residential Zone (excluding Precincts 1, 2 & 3)	6. The minimum size of any allotment shall be no less than 2000 1500m ² .	NC
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100. In terms of s32AA of the RMA, I consider the change in density will still achieve LLRZ-O2, while being slightly more efficient through providing greater flexibility and variety in lot sizes.

D J Jones Family Trust and N R Searell Family Trust (#82)

Submission

101. This submission relates to properties at 88 Terrace Street, on the eastern side of Bannockburn Road. Through evidence, the relief sought was refined to application of MRZ within a 1.8ha area, but subject to a reduced building height of 8.5; application of a commercial precinct within this MRZ area to a 30m strip along Bannockburn Road and related set off provisions; and retaining LLRZ over the balance of the site, but with a minimum and average allotment size of 1,000m² and 1,500m² respectively applying.

102. I firstly note that Mr Fowler suggested that PC19 lowers the density in Bannockburn. It is important to note that while the minimum site area is raised from 1500m² to 2000m², an average of 2000m² currently applies. This means that a minimum site area of 4000m² would in any case be required. As such I do not agree that PC19 reduces the current development opportunities, albeit I accept that there is less flexibility. This is, in any case, a moot point, given that I have recommended the minimum is reduced to 1500m².

103. The submitter has provided a range of supporting evidence, including a landscape assessment from Mr Milne. Aspects of this are set out and discussed above in relation to the comprehensive development pathway. In addition to this he considers that:

- a. The proposed MRZ and commercial precinct areas will establish an urban village centre which will enhance amenity of township, and while the character of this area will change to an urban one, such development will complement existing commercial activity on east side of road and therefore not be unexpected in the context.⁶⁶
- b. The 8.5m / 2 storey limit for the proposed MRZ and commercial precinct areas is appropriate in context of wider landscape and scale of existing built form.⁶⁷
- c. While the proposal will result in a change in the character to that which exists now, the key landscape values of the wider environment will be maintained.⁶⁸

⁶⁶ Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), paras 17 & 77

⁶⁷ Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), para 86

⁶⁸ Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), para 19

- d. There is capacity for higher density development in the context (near the existing village centre and flat eastern part of the site,⁶⁹ with lower density appropriate within eastern flat part of site beyond MRZ and on hills and terraces.
104. In his planning evidence, Mr Barr considers that the proposal is more appropriate than LLRZ as notified, as it provides benefits in the form of a modest variety in housing and increased potential for affordability through such variety, as well as benefits of providing consolidated commercial area. In relation to the MRZ, Mr Barr notes that Clyde also has MRZ, with Clyde Township being 185ha in area and Bannockburn 130ha, and that Clyde is a comparable distance from Alexandra as Bannockburn is from Cromwell. However he also acknowledges that Clyde is predominately zoned LRZ where Bannockburn is zoned LLRZ.

Comment

105. As noted by Mr Barr, Clyde is predominately zoned LRZ whereas Bannockburn is zoned LLRZ. In addition, at the time of the 2018 census, Bannockburn's population was 477, compared with 1,161 in Clyde. I therefore do not consider the two as comparable as Mr Barr infers. Given this, I still consider the appropriateness of applying the MRZ to this area is best considered as part of a wider consideration about how demand in Bannockburn should be provided for. This is, in large part because the Cromwell Spatial Plan stated support for growth of housing, but noted that this was to be balanced with the current section sizes and retaining character of local streets.⁷⁰ I consider that the proposal for MRZ is at odds with this, whereby it proposes significantly smaller sections and is likely to lead to more urbanised streets. However, if the Hearing Panel is minded to consider the applicants MRZ proposal through PC19, then I recommend that further urban design advice is sought as to the appropriateness of MRZ in this location, or a peer review of Mr Milne's landscape assessment is undertaken.
106. With respect to the densities sought for this site, I note that I have recommended a reduction in the minimum lot size to 1500m². I have also set out earlier why I consider the application of a lower minimum of 1000m², if applied broadly across the township could undermine the current character. Notwithstanding this, I consider that development of the site with lots below the minimum size otherwise applying could be pursued through a comprehensive land use and subdivision application. The comprehensive development approach would better allow for consideration of lower density e.g. smaller sections below 1,500m², in a manner that also appropriately responds the particular features of the site identified and assessed by Mr Milne. I consider that this is a better way to provide for the benefits of variety identified by Mr Barr.
107. In relation to the application of a commercial precinct, my view remains that the intent of this is to provide for commercial development, and under the NP Standards, this would need to be provided for through a commercial zoning. While Mr Barr states that the design of his proposed Commercial Precinct provisions are not those of a dedicated commercial zone, but an overlay that sits within the MRZ framework,⁷¹ I find it hard to reconcile this with the new objective

⁶⁹ Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), para 99

⁷⁰ Page 44.

⁷¹ Stage 2 Evidence of Criag Barr (#82 - D J Jones Family Trust and N R Searell Family Trust), para 6.47

sought to be included in the MRZ chapter which seeks that *“Commercial activities and community facilities are provided for within the Commercial Precincts, are limited in scale and maintain or enhance residential amenity, provide for local convenience and services, and support the local economy.”* The proposed new objective clearly aligns with the description in the NP Standards for a “Neighbourhood Centre Zone” which describes this zone as *“Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.”* The NP Standards require that district plans use the zones listed in Table 13 *“consistent with the description of these zones”*.⁷² The application of a precinct within the MRZ, which is not a commercial zone, is at odds with this direction.

108. I understand that Mr Barr considers that the precinct, given the underlying zoning of MRZ, would retain the built form character anticipated in the MRZ by virtue of the MRZ built form standards applying. While this would ensure development aligns with MRZ-O2, I consider that it is the provision for a range of activities that does not align with achievement of MRZ-O1, which seeks provision, primarily, of residential living opportunities. While Mr Barr has suggested limits on the scale of commercial activities, in my view this is more aligned with ensuring such activities do not detract from the role and function of Cromwell’s Business Area and instead play a local convenience role, rather than being limits on commercial development to assist in the achievement of MRZ-O1.
109. Put simply, PC19 is limited in scale to the zoning and management of residential areas, and what is sought is in my view an area for commercial development. I therefore do not agree with Mr Barr that providing for such activities is a “modification” or refinement of aspects of the policy approach or outcomes anticipated in the underlying zone, i.e. it does not align with the NP Standards District Spatial Layers Standard. The examples provided by Mr Barr (para 6.44) of other plans using a commercial precinct have applied this to a settlement zone, which under the NP Standards is a mixed use zone (and therefore one which already anticipates commercial activities), and therefore distinctly different to an underlying residential zone. I appreciate that there is an advantage in considering commercial development at this time, but it is simply outside the scope of PC19. There is also no economic assessment to quantify the demand for this level of supply, nor the potential impact of this on other Business Resource Areas. I therefore continue to consider that a commercial precinct should not be applied, and that the appropriateness of a commercial zoning should be considered when the Business Resource Area section is reviewed.
110. Overall, I do not recommend any further changes in relation to this particular site, but note that I consider my recommendations in relation to Comprehensive Residential Development and the minimum lot size for Bannockburn are relevant to this site, and in my view go some way to providing the relief sought, but in a more appropriate manner.

⁷² 8. Zone Framework Standard, clause 1

Stephen Davies (#147)

111. Mr Davies is seeking that 69 Hall Road is rezoned, so that the eastern vineyard area currently zoned RRA4 is instead zoned Rural, and that land to the west is zoned LLRZ. This includes land that is subject to a four-lot subdivision consent, as well as an additional 2ha of unproductive land, as a comparable exchange for the vineyard land. I did not make an assessment and recommendation in relation to this in the Stage 2 s42A report, as it was not clear to me what land was referred to in the submission. Regardless, this has been clarified, and the submitter presented a range of evidence to the hearing, including legal submissions, soil analysis, a landscape assessment and planning. I have read the evidence in full, and note the following:
- a. The soil analysis demonstrates that the land is not highly productive, as that is defined in the NPS-HPL. As such, the NPS-HPL does not apply.⁷³ Even if that is not accepted, the tests in Clause 3.6(4) are likely met, if the requirement for development capacity is considered on a township basis.
 - b. The servicing constraints identified in relation to Bannockburn do not arise in relation to this land as the additional land sought to be zoned LLRZ is either already consented for development at the density anticipated under an LLRZ, or results in the same development opportunities as currently exist.⁷⁴ In response to Minute 4, Ms Muir has confirmed if the proposed zoning “swap” does not result in any net increases to the number of connections to the Council water and wastewater networks than has currently been consented, then this is able to be accommodated.
 - c. Potential effects of the LLRZ being applied to a broader area can be appropriately addressed through application of a Building Line Restriction.⁷⁵
 - d. In Appendix 1, I have recommended that potential reverse sensitivity effects are addressed in the PC19 provisions through the addition of a matter of discretion relating to subdivisions. I consider that this assists in managing such potential effects in relation to the vineyard activities (and particularly the frost control fan). I further note that as the owner of the vineyard, Mr Davies himself can retain a measure of control over this (for example, imposing no complaints covenants on future development).
112. In terms of s32AA, I note that an extensive evaluation is undertaken in Mr Woodward’s evidence. I agree that the changes in zoning sought are more appropriate to assist in achieving the purpose of the plan change, because this is a more efficient way to achieve the outcomes sought and will still be effective at achieving the Plan’s objectives.
113. I consider that rezoning this land – which only provides for additional development beyond the current urban boundary where such development is already consented, or amounts to a zone ‘swap’ between similar sized areas – can be considered in isolation of other expansions sought

⁷³ Stage 2 Evidence of Dr Reece Hill (#147 – Stephen Davies)

⁷⁴ Stage 2 Evidence of Richard Ford (#147 – Stephen Davies)

⁷⁵ Stage 2 Evidence of Benjamin Espie (#147 – Stephen Davies)

to the urban boundary. I therefore recommend the land is rezoned now, through PC19, rather than deferring this to consideration through a township-specific Spatial Planning exercise looking at other growth options in Bannockburn.

Recommendation

114. I recommend that those parts of 69 Hall Road shown as “Outline of requested LLRZ” in Appendix B of Mr Espie’s evidence⁷⁶ is zoned LLRZ.
115. I recommend that a Building Line Restriction as shown in Appendix B of Mr Espie’s evidence⁷⁷ is added to the planning maps.
116. I recommend that those parts of 69 Hall Road currently zoned Residential Resource Area 4 and shown as “Rezone to Rural” in Figure 4 of Mr Woodward’s evidence⁷⁸ is zoned Rural Resource Area.

J Klevstul and R Klevstul and Rubicon Hall Road Limited (#163)

Submission

117. This submission relates to a site to the south of the current Bannockburn Township, fronting Bannockburn and Schoolhouse roads. Through the hearing process, the submitter has provided a range of evidence to support the rezoning sought. Key aspects of this are:
 - a. That the site is not subject to the NPS-HPL because it is not identified as having LUC Class 1, 2 or 3 soils and therefore while the NPS is relevant in terms of the wider context of PC19, it is not a constraint to this particular zoning request.⁷⁹
 - b. The existing road network can accommodate the additional traffic that the rezoning would likely result in without adverse effects on capacity or road safety.⁸⁰
 - c. There are no natural hazard risks which preclude the rezoning.⁸¹
 - d. From a landscape perspective, the site has capacity to absorb development and this development would be compatible with the surrounding environment, tying in with existing patterns in a logical way, with boundaries that relate to existing landform, development and roading patterns.⁸² It would also provide a logical and coherent southern edge to the township.⁸³ The topography limits the visual catchment from which the site

⁷⁶ Stage 2 Evidence of Benjamin Espie (#147 – Stephen Davies)

⁷⁷ Stage 2 Evidence of Benjamin Espie (#147 – Stephen Davies)

⁷⁸ Stage 2 Evidence of Jake Woodward (#147 – Stephen Davies)

⁷⁹ Stage 2 Evidence of Brett Giddens (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 34

⁸⁰ Stage 2 Evidence of Andy Carr (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited)

⁸¹ Stage 2 Evidence of Brett Giddens (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), paras 79-81

⁸² Stage 2 Evidence of Benjamin Espie (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 96

⁸³ Stage 2 Evidence Summary of Benjamin Espie (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 8

can be seen and the site's development will generally visually "read" as a part of the township, and logically and coherently align with the landform and current character of the township.⁸⁴ The reduction in visual amenity from the reduction in open and rural nature would be low and the development of the site will not give rise to development that is visually prominent or out-of-place.⁸⁵

- e. From an urban form perspective, growth of the Township into this site can be supported when considering the constraints to expansions elsewhere.⁸⁶ Higher density development of this site could be undertaken in a form that responds to the character of Bannockburn⁸⁷.
- f. If necessary, wastewater constraints could be addressed by a communal wastewater system.⁸⁸

Comments

- 118. As noted earlier, in relation to the discussion around Comprehensive Residential Development, a key concern I have with what is proposed is that the planning provisions supported by Mr Giddens do not appear to align with the concept relied on by the other witnesses, which refers to the rezoning enabling development of 35 lots. More specifically, Mr Giddens simply suggests application of a much lower minimum site size (of 400m² and at an average of 1000m²), but this would appear to provide for greater than the 35 lots relied on in the technical assessments, and as noted earlier, nor does his approach in any way guarantee the cluster-type development supported by Mr Lunday and referred to by Mr Espie. It appears to me that the proposed planning provisions could instead lead to potentially double the number of houses, which is greater than the assessments undertaken. I therefore consider that if the land were to be rezoned, the planning framework suggested by Mr Giddens would not be appropriate. Instead, an LLRZ should be applied, with the level of development it enables broadly consistent with that assessed by the technical experts. I further note that even with an LLRZ applied, the comprehensive development pathway would allow for an alternate type of development, as supported by Lunday, to be considered through a comprehensive consenting process.
- 119. Mr Lunday's evidence also supports a clustered approach to design, allowing for smaller lot sizes set within common land. How the common land is to be managed is not discussed in Mr Giddens' evidence and neither expert provides examples of where such an approach has been taken in other district plans, to support why such a concept is more appropriately applied to this site than the approach otherwise applying in PC19. Notwithstanding this, it does not appear to be reflected in the proposed planning provisions in any case.

⁸⁴ Stage 2 Evidence of Benjamin Espie (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 89

⁸⁵ Stage 2 Evidence of Benjamin Espie (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), paras 88-90 and 96

⁸⁶ Stage 2 Evidence of James Lunday (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 25

⁸⁷ Stage 2 Evidence of James Lunday (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), para 48

⁸⁸ Stage 2 Evidence of Mark Cruden (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited), paras 8.4-8.9

120. In terms of whether the zoning is appropriate to include in PC19, I note the earlier comments in relation to whether the identified shortfall in capacity specifically in Bannockburn “must” be met by rezoning land within Bannockburn in order to give effect to the NPS-UD, or whether the NPS-UD requirements are met through a focus on consolidating growth in Cromwell. A similar question arises as to whether providing for different densities in Bannockburn is required in order to provide for the variety of homes directed in the NPS-UD. As set out above, I do not agree that the NPS-UD requires that variety and supply must be met at each township, when the township itself is part of a wider urban environment and the direction in the NPS-UD relates to the “urban environment” not every component part of it. I therefore consider that the NPS-UD provides discretion to the Council to determine where best to provide capacity and variety. While I agree that it is important to consider the supply of LLRZ development, given that this is a different offering to LRZ and MRZ, I do not agree that the Council “must” zone land in Bannockburn to meet a shortfall in demand, nor that different densities must be applied. In this instance, I consider the question is whether, in ensuring sufficient capacity and a variety of houses are provided, it is most appropriate for parts of Bannockburn’s outskirts to be rezoned to assist with this, or whether there are other more appropriate alternatives.
121. I do broadly agree that it is appropriate to provide for additional growth in Bannockburn. This is because the various submissions relating to Bannockburn have indicated to me that the specific development that has occurred to date in Bannockburn has given it a particular character and amenity that appears to be distinct from other urban areas, and which is highly valued by the community. Its offerings therefore form part of the ‘variety’ of housing across the district, and additional supply would help to continue providing for this variety. However, I continue to consider that where and how this growth should be provided needs to be considered in the round, rather than on a site-by-site basis. There are several reasons for this:
- a. While the rezoning of different sites has, understandably, been assessed on site-by-site basis, I consider that it is the most appropriate combination of options that should be considered, and this requires consideration of different combinations.
 - b. The options for growth are not as discrete or narrow as they are in other areas (e.g. Lowburn and Pisa Moorings) and the community has not had an opportunity to consider the various options for growth. Related to this, Policy 6.4.1 of the 2019 ORPS directs the maintenance of the quality of life for people and communities within urban areas, including through the identification and provision of a level of amenity that is acceptable to the community, while also recognising that change is inevitable in the use of land to enable the community to provide for its wellbeing. I consider that this policy identifies that urban areas will not be static, but does seek that amenity values are provided for in terms of what *the community* finds acceptable. I therefore consider it necessary that there is community input into the growth options.
 - c. The NPS-HPL is a complicating factor in Bannockburn because of the presence of LUC Class 3 soils. However, as indicated by submitters in relation to the Domain Road Vineyard as well as Mr Davies, there are other areas that are not strictly ‘highly productive land’ as that

is currently defined under the NPS-HPL but which are valued for their productive uses, and more indepth soil testing has identified some land is not LUC Class 3. For LUC Class 3 land, the NPS-HPL requires that the tests in clause 3.6(4) are met. These include determining whether the zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district and whether there are no other reasonably practicable and feasible options for providing the required development capacity. I do not consider that it is possible to undertake this assessment on a site-by-site basis as it necessarily requires: considering capacity as a whole across the township (if not wider); and identifying if other options which are practicable and feasible. This also includes considering if infill is more appropriate than expansion.

- d. There are some areas where Ms Muir considers infrastructure servicing will have greater ongoing operational costs, which will fall to other ratepayers, not just the developer. I consider this is a relevant factor to consider when assessing different growth options, but again, needs to be weighed against other factors. In other words, this could be a determining factor in choosing one growth option over another, or it may be a justified cost when considering this against costs associated with another option. In relation to this, I note the 2019 ORPS seeks, through Objective 4.5, that urban growth and development is well designed, occurs in a strategic and coordinated way. Policy 4.5.1 directs that the extension of urban areas is coordinated with infrastructure development programmes, to provide infrastructure in an efficient and effective way, and Policy 4.5.2 directs the strategic integration of infrastructure, including coordinating the design and development on infrastructure with growth and redevelopment planning. In my view, this direction does not support rezoning land now, in absence of a broader consideration of how this is to be integrated with provision of infrastructure. In my view, in the context of Bannockburn, infrastructure provision is therefore something that should be considered and fed into consideration of what are the most appropriate growth options for Bannockburn.

- 122. Ms Muir has also provided comments on the servicing evidence of Mr Ford. She notes that his evidence focusses on the servicing of this individual development, and not the implications the demand from this development would have on the level of service on the wider existing Bannockburn and Cromwell networks. She also reiterates that the *capacity* constraints for wastewater relate to the Cromwell wastewater treatment plant, and therefore the evidence regarding wastewater *reticulation* to the site does not change staff advice regarding these capacity constraints at the treatment plant. With respect to water, she notes that capacity constraints relate to the volume of water that can be delivered through the main Bannockburn pipeline to the Bannockburn reservoir. Again, the evidence provided by Mr Ford regarding *reticulation* of water to this specific site does not change her previous evidence regarding capacity constraint that exists in the Bannockburn water main. I also note that Ms Muir's evidence is that servicing this site would have implications in terms of the increased ongoing operational costs, and this, in my view, supports why it should be considered as part of a more holistic review of all options for how growth at Bannockburn should be managed.

123. In relation to the option put forward by Mr Ford for on-site wastewater discharge, Ms Muir strongly advises against a communal onsite wastewater system. She notes that this would require a land disposal consent from the Regional Council and considers that does not align with the direction being taken on the new Land and Water Plan. This is also my experience, in that in urban areas, connection to reticulated networks is much preferable.
124. In response to Minute 4 of the Hearing Panel, a peer review has also been undertaken of Mr Lunday's urban design evidence by Tim Church. His view is that if growth is to be provided for in Bannockburn, it would be most appropriate to focus initially on more intensive residential infill before extending LLRZ further into greenfield areas, such as the submitter's land. However, if the Hearing Panel considers expansion is appropriate, he considers the range of alternative urban form options should be considered, along with wider community input on these, indicating that it would be more appropriate to go through a more rigorous spatial planning process to identify optimal outcomes for Bannockburn. Mr Church also considers that while the site could be developed to be either a well-integrated part of a southern expansion to the Bannockburn, or a more sustainable, self-contained hamlet more independent from the settlement, the plans presented within the submission or Mr Lunday's evidence are not likely to achieve either of these.
125. Based on the above, I continue to consider that the site should not be rezoned at this time, but instead considered as part of a wider spatial planning process encompassing a range of options for the growth of the Township.
126. If the Hearing Panel consider that in light of the lack of capacity for Bannockburn, it is more appropriate to rezone this land through the PC19 process, then my recommendation is that the Bannockburn/Schoolhouse Road site is zoned LLRZ (without additional provisions applying), with a Future Growth Overlay applied to address the capacity constraints of concern to Ms Muir.

Cairine MacLeod (#135)

127. This submitter seeks that the LLRZ at 97 Hall Road is extended to a further 3.5ha portion of the site. Mr Barr notes that (at his preferred density) this would provide for the development of a further 12 allotments, and in his view the rezoning would assist in providing additional housing capacity, while retaining the overall scale and character of Bannockburn, noting the extension would square up the current zoning pattern in this area.⁸⁹
128. Mr Barr and I agree that the NPS-HPL applies to the extension of zoning that is sought. However, I consider that there is difficulty in undertaking an assessment of whether the rezoning of this site meets clause 3.6(4) of the NPS-HPL in isolation from consideration of other options for the provision of development capacity. I therefore continue to consider that rezoning of the site would need to be considered as part of a more holistic assessment of where and how growth in Bannockburn should be provided for. For the avoidance of doubt, in absence of the NPS-HPL direction, I otherwise agree with Mr Barr that the rezoning would be appropriate, subject to

⁸⁹ Stage 2 Evidence of Craig Barr (#135 – Cairine MacLeod), paras 1.2-1.3

application of an FGO to manage network servicing limitations. This reflects that the rezoning has limited impact given its small scale, that it would consolidate growth in this area, and that once the necessary network upgrades are undertaken, it can be appropriately serviced.

129. I also note that as a further submitter, Mr Davies has raised concerns about the potential for reverse sensitivity effects to arise in relation to the neighbouring vineyard. I consider that the potential for such effects to arise are possible in a range of circumstances where residential zones adjoin other zones or activities that have effects that may conflict with the amenity anticipated in a residential area. I therefore consider that this is a matter that is not specific to this site, and therefore does not need a site-specific response. I have however, recommended in Appendix 1, that a matter of discretion is added to the subdivision rules to allow for specific consideration of the potential for reverse sensitivity effects and how they may be managed.

Harold Kruse Davidson and Koraki Limited and ScottScott Limited (#143)

130. This submitter seeks that land at the end of Hall Road is rezoned LLRZ. Mr Curran states that despite being highly productive land, the site can be rezoned because it provides for necessary residential development capacity.⁹⁰ While I note Mr Curran's view that development capacity (in terms of Clause 3.6(4)(a)) should be considered at a township level, in my view, whether it is required to provide for development capacity cannot be determined without consideration of other options which would provide for this capacity. In other words, rezoning this land may not be necessary to provide development capacity if there are other, more appropriate options to provide the necessary capacity.
131. I also note that Mr Curran considers that urban form is not an impediment to the rezoning of this land,⁹¹ but this is not supported by an urban design or landscape assessment. Again, I consider that the appropriateness of whether this land should be zoned, would be better considered as part of a broader consideration about where the township grows to, which would take into account any urban design and landscape input. I therefore continue to consider that this site should not be rezoned through PC19.

11. North Cromwell

132. As noted in the Stage 2 s42A report (paras 145-155) there were a significant number of submissions relating to the areas north of State Highway 8B proposed to be zoned LRZ and LLRZ, and a range of different outcomes sought. Submitters appearing at the hearing included those:
- a. Supporting application of LRZ across the area⁹², on the basis that:

⁹⁰ Stage 2 Evidence of Matthew Curran (#143 - Harold Kruse Davidson and Koraki Limited and ScottScott Limited), paras 16-22

⁹¹ Stage 2 Evidence of Matthew Curran (#143 - Harold Kruse Davidson and Koraki Limited and ScottScott Limited), paras 23-27

⁹² Including #5 - Colin Reece, #6 - Deborah & Colin Reece, #37 - Anthony Lawrence, #113 - Mark Mitchell (#113)

- i. the 2000m² minimum under LLRZ would not allow for much infill, due to the position of current houses.⁹³
 - ii. 4000m² lots are wasteful and setbacks can be applied in relation to lots adjoining nohoanga or lake⁹⁴
- b. Supporting 1000m²/1500m² applying in relation to block on Shortcut Road.⁹⁵
- c. Supporting application of LLRZ (2000m² minimum).⁹⁶
- d. Supporting retention of operative plan approach (4000m² minimum),⁹⁷ on the basis that:
 - i. As development of this area is recent, the likelihood of additional yield from this area occurring may not be realised.⁹⁸
 - ii. It provides variety in housing options, with other areas providing higher density options.⁹⁹
 - iii. the current zoning is in effect a rural residential zone and this should be retained. The Spatial Plan does not recognise this area as being rural residential and was not subject to suitable engagement, nor did it consider other opportunities for urban growth.¹⁰⁰
 - iv. this is the only remaining RRA(6) zone within the Cromwell Urban boundary, with other areas with this zoning rezoned *before* they were developed.¹⁰¹
 - v. The rezoning does not align with Policy 7.2.3¹⁰²
 - vi. From a servicing perspective the area is treated as rural, smaller sections would create an expectation of urban services, and it is not clear how such services would be retrofitted for existing lots.¹⁰³

133. Mark Mitchell (#113) seeks application of a precinct to a large portion of this area of North Cromwell (but not the Thelma Place area) applying a 1500m² minimum. This is supported by

⁹³ Including #5 - Colin Reece, #6 - Deborah & Colin Reece, Evidence of Campbell Hills (#113 – Mark Mitchell), at 6.1-6.5.

⁹⁴ #37 - Anthony Lawrence

⁹⁵ #121 - Gary Anderson

⁹⁶ #153 - FJ Sinclair and KM Checketts

⁹⁷ Including #23 - Andrew Wilkinson, #25 - Jan Hopcroft, #35 - Bernard and Clare Lynch, #38 - Lyall Hopcroft, #40 - Roddy Maxwell, #54 - North Cromwell Society Inc, #63 - Julene Anderson, #66 - Trevor Deaker & Mark Borrie

⁹⁸ #23 - Andrew Wilkinson, #118 - Lakefield Estate Unincorporated Residents Group

⁹⁹ #25 - Jan Hopcroft, #38 - Lyall Hopcroft

¹⁰⁰ #54 - North Cromwell Society Inc

¹⁰¹ #118 - Lakefield Estate Unincorporated Residents Group

¹⁰² #118 - Lakefield Estate Unincorporated Residents Group

¹⁰³ #35 - Bernard and Clare Lynch, #66 - Trevor Deaker & Mark Borrie

evidence prepared by Campbell Hills, which considers the practical application of different minimum lots sizes in this area, based on his experience in subdivisions and land development. Based on an assessment of this area, Mr Hills considers that the proposed 2000m² minimum would not provide for particularly practical subdivision designs, given the location of existing development on developed sites, (#6.1-6.5) while a minimum of 1000m² would encourage “awkward” subdivision layouts, and that in combination with the site coverage, could compromise the character and amenity of this area (1.7and #6.6-6.7).

134. Ms Rachel Law has provided planning evidence to support the requested MRZ zoning of land in the northwestern area of Cromwell (#51 - D & J Sew Hoy, Heritage Properties Ltd and #21 – Brian De Geest). I note that Ms Law’s evidence¹⁰⁴ notes that the McNulty Inlet is identified in the Cromwell Spatial Plan as a “Community Node”.

Comment

135. I do not agree that the current zone is equivalent to a rural residential zone, given it is a ‘Residential Resource Area’, with the provisions applying to it contained in Section 7 – Residential of the Operative District Plan, and given the District Plan already includes a separate rural residential zone managed in Section 4 - Rural Resource Area of the Plan. The predominance of residential, not rural activities in this area also means it does not align with the ‘rural lifestyle zone’ under the National Planning Standards.¹⁰⁵ In my view, this area is clearly a residential zone. Irrespective of this, there is no compulsion under the RMA or higher order documents to retain the current zoning. I also disagree that the Spatial Planning exercise did not involve community engagement, nor that it did not consider other opportunities for growth. These are detailed in the Spatial Plan document itself. In my opinion, the question is what zone, including density, is most appropriate to apply to this area moving forwards, taking into account a range of factors including the Spatial Plan.
136. I also note that PC19 proposes to replace Section 7 and replace it with the framework proposed in PC19. Therefore Policy 7.2.3 does not apply to consideration of the rezoning that is also proposed through PC19.
137. In the Stage 2 s42A report, I did not make a recommendation on the zoning of this area, given the volume and disparity of submissions. I did however recommend that none of the area be zoned MRZ, and that a single zoning be applied to this area.
138. Having reconsidered the submissions, I accept that the existing density results in a particular character and level of amenity that is important to some residents in this area. Retention of the current minimum allotment size of 4000m² (by applying a LLRZ zoning and a new precinct applying a higher minimum allotment size) would retain this character and amenity. In my view, application of LLRZ (without a precinct, and therefore applying a 1,500m² minimum (as

¹⁰⁴ Evidence of Rachael Law (#51 - D & J Sew Hoy, Heritage Properties Ltd), para 12; (#21 – Brian De Geest), para 14.

¹⁰⁵ “Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.”

recommended in this report)) would provide for some infill opportunities, but in my view would result in a subtle change in the character, without compromising the current amenity levels. To address concerns about LLRZ not providing for infill, the same regime could be provided in LLRZ as recommended for LRZ, in terms of allowing for a 2-lot subdivision which achieves a 1500m² average. In my view, application of LLRZ across the developed portions of this area would strike an appropriate balance between maintaining the predominance of open space over built form (LLRZ-O2(2)) while better aligning with the intent of the Spatial Plan to provide for additional development in this area.

139. I have also reconsidered whether it is appropriate that a single zoning be applied to this area. I note that there are some larger blocks within the area that are not developed, including those of Mr Mitchell, D & J Sew Hoy Heritage Properties, and De Geest. I note that because they are larger properties, they could be more comprehensively developed at a higher density under the recommended approach to Comprehensive Residential Development. However I consider it may be appropriate to apply LLRZ Precinct 1 (1,000m² minimum) to these properties, because they would be able to developed in a more integrated manner, rather than through infill. While the development at this higher density would have a slightly different character to that of the overall area, I consider that this would not undermine the character of the LLRZ areas (because it would apply only to discrete sites, rather than infill throughout the area) and would provide for more variety. I am therefore comfortable with a different zoning being applied to larger undeveloped sites within these areas. I also note that LLRZ Precinct 1 is the equivalent of the current zoning of the De Geest site, and aligns with the density sought by Mr Mitchell (albeit he sought this to the wider area).
140. With respect to the MRZ sought by Ms Law, while I accept that the McNulty Inlet is identified in the Cromwell Spatial Plan as a 'Focal Point'¹⁰⁶ and a "Node/Centre",¹⁰⁷ I do not consider that this equates to being a 'key community facility' in terms of the s32 report, which refers to the MRZ as being located in areas that are within walkable distance to either commercial areas or other key community facilities. Of note, other areas proposed to be zoned MRZ at the outskirts of Alexandra are proposed to be supported by addition of a new commercial area, and other MRZ areas towards edge of Cromwell township are located close to commercial areas. By contrast, the Spatial Plan does not propose commercial activity in the McNulty Inlet area. I therefore do not consider that the proximity of these sites to the McNulty Inlet are sufficient to justify their rezoning to MRZ.
141. In relation to the De Geest site, I do not agree with Ms Law that the distance of this property to commercial areas is comparable to other sites zoned MRZ in PC19. With respect to the D & J Sew Hoy Heritage Properties site, I accept Ms Law's point that there are some other greenfield parcels of land that are a similar distance to this property from the Cromwell Town Centre, notably the Freeway Orchard site. However, I do not agree with applying MRZ to this site simply on account of it being a similar proximity to the town centre, noting that the Freeway Orchard site is both larger, allowing for a more comprehensive development, and that it is surrounded

¹⁰⁶ Page 37

¹⁰⁷ Page 40

by LRZ. The Heritage Property site is, by contrast, surrounded by a lower density of development, and application of MRZ would, in particular, leave Lakefield Estate as somewhat of an island in a higher density area. I also note that Ms Law commented in relation to the MRZ zoning being applied, that demand may mean that lots are not developed to the highest density possible. However, I consider that it is the full extent of what the Plan framework would allow that needs to be evaluated.

142. For the reasons above, I continue to consider that MRZ is not appropriate in this area. However, as noted above, I have recommended that LLRZ (Precinct 1) is applied to the larger sites (including the De Geest and Heritage Properties sites) which provides for a higher level of development on these sites, and in addition, the Comprehensive Residential Development pathway would allow for development below the minimum allotment sizes otherwise applying, where it is undertaken in a comprehensive manner.

Recommendation

143. I recommend that LLRZ is applied to the areas north of State Highway 8B (excluding Wooing Tree).
144. I recommend that SUB-S1 is amended so that a two-lot subdivision in LLRZ can include an allotment of less than 1500m² provided it meets a 1500m² average.
145. I recommend that the LLRZ Precinct 1 is applied to the following properties:



146. In terms of s32AA of the RMA, I consider that the application of LLRZ across the developed parts of this area will assist in achieving the outcomes sought for LLRZ of a predominance of open space over built form, while also retaining good quality on-site amenity and amenity for adjoining sites. As noted above, I accept that this may result in a slight change in character, but maintain the high level of amenity associated with the existing development lots in this area.
147. Providing for a greater level of density on undeveloped sites through application of PREC-1 will provide greater opportunities for development in the remaining parts of this area, and while there will be a difference in character in these areas when compared to the overall area, I consider that this still align with the LLRZ objectives and will not detract from the amenity of the area as a whole.
148. There are some lost opportunity costs associated with the recommended approach, in that it will not provide for the level of development that was proposed in PC19, or anticipated in the Spatial Plan. However, I consider that these costs are outweighed by the benefits of retaining those key aspects of amenity and character that are clearly highly valued by the community.

12. Pisa Moorings

Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd (#146)

149. Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd (#146) seek that a 24.3ha parcel of land, located at 828 Luggate-Cromwell Road (SH6), which is located between SH6 and the existing Pisa Moorings residential area, is rezoned to a mix of LRZ, MRZ and a local convenience retail zone or precinct. A range of technical assessments were included in the original submission. Based on these, I recommended the zoning be approved, except that:
- a. To address servicing limitations, a Future Growth Overlay also be applied in the interim until the servicing matters were resolved; and
 - b. I did not support identification of a Commercial Precinct within the site, nor amending the PC19 provisions to incorporate such a precinct; and
 - c. I had some reservations about the application of MRZ within part of the site.
150. Other changes I recommended, particularly in terms of changes to the Structure Plan proposed by the submitter and the related policy framework, have been accepted by Mr Barr.
151. With respect to servicing, I note that this is addressed in the 'Future Growth Overlays' section of this report.
152. In relation to the application of a commercial precinct and inclusion of related provisions, I do not agree with for the reasons set out earlier in relation to the D J Jones Family Trust and N R Searell Family Trust (#82) submission.
153. In relation to MRZ, I am comfortable with Ms Gilbert's advice that the location and configuration of the proposed MRZ area within the area rezoned means that it will not detract from the character of the surrounding established residential areas.¹⁰⁸
154. In his evidence for Stage 1, Mr Barr also noted that the southern portion of this site contains Scheduled Activity 127, and he considers that as PC19 did not propose to remove any scheduled activities located in residential zones from Schedule 19.3, the rules relating to Scheduled Activity 127 should be reinstated.¹⁰⁹ I note that it was intended that scheduled activities located in residential areas be removed, as management of these types of activities is instead provided through the policy and rule framework. However, as a consequential change, these sites were not removed from Schedule 19.3. In my experience, scheduled activities have been used in older district plans to acknowledge and provide for existing activities located in zones which did not otherwise generally provide for such activities. Scheduled Activity 127 is unusual, in that it

¹⁰⁸ Stage 2 Evidence of Bridget Gilbert (#146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd), para 1.7

¹⁰⁹ Stage 1 Evidence of Craig Barr (#146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd), paras 5.1 – 5.10.

provides for the development of new 'Commercial facilities and Shop'. In my experience, scheduled activities are not now commonly used.

155. Because of the above, my preference would be for this area to be zoned for business purposes. However I consider that the limitations on the scale or type of activity appropriate in a small area like this would best be considered at the time the business provisions are reviewed. Therefore, I consider that at this time, it is most appropriate to, in effect, retain the current regime. I therefore recommend the permitted activity rule applying to this site is included in the LRZ chapter, but updated to refer to the revised built form standards. A consequential change is also required to Section 19 to align with this.

Recommendation

156. I recommend that the site is zoned LRZ and MRZ, as set out in the Pisa West – Zoning Plan attached to the evidence of Campbell Hills, with a Future Growth Overlay also applied (excluding the small portions of the site currently zoned Residential Resource Area (3) and (13)).
157. I recommend that the Pisa West - Structure Plan attached to the evidence of Campbell Hills is inserted into the District Plan, subject to:
- The area marked as "Existing Scheduled Activity 127 (to remain)" being amended to read: "Scheduled Activity 127"
 - The Commercial Precinct being removed as well as the related text in the "Notes" box.
158. I recommend that the area delineated on the Pisa West - Structure Plan attached to the evidence of Campbell Hills as a "Building Line Restriction (Flood Risk)" is also identified as such on the planning maps.
159. I recommend that the following rule is added to the LRZ chapter:

LRZ-RX	Community facilities and shop	
<u>Scheduled Activity No. 127 in Schedule 19.3.6</u>	<u>Activity Status: PER</u> <u>Where:</u> 1. <u>No vehicular access is provided direct to Pisa Moorings Road.</u> <u>Where the activity complies with the following rule requirements:</u> <u>LRZ-S2, LRZ-S3, LRZ-S5 and LRZ-S6.</u>	<u>Activity status when compliance is not achieved with RX.1: DIS</u> <u>Activity status when compliance with rule requirement(s) is not achieved: Refer to Rule Requirement Table.</u>

160. I recommend that the text in Section 19.3.6 is amended as follows:

Community facilities and Shop as defined in Section 18 is a permitted activity on the site identified as Scheduled Activity 127 subject to compliance with LRZ-S2 Height and LRZ-S3 Height in relation to boundary, LRZ-S5 Setback from road boundary and LRZ-S6 Setback from internal boundary Rule 7.3.6(iii) Bulk and Location of Buildings and Rule 12.7 District Wide

Rules and Performance Standards and provided that no vehicular access is achieved direct to Pisa Moorings Road.

161. The above recommendations are consistent with the s32AA assessment contained in the Stage 2 s42A report (paras 257-258); and those set out earlier in relation to the amended approach to how the FGO applies.
162. In accordance with paragraph 6(d) of Minute 4 issued by the Hearings Panel, I circulated a draft of the changes recommended in relation to the scheduled site to Mr Barr, in order for him to comment on the drafting. Mr Barr identified some concerns that my initial drafting did not achieve the outcome that I had intended, and as a result of his feedback, I proposed some alternate wording, which is reflected in what is recommended above. Mr Barr has indicated that he supports the revised drafting set out above.

Parkburn Quarry

163. The Parkburn Quarry land is subject to PC21. I note that Mr Carey¹¹⁰ supports application of an FGO over this area through PC19. I do not agree with him that *“that the identification of FGO over Parkburn land does not guarantee a positive outcome for PC21 (or any future plan change on any FGO land).”* This is because an FGO indicates that the zoning is anticipated (appropriate) once specific servicing constraints are addressed and demand is established. It does not require a much more fulsome merits-based assessment of the appropriateness of a residential zoning as was undertaken through the Spatial Plan process, or where additional areas are recommended in this report, through detailed evidence provided through the submission and hearing process on PC19. To apply an FGO to the Fulton Hogan land would, in my view, undermine the PC21 process. I therefore do not support an FGO being applied to the land through PC19.

13. Lowburn

A F King and Sons Ltd (#83)

164. This submitter seeks the extension of the LLRZ (Precinct 2) zoning to the south of Lowburn. In the Stage 2 s42A report, I considered the site would appear to provide a logical expansion to the current urban boundary and likely be consistent with the current amenity and character of the township, but that no specific assessment was included with the submission to confirm this. Landscape evidence was subsequently provided by Ms Wilkins, who considers that as the site adjoins the existing urban area, it would appear as an extension of the development pattern and cohesively fit into the area,¹¹¹ noting that it will remain at a similar elevation to the existing and anticipated development in this area.¹¹² She also notes that further expansion is contained by the location to the west of a Significant Amenity Landscape. Traffic evidence has also been

¹¹⁰ Stage 2 Evidence of Carey Vivian (#164 – Fulton Hogan Ltd)

¹¹¹ Stage 2 Evidence of Anne Wilkins (#83 - A F King and Sons Ltd), para 5.2

¹¹² Stage 2 Evidence of Anne Wilkins (#83 - A F King and Sons Ltd), para 6.7

provided by Mr Nick Fuller¹¹³, confirming that there are satisfactory options for access to this site and that traffic effects resulting from the rezoning are acceptable. I note Mr Fuller has also taken into account the Lowburn Viticulture and Lakeside Christian Centre submissions in concluding that the overall traffic from all these sites can be accommodated in the surrounding roading environment. I consider this addresses the further submission of Waka Kotahi and the comments made in their tabled statement in relation to this site.

165. While the NPS-HPL is not applicable to the site because of its current Rural Residential Resource Area zoning, Mr Dent notes in his planning evidence that the current productive use is becoming less economic and would in any case be removed if the four consented building platforms are implemented.¹¹⁴ Mr Dent also sets out why he considers that there are no natural hazard risks which are likely to create any intolerable risk to people or property.¹¹⁵
166. With respect to servicing, I consider this can be addressed by application of an FGO, noting this appears to align with Mr Dent's comments about the likely timing of any development.
167. Overall, I consider that the matters raised in the Stage 2 s42A Report have been satisfactorily addressed. I agree with the s32AA evaluation contained in Mr Dent's evidence, which takes into account costs and benefits and concludes that the application of LLRZ Precinct 2 is the most efficient and effective way to achieve the proposed objectives and policies and the purpose of the Act, give effect to the relevant provisions in the partially operative and proposed regional policy statements, as well as aligning with the direction in the Cromwell Spatial Plan.

Recommendation

168. I recommend that the site is zoned LLRZ (Precinct 2), with a Future Growth Overlay also applied.

Lakeside Christian Centre (#142)

169. I firstly note that the original submission seeking rezoning of the Lakeside Christian Centre sought application of LLRZ Precinct 1, and I considered this density would be inconsistent with the character of the current township, given the rest of the settlement is proposed to be zoned LLRZ Precinct 2. I acknowledge that Ms Clark supports application of LLRZ Precinct 2 as being consistent with the character of existing development in this area.¹¹⁶ In the Stage 2 s42A report, I also noted that the rezoning of this site would result in urban zoning crossing over to the other side of Lowburn Valley Road, and while it would still be contained between the watercourse, Sugarloaf Drive and the existing community hall and playground, no landscape assessment has been undertaken to assess the appropriateness of this, accepting the site is relatively small. Given the zoning now sought is consistent with the surrounding area and given the site is well-contained, I am comfortable the zoning would be in keeping the area and not result in unconsolidated development.

¹¹³ Stage 2 Evidence of Nick Fuller (#83 - A F King and Sons Ltd)

¹¹⁴ Stage 2 Evidence of Sean Dent (#83 - A F King and Sons Ltd), para 154

¹¹⁵ Stage 2 Evidence of Sean Dent (#83 - A F King and Sons Ltd), paras 81-105

¹¹⁶ Stage 2 Evidence of Mandela Clark (#142 – Lakeside Christian Centre), para 30

170. With respect to servicing, I consider this can be addressed through application of an FGO.
171. The outstanding issue remaining is therefore the application of the NPS-HPL. While I note Ms Clark's view that development capacity (in terms of Clause 3.6(4)(a)) should be considered at a township level,¹¹⁷ her evidence does not establish what the demand for housing in Lowborn is, and whether there is insufficient capacity. As such, there is no evidence on which to conclude that rezoning of this land meets Clause 3.6(4)(a). I also note Ms Clark's comments that the site is not of a sufficient size to accommodate a profitable use and is not considered to be productive.¹¹⁸ This is a matter that may be relevant when mapping of highly productive land is undertaken by the regional council, as under 3.4(5)(d), small discrete areas of LUC 1, 2 or 3 land may be excluded if that are separated from any large or geographically cohesive area of LUC 1, 2 or 3 land. However, this does not apply in relation to the direction in Clause 3.6(4) and therefore I do not consider that the site can be rezoned at this time.

Lowburn Viticulture Ltd (#123)

172. Lowburn Viticulture Ltd (#123) seek expansion of the LLRZ (Precinct 2) zoning to the north, at Lowburn. The submission included a landscape assessment and assessment of how the site could be serviced, and additional evidence was provided at the hearing, including planning,¹¹⁹ soils¹²⁰ and traffic assessments.¹²¹ The Stage 2 s42 report (paras 219-227) identified that approximately a third of the property, along the road frontage, would be highly productive land under the NPS-HPL, and that in absence of evidence demonstrating that the rezoning would meet clause 3.6(4) of the NPS-HPL, that rezoning was precluded. I also noted there were servicing constraints to development of the land at this time. I otherwise considered the location to be appropriate and broadly consistent with the direction in the Spatial Plan.
173. I consider that the evidence of Dr Hill¹²² has addressed the applicability of the NPS-HPL. I am satisfied that the site is not highly productive land, and therefore that the NPS-HPL does not apply. This on the basis that:
- a. Clause 3.5(7) of the NPS-HPL states that until mapping is undertaken by the regional council, the NPS is to be applied to land that, at the commencement date of the NPS, was zoned general rural or rural production; and is LUC 1, 2, or 3 land.
 - b. The definition of "LUC 1, 2, or 3 land" in turn, is defined 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; and

¹¹⁷ Stage 2 Evidence of Mandela Clark (#142 – Lakeside Christian Centre), paras 14-17

¹¹⁸ Stage 2 Evidence of Mandela Clark (#142 – Lakeside Christian Centre), para 9

¹¹⁹ Stage 2 Evidence of Jake Woodward (#123 – Lowburn Viticulture Ltd)

¹²⁰ Stage 2 Evidence of Dr Reece Hill (#123 – Lowburn Viticulture Ltd)

¹²¹ Stage 2 Evidence of Andy Hall (#123 – Lowburn Viticulture Ltd)

¹²² Stage 2 Evidence of Dr Reece Hill (#123 – Lowburn Viticulture Ltd)

- c. Dr Hill has undertaken an assessment, based on the Land Use Capability classification and determined that the site does not contain any land which meets the classification of Land Use Capability Class 1, 2, or 3.
174. I consider that the servicing constraints do not preclude the rezoning of the site, but do preclude its development until servicing matters are addressed. I consider that this can be addressed by the application of an FGO, with the related rule framework restricting subdivision and development until identified network upgrades are undertaken. I therefore recommend that this site is rezoned LLRZ Precinct 2 with a Future Growth Overlay also applied.

Recommendation

175. I recommend the site is zoned LLRZ (Precinct 2), with a Future Growth Overlay also applied.
176. In terms of s32AA of the RMA, I note that a detailed assessment of the rezoning is included in the evidence of Mr Woodward. I agree with this assessment in terms of the zoning being, on balance, more appropriate than the retention of rural zoning.
177. However, I consider it necessary to apply an FGO, as, for the reasons set out earlier, I consider that it is required to achieve the outcomes sought in Objective 6.3.4 and Policy 6.4.2, as well as give effect to Objective 4.5 and Policies 4.5.1 and 4.5.2 of 2019 ORPS.

14. Alexandra

113-157 Dunstan Road and 129 Gilligans Gully Road

178. Shanon Garden (#139), One Five Five Developments (#241) and Chris Cameron and Carolyn Patchett (#141) seek rezoning of 113-157 Dunstan Road and 129 Gilligans Gully Road. I firstly note that the submitter is now seeking application for LLRZ to the 129 Gilligans Gully Road site (as opposed to the LRZ sought for the remainder of the site) due to the landscape evidence of Mr Moore, and this is consistent with my previous recommendation.
179. With respect to application of LRZ, in the Stage 2 s42A report, I did not support this, on account of servicing constraints raised by Ms Muir, and as I did not consider that proximity to the MRZ across Dunstan Road, was sufficient to justify the rezoning, and that the industrial activity to the south of these sites provided an appropriate 'break' between the transition from LLRZ to LRZ.
180. With regard to servicing constraints, I note that Mr Barr supports the need to integrate infrastructure with zoning, but considers that there are appropriate ways to ensure such integration and which are more appropriate than simply not allowing for further intensification of the site. He suggests a rule limiting the number of lots that can be created to that which is anticipated under the notified LLRZ. I agree that this is appropriate, but have some concerns that the wording of the rule proposed by Mr Barr is not sufficiently certain. As traversed with Mr Barr at the hearing, I consider the matter is more appropriately addressed, should the LLRZ be agreed to, by adding a further matter of discretion for development beyond the cap.

181. With respect to the appropriateness of LRZ in this location, I accept the advice of Mr Moore, that while the change in character from LRZ will be more significant, than that arising from the LLRZ zoning, it will remain similar in character to much of Alexandra’s urban area and in this context “will not appear at all incongruous or inappropriately dense” in this location (paragraph 29(b)). I understand Mr Moore’s evidence to essentially support either LLRZ or LRZ from a landscape and visual effects perspective. I consider the zoning therefore turns on whether LLRZ or LRZ is best for this site, when considering this site in the wider urban context. I consider that it is important to note that PC19 seeks to provide a range of living opportunities, and that includes areas of low density (LLRZ), as well as more traditional forms of urban subdivision (LRZ) and higher density opportunities (MRZ). In my view, it is important such a range is provided. Notwithstanding this, I am comfortable that in this instance there are other areas, including the remaining portion of Dunstan Road, that will provide for LLRZ development and therefore rezoning of this site to LRZ will not remove options for larger-lot living opportunities.
182. I have also further considered whether the Fulton Hogan/Otago Bees site is the most appropriate “split” between the LRZ and LLRZ areas. I note that the boundary between different zones sometimes follow a logical point of separation, related to existing development patterns, topographical features or other distinguishing features. However, in other cases it can be somewhat arbitrary. While I consider that the Fulton Hogan/Otago Bees site does provide a logical separation between the LLRZ and the LRZ, I do not have a strong view on this, and consider that the boundary could equally be located further up Dunstan Road. In this regard, I accept that the MRZ located across the road could equally provide a logic for where the LLRZ/LRZ boundary is drawn. On balance, I tend to support rezoning to LRZ, with servicing matters addressed by the addition of a cap (suggested by Mr Barr) and a matter of discretion added in relation to this. While I consider that either LRZ or LLRZ would be appropriate for this site, a limitation on infill development being realised is often a lack of desire by landowners to develop. In this instance, there are willing landowners, which in my view makes the redevelopment of this site more likely.
183. I also note the concerns of Paul & Angela Jacobsen, Judge Rock (#14) regarding the potential for reverse sensitivity effects to arise in relation to further development being enabled near their vineyard site. I have considered whether this supports application of an additional rule or requirement (e.g. a site-specific setback from the boundary), but note that there will be other instances where LRZ or LLRZ adjoins rural activities. I consider that this is best addressed at the time of subdivision, and I therefore recommend that an additional matter of discretion is added. I do not consider that this should be limited only to rural zones or rural activities, as such consideration is equally applicable to commercial and industrial activities.

Recommendation:

184. Rezone 113-157 Dunstan Road to LLRZ.
185. Add the following standard applying to this site (and make a consequential amendment to SUB-R4 to refer to it):

SUB-S2	Servicing Thresholds	
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<u>LRZ at 131-157 Dunstan Road</u>	1. <u>The subdivision of 131-157 Dunstan Road shall not exceed 40 residential lots.</u>	<u>RDIS</u> <u>Matters of discretion are restricted to:</u> a) <u>The sufficiency of the wastewater network to service additional development.</u> b) <u>Any limitations on staging required to address wastewater servicing.</u>
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186. Add the following matter of discretion to SUB-R4:

Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.

187. In terms of s32AA of the RMA, I have outlined above why I consider that LRZ is more appropriate than LLRZ in achieving the objectives of the Plan. I consider that the application of a servicing cap is a targeted, and therefore efficient way to address the servicing limitations, while still being effective at achieving the outcomes sought in terms of integration of servicing with subdivision (Objective 16.3.2).

188. In accordance with paragraph 6(d) of Minute 4 issued by the Hearings Panel, I circulated a draft of the changes recommended above to Mr Barr, in order for him to comment on the drafting. This resulted in some changes being made to provide greater clarity. While Mr Barr and I are generally agreed on the drafting recommended above, his preference would be for a map reference to be used to identify the properties, rather than the property address. Should the Hearing Panel consider this is more appropriate, it would require identification on the planning maps, with the rule above amended to refer to the relevant map layer / identification.

Appendix 1 – Outstanding Matters Table

Submitters Attending Stage 1 Hearing – 26-27 April and 10-12 May 2023

Wednesday 26th April

Submitter	Outstanding Point	Response
Ministry of Education (#60)	Educational facilities should be treated as restricted discretionary activities, the same as other community facilities.	While the NP Standards include a separate definition of educational facility, it is currently encompassed in the definition of community facilities. I agree that it is appropriate to treat educational facilities the same as community facilities and therefore apply a restricted discretionary activity status in the LRZ and MRZ. I therefore recommend that LRZ-R13 and MRZ-R14 are amended so that they apply to educational facilities as well as to community facilities, as follows: <i>Community facilities and Educational Facilities</i>
John Lister (#16)	Minimum lot size in MRZ should be 300m ² among larger sections or 350m ² when adjoining.	My view remains as set out in the Stage 1 s42A report (paras 156-157). In addition, I am not aware of other District Plans where lot sizes are varied depending on the size of surrounding lots.
	Provision for car parking, by not allowing narrower street widths.	My view remains as set out in the Stage 1 s42A report (para 208). Specifically, street widths are not part of the changes proposed through PC19 and therefore amendments to this are outside the scope of the plan change.

Thursday 27th April

Submitter	Point	Response
James Dicey (#70)	<i>Bannockburn, Domain Road Vineyard zoning – addressed in main body of this report.</i>	
Gordon Stewart (#34)	<i>Bannockburn, Density – addressed in main body of this report.</i>	
Graeme Crosbie (#117)	<i>Bannockburn, Density – addressed in main body of this report.</i>	
	<i>Bannockburn, Domain Road Vineyard zoning – addressed in main body of this report.</i>	

Werner Murray (#156)	Supports a little bit of development everywhere, (including Bannockburn) with more of a focus on Cromwell. Considers that small increases in all zones will retain character.	In my view, it is not appropriate to simply allow for an increase in density without considering: - the change in character and amenity that they may have in different places and whether this is appropriate; and - the ability to service increased density. In line with this, there are specific areas where I have recommended greater increases in density, or identified where this might be appropriately considered, but this has taken into account character and amenity as well as servicing.
	<i>Density in the LRZ – addressed in main body of this report.</i>	
	Seeks reinstatement of multi-unit rule.	Regardless of there being an existing rule about multi-unit development, the test for such a rule is whether it is the most appropriate way to implement the policies and ultimately achieve the objectives of the Plan. I do not agree that allowing for development at this scale is appropriate in the LRZ and LLRZ, as it simply does not align with the objectives.
	<i>Applicability and Effect of NPS-UD – addressed in main body of this report.</i>	
Wally Sanford (#144)	Need to ensure that right of ways are vested as roads when further infill occurs.	As noted by the submitter, there is an existing rule requiring that right of ways do not serve more than 6 lots. It is not clear what changes are sought to the Plan provisions to address the submitter's concerns. In terms of other options mentioned, such as the Council taking roads under Public Works Act, this is not something that can be addressed through the District Plan. Future connectivity is also an existing matter of discretion.
	Construction standard	My view remains as set out in the Stage 1 s42A report (para #227). I am not opposed to introduction of a vibration standard, but PC19 is about residential zones and the related framework, and in my view vibration should be considered on a district-wide basis and therefore as part of a review of earthworks and/or subdivision provisions.
	Minor residential units – need to be required to have compliant accessways	The MRU rules already require that any unit must use the same accessway as the principal residential unit. Where this is not met, a consent is required, which allows for the Council to require any additional accessway to meet standards. I therefore do not consider that any changes are required to the provisions for MRUs in the residential chapter provisions.
	30m setback from highways – why is it necessary – not required for noise	My view remains as set out in the Stage 2 s42A report (paras #263-#264). I note that this provides a tiered approach to managing noise, where no buildings are permitted within 30m of the State Highway, and dwellings between 30 & 80m must meet specific acoustic

		requirements. Dwellings within the Building Line Restriction can still be considered through a resource consent process under Rule 12.7.7.
	The 15m setback required from boundary where adjoining lake should be from lake boundary, not property boundary, given in some cases the lake edge is tens of metres or even over 100m from the property. Does not consider that they are needed to combat lakeshore erosion, and reduce development yield in a way that results in inefficient use of private land.	In my view, the application of the 15m setback under the current rules has led to a particular character and amenity outcome, whereby houses are clearly separate from and do not dominate public areas adjoining lake edges. Allowing new buildings closer to the boundary would result in disparity between existing and new houses. While this approach restricts the use of a portion of land from being built on, I consider any inefficiencies associated with this need to be weighed up against other outcomes sought, which include maintenance of amenity.
	<i>Density in the LRZ – addressed in main body of this report.</i>	
Brodie Costello (Landpro Limited - #150)	<i>Density in the LRZ – addressed in main body of this report.</i>	
	<i>MRZ Standards – Building Coverage – addressed in main body of this report.</i>	
	<i>Medium Density Design Guidelines – addressed in main body of this report.</i>	
Craig Barr (Jones Family Trust and Searell Family Trust - #82, Cairine MacLeod - #135, Shanon Garden - #139, Pisa Village Development & Pisa Moorings Vineyard Ltd - #146, Rowan and John Klevstul - #163)	<i>Applicability and Effect of NPS-UD – addressed in main body of this report.</i>	
	<i>Medium Density Design Guidelines – addressed in main body of this report.</i>	
	Fill and erosion and sediment management	I am comfortable with extending the excavation rules to also apply to fill. I accept Mr Barr’s comments that “<i>Placement of fill where it can alter ground levels and affect amenity and privacy associated with creating new contours, and the placement of fill if not appropriately managed can cause adverse effects in terms of dust, overburden spilling onto the road or adjoining sites, changes in amenity and outlook due to unlimited fill being placed on neighbouring properties</i>”. I consider that these are relevant to achieving the outcomes sought for residential zones directly, rather than necessarily being a district-wide issue. In relation to inclusion of erosion and sediment controls, my view remains as set out in the Stage 1 s42A report (para 126); essentially that this is something that needs to be considered when earthworks provisions across the plan are reviewed, as it is not specific to residential zones. In addition, I consider that there are difficulties with the additional standard sought by Mr Barr, as it simply requires that erosion and sediment control measures are implemented, but does not provide certainty as to what such measures entail in order for compliance to be achieved. While reference to compliance with a guide

		is referred to as a 'note', in my view such a note does not have the effect of a rule and therefore does not assist. It is also not clear to me how you would assess compliance with a 'guide', which by nature is guidance rather than fixed requirements. I also have concerns with referring to a document prepared by a completely separate local authority. Overall, I recommend that LLRZ-R10, LRZ-R10 and MRZ-R11 are amended as follows: <table><tr><td>Excavation <u>and Fill</u></td></tr><tr><td>Activity Status: PER</td></tr><tr><td>Where:</td></tr><tr><td>1. Any extraction <u>or fill</u> of material shall not exceed 1m in depth within 2m of any site boundary; and...</td></tr></table>	Excavation <u>and Fill</u>	Activity Status: PER	Where:	1. Any extraction <u>or fill</u> of material shall not exceed 1m in depth within 2m of any site boundary; and...
Excavation <u>and Fill</u>						
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	<i>Bannockburn, Density – addressed in main body of this report.</i>					
Carey Vivian - Fulton Hogan Limited (#164)	Amend wording of introductions as they relate to FGOs, to provide for other areas where it may be applied, not just areas signalled in the Vincent Spatial Plan.	I agree in principle with Mr Vivian that should the Panel agree to apply the FGO to other areas (as recommended in this report), that a consequential amendment to the relevant introductions would be appropriate. However, given the changes I have recommended in relation to FGOs, I consider that broader amendment is required to the introduction to reflect this, in addition to the matter raised by Mr Vivian. to My recommended wording is as follows: <i>The Future Growth Overlay identifies any <u>areas</u> that has<u>ve either</u> been signalled in the Vincent Spatial Plan for [low density/large lot/medium density residential zoning], in future, <u>or other areas identified as being appropriate for future residential growth. The provisions applying to this area are those of the underlying zoning, and therefore a Plan Change will be required to rezone this area in future.</u> However, <u>there are some wider servicing constraints to developing these areas that must be addressed before they are able to be developed. Provisions are therefore applied in the Overlay is intended to identify any location where future growth is anticipated, when further supply of residential land is required, and provided that restricting development until there is capacity within the reticulated water and wastewater networks to service the additional development.</u></i>				

	Seeks changes to FGO policies (LRZ-P6 & MRZ-P7)	I consider the amended wording sought by Mr Vivian has been superseded by the changes I have recommended in relation to the approach taken to FGOs more broadly.
Foodstuffs (South Island) Properties Ltd – Cromwell and Foodstuffs (South Island) Properties Ltd – Alexandra (#61)	Seeks addition of the following policy – <i>Where residential activity in the MDRZ locates in close proximity to commercial activities it is recognised that this may detract from amenity values appreciated by some people (due to hours of operation, noise, lighting, traffic from commercial activities) but this is not to be considered an adverse effect.</i>	I understand the concerns of this submitter to be that, while they are not opposed to medium density development adjoining commercial sites/activities, they want to ensure that there is appropriate recognition of the impact that commercial areas/activities may have on this type of development, and that this is to be expected. However, I do not consider that the wording proposed is written as a policy. In my view, it is in effect an advice note. Should the Hearing Panel agree to including such a policy, my recommendation would be to reword it as follows: <i>Recognise that where residential activities locate in close proximity to commercial activities, that this may detract from amenity values appreciated by some people, but this is not to be considered an adverse effect.</i> However, to include such a policy, it is necessary to examine how the policy is implemented through the rule framework, and what objective it relates to achieving. MRZ-O2(5) is related to providing good quality on-site amenity and maintaining the anticipated amenity values of adjacent site. In this instance, the submitter’s policy is not concerned with amenity effects of development <i>on</i> adjoining commercial sites, but rather the converse. I therefore do not considerate is related to achieving the MRZ objectives. Given changes are not proposed to the rule framework, it I also not clear how the policy would be implemented. With respect to Policy 6(b) of the NP-UD, it directs recognition that planned changes to built form <i>may</i> detract from amenity values, and that such changes are not, of themselves an adverse effect. It requires that decision-makers have regard to this, when making decisions affecting urban areas. In my view, this has been considered in the rezoning and where areas of intensification are anticipated, which includes in proximity to BRA. Overall, I do not consider the additional policy to be necessary to achieve the outcomes sought, nor to give effect to the NPS-UD.

Christian Paul Jordan (#166)	<i>Density in the LRZ – addressed in main body of this report.</i>
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Wednesday 10th May

Submitter	Point	Response
John Duthie - Wooing Tree (#79)	Zero lot line development	It was not clear to me, through the submission, what was meant by “zero-lot” development, nor did I consider the specific wording change sought by the submitter was sufficiently clear (Stage 1 s42A report, para 197). The concept, as I understand it from Mr Duthie’s evidence, is that rather than requiring each dwelling in the MRZ to be setback a minimum amount from each side boundary (i.e. 1m each), the ‘total’ setback– being 2m - could be provided on one side only, with the dwelling on one side of the boundary built up to the boundary, but still setback 2m from the adjoining dwelling. I firstly note, that the comprehensive residential development approach in MRZ would already allow for this type of consideration, as if this concept is included in the land use consent for the comprehensive residential development (.e. as part of a consent under MRZ-R2), then subsequent dwellings built in accordance with the concept (under MRZ-R1) are exempted from meeting the setback standards. I understand what was sought in the original submission was for a similar exemption to apply within the setback rule, to provide an exemption where the matter had been approved through a subdivision consent. I consider that this type of exception is appropriate in MRZ-S6, but need not be linked to a subdivision. Recommendation: Amend MRZ-S6 as follows: <i>Any building or structure shall be setback a minimum of:</i> 1. 1m from any internal boundary {except that this does not apply to common walls along a site boundary, or to an uncovered deck less than 1m in height}; and 2.

		<u>MRZ-S6.1 does not apply to:</u> • <u>Uncovered decks of less than 1m in height.</u> • <u>Internal boundaries within a retirement village.</u> • <u>Two or more residential units connected horizontally and/or vertically by a common wall or floor.</u> • <u>'zero-lot line' development, where no setback applies on the internal boundary of one side of a building, provided the building is setback 2m from the boundary on the other side of the building, and an appropriate legal mechanism allows for maintenance access to the building.</u>
	<i>Site Coverage Standard in MRZ - addressed in main body of this report.</i>	
	Travellers' accommodation – make it restricted discretionary, rather than discretionary, within 500m of a town centre.	My view remains as set out in the Stage 1 s42A report (para #112). I note that any rule is required to be certain, so I do not consider that having a rule simply saying “<i>within 500m of the town centre</i>” would work, without defining or mapping what is considered to be the town centre. At most, I consider that policy guidance might be appropriate if the Hearing Panel agrees in principle with the concept, for example, adding an additional clause to MRZ-P6 relating to the proximity of visitor accommodation to business areas. However, I note that consideration was given in the s32 Report to limiting areas where visitor accommodation is anticipated. This was considered as one option for helping to address housing affordability, given the use of residential properties for short-term visitor accommodation instead of permanent living options. However, it was not considered to be a significant enough issue, particularly given the other measures included in PC19 to address housing affordability, to warrant placing greater restrictions on visitor accommodation. While I appreciate Mr Duthie has considered it more from the other angle – incentivising it in certain locations – I ultimately do not consider it necessary to limit where visitor accommodation is located to achieve the outcomes sought.
Lynette Wharfe - Horticulture New Zealand (#89)	LLRZ-S6 (Setback from internal boundary) – Increase to 25m where the zone borders the Rural Resource Area and add a matter of discretion for potential reverse sensitivity effects on adjacent rural activities.	My view remains as set out in the Stage 1 s42A report (para 198). In addition, I note that Ms Wharfe refers to there being a 25m side yard in the Rural Residential areas. I consider that the LLRZ and Rural Residential areas are different in nature, and in particular note that the former is an <i>urban</i> zone, whether the latter is a <i>rural</i> zone (under the National Planning Standards). I consider it unreasonable to require such a large setback in an urban zone and again note that there are other zones within urban areas that adjoin rural areas, so applying the setback to LLRZ would result in an inconsistent approach. I also note that the proposed areas of LLRZ are not 'new' areas;

		they are either existing Residential Resource areas, or they are areas currently zoned Rural Residential which are proposed through the Spatial Plans to be intensified. Application of 25m setback to the former areas would significantly increase the setback currently applied to these areas.
	Definition of noxious activity	The definition, while introduced within PC19, is, in effect a rollover of a rule in Section 7 of the current Plan. However, I accept Ms Wharfe's view that it should not include reference to plants. I therefore recommend that the definition is amended as follows: Noxious Activity <u>in a residential zone</u>, means any of the following: 1. ... 2. The intensive confinement of animals (excluding the keeping of domestic animals associated with residential activities), plants or fungi (excluding domestic glasshouses)...
Stuart Fletcher - John & Mary Fletcher (#98)	Minimum allotment size in Precinct 3	Mr Fletcher suggests that a minimum of 4000m ² may be more appropriate but notes that this would require more consideration of what a suitable minimum may be. In my experience, given the Council has proposed a 6000m ² minimum in PC19, it would be more usual for the submitter seeking a change to undertake such an evaluation. For completeness, I note that the density in this area is also addressed in the Stage 2 s42A report (paras 200-203).
	Increase site coverage in LLRZ Precinct 3 to 20%	My view remains as set out in the Stage 1 s42A report (para 192), noting that if the Hearing Panel decide to apply a different minimum lot size, this may affect the coverage standard that should apply. While I accept that the current site coverage applying is 40%, this appears to stem from a single coverage applying to any Residential Resource Area, regardless of the different densities. This is not common in other plans, which usually apply different site coverage limits to zones which have different densities. In reviewing the current provisions, I consider the correct test is what coverage is most appropriate to achieve the outcome sought, i.e. a predominance of open space over built form (LLRZ-O2.2). I consider the proposed densities within each precinct are comparable when taking into account the density of these areas, and that they are appropriate for a large lot zone.
John & Rowan Klevstul and	<i>Applicability and Effect of NPS-UD – addressed in main body of this report.</i>	

Rubicon Hall Road Ltd (#163)		
Kathryn Adams (#149)	<i>Density in the LRZ – addressed in main body of this report.</i>	
Matt and Sonia Conway (#80)	Issue of their property being landlocked.	My view remains as set out in the Stage 1 s42A report (para 223). Namely that facilitation of access to back land is already included as a matter of discretion. While I have further considered if the matter of discretion could be amended, I consider that “facilitate” is appropriate, as I do not necessarily agree that access should be “provided” by a developer.
	Important that existing services are acknowledged in the Plan	I consider that this matter is already broadly covered in the proposed matters of discretion for subdivision under Rule SUB-R4, e.g. “The provision of adequate network utility services ... including the location, design and construction of these services” and “ <i>Subdivisional design including the shape and arrangement of allotments to:... 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.</i> ” In relation to infrastructure such as the National Grid, I note that the Plan also contains provisions relating to this in Section 12, 13 and 16.
Paul & Angela Jacobsen, Judge Rock (#14)	Little logic for size of lots – should be highest nearer to Alexandra Town Centre.	I consider that the overall form of Alexandra’s urban area is a matter that has been considered through the Spatial Plan process. While some changes are recommended through PC19, I consider the general intent on which the Spatial Plan is based in appropriate.

Thursday 11th May

Submitter	Point	Response
Nicola Williams - Retirement Villages of New Zealand Ltd Incorporated (#158) and	Add new objective: <i>Recognise and enable the housing and care needs of the ageing population.</i>	Objectives should clearly identify the outcome sought. The drafting proposed is written as a policy, not an outcome and is therefore inappropriate and does not align with best practise plan drafting. Furthermore, it does not make sense to “enable needs”.
	Insert a permitted activity for the use of land for a retirement village in the LRZ and MRZ.	The evidence states that “ <i>retirement villages are fundamentally a residential activity as confirmed in the definition of retirement villages in the National Planning Standards 2019.</i> ” As such, providing for the land use component of a retirement village is already

Ryman Healthcare Limited (#160)		addressed through the rules for “ <i>residential activities</i> ”. An additional rule would therefore result in unnecessary duplication.
	Add three new policies	My view remains as set out in the Stage 1 s42A report (paras #135 – 140). Fundamentally I do not consider that the wording of the policies and matters of discretion supported by Ms Williams are more appropriate than those already include in PC19, taking into account changes I have recommended to them to address the underlying concerns of these submitters. As Ms Williams notes, these recommendations already recognise that retirement village developments are different, and go some way towards enabling these types of developments. Ms Williams also comments that the submitter’s wording more appropriately aligns with the Enabling Housing Act. However, this Act is not relevant to Central Otago and this emphasises my point that when considering the wording of these, it should be in the context of achievement of the PC19 objectives, not wider documents that are not even applicable in Central Otago. Several of the policy clauses also do not grammatically work with the chapeau of the policies.
	Add new matters of discretion for retirement villages	
Brodie Costello - CHP Development Ltd (#148)	<i>MRZ Standards – Building Coverage – addressed in main body of this report.</i>	
	MRZ-S8 Landscaping	My view generally remains as set out in the Stage 1 s42A report (para #211(b)). This accepts that there may be circumstances were a lesser provision of landscaping is appropriate, but that this should be considered through a consent process. I have however reviewed again the threshold used in other plans and agree with Mr Costello that 25% is more consistent with what is used in other plans which do not have highly urbanised (city) areas. As he notes, the plans specifically referenced in my evidence apply either a 20% or 25% threshold (Proposed Queenstown District Plan, Proposed New Plymouth District Plan and Christchurch District Plan). Reference in my evidence to a range between 20-35% also took into account proposed Plan Change 21 in relation to the Mackenzie District Plan (of 30%), and the threshold from an equivalent zone in the Auckland Unitary Plan (of 35%), but neither of these were referenced in the s42A report, and I appreciate the Auckland Unitary Plan may not be a good comparison in any case. I also acknowledge that Mr Costello also reviewed the proposed Selwyn and Waimakariri District Plans, and I note the proposed Timaru District Plan also proposes a 25% threshold. Therefore I agree with Mr Costello that 25% would better align with other district plans while still providing for an open and spacious feel sought in relation to this District Plan. I also agree that the threshold should be amended to exclude land required to access a property.

		Amended Recommendation: Amend MRZ-S8 as follows: At least 30²⁵% of the <u>net site area of any</u> site shall be planted in grass, trees, shrubs or other vegetation.
Joanne Skuse - Topp Property Investments 2015 Ltd (#161) and Sugarloaf Vineyards Ltd (#162)	<i>Applicability and Effect of NPS-UD – addressed in main body of this report.</i>	
	<i>Future Growth Overlays - addressed in main body of this report.</i>	
	<i>Comprehensive development or Structure Plan Approaches - addressed in main body of this report.</i>	
	<i>Density in the LRZ – addressed in main body of this report.</i>	
	Amend MRZ-O2, MRZ-P1, MRZ-P2, LRZ-O2 and LRZ-P1 to highlight amenity and character is anticipated to change over time.	My view remains as set out in the Stage 1 s42A report (para 41).
	Seeks reinstatement of multi-unit rule.	Regardless of there being an existing rule about multi-unit development, the test for such a rule is whether it is the most appropriate way to implement the policies and ultimately achieve the objectives of the Plan. I do not agree that allowing for development at this scale is appropriate in the LRZ and LLRZ, as it simply does not align with the objectives.
	LLRZ-R15, LRZ-R18, MRZ-R19 – Amend to provide for hazards as a restricted discretionary activity	My view remains as set out in the Stage 1 s42A report (table in para 241).
	<i>MRZ Standards – Building Coverage – addressed in main body of this report.</i>	
	MRZ-S10 – questions whether this has been tested and how it relates to 1m yard setback	The standards are consistent with advice from experienced and qualified urban design experts. It is also applied in the MDRS, so is therefore commonly applied to larger urban environments.
	MRZ-S12 – Delete - as consider walk-up apartments can still achieve street activation.	My view remains as set out in the Stage 1 s42A report (para 211(e)). Deletion of the standard would be inconsistent with the advice received from experienced and qualified urban design experts. Conversely, no urban design evidence has been provided to support Ms Skuse’s statement about how street activation could still be achieved if the standard were deleted.
	<i>Medium Density Design Guidelines – addressed in main body of this report.</i>	
	Replace LRZ with GRZ	My view remains as set out in the Stage 1 s42A report (para 34).

	LLRZ-S2, LRZ-S2 – Increase height from 7.5m to 8m as 8m is standard for a 2 storey house.	My view remains as set out in the Stage 1 s42A report (para 174). In particular, it is unclear what the concern is with the current and proposed 7.5m height limit.
	LRZ-S5 – Reduce setback requirements to 3m.	My view remains as set out in the Stage 1 s42A report (para 196). I do not agree with the submitter that Policy 6(b) of the NPS-UD can be read as meaning that retention of the existing setback in this zone is contrary to the policy.
	Delete LRZ-R1 and LLRZ-R1 – limiting number of units per site	I agree with Ms Skuse that as the rule is subject to the density standards in LLRZ-S1, there is no need for the rule to limit to one residential unit per site, i.e. two units could only be established if the site is twice the minimum density. This is different to the MRZ, where multiple units require more detailed assessment. I therefore recommend that the rules are amended as follows: LLRZ-R1: Activity Status: <i>PER</i> Where: 1. There is no more than one residential unit per site. And Where the activity complies with the following rule requirements: LLRZ-S1 to LLRZ-S6 LRZ-R1: Activity Status: <i>PER</i> Where: 1. There are no more than two residential units per site. And Where the activity complies with the following rule requirements: LRZ-S1 to LRZ-S7
	Increase volume in LLRZ-R10 to 300m ³ , consistent with Queenstown	My view remains as set out in the Stage 1 s42A report (paras 124-125). I note that the volume used in the Queenstown District Plan was the highest of those reviewed and therefore 200m ³ is more consistent, on average, with other plans reviewed. Ms Skuse also comments on it being inefficient to need to apply for a consent for earthworks when building dwellings. However, the rule has been recommended to exclude excavation required for building construction.

	LLRZ-S4 – Building Coverage – concerns about feasibility	My view remains as set out in the Stage 1 s42A report (para 192). This provides a discussion on the level of built form the coverage anticipates, which I consider is reasonable and feasible.
Kenneth Dickie (#64)	<i>Density in the LRZ – addressed in main body of this report.</i>	
Derek Shaw (#77)	LLRZ - Precinct 3 reduce to 4000m ² in this precinct in Alexandra (the 'Old Golf Course'). 1ha blocks could be subdivided in 2, but at 6000m ² they couldn't.	The minimum lot size for this area reflects that currently applying. While I consider it appropriate to retain this minimum, to retain the character and amenity of this area, if the Hearing Panel agree it would be appropriate to allow for infill of 1ha sites in this area, this could be achieved by reducing the minimum (set out in SUB-S1(10)) to 5,000m ² , and allowing for the creation of one additional allotment where this is not met, but the minimum average allotment of 5,000m ² is achieved.
Sean Dent (#93) Crossbar Trust (#94) Shamrock Hut Ltd (#95)	<i>Density in the LRZ – addressed in main body of this report.</i> Rule LRZ-R6 (Visitor accommodation). No clarity around what level of use is 'ancillary'	The intent of the Visitor accommodation rules were to ensure that, at a permitted level, the guest occupancy was in addition to someone permanently living on site. As such, use of part of property for Visitor accommodation would be in addition to the main residential use of property. PC19 also adopts the NP Standards definition for "ancillary", which is: "means an activity that supports and is subsidiary to a primary activity." For the avoidance of doubt, I recommend the wording is amended to explicitly refer to someone residing on site. Activity Status: PER Where: 1. The visitor accommodation is undertaken within a residential unit <u>or minor residential unit</u>; and 2. is ancillary to a residential activity <u>In addition to the visitor accommodation activity, at least one person resides permanently on the site; and</u> 23. <u>The maximum occupancy is 6 guests per night.</u> With respect to the application of the regime applying in Queenstown, my view remains as set out in the Stage 1 s42A report (para #114). In particular, I consider that this regime seeks to achieve a different outcome than that sought in PC19, being that, as I

		understand it, it allows someone to rent their permanent house out on a temporary basis. This wouldn't allow for the scenario enabled by PC19.
NTP Development Holdings Ltd (#96)	Subdivision Rule SUB-R5, even as amended through s42A report, would disincentivise creation of lots smaller than 400m ² .	As noted in the Stage 1 Section 42A report (para #233) the intent of the rule was to preclude a landowner subdividing down to the minimum lot size, and then being able to establish a residential unit on each new lot as a permitted activity under MRZ-R1; thereby avoiding the restricted discretionary pathway under MRZ-R1 for establishment of 3 or more residential units. I do accept Mr Dent's concerns that the amendment previously recommended – applying the rule to of three or more allotments in the MRZ, only where they are 400m² or less, but still requiring land use consent be submitted concurrently or subsequent to the land use consent being obtained – could result in the incentivisation of lots of greater than 400m², and therefore continuation of detached dwellings on individual lots, rather than higher density development anticipated over time, such as attached terrace dwellings and apartments. However, if this rule is removed, then subdivision could be applied for in advance of building, and in some circumstances negate the need for land use consent that might otherwise be required. On reflection, I consider the risk is probably quite low, as if multiple smaller allotments were proposed, then under SUB-R4, the Council already has the ability to consider whether the allotments can accommodate anticipated land uses. It is also likely that where attached dwellings or apartments are likely, their layout will need to be considered ahead of, or concurrently with subdivision, with any initial subdivision creating a site of sufficient size for multi-unit development. I also consider that the recommended additional controlled activity rule for subdivision of lots where land use is applied for concurrently or subsequent to obtaining land use consent under MRZ-R1 will help incentivise integrated land use and subdivision proposals for multi-unit development. On balance, I therefore consider it better to delete this rule and rely on SUB-R4. Amended Recommendation Delete SUB-R5
Stephen Davies (#147)	<i>Bannockburn, Density – addressed in main body of this report.</i>	
FJ Sinclair and KM Checketts (#153)	<i>North Cromwell – addressed in main body of this report.</i>	

Friday 12th May

Evidence of Rachael Law (Patterson Pitts Group Cromwell, #165; Brian De Geest, #21, Thyme Care Properties Ltd, #145; Freeway Orchards, #30; Goldfields Partnership, #31; Molyneaux Lifestyle Village Ltd, #32; M & G Stewart, #33; D & J Sewhoy, Heritage Properties Ltd, #51).	LLRZ – P1, LRZ-P1, MRZ-P1 - Seek continued deletion of point 4/6 in relation to relocated buildings. The difference between a building being built and a relocated building not completed is not clear. LRZ-R3, MRZ-R4, and LLRZ-R3 (Relocated buildings) - The recommended conditions do not appear to manage RMA matters, rather, they appear to manage building act or code matters. Supports the permitted status of the rule, but seek the same relief sought for the conditions as per the alternative relief originally sought.	My view remains as set out in the Stage 1 s42A report (para 105). I also note that when appearing for NZ Heavy Haulage (#151), Mr Stuart Ryan confirmed their support for the conditions proposed, and particularly in relation to the requirement for the building to be located on permanent foundations approved by building consent no later than 2 months of the building being moved to site, that this was to try and avoid situations where a house ended up just ‘sitting there’ and looking in an unfinished state. I therefore consider the proposed standards to be appropriate, as well as the related policy direction.
	LLRZ-S4 – Continue to seek 30% and 20% site coverage in Precincts 2 & 3.	My view remains as set out in the Stage 1 s42A report (para 192)
	LLRZ-S5, LRZ-S5, MRZ-S5 - seek the inclusion of the original matters of discretion sought.	My view remains as set out in the Stage 1 s42A report (para 199)
	<i>Density in the Low Density Residential Zone – addressed in main body of this report.</i>	
	LRZ-S4 Building coverage – Seeks 50%	My view remains as set out in the Stage 1 s42A report (para 191)

	MRZ-P6 (Other non-residential activities) – still considers that ‘provide for’ is better.	My view remains as set out in the Stage 1 s42A report (para 76). In particular I consider that “providing for” activities does not align with MRZ-O1 as well as “only allow”.
	LLRZ-R10, LRZ-R10 & MRZ-R11 (Excavation) – concerned that it does not address any earthworks not associated with building consents, particularly that 200m ³ remains as a relatively small volume for larger sites such as Large Lot Residential Zone (LLRZ) sites when considering earthworks undertaken for landscaping	My view remains as set out in the Stage 1 s42A report (para 124-125), noting I have recommended amendments to confirm a volume rather than an area.
	LLRZ-R10, LRZ-R12 & MRZ-R13 – (Retirement villages) requirement to comply with density rules for retirement villages is not necessary nor the best use of land for retirement villages.	Agree with respect to MRZ and LRZ and note that rule does not require compliance with density standards. However I disagree with not having a standard in LLRZ for the reasons set out in the Stage 1 s42A report (para 136(b)) – namely that not applying density in this zone could allow for a much higher density than is otherwise anticipated and result in inconsistency with LLRZ-O2.
	LLRZ-R10, LRZ-R12 & MRZ-R13 – (Retirement villages) – Considers that should not need to comply with S4 (site coverage) as other standards address effects on character and amenity of the zone, whereas S4 only has internal benefits	I do not agree with Ms Law that building coverage limits provide internal benefits only. As indicated by the matters of discretion applying when the site coverage standard is breached, the standard relates to the level of openness of a site, the potential dominance of built form, and the compatibility of the built form with the surrounding area.

LLRZ-S1, LRZ-S1 & MRZ – S1 – amend to DIS – removal of NC would be consistent with proposed RMA replacement.	I do not consider it appropriate to remove non-complying activities ahead of any requirement that may come into force in future, particularly given there is no guarantee this will be included in any replacement legislation. It is, in any case, common in my experience to apply a non-complying activity status for breaches of density. This sets a “bottom line” that is clear to plan users and avoids incremental cumulative effects.
MRZ-R7 – Notes that a consequence of deleting MRZ-R7.3, the inclusion of an RDIS rule for when this is breached is no longer required.	Agree. Note the same changes are required to LLRZ-R6 and LRZ-R6. Amended Recommendation: Delete reference to R6.3 / R7.3 (as numbered in the notified version of PC19) and related matters of discretion etc from LLRZ-R6 and LRZ-R6 and MRZ-R7.
MRZ-S2 (Height) – continues to seek amended heights.	My view remains as set out in the Stage 1 s42A report (paras 174-176).
<i>Site Coverage Standards in MRZ – addressed in main body of this report.</i>	
MRZ - S7 Outdoor Living Space – still considers that applying as matter of discretion where MRZ-S4 is breached is more appropriate than having a fixed standard.	Do not agree as MRZ-S4 relates to site coverage and has a different purpose. MRZ-S7 is a permitted standard and seeks to ensure that adequate outdoor living space is provided – simply complying with site coverage does not ensure this. I also note that an outdoor living space requirement is commonly applied in the MRZ in other district plans.
MRZ-S8 Landscaping – still considers it should be deleted and considered as a matter of discretion for other breaches.	My view remains as set out in the Stage 1 s42A report (para 211(b)). I consider that the different standards have different purposes and therefore simply relying on consideration when other standards are breached is, in my view, less effective at achieving the objectives sought and inconsistent with the urban design advice provided as part of the drafting of PC19.
MRZ-S9 Service and Storage Space – still considers it should be deleted and considered as a matter of discretion for other breaches.	My view remains as set out in the Stage 1 s42A report (para 212). I consider that the different standards have different purposes and therefore simply relying on consideration when other standards are breached is, in my view, less effective at achieving the objectives sought.
MRZ-S10 Outlook Space - still considers it should be deleted and considered as a matter of discretion for other breaches.	My view remains as set out in the Stage 1 s42A report (para 211(c)). I consider that the different standards have different purposes and therefore simply relying on consideration when other standards are breached is, in my view, less effective at achieving the

		objectives sought and inconsistent with the urban design advice provided as part of the drafting of PC19.
	MRZ-S11 Fencing – 1.2m, which is a more standard low fence height in residential areas, and removing the requirement for transparency, enables far more choice for landowners.	I am comfortable with increasing the height at which a fence can be ‘solid’, from 1m to 1.2m, as the intent of the standard will be maintained, while reflecting more common fence heights. I do not agree with removing the requirement for transparency, as this would not align with MRZ-P1 or the urban design advice received in relation to this. Amended Recommendation: <i>The maximum height of any fence along a road boundary shall be:</i> 1. <u>1.2m</u>, where less than 50% of the fence structure is visually transparent; or...
	MRZ-S12 - Habitable Rooms – Prefers deletion as would provide more flexibility.	My view remains as set out in the Stage 1 s42A report (para 211(e)). I consider that the different standards have different purposes and therefore simply relying on consideration when other standards are breached is, in my view, less effective at achieving the objectives sought and inconsistent with the urban design advice provided as part of the drafting of PC19.
	Insert new provision to all Residential Zones (#33)	My view remains as set out in the Stage 1 s42A report (para #226). In particular, I re-emphasise that PC19 has not proposed residential zoning in proximity to the site, or an increase in the density of development from that which exists under the Operative Plan. I do not consider it reasonable to impose additional costs on adjoining landowners when the activity taking place was consented in essentially the same context as still applies under PC19.
	Define margin of lake MRZ-S6 Setback from internal Boundary – 15m lake setback	The intent of this standard was to replicate the existing rule. Having considered this further as a result of Ms Law’s evidence, I accept that the drafting does not achieve this, as the current rule requires that buildings are setback 15m from the property boundary, where the “<i>site has a boundary adjacent to the margin of a lake</i>”. The proposed drafting instead applies the boundary to the lake margin, and results in the concerns of Ms Law that where the exact boundary is needs to be defined. Reinstating the original drafting as was intended removes this, as it does not require definition of the exact location of the margin. However, I continue to consider that reducing the setback applied is not appropriate, as the application of the 15m setback under the current rules has led to a particular character and amenity outcome, whereby houses are clearly separate from and do not dominate public areas adjoining lake edges. Allowing new buildings closer to the boundary would result in disparity between existing and new houses. While this approach restricts the use of a portion of land from being built on, I consider

		any inefficiencies associated with this need to be weighed up against other outcomes sought, which include maintenance of amenity. Amended Recommendation: Amend LLRZ-S6, LRZ-S6 and MRZ-S6 as follows: <i>Any building or structure shall be setback a minimum of:</i> ... 2. 15m from <i>any property boundary which is adjacent to</i> the margin of any lake.
	Non-notification clauses	My view remains as set out in the Stage 1 s42A report (table in para 241). Ms Law has not identified in her evidence those rules which she considers this should apply to.
	LLRZ-P2, LRZ-P2 Seek original relief sought for clarity for plan users	My view remains as set out in the Stage 1 s42A report (paras 70-72).
	SUB-O1 & SUB-O2 - Section 13 of the ODP (and the NP Standards for infrastructure and energy) is more related to the management of the development of infrastructure and energy by those industries. What is proposed to be managed here is that subdivision occurs when there is infrastructure to support it. By signalling this in the objective plan users and Council are signalled to the fact that infrastructure is required to support subdivision. This also supports the rule framework which has many references in the RDIS category for provision of infrastructure.	My view remains as set out in the Stage 1 s42A report (para 39). I accept Ms Law's point that Section 13 of the ODP is more related to the management of the development of infrastructure and energy. However, of more relevance is that Section 16, which relates to subdivision, already includes provisions relating to integration of infrastructure with subdivision. The rule framework in the proposed Residential Subdivision Chapter as it relates to infrastructure is intended to implement the existing policies and objectives in Section 16 and I continue to consider it would be inappropriate to double up on this in the objective and policy framework in the residential chapter.

	SUB-P1, new policies, SUB-R3 and new standards - Accept that the Subdivision chapter 16 of the ODP does have infrastructure provisions in it that direct subdivision have infrastructure support, but consider that reference ought to be made in the new SUB section in relation to Residential chapters that links the plan user to these provisions.	I agree in principle with Ms Law, but note that the introduction to the chapter already states “ <i>Note: This chapter currently only applies to residential zones, and applies in addition to, and should be read in conjunction with, the district-wide provisions for subdivision contained in Section 16.</i> ”		
	SUB-R1 - Consider that the elevation to DIS is unnecessary and that the matters for which a boundary adjustment would be inappropriate can be managed through an RDIS activity status with the matters of discretion proposed in original relief sought.	My view remains as set out in s42A report (para 231).		
	SUB-R2 Consider that there is still a gap where an allotment could be created as part of a subdivision of land for a public utility with the remainder of the land subdivided not being of the minimum density of the zone. Without the proposed relief sought requiring compliance with S1 there is a risk that allotments are created which are too small to build on. Seek	I accept Ms Law’s point that there is a risk that as a controlled activity, an undersized lot could be created when subdivision occurs to create an allotment for a utility or reserve. I agree that this should not be allowed to occur as a controlled activity. I recommend the requirement for balance allotments to comply with the density standards is added, with non-compliance defaulting to discretionary. This reflects that non-compliance with density would otherwise be non-complying, but in this instance I consider wider consideration is required, and that this should not be limited solely to the area of the balance allotment. Amended Recommendation: Amend SUB-R2 as follows: <table><tr><td>SUB-R2</td><td>Subdivision to create a new allotment for a network or public utility or a reserve</td></tr></table>	SUB-R2	Subdivision to create a new allotment for a network or public utility or a reserve
SUB-R2	Subdivision to create a new allotment for a network or public utility or a reserve			

	original relief sought in relation to this matter and the proposed elevation to RDIS.	All Residential Zones	Activity Status: CON <u>Where:</u> 1. <u>Any balance allotment complies with SUB-S1.</u> Matters of control are restricted to: ...	<u>Activity Status when compliance is not achieved with R2.1: DIS</u>
	New SUB rule - Consider that the 'matters of control' listed in the new rule proposed by the S42A report are incredibly long, and furthermore the rule does not allow for an instance when the activity does <i>not</i> meet these matters and has thus a broken rule framework. When controlled cannot be achieved there needs to be an elevation. Consider that the matters of control need to be reassessed to consider what is really important, at the moment it appears to be the entire list for the matters of discretion for a full RDIS subdivision application, which does not fit logically for a CON activity if it is just as detailed as an RDIS.	There are no standards applying to this rule, and therefore there is nothing for the activity to comply with. If the subdivision is not one that is listed in this rule, it is addressed through the other rules. I do not agree that a CON activity should have less matters of control than a RDIS. In my view, the difference between the two activity status' is about whether or not consent should be granted in all instances (CON) or whether the ability to decline consent should be retained (RDIS).		
	SUB-R4 - Consider the original relief sought in terms of deletion of repetition in points 7c, 4 and 2	My view remains as set out in the Stage 1 s42A report (para 231).		

	still relevant, as with the changes to 10 which specify the identified landscape areas on the maps. Seek original relief sought in terms of deletion of matters of discretion for repetition with themselves and with other rules and aspects of the plan.	
	SUB-R5 Seek the same relief sought as originally in regards to the elevation to NC status.	In my experience, it is common to apply a non-complying activity status for breaches of density. This sets a “bottom line” that is clear to plan users and avoids incremental cumulative effects.
	SUB-S1 Seek original relief sought in regards to reticulated sewage and the NC activity status elevation.	In my experience, it is common to apply a non-complying activity status for breaches of density. This sets a “bottom line” that is clear to plan users and avoids incremental cumulative effects. With respect to reticulated sewage, my view remains as set out in the Stage 1 s42A report (paras 159 and 165).
	Different density for non-reticulated lots.	My view remains as set out in the Stage 1 s42A report (paras 159 and 165).

Tabled Statements

Submitter	Outstanding Point	Response
Fire and Emergency New Zealand (#114)	Continue to seek a standard requiring fire fighting water supply, as while this can be addressed at the time of subdivision, not all developments will be undertaken through subdivision.	While I accept this point, permitted buildings are limited to residential units (including relocated dwellings and minor units) or accessory buildings. In my experience, ensuring sufficient for fighting water supply is addressed through building consent for these types of buildings.

Submitters Attending Stage 2 Hearing – 24 to 26 May 2023

Wednesday 24th May

Submitter	Outstanding Point	Response
Colin Reece (#5)	<i>North Cromwell – addressed in main body of this report.</i>	
Deborah & Colin Reece (#6)	<i>North Cromwell – addressed in main body of this report.</i>	
Andrew Wilkinson (#23)	<i>North Cromwell – addressed in main body of this report.</i>	
Bernard and Clare Lynch (#35)	<i>North Cromwell – addressed in main body of this report.</i>	
Anthony Lawrence (#37)	<i>North Cromwell – addressed in main body of this report.</i>	
Jan Hopcroft (#25) and Lyall Hopcroft (#38)	<i>North Cromwell – addressed in main body of this report.</i>	
Julene Anderson (#63)	<i>North Cromwell – addressed in main body of this report.</i>	
Roddy Maxwell (#40)	<i>North Cromwell – addressed in main body of this report.</i>	
North Cromwell Society Inc (#54)	<i>North Cromwell – addressed in main body of this report.</i>	
Mark Mitchell (#113)	<i>North Cromwell – addressed in main body of this report.</i>	
Lakefield Estate Unincorporated Residents Group (#118)	<i>North Cromwell – addressed in main body of this report.</i>	
Gary Anderson (#121)	<i>North Cromwell – addressed in main body of this report.</i>	
Residents for Responsible Development Cromwell (#75)	Seeking increase in carparking requirements, and concerned about street widths	My view remains as set out in the Stage 1 s42A report (paras #207-208).

Rachael Law - Thyme Care Properties Ltd (#145)	Seeks MRZ for 84 and 94 Kawarau Road	I understand from comments made at the hearing by Mr Woodward, that the hospital contained on the site was established some time ago, with additional units added in around 2003, but that a designation may have applied to the site. I appreciate Ms Law's comments that the current development (and therefore changes to this in future) do not align well with the current underlying Rural Residential zoning. However, I do not agree that this alone provides sufficient reason to apply an urban zoning to a site. As noted by Mr Woodward, the built form level currently does not appear to equate to the level of density anticipated under an MRZ zoning (Mr Woodward estimated this to be 1,300m² per unit) and therefore the level of redevelopment that could occur under such a zoning appears much greater than the current use of the site. I also continue to have concerns that applying an urban zoning would result in a shift in the current town boundary outside the current clear delineation provided by the State Highway and be inconsistent with the Spatial Plan. It could also result in reverse sensitivity effects arising in relation to the neighbouring site, as emphasised by Mr Woodward, albeit these could be partially addressed through application of a suitable setback distance. Ms Law also states that the existing built form sets a precedent <i>"that development of this type is suitable on the west side of state highway 6."</i> Given the historic nature of this development, I do not consider that it can be used to establish that further development on the western side of the State Highway is suitable, noting that the Spatial Plan explicitly rejects this, which is a much more up-to-date summary of what is considered suitable. I note the Ms Law also suggests that if the Rural Residential zoning is retained, then it would be appropriate to apply site specific controls. I agree with this in principle, but consider it outside the scope of PC19, which did not propose changes to the Rural Residential provisions.
Van Der Velden Family Trust (#236) – Jake Woodward	Further submission relating to the above.	Mr Woodward identifies the concerns of the neighbour about the rezoning sought, particularly in terms of potential reverse sensitivity. As noted above, he estimated that with 16 buildings, the current density is around 1,300m² per unit. They would prefer the application of Precinct 3 (6000m² minimum), and note that 10m setback – provides a degree of separation. For the reasons outlined above, I am not recommending changes to the zoning of the site that is of concern to these further submitters.
Rachael Law – Brian De Geest (#21)	<i>North Cromwell – addressed in main body of this report.</i>	
Rachael Law - D & J Sew Hoy, Heritage Properties Ltd (#51)	<i>North Cromwell – addressed in main body of this report.</i>	

Rachael Law - Goldfields Partnership (#31)	Expand MRZ zoning between between Waenga Drive and Kawarau Gorge Road (SH6) further south	In the Stage 2 s42A report (pars #167-#170), I did not expressly support rezoning of the full site to MRZ, noting that this would expand the MRZ further away from the commercial area, and given that additional supply is not required to meet the anticipated demand in Cromwell. I did however note that this needed to be balanced against consideration of how greenfields sites provide better opportunities for comprehensive development than infill of existing areas and noted that, as a consequence of decisions on other submissions, the Hearings Panel reduces capacity elsewhere in Cromwell, then I consider that this should be revisited, as zoning this site MRZ could offset a reduction elsewhere. Ms Law considers that the MRZ would provide for more effective use of the land and infrastructure resource and allow developers to respond to market demands. I note that earlier in this report I have made recommendations which are relevant to this site. The first is to provide for a comprehensive development framework within the LRZ, which would allow for development under an LRZ at a higher density where it is undertaken in a comprehensive manner. This would allow for greater flexibility in the development of this site given its size. I have also recommended that a lower density be applied to the northern Cromwell area than was anticipated in the Spatial Plan and from what was notified in PC19. Although I do not consider this likely to make a marked difference to supply, the Hearing Panel may wish to consider my original comment that applying MRZ to this land could offset this slight reduction.
	Building Line Restriction	My view remains as set out in the Stage 2 s42A report (para #263). In particular I note that while a reduced setback has been achieved in other locations, where a landscaped bund has been established, it is appropriate to consider mitigations such as a bund through the consent process; simply reducing the building line restriction does not guarantee that such mitigations are put in place.
John Duthie - Wooing Tree (#79)	Business Lots	Mr Duthie notes that the current BRA applying within the Wooing Tree site allows for 4000m² of gross floor area for commercial activities; while the consents issued for this area provide for up to 1000m² of gross floor area for retail activity in a different location. In the Stage 2 s42A Report, I noted concerns that while the zoning would appear to align with what is anticipated through the resource consent, application of the zoning would provide for a broader range of development than what the consent is limited to. Mr Duthie notes that the submitter would support a provision in the plan limiting the gross floor area of retail activity within the sites to which the BRA zoning is sought, to 1000m². While I support this in principle, my concern is that it would require amendments to the BRA framework, which are outside the scope of PC19. Consistent with other submissions seeking

		alternate commercial zone frameworks, I consider that the zoning and framework be considered when the BRA section of the District Plan is reviewed.
	Building Line Restriction	Mr Duthie has clarified that what is sought is a reduced building line restriction for the SH8B and SH6 boundaries of 18m, which is consistent with the current consent, which provides for a 15m setback with a landscaped bund, in addition to application of a 3m rear yard. On this basis I am comfortable with reducing the Building Line restriction on this site to 18m. Amended Recommendation: Amend the planning maps to reduce the Building Line restriction on the Wooing tree site to 18m.
A F King and Sons Ltd (#83)	<i>Lowburn – addressed in main body of this report.</i>	
Harold Kruse Davidson and Koraki Limited and ScottScott Limited (#127)	<i>Bannockburn - addressed in main body of this report.</i>	
Lakeside Christian Centre (#142)	<i>Lowburn – addressed in main body of this report.</i>	
Niall & Julie Watson (#85)	<i>Bannockburn – Domain Road Vineyard Zoning - addressed in main body of this report.</i>	
Perkins Miller Family Trust (#52)	<i>Bannockburn – Domain Road Vineyard Zoning - addressed in main body of this report.</i>	
Landpro (#150)	<i>Future Growth Overlays – addressed in main body of this report.</i>	
	Yield	<i>Addressed in main body of this report in terms of the Applicability and Effect of the NPS-UD.</i>
Wally Sandford (#144)	Applying residential zonings to roads, reserves, schools etc. Does not agree that just because it is the current approach it should be continued	My view remains as set out in the Stage 2 s42A report (para 29). While I accept that the Council is not limited to just rolling over the current approach, it is not as simple as just ‘excluding’ these areas from PC19 – a zoning still has to be applied, and the current RRA zonings cannot be retained because PC19 proposed to remove these from the Plan. I do not consider it within the scope of PC19 to introduce a new, alternate zone that is not residential.
	<i>Density in the Low Density Residential Zone - addressed in main body of this report</i>	
	Radius approach to MRZ	My view remains as set out in the Stage 2 s42A report (para 197)

Kathryn Adams (#149)	Zoning of Cromwell Golf Course	My view remains as set out in the Stage 2 s42A report (paras 212-213). In particular, I have concerns with zoning an area where due to current constraints, the zoning would not be able to be given effect to.
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Thursday 25th May

Submitter	Outstanding Point	Response
Johnathan Brass (#132)	Opposes the application of MRZ proposed in Cromwell south of Waenga Drive and Neplusultra Street. Considers that changes are more suited to Auckland.	My view remains as set out in the Stage 2 s42A report (para #197) MRZ standards are not the same as those set in Auckland, and have been subject of urban design advice that has specifically considered the context of Central Otago, including standards for shading. This identifies that three storey development could not be undertaken (because of the recession plane limits) on an infill basis, and would only be permitted in greenfield areas, or through agglomeration of multiple sites in existing areas. PC19 also looks to provide for a range of opportunities, including opportunities for new greenfields medium density development as well as providing opportunities for infill. Removing infill opportunities will reduce the overall supply and variety of options to provide for demand.
James & Gillian Watt (#19)	<i>Bannockburn – Domain Road Vineyard Zoning - addressed in main body of this report.</i>	
Charles & Nicola Hughes (#46)	<i>Bannockburn – Domain Road Vineyard Zoning - addressed in main body of this report.</i>	
	<i>Bannockburn – Density - addressed in main body of this report.</i>	
Sugarloaf Vineyards (#162)	<i>“Comprehensive Development” or Structure Plan Approaches - addressed in main body of this report.</i>	
Topp Property Investments Ltd (#161)	<i>“Comprehensive Development” or Structure Plan Approaches - addressed in main body of this report.</i>	
	<i>Future Growth Overlays - addressed in main body of this report.</i>	
Matt Subbaby - Wakefield Estates (#138)	Rezoning land to LLRZ in the vicinity of Clark Road, Pisa Moorings,	My view remains as set out in the Stage 2 s42A report (para #234-236). In particular I continue to consider that the activities existing within this site do not amount to ‘urban development’ and that in any case the zoning sought would enable greater development of this area, rather than the application of the zone simply aligning with the established seasonal workers accommodation.

		There is also no landscape assessment or traffic assessment to support the comments of Mr Subbaby. In particular, I consider that these are matters that should be addressed ahead of the rezoning of a site and not left to the subdivision consent. For example, if a landscape assessment does not agree that the level of residential development that is enabled through the zoning is appropriate in the landscape context, I do not consider the subdivision consent process would allow for the density and type of development anticipated by the zoning to be declined.
Jim and Diane Walton et al. (#97)	<i>Bannockburn – Domain Road Vineyard Zoning - addressed in main body of this report.</i>	
Jones Family Trust & Searell Family Trust (#82)	<i>Bannockburn – addressed in main body of this report.</i>	
John & Rowan Klevstul (#163)	<i>Bannockburn – addressed in main body of this report.</i>	
Ros & Peter Herbison (#134)	<i>Bannockburn – Domain Road Vineyard Zoning - addressed in main body of this report.</i>	
Bannockburn Responsible Development Inc (#140)	<i>Bannockburn – Domain Road Vineyard Zoning - addressed in main body of this report.</i>	
Graeme Crosbie (#117)	<i>Bannockburn – Domain Road Vineyard Zoning - addressed in main body of this report.</i>	
Lowburn Viticulture Ltd (#123)	<i>Lowburn - addressed in main body of this report.</i>	
Jake Woodward – John Elliot (#81)	Rezoning in Ranfurly	In the Stage 2 s42A report (para #272-276) I recommended rezoning part of the site, up to up the unformed portion of Welles Street, as LRZ. The reason for not supporting zoning beyond this relates

		to potential water supply capacity constraints, the proximity to the industrial area, and the lack of demand for additional development in this area. Mr Woodward supports application of an FGO over the wider area, to address the servicing matters. I agree that such an approach could be used to address the servicing issue, but do not consider that this overcomes the other concerns raised. In particular, I do not agree with extending the boundary beyond Knox Street, as this results in disparate boundary and does not result in a consolidated urban form. While I accept that there may be ways to address potential effects resulting from locating residential development near industrial activity, such as the boundary line restriction suggested by Mr Woodward, I consider that this should only occur if this is determined to be the most appropriate location for growth, and to do so requires consideration of other growth options. I also continue to consider that before any additional land is zoned (beyond that already recommended) that it is necessary to establish if there is sufficient demand for further development. There is no evidence on demand for this amount of land. I note that while Mr Woodward considers that the NPS-UD applies to the District, by virtue of Bannockburn, Lowburn, Pisa Moorings and Cromwell meeting the definition (collectively) for being an urban environment, it is not clear to me the relevance of this to Ranfurly, which Mr Woodward does not indicate he considers to be an urban environment, and given the provisions in the NPS-UD he refers to only apply to urban environments. More specifically, while Mr Woodward considers that the Council is a 'tier 3 local authority', I note that the direction in the NPS-UD does not relate to all land within the jurisdiction of such an authority, but more specifically only relates to urban environments, which Mr Woodward does not appear to consider Ranfurly is part of. I note that Mr Woodward also notes that the density proposed for LRZ would preclude infill development in Ranfurly. I consider that this is addressed, to a degree, but the recommended reduction in density to 400m², as well as recommendation to allow for a lot under 400m² where it is a two-lot subdivision and the average is 400m². I do not agree with the general premise that PC19 does not sufficiently provide for further growth simply because the LRZ minimum density is above that currently applying. The question is not how much theoretical development potential may have been reduced by (and needing to offset that through zoning of additional land) but whether the capacity supplied under PC19 is sufficient to meet expected demand. There is no evidence in front of the Panel that there is any insufficiency in Ranfurly and therefore I do consider that there is a demonstrated need to rezone the additional land.
Kenneth Dickie (#64)	<i>Density in the Low Density Residential Zone - addressed in main body of this report.</i>	

Werner Murray (#156)	<i>Density in the Low Density Residential Zone - addressed in main body of this report.</i>
Trevor Deaker & Mark Borrie (#66)	<i>North Cromwell - addressed in main body of this report.</i>

Friday 26th May

Submitter	Outstanding Point	Response
Paul & Angela Jacobson (#14)	Opposes LLRZ being applied to 36 & 38 Hillview Road, Alexandra. Also concerned about reverse sensitivity effects from development of adjoining neighbours. Also questions whether ability to develop LLRZ will provide for affordable housing.	In the Stage 2 s42A report (para #42-43) I provide an assessment of the request for the land to be zoned 'Viticultural Zone', and to define the LLRZ as "Large Lot Urban Zone". My view on those matters remain. However, I understand that the real concern of the Jacobsen's is the application of LLRZ to their land, and while a 'Viticultural Zone' cannot be applied, I consider much of their concern could be addressed by not applying the LLRZ and instead retaining the current zoning of the site, being the Rural Residential Resource Area. I do not consider that the impact the change in zone may have on rates is relevant to the Hearings Panel's consideration under the RMA. The question is rather, what is the most appropriate zone to apply to achieve the outcomes sought in the Plan and the purpose of the RMA. While the land is not subject to the NPS-HPL, consideration of what the most appropriate zone to apply to this land can take into account the productive capacity and current use of the land. The proposed LLRZ is consistent with the Vincent Spatial Plan, which seeks to allow for some further infill of an existing RuRRA area, to assist in providing sufficient land to meet anticipated demand. That said, I do not consider the exclusion of these lots from LLRZ to be at odds with the overall intent of the Spatial Plan. My main concern with the exclusion of these lots from LLRZ is that the proposed northern boundary to the zoning in this area follows a logical topographical boundary, and with the addition of LLRZ to the southern portion of 129 Gilligan Gully Road that is recommended, these parcels of land will be somewhat at odds with the surrounding area, given LLRZ will also enable development of a higher density in the surrounding area than is currently the case. However, this needs to be balanced with the current productive use of the land and whether the alignment of the existing RuRRA zoning with this existing use is of greater importance. I consider that this is finely balanced, and therefore do not have a strong preference for whether the RuRRA zoning is retained or LRLZ is applied.

		I do not consider it appropriate to apply a site specific buffer or requirement for acoustic insulation in relation to this specific site, noting that: - reverse sensitivity may arise in relation to a range of rural/urban interface areas; and - there is no specific information in front of the Panel to determine what an appropriate buffer or level of insulation might be. However, I consider that it would be appropriate to provide for some consideration of this matter at the time of subdivision, which would allow for a site-specific consideration in a range of circumstances. I therefore recommend an additional matter of discretion is added to Rule SUB-R4. I accept that lots created in LLRZ will not in themselves be affordable, but PC19 is also about providing for a variety of housing options. Greater supply of different housing options is therefore expected to more broadly assist in affordable housing options through providing greater choice and a more competitive market. Amended Recommendation: Add the following matter of discretion to SUB-R4: <i><u>Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.</u></i> With regards to the zoning of 36 & 38 Hillview Road, Alexandra, I recommend the Panel apply RuRRA if they consider the zoning is better aligned with the current productive use of the land; or LLRZ if this is of lesser concern than aligning the zoning with the surrounding area.
John Sutton (#76)	475 Clyde to Alexandra Road – include in the Low Density Future Growth Overlay. Specifically seeking that it is extended to the top of terrace	My view remains essentially as set out in the Stage 2 s42A report (para #142-143), which noted that the gully provides a clear and appropriate break between the FGO and the remaining rural area. I therefore agree with extending the zone slightly to follow the top of the terrace. While the zoning extent proposed in PC19 follows the current property boundary, I am comfortable with the change in zoning being demarcated by the gully. I do not agree that it would be appropriate to address the servicing issues by relying on individual water bores or individual sewerage tanks and therefore consider it should be included within the FGO (while also noting the wider recommendations made in the report in relation to the approach taken to these areas.) I also note the discussion regarding the effect of PC19 being that this wider site remains a rural zone, resulting in strip of rural land remaining between LRZ (FGO)/LLRZ (FGO) to the west and

Rural-Residential zoning to the east. However, this is a consequence of PC19 only covering residential zones and not rural zones. When the rural zones are reviewed, the appropriateness of this strip being zoned rural-residential, consistent with land to the east, can be considered.

Amended Recommendation:

Rezone the area shown in orange below (to the top of the terrace) to Low Density with a Future Growth Overlay also applied.



Annetta & Ross Cowie (#107)	Oppose application of MRZ around Heritage Clyde Precinct	My view remains as set out in the Stage 2 s42A report (para #127-129). In particular, I consider that the concerns raised about impacts on heritage properties have been carefully considered by both urban design and heritage experts. These will also be supported by the changes proposed through PC20 and the related heritage guidelines prepared for the Council. Controls within the precinct itself will also continue to apply, which includes a consent requirement for any new building within the precinct. The MRZ provisions do not 'override' these. It is agreed that Clyde is not an urban environment under the NPS-UD. This means that various directions in the NPS-UD do not apply. However, the Council is also required under s31(1)(aa) of the RMA to ensure that there is sufficient development capacity in respect of housing land to meet the expected demands of the district. The Spatial Plan takes into account the expected demand for housing land, and identifies how growth is to be accommodated across the Vincent area over a 30 year period. This includes both enabling further intensification in and around the central area of the Township, as well as greenfield areas. If MRZ is not applied, growth would need to be enabled elsewhere to meet expected demand and the Council's obligations under the RMA. I therefore do not agree that Clyde not being an urban environment under the NPS-UD is sufficient reason to remove the MRZ from Clyde.
Craig Barr - Shanon Garden (#139) & One Five Five Developments (#241)	<i>Alexandra - addressed in main body of this report.</i>	
Chris Cameron and Carolyn Patchett (#141)		
Rachael Law - MA & JM Bird (#1)	Seeks that 41 Manuherikia Road, which is identified in an FGO is rezoned to Large Lot Residential (Precinct 1) now.	<i>Future Growth Overlays – addressed in main body of this report.</i> Ms Law, in a statement tabled at the hearing states that she considers their location directly adjacent to Mayer Street, which has been subdivided would be logical extension and notes that direct access is provided from Meyer Street. This submission was assessed in broad terms in the Stage 2 s42A Report in terms of requests to rezone areas identified as an FGO now. The framework for FGOs is addressed again in main body of this report and I consider the amended recommendation in relation to FGOs is consistent with the suggestion by Ms Law that such a rule is an appropriate way to manage the servicing constraints. I therefore consider the submitter's request has been largely addressed through the recommended changes to the FGO framework.
Stephen Davies (#147)	<i>Bannockburn - addressed in main body of this report.</i>	
Walt Denley - Rocky Glen (#159)	Zoning of 105ha site on Alexandra-	My view remains as set out in the Stage 2 s42A report (paras #67-69). This includes that there are servicing constraints associated with the land, the lack of supply being required to meet demand,

	Fruitlands Road and McGregor Road	and the lack of assessment on the effects on the landscape. While Mr Denley has provided planning evidence, this is not supported by technical evidence in relation to servicing matters, nor landscape evidence. In relation to the former, I do not agree with deferring consideration of this to subdivision stage. In relation to the latter, while I accept that the land is not identified as an ONL or SAL, I do not consider that this means that effects on the landscape are not relevant. In particular, I note that other submitters seeking that zoning is extended beyond the areas identified in the Spatial Plans have undertaken full landscape assessments of the impact of proposed changes to allow for residential development in areas that are not ONL.
Cairine MacLeod (#135)	<i>Bannockburn - addressed in main body of this report.</i>	
Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd (#146)	<i>Pisa Moorings - addressed in main body of this report.</i>	
Robert Scott (#55)	<i>North Cromwell - addressed in main body of this report.</i>	
Foodstuffs (#61)	Zoning of 32 and 34 Kenmare Street	In the Stage 2 s42A report, I did not support the submitter's request for application of Business Resource Area to this part of their site. This was because the rezoning might allow for changes to the activities undertaken, and safeguards applied through conditions placed on the resource consent could be circumvented by application of the Business Resource Area (BRA) provisions. In particular I was concerned that no assessment had been provided on the difference between what is authorised through the resource consent and what would be authorised through a change in zoning. This has effectively been addressed in the evidence of Mr Allan who has identified the BRA rules applying to the site and noted that any expansion to the current operation would trigger resource consent, with consideration of effects on the adjoining residential area being part of the consideration (paragraph 25-26). Changes would also likely trigger the need for a variation to the existing consents to be sought, regardless of zoning (paragraph 27). I am therefore comfortable that rezoning to BRA would better reflect the use of the site, while still ensuring the interface between the supermarket activities and the residential area surrounding is appropriately managed. I therefore consider BRA zoning is more appropriate to achieve the objectives of the Plan, including those residential outcomes sought for the surrounding residential zones. Amended Recommendation I recommend that 32 and 34 Kenmare Street are zoned 'Business Resource Area'.



1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

Info@codc.govt.nz
www.codc.govt.nz



Central Otago District Plan

Plan Change 19 – Residential Chapter Provisions

Changes Recommended in Section 42A Reply Report

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GLOSSARY OF ABBREVIATIONS

CON	Controlled activity status
DIS	Discretionary activity status
PER	Permitted activity status
RDIS	Restricted discretionary activity status
LLRZ	Large Lot Residential Zone
LRZ	Low Density Residential Zone
MRZ	Medium Density Residential Zone
NC	Non-complying activity status

LARGE LOT RESIDENTIAL ZONE

Introduction

The Large Lot Residential Zone (LLRZ) is located in some of the outer residential areas within the townships of Alexandra, Clyde and Cromwell, as well as in Bannockburn, Lowburn, Pisa Moorings and Roxburgh, along with some isolated areas of existing large lot residential ~~near~~ located along the eastern side of Lake Dunstan.¹

The densities within the Large Lot Residential Zone ~~is~~ are the lowest of all the residential zones, providing for detached houses on large sites, maintaining a high open space to built form ratio. Generous setbacks are also provided from the road and neighbouring boundaries. Buildings are expected to maintain these existing low density characteristics, minimise the effects of development on adjoining sites and integrate with the surrounding area.

The focus of the zone is residential, with limited commercial and community facilities anticipated. Within Precinct 1, slightly higher densities are anticipated, which reflects the historic existing² pattern of development. Within Precincts 2 & 3, a lower density is anticipated, to maintain the existing amenity and character in these areas.

The Future Growth Overlay identifies ~~any~~ areas that has ve either been signalled in the Vincent Spatial Plan for low density large lot residential zoning, in future, or other areas identified as being appropriate for future residential growth. ~~The provisions applying to this area are those of the underlying zoning, and therefore a Plan Change will be required to rezone this area in future.~~ However, there are some wider servicing constraints to developing these areas that must be addressed before they are able to be developed. the Provisions are therefore applied in the Overlay ~~is intended to identify any location where future growth is anticipated, when further supply of residential land is required, and provided restricting development until~~ that there is capacity within the reticulated water and wastewater networks to service the additional development.³

In addition to the provisions in this chapter, the provisions in Sections 1-3, 6 and 11 to 18 continue to apply to the LLRZ.⁴

Objectives and Policies

Objectives	
LLRZ-O1	Purpose of the Large Lot Residential Zone
The Large Lot Residential Zone provides primarily for residential living opportunities.	
LLRZ-O2	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.	
LLRZ-O3	Precincts 1, 2 & 3

¹ #146

² #146

³ Evidence of Sean Dent (#83), Evidence of Craig Barr (#146), Evidence of Brodie Costello (#150), Evidence of Joanne Skuse (#161, #162)

⁴ Relates to #128.

The density of development in the Large Lot Residential Precincts recognises and provides for maintenance of the amenity and character resulting from existing or anticipated development in these areas.

Policies	
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 <u>network</u>⁵; 7. mitigates visual effects through screening of storage areas and provision of landscaping; and 8. encourages water efficiency measures.	
LLRZ-P2	Residential activities
Provide for Enable residential activities within a range of residential unit types and sizes <u>to meet the diverse and changing residential demands of communities</u>⁶.	
LLRZ-P3	Home business
Provide for home businesses where: 1. they are ancillary to a residential activity;⁷ 2. they are consistent the anticipated character, amenity values and purpose of the zone; and 3. the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring are compatible with⁸ do not compromise the amenity of adjoining sites.	
LLRZ-P4	Retirement Living
Provide for a range of retirement living options, including retirement villages, where they are comprehensively planned and: 1. any adverse effects on the residential amenity values of adjoining residential properties and the surrounding area are avoided or mitigated; and⁹ 2. the scale, form, composition and design of the village <u>responds to</u> maintains the anticipated character and amenity values of the surrounding area, <u>while recognising the functional and operational needs of retirement villages;</u> and¹⁰ 3. they are designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents, with good on-site amenity and facilities; and 4. any parking and vehicle manoeuvring provided on-site is appropriately designed; and 5. road <u>the safety and efficiency of the road network is maintained;</u>¹¹ and 6. they are well-connected to commercial areas and community facilities.¹²	
LLRZ-P5	Other non-residential activities

⁵ #161

⁶ Relates to #158

⁷ #165

⁸ #146

⁹ #158

¹⁰ #158

¹¹ #165

¹² #165

Avoid <u>Only allow</u> other non-residential activities and buildings, including the expansion of existing non-residential activities and buildings, unless where:¹³ 1. any adverse effects of the activity, including noise, do not compromise the anticipated amenity of the surrounding area; and 2. the nature, scale and intensity of the activity is compatible with the anticipated character and <u>amenity values</u> qualities¹⁴ of the zone and surrounding area; and 3. the activity is of a nature and scale that meet <u>serves</u>¹⁵ the needs of the local community and does not undermine the viability of the Business Resource Areas; and 4. the surrounding area retains a predominance of residential activities, and for adjoining <u>residential</u>¹⁶ properties/sites¹⁷, a sense of amenity, security and companionship is maintained; 5. any parking and vehicle manoeuvring provided on-site is appropriately designed; and 6. the road safety and efficiency <u>of the road network</u> is maintained¹⁸; or 7. <u>the activity is an expansion of an existing non-residential activity or building, and the expansion does not result in any significant increase of any existing tension with (1)-(6) above.</u>¹⁹	
LLRZ-P6	Precinct 1
Provide for development within Precinct 1 at a density consistent with the existing character of the <u>area precinct.</u> ²⁰	
LLRZ-P7	Precincts 2 & 3
Ensure that development within Precincts 2 & 3 maintains a higher level of open space, consistent with the existing character of the area <u>each precinct.</u> ²¹	
LLRZ-P8	Future Growth Overlay
Recognise and provide for rezoning <u>Restrict development</u> of land within the Future Growth Overlay <u>for residential purposes, where</u>²²-until : 1. It is demonstrated as necessary to meet anticipated demand; and²³ 2. it is able to be serviced by reticulated water and wastewater networks <u>and transport infrastructure.</u>²⁴	
LLRZ-P9	Comprehensive Development²⁵
<u>Provide for a higher density of development on larger sites, where development is undertaken in a comprehensive manner and:</u> 1. <u>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;</u> 2. <u>the design responds positively to the specific context, features and characteristics of the site;</u> 3. <u>areas of higher density development are located or designed so that the overall character of the surrounding area is retained; and</u>	

¹³ #30, #165

¹⁴ #30, #165

¹⁵ #146

¹⁶ #146

¹⁷ #30, #165

¹⁸ #165

¹⁹ #30, #165

²⁰ #165

²¹ #165

²² Evidence of Carey Vivian (#164)

²³ Evidence of Sean Dent (#83), Evidence of Craig Barr (#146), Evidence of Brodie Costello (#150), Evidence of Joanne Skuse (#161, #162)

²⁴ #9

²⁵ Evidence of Joanne Skuse (#161)

4. the development delivers a public benefit, such as public access, reserves or infrastructure improvements.

Rules

LLRZ-R1	Residential units	
Large Lot Residential Zone	Activity Status: PER Where: 1. There is no more than one residential unit per site.²⁶ And Where the activity complies with the following rule requirements standards²⁷: LLRZ-S1 to LLRZ-S6, <u>except where the residential units are within an area for which a Comprehensive Residential Development has been approved, and non-compliance with any standard has been considered through that resource consent.²⁸</u>	Activity status when compliance is not achieved with R1.1: RDIS And the activity complies with the following rule requirements standards²⁹: LLRZ-S1 to LLRZ-S6 Matters of discretion are restricted to: 1. The bulk, location, design and density of buildings. 2. The extent to which landscaping enhances residential amenity. 3. The safety and efficiency of accesses and car parking areas. 4. Amenity effects on neighbouring properties and streetscape. 5. Provision for privacy between residential units and between sites. Activity status when compliance with rule requirement standard³⁰(s) is not achieved: Refer to Rule Requirement Standards³¹ Table.
LLRZ-R2	Minor Residential Unit	
Large Lot Residential Zone	Activity Status: PER Where: 1. There is a maximum of one minor residential unit per <u>principal residential unit on any site.</u>³² 2. The maximum floor area of the minor residential unit is 70m² or 90m² including a garage. 3. The minor residential unit shall use the same servicing connections and	Activity status when compliance is not achieved with R2.1: NC Activity status when compliance is not achieved with R2.2 or R2.3: DIS³⁴ Activity status when compliance with rule requirement standard³⁵(s) is not achieved: Refer to Rule Requirement Standards³⁶ Table.

²⁶ Evidence of Joanne Skuse (#161)

²⁷ Clause 16(2) change for clarity

²⁸ Evidence of Joanne Skuse (#161)

²⁹ Clause 16(2) change for clarity

³⁰ Clause 16(2) change for clarity

³¹ Clause 16(2) change for clarity

³² #161, #162

³⁴ #165

³⁵ Clause 16(2) change for clarity

³⁶ Clause 16(2) change for clarity

	accessway as the principal residential unit. And the activity complies with the following rule requirements standards³³: LLRZ-S2 to LLRZ-S7.	
LLRZ-R3	Relocated buildings	
Large Lot Residential Zone	Activity Status: CONPER Where: - Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling; - A building pre-inspection report shall be provided with the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building <u>and shall include certification from the owner of the relocated building that the reinstatement work will be completed within a 12 month period;</u> - The building shall be located on <u>permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and</u> - All <u>other</u> reinstatement work required by the building pre-inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within six <u>12</u> months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations; and The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six month period.	Activity status when compliance is not achieved with R3.1 to R3.4: DIS <u>Activity status when compliance is not achieved with R3.2-R3.4: RDIS</u> <u>Matters of discretion are restricted to:</u> <u>The works required to reinstate the dwelling to an appropriate state of repair.</u> <u>The appropriateness of any alternate time period.</u> <u>Provision of servicing.</u> <u>Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.</u> <u>Activity status when compliance with rule requirement standard³⁹(s) is not achieved: Refer to Rule Requirement Standards⁴⁰ Table.</u>

³³ Clause 16(2) change for clarity

³⁹ Clause 16(2) change for clarity

⁴⁰ Clause 16(2) change for clarity

	And the activity complies with the following rule requirements standards³⁷: LLRZ-S1 to LLRZ-S7 Matters of control are restricted to: a. The time period within which the building will be placed on its foundations. b. Identification of, and the time period to complete reinstatement works to the exterior of the building. c. Provision of servicing. d. Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.³⁸	
LLRZ-R4	Accessory buildings and structures	
Large Lot Residential Zone	Activity Status: PER Where: 1. The building is ancillary to a permitted activity <u>or other lawfully established activity</u>.⁴¹ And the activity complies with the following rule requirements standards⁴²: LLRZ-S2 to LLRZ-S6.	Activity status when compliance is not achieved with R4.1: DIS
LLRZ-RX	Additions and alterations to existing non-residential buildings ⁴³	
Large Lot Residential Zone	Activity Status: PER Where: 1. <u>The additions or alterations do not increase the existing gross floor area by more than 30%.</u> And where the activity complies with the following rule requirements standards⁴⁴: LLRZ-S2 to LLRZ-S6.	Activity status when compliance is not achieved with RX.1: DIS Activity status when compliance with rule requirement standard⁴⁵(s) is not achieved: Refer to Rule Requirement Standards⁴⁶ Table.
LLRZ-R5	Residential Activity	

³⁷ Clause 16(2) change for clarity

³⁸ #151

⁴¹ #30, also relates to #165

⁴² Clause 16(2) change for clarity

⁴³ #30.

⁴⁴ Clause 16(2) change for clarity

⁴⁵ Clause 16(2) change for clarity

⁴⁶ Clause 16(2) change for clarity

Large Lot Residential Zone	Activity Status: PER	
LLRZ-R6	Visitor accommodation	
Large Lot Residential Zone	Activity Status: PER Where: 1. The visitor accommodation is undertaken within a residential unit or minor residential unit;⁴⁷ and 2. is ancillary to a residential activity. In addition to the visitor accommodation activity, at least one person resides permanently on the site; and⁴⁸ 3. The maximum occupancy is 6 guests per night; and 4. The access to the site is not shared with another site.⁴⁹	Activity status when compliance is not achieved with R6.1, or R6.2 <u>or R6.3</u>: Discretionary Activity status when compliance is not achieved with R6.3: Restricted Discretionary Matters of discretion are restricted to: a. the effects of the activity on the amenity and safety of on any sites sharing access of the use of the access on: i. amenity; and ii. safety and efficient access.⁵⁰⁵¹
LLRZ-R7	Home business (unless otherwise specified in LLRZ-R8 or LLRZ-R14 ⁵²)	
Large Lot Residential Zone	Activity Status: PER Where: 1. The home business is undertaken within a residential unit and is ancillary to a residential activity;⁵³ 2. The maximum floor area occupied by the home business is no more than 30m²; 3. Any No more than one employee engaged in the home business resides off on-site;⁵⁴ 4. the home business, including any storage of goods, materials, or equipment takes place entirely within a building; and 5. The maximum number of vehicle trips for a home business per site must not exceed 32 per day.	Activity status when compliance is not achieved with R7.1 to R7.5: Discretionary Activity status when compliance with rule requirement standard⁵⁶(s) is not achieved: Refer to Rule Requirement Standards⁵⁷ Table.

⁴⁷ #161

⁴⁸ Evidence of Sean Dent (#93, #94, #95)

⁴⁹ #161, #162

⁵⁰ #165

⁵¹ Evidence of Rachael Law (#21, #30, #31, #32, #33, #51, #145, #165)

⁵² Clause 16(2) change for clarity

⁵³ #165

⁵⁴ #165

⁵⁶ Clause 16(2) change for clarity

⁵⁷ Clause 16(2) change for clarity

	And where the activity complies with the following rule requirements standards ⁵⁵ : LLRZ-S10	
LLRZ-R8	Childcare Services	
Large Lot Residential Zone	Activity Status: PER Where: 1. The childcare service is undertaken within a residential unit and is ancillary incidental⁵⁸ to a residential activity. 2. The maximum number of children in attendance at any one time is 6, excluding any children who live on-site.	Activity status when compliance is not achieved with R8.1 or R8.2: Discretionary
LLRZ-R9	Signs	
Large Lot Residential Zone	Activity Status: PER Where: 1. There is a maximum of one sign per site; 2. The sign relates to the site on which it is located; 3. The sign does not exceed 0.5m² in area; 4. The sign is not illuminated and does not use reflective materials; 5. The sign is fixed and does not move; and 6. The sign does not obscure driver visibility to and from access ways. <i>Note: This rule applies in addition to the controls on signage contained in Section 12 – District Wide Rules and Performance Standards.</i>	Activity status when compliance is not achieved with R9.1 – R9.6: RDIS Matters of discretion are restricted to: 1. The effect on amenity values of neighbouring properties. 2. The effect on amenity values of the neighbourhood, and in particular on the character of the streetscape. 3. The effect on the safe and efficient operation of the roading network.
LLRZ-R10	Excavation and Fill ⁵⁹	
Large Lot Residential Zone	Activity Status: PER Where: 1. Any extraction or fill⁶⁰ of material shall not exceed 1m in depth within 2m of any site boundary; and	Activity status when compliance is not achieved with R10.1 – R10.2: RDIS Matters of discretion are restricted to: 1. The location, volume and area of <u>excavation</u> earthworks.⁶³

⁵⁵ Clause 16(2) change for clarity

⁵⁸ #165

⁵⁹ Evidence of Craig Barr (#82, #135, #139, #146, #163)

⁶⁰ Evidence of Craig Barr (#82, #135, #139, #146, #163)

⁶³ Clause 16(2) amendment, for consistency. Also relates to #165

	2. The maximum volume or area of land excavated within any site in any 12-month period does not exceed 200m²³ per site, <u>excluding excavation required for construction of a building for which a building consent has been issued.</u>⁶¹ <i>Note: Any excavation that will or may modify or destroy the whole or part of an archaeological site requires an authority to be obtained from Heritage New Zealand Pouhere Taonga.</i>⁶²	2. The effect on amenity values or safety of neighbouring <u>sites</u> properties.⁶⁴ 3. The effect on water bodies and their margins. 4. The impact on visual amenity and landscape character. 5. Any effects on the road network arising from the excavation. 6. Any effects on archaeological, heritage or cultural values. 7. Any mitigation measures proposed.
LLRZ-RX	Comprehensive Residential Development ⁶⁵	
<u>Large Lot Residential Zone</u>	<u>Activity Status: RDIS</u> <u>Where:</u> 1. The density across the site is no greater than 1 dwelling per: <u>2000m² gross site area in Precinct 2 or 3; or</u> <u>1500m² elsewhere.</u> <u>Matters of discretion are restricted to:</u> <u>Provision for housing diversity and choice.</u> <u>How the development responds to the context, features and characteristics of the site.</u> <u>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.</u> <u>Measures proposed to ensure higher density areas do not detract from the character and amenity of the wider surrounding area.</u> <u>Integration with transport networks, including walking and cycling.</u> <u>The location, extent and quality of public areas and streetscapes, taking into account servicing and maintenance requirements.</u> <u>How the configuration of lots will allow for development that can</u>	<u>Activity status when compliance is not achieved with RX.1.a: DIS</u> <u>Where:</u> 2. The overall density across the site is no greater than 1 dwelling per 1500m² gross site area; and 3. Either 1500m², or 50m² per unit, whichever is the greater, is provided for public use as an area of open space. <u>Activity status when compliance is not achieved with RX.1.b, RX.2 or RX.3: NC</u>

⁶¹ #21 & #30, #31, #32, #51, #123, #137, #145, #165

⁶² #112

⁶⁴ #165

⁶⁵ Evidence of Joanne Skuse (#161)

	<u>readily achieve the outcomes sought in LLRZ-P1.</u> h. <u>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.</u>	
LLRZ-R10	Retirement Villages	
Large Lot Residential Zone	Activity Status: RDIS Where the activity complies with the following <u>rule requirements standards</u>⁶⁶: LLRZ-S1 to LLRZ-S6 Matters of discretion are restricted to: - Integration of vehicle, cycle and pedestrian access with the adjoining road network. - Provision of landscaping, <u>or use of open space to integrate the proposal into the surrounding area,</u> on-site amenity for residents, recreational facilities and <u>Adequacy of stormwater systems and wastewater capacity.</u> Design and layout of pedestrian circulation. - Parking and <u>manoeuvring access.</u> - Traffic generation, including impacts on the <u>safety and efficiency of the wider transport road network.</u> Residential amenity for neighbours in respect of outlook and privacy. <u>Visual quality and interest in the The design, form and layout of the retirement village, including buildings, fencing, location and scale of utility areas, parking areas and external storage areas.</u> <u>Any functional or operational requirements.</u>⁶⁷	Activity status when compliance with <u>rule requirement standard</u>⁶⁸(s) is not achieved: Refer to <u>Rule Requirement Standards</u>⁶⁹ Table.⁷⁰
LLRZ-R11	Any activity not otherwise listed in LLRZ-R1 to LLRZ-R10 or LLRZ-R12 to LLRZ-R15 ⁷¹	

⁶⁶ Clause 16(2) change for clarity

⁶⁷ #158, #165

⁶⁸ Clause 16(2) change for clarity

⁶⁹ Clause 16(2) change for clarity

⁷⁰ Clause 16(2) amendment for clarification.

⁷¹ #165

Large Lot Residential Zone	Activity Status: DIS	
LLRZ-R12	Industrial Activities	
Large Lot Residential Zone	Activity Status: NC	
LLRZ-R13	Large format retailing	
Large Lot Residential Zone	Activity Status: NC	
LLRZ-R14	Noxious Activities	
Large Lot Residential Zone	Activity Status: NC	
LLRZ-R15	Buildings on Land Subject to Hazards	
Large Lot Residential Zone	Activity Status: NC Where: 1. The erection of any building (excluding buildings and/or structures associated with network utilities) on any part of a site identified on the planning maps as being subject to a hazard or land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.	

Standards

LLRZ-S1	Density	Activity Status where compliance not achieved:
Large Lot Residential Zone (Excluding Precincts 1, 2 & 3)	1. The minimum site area per residential unit is 20001500m², or 2. <u>On any site less than 1500m², one residential unit per site.</u>⁷²	NC
Precinct 1	3. The minimum site area per residential unit is 1000m², or 4. <u>On any site less than 1000m², one residential unit per site.</u>⁷³	NC
Precinct 2	5. The minimum site area per residential unit is 3000m², or	NC

⁷² Evidence of Craig Barr (#82 and #135)

⁷³ Evidence of Craig Barr (#82 and #135)

	6. <u>On any site less than 3000m², one residential unit per site.</u> ⁷⁴	
Precinct 3	7. The minimum site area per residential unit is 6000m ² , <u>or</u> 8. <u>On any site less than 6000m², one residential unit per site.</u> ⁷⁵	NC
LLRZ-S2	Height	<u>Activity Status where compliance not achieved:</u> ⁷⁶
Large Lot Residential Zone	1. The maximum height of buildings and structures must not exceed 7.5m measured from ground level to the highest part of the building or structure. <u>LLRZ-S2.1 does not apply to:</u> • <u>Antennas, aerials, satellite dishes (less than 1m in diameter).</u> • <u>Solar panels which do not project beyond the building envelope by more than 0.5m.</u> • <u>Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</u>⁷⁷ • <u>Hose drying towers which do not exceed 15m in height.</u>⁷⁸	Where: LLRZ-S2 is not met, but the height of the building or structure does not exceed 8.5m: RDIS Matters of discretion are restricted to: - Dominance of built form in the surrounding area. - Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties. - Any mitigation measures proposed which reduce the adverse effects of the increased height. <u>Any constraints which make compliance impractical.</u> <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u>⁷⁹ Where: LLRZ-S2 is not met, and the height of the building or structure exceeds 8.5m: NC
LLRZ-S3	Height in relation to boundary	<u>Activity Status where compliance not achieved:</u> ⁸⁰
Large Lot Residential Zone	1. Buildings must be contained within a building envelope defined by the recession plane angles set out in Schedule 1 to the Residential Zone chapter, from points 2.5m above ground level at the boundaries of the site. 2. LLRZ-S3.1 does not apply to:	RDIS Matters of discretion are restricted to: - Dominance of built form in the surrounding area. - Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties.

⁷⁴ Evidence of Craig Barr (#82 and #135)

⁷⁵ Evidence of Craig Barr (#82 and #135)

⁷⁶ Clause 16(2) amendment.

⁷⁷ #165

⁷⁸ #114

⁷⁹ #165

⁸⁰ Clause 16(2) amendment.

	• A boundary with a road <u>or a shared access more than 3m in width.</u> • Common walls along a site boundary. • Eaves inclusive of gutters with a maximum depth of 20cm measured vertically. • Antennas, aerials, satellite dishes (less than 1m in diameter). • Solar panels which do not project beyond the building envelope by more than 0.5m. • Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m. • A gable end, dormer or roof where that portion projecting beyond the building envelope is no greater than 1.5m² in area and no greater than 1m in height. • <u>Internal boundaries within a retirement village.</u>⁸¹ • <u>Hose drying towers.</u>⁸²	c. Any mitigation measures proposed which reduce the adverse effects of the breach. d. <u>Any constraints which make compliance impractical.</u> e. <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u>⁸³
LLRZ-S4	Building Coverage	Activity Status where compliance not achieved:
Large Lot Residential Zone (Excluding Precincts 1 2 & 3)	The building coverage of the net area ⁸⁴ of any site must not exceed 30%.	RDIS Matters of discretion are restricted to: a. Compatibility of the built form with the existing or anticipated character of the area. b. Dominance of built form in the surrounding area. c. The extent to which a level of openness around and between buildings is retained. d. Any mitigation measures proposed which reduce the adverse effects of the breach.
Precinct 1	The building coverage of the net area of any site must not exceed 40%.	
Precinct 2	The building coverage of the net area of any site must not exceed 15%.	
Precinct 3	The building coverage of the net area of any site must not exceed 10%.	

⁸¹ #165

⁸² #114

⁸³ #165

⁸⁴ Clause 16(2) amendment as definition of building coverage contains this. Also relates to #165

LLRZ-S5	Setback from road boundary	<u>Activity Status where compliance not achieved:</u>⁸⁵
Large Lot Residential Zone	Any building or structure shall be setback a minimum of 74.5m from a boundary with a road, except that this shall not apply to an uncovered deck less than 1m in height.	RDIS Matters of discretion are restricted to: - Any adverse effects on the safety and efficiency of the road network. - The extent to which the breach will have adverse effects on visual amenity values, including dominance. - compatibility of the building or structure with the surrounding built environment. <u>Any constraints which make compliance impractical.</u>⁸⁶
<u>Medium Density Residential Zone</u> ⁸⁷ Within 80m of the seal edge of a State Highway	New residential buildings shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq (24hr) in bedrooms and 40dBA Leq (24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors. This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.	RDIS Matters of discretion are restricted to: <u>The effect on the safe and efficient operation of the roading network.</u> <u>The effect on the amenity of persons nearby as a consequence of noise generated by activities on the State highway network.</u>⁸⁸
LLRZ-S6	Setback from internal boundary	<u>Activity Status where compliance not achieved:</u>⁸⁹
Large Lot Residential Zone	Any building or structure shall be setback a minimum of: 3m from any internal boundary (except that this does not apply to an uncovered deck less than 1m in height); and	RDIS Matters of discretion are restricted to: Adverse effects on privacy, outlook, or shading on the affected property.

⁸⁵ Clause 16(2) amendment.

⁸⁶ #165

⁸⁷ Clause 16(2) amendment.

⁸⁸ To correct an omission. Relates to #146 and #165.

⁸⁹ Clause 16(2) amendment.

	2. 15m from <u>any property boundary which is adjacent to</u>⁹⁰ the margin of any lake. <u>LLRZ-S6.1 does not apply to:</u> • <u>Uncovered decks of less than 1m in height.</u>⁹¹ • <u>Internal boundaries within a retirement village.</u>⁹²	b. The extent to which the breach will have adverse effects on visual amenity values, including dominance. c. The compatibility of the building or structure with the surrounding built environment. d. Any adverse effects on accessibility to the lake.
LLRZ-S7	Car parking	Activity Status where compliance not achieved:
Large Lot Residential Zone	The following minimum carpark spaces shall be provided on the site: 1. One carpark space per residential unit; and 2. One additional carpark space per home business.	RDIS Matters of discretion are restricted to: a. Any adverse effects on the safety and efficiency of the road network. b. Effects on amenity values of neighbouring properties.

⁹⁰ Evidence of Rachael Law (#21, #30, #31, #32, #33, #51, #145, #165)

⁹¹ Relates to #30, #31, #51, #145, #165.

⁹² #165.

LOW DENSITY RESIDENTIAL ZONE

Introduction

The Low Density Residential Zone covers the majority of the residential areas in the townships of Alexandra, Clyde and Cromwell, a central area within Pisa Moorings,⁹³ as well as all of the residential areas in the townships of Roxburgh, Ettrick, Millers Flat, Omakau, Ophir, St Bathans, Naseby, Ranfurly and Patearoa.

This zone provides for traditional suburban housing, comprised ~~predominately~~ predominantly⁹⁴ of detached houses on sections with ample on-site open space, and generous setbacks from the road and neighbouring boundaries. Buildings are expected to maintain these existing low density characteristics, minimise the effects of development on adjoining sites and integrate with the surrounding area.

While the focus of the zone is residential, some commercial and community facilities are anticipated, where they support the local residential population and are compatible with the character and amenity values of the zone.

The Future Growth Overlay identifies any areas that ~~has~~ ve either been signalled in the Vincent Spatial Plan for low density residential zoning, in future, or other areas identified as being appropriate for future residential growth. ~~The provisions applying to this area are those of the underlying zoning, and therefore a Plan Change will be required to rezone this area in future.~~ However, there are some wider servicing constraints to developing these areas that must be addressed before they are able to be developed. Provisions are therefore applied in the Overlay is intended to identify any location where future growth is anticipated, when further supply of residential land is required, and provided that restricting development until there is capacity within the reticulated water and wastewater networks to service the additional development.⁹⁵

In addition to the provisions in this chapter, the provisions in Sections 1-3, 6 and 11 to 18 continue to apply to the LRZ.⁹⁶

Objectives and Policies

Objectives	
LRZ-O1	Purpose of the Low Density Residential Zone
The Low Density Residential Zone provides primarily for residential living opportunities, as well as activities that support, and are compatible with the character of, the zone's residential focus.	
LRZ-O2	Character and amenity values of the Low Density Residential Zone
The Low Density Residential Zone is a pleasant, low-density suburban living environment, which: - contains predominantly low-rise and detached residential units; - maintains a good level of openness around buildings; - provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and - is well-designed and well-connected into surrounding area.	
Policies	

⁹³ #146.

⁹⁴ Clause 16(2) amendment to correct a typographical error.

⁹⁵ Evidence of Sean Dent (#83), Evidence of Craig Barr (#146), Evidence of Brodie Costello (#150), Evidence of Joanne Skuse (#161, #162)

⁹⁶ Relates to #128.

LRZ-P1	Built Form
Ensure that development within the Low Density 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 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; and 5. provides sufficient usable outdoor living space for residents and for tree and garden planting; 6. maintains the safe and efficient operation of <u>the roads network</u>⁹⁷; 7. mitigates visual effects through screening of storage areas and provision of landscaping; and 8. encourages water efficiency measures.	
LRZ-P2	Residential activities
Provide for Enable residential activities within a range of residential unit types and sizes <u>to meet the diverse and changing residential demands of communities</u>⁹⁸.	
LRZ-P3	Home businesses
Provide for home businesses where: 1. they are ancillary to a residential activity;⁹⁹ 2. they are consistent the anticipated character, amenity values and purpose of the zone; and 3. the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring are compatible with¹⁰⁰ do not compromise the amenity of adjoining sites.	
LRZ-P4	Retirement Living
Provide for a range of retirement living options, including retirement villages, where they are comprehensively planned and: 1. any adverse effects on the residential amenity values of adjoining residential properties and the surrounding area are avoided or mitigated; and¹⁰¹ 2. the scale, form, composition and design of the village <u>responds to</u> maintains the anticipated character and amenity values of the surrounding area, <u>while recognising the functional and operational needs of retirement villages; and</u>¹⁰² 3. they are designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents, with good on-site amenity and facilities; and 4. any parking and vehicle manoeuvring provided on-site is appropriately designed; and 5. road <u>the safety and efficiency of the road network is maintained;</u>¹⁰³ and 6. they are well-connected to commercial areas and community facilities.¹⁰⁴	
LRZ-P5	Other non-residential activities
Avoid Only allow other non-residential activities and buildings, including the expansion of existing non-residential activities and buildings, unless where:¹⁰⁵ 1. any adverse effects of the activity, including noise, do not compromise the anticipated amenity of the surrounding area; and	

⁹⁷ #161

⁹⁸ Relates to #158

⁹⁹ #165

¹⁰⁰ Relates to #146 & #165

¹⁰¹ #158

¹⁰² #158

¹⁰³ #165

¹⁰⁴ #165

¹⁰⁵ #30, #165

- the nature, scale and intensity of the activity is compatible with the anticipated character and <u>amenity values</u> qualities¹⁰⁶ of the zone and surrounding area; and - the activity is of a nature and scale that meet <u>serves</u>¹⁰⁷ the needs of the local community and does not undermine the viability of the Business Resource Areas; and - the surrounding area retains a predominance of residential activities, and for adjoining <u>residential</u>¹⁰⁸ properties <u>sites</u>¹⁰⁹, a sense of amenity, security and companionship is maintained; - any parking and vehicle manoeuvring provided on-site is appropriately designed; and the road <u>safety and efficiency of the road network is maintained</u>¹¹⁰; <u>or</u> <u>the activity is an expansion of an existing non-residential activity or building, and the expansion does not result in any significant increase of any existing tension with (1)-(6) above.</u>¹¹¹	
LRZ-P6	Future Growth Overlay
Recognise and provide for rezoning <u>Restrict development</u> of land within the Future Growth Overlay <u>for residential purposes, where until</u>¹¹²: It is demonstrated as necessary to meet anticipated demand; and¹¹³ it is able to be serviced by reticulated water and wastewater networks and transport infrastructure.¹¹⁴	
LRZ-P7	Comprehensive Development
<u>Provide for a higher density of development on larger sites, where development is undertaken in a comprehensive manner and:</u> <u>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 LRZ-P1;</u> <u>the design responds positively to the specific context, features and characteristics of the site;</u> <u>areas of higher density development are located or designed so that the overall character of the surrounding area is retained; and</u> <u>the development delivers a public benefit, such as public access, reserves or infrastructure improvements.</u>¹¹⁵	

Rules

LRZ-R1	Residential units	
Low Density Residential Zone	Activity Status: PER Where: There are no more than two residential units per site.¹¹⁶	Activity status when compliance is not achieved with R1.1: RDIS And the activity complies with the following <u>rule requirements standards</u> ¹¹⁹ .

¹⁰⁶ #30, #165

¹⁰⁷ #146

¹⁰⁸ #146

¹⁰⁹ #30, #165

¹¹⁰ #165

¹¹¹ #30, #165

¹¹² Evidence of Carey Vivian (#164)

¹¹³ Evidence of Sean Dent (#83), Evidence of Craig Barr (#146), Evidence of Brodie Costello (#150), Evidence of Joanne Skuse (#161, #162)

¹¹⁴ #9

¹¹⁵ Evidence of Joanne Skuse (#161, #162)

¹¹⁶ Evidence of Joanne Skuse (#161)

¹¹⁹ Clause 16(2) change for clarity

	And Where the activity complies with the following rule requirements standards¹¹⁷: LRZ-S1 to LRZ-S7, <u>except where the residential units are within an area for which a Comprehensive Residential Development has been approved, and non-compliance with any standard has been considered through that resource consent.</u>¹¹⁸	LRZ-S1 to LRZ-S10 Matters of discretion are restricted to: 1. The bulk, location, design and density of buildings. 2. The extent to which landscaping enhances residential amenity. 3. The safety and efficiency of accesses and car parking areas. 4. Amenity effects on neighbouring properties and streetscape. 5. Provision for privacy between residential units and between sites. Activity status when compliance with <u>rule requirement standard</u>¹²⁰ (s) is not achieved: Refer to Rule Requirement Standards¹²¹ Table.
LRZ-R2	Minor Residential Unit	
Low Density Residential Zone	Activity Status: PER Where: 1. There is a maximum of one minor residential unit per <u>principal residential unit on any site</u>;¹²² 2. The maximum floor area of the minor residential unit is 70m² or 90m² including a garage; and 3. The minor residential unit shall use the same servicing connections and accessway as the principal residential unit. And the activity complies with the following <u>rule requirements standards</u>¹²³: LRZ-S2 to LRZ-S7.	Activity status when compliance is not achieved with R2.1: NC Activity status when compliance is not achieved with R2.2 or R2.3: DIS¹²⁴ Activity status when compliance with <u>rule requirement standard</u>¹²⁵ (s) is not achieved: Refer to Rule Requirement Standards¹²⁶ Table.
LRZ-R3	Relocated buildings	
Low Density Residential Zone	Activity Status: CON-PER Where:	Activity status when compliance is not achieved with R3.1: DIS

¹¹⁷ Clause 16(2) change for clarity

¹¹⁸ Evidence of Joanne Skuse (#161)

¹²⁰ Clause 16(2) change for clarity

¹²¹ Clause 16(2) change for clarity

¹²² #161, #162

¹²³ Clause 16(2) change for clarity

¹²⁴ #165

¹²⁵ Clause 16(2) change for clarity

¹²⁶ Clause 16(2) change for clarity

	- Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling. <u>A building pre-inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building and shall include certification from the owner of the relocated building that the reinstatement work will be completed within a 12 month period;</u> <u>The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and</u> <u>All other reinstatement work required by the building pre-inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u> And the activity complies with the following rule requirements standards¹²⁷: LRZ-S1 to LRZ-S7. Matters of control are restricted to: The time period within which the building will be placed on its foundations. Identification of, and the time period to complete	<u>Activity status when compliance is not achieved with RX32-R3.4: RDIS</u> <u>Matters of discretion are restricted to:</u> <u>The works required to reinstate the dwelling to an appropriate state of repair.</u> <u>The appropriateness of any alternate time period.</u> <u>Provision of servicing.</u> <u>Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.</u> <u>Activity status when compliance with rule requirement standard¹²⁹ (s) is not achieved: Refer to Rule Requirement Standards¹³⁰ Table.</u>
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¹²⁷ Clause 16(2) change for clarity

¹²⁹ Clause 16(2) change for clarity

¹³⁰ Clause 16(2) change for clarity

	reinstatement works to the exterior of the building. 3. Provision of servicing. 4. Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.¹²⁸	
LRZ-R4	Accessory buildings and structures	
Low Density Residential Zone	Activity Status: PER Where: 1. The building is ancillary to a permitted activity <u>or other lawfully established activity</u>.¹³¹ And the activity complies with the following rule requirements standards¹³²: 2. For buildings or structures of more than 10m², LRZ-S2 to LRZ-S6; or 3. For buildings or structures of 10m² or less, LRZ-S2 - LRZ-S5.	Activity status when compliance is not achieved with R4.1: DIS
LRZ-RX	Additions and alterations to existing non-residential buildings¹³³	
Low Density Residential Zone	Activity Status: PER Where: 1. <u>The additions or alterations do not increase the existing gross floor area by more than 30%.</u> <u>And where the activity complies with the following rule requirements standards¹³⁴:</u> LRZ-S2 to LRZ-S6.	Activity status when compliance is not achieved with RX.1: DIS Activity status when compliance with rule requirement standard¹³⁵(s) is not achieved: Refer to Rule Requirement Standards¹³⁶ Table.
LRZ-R5	Residential Activity	
Low Density Residential Zone	Activity Status: PER	
LRZ-R6	Visitor accommodation	
Low Density Residential Zone	Activity Status: PER Where:	Activity status when compliance is not achieved with R6.1, or R6.2 <u>or R6.3</u>: Discretionary

¹²⁸ #151

¹³¹ #30, also relates to #165

¹³² Clause 16(2) change for clarity

¹³³ #30.

¹³⁴ Clause 16(2) change for clarity

¹³⁵ Clause 16(2) change for clarity

¹³⁶ Clause 16(2) change for clarity

	1. The visitor accommodation is undertaken within a residential unit or minor residential unit;¹³⁷ and 2. is ancillary to a residential activity. In addition to the visitor accommodation activity, at least one person resides permanently on the site; and¹³⁸ 3. The maximum occupancy is 6 guests per night; and 4. The access to the site is not shared with another site.¹³⁹ And where the activity complies with the following rule requirements standards¹⁴⁰: LRZ-S7	Activity status when compliance is not achieved with R6.3: Restricted Discretionary Matters of discretion are restricted to: a. the effects of the activity on the amenity and safety of on any sites sharing access of the use of the access on: i. amenity; and ii. safety and efficient access.¹⁴¹¹⁴²
LRZ-R7	Home business (unless otherwise specified in LRZ-R8 or LRZ-R14¹⁴³)	
Low Density Residential Zone	Activity Status: PER Where: 1. The home business is undertaken within a residential unit;¹⁴⁴ 2. The maximum floor area occupied by the home business is no more than 30m²; 3. Any No more than one employee engaged in the home business resides offen-site,¹⁴⁵ 4. The home business, including any storage of goods, materials, or equipment takes place entirely within a building; and 5. The maximum number of vehicle trips for a home business per site must not exceed 32 per day.	Activity status when compliance is not achieved with R7.1 to R7.5: Discretionary Activity status when compliance with rule requirement standard¹⁴⁷(s) is not achieved: Refer to Rule Requirement Standards¹⁴⁸ Table.

¹³⁷ #161

¹³⁸ Evidence of Sean Dent (#93, #94, #95)

¹³⁹ #161, #162

¹⁴⁰ Clause 16(2) change for clarity

¹⁴¹ #165

¹⁴² Evidence of Rachael Law (#21, #30, #31, #32, #33, #51, #145, #165)

¹⁴³ Clause 16(2) change for clarity

¹⁴⁴ #165

¹⁴⁵ #165

¹⁴⁷ Clause 16(2) change for clarity

¹⁴⁸ Clause 16(2) change for clarity

	And where the activity complies with the following rule requirements standards ¹⁴⁶ : LRZ-S7	
LRZ-R8	Childcare Services	
Low Density Residential Zone	Activity Status: PER Where: 1. The childcare service is undertaken within a residential unit and is ancillary incidental¹⁴⁹ to a residential activity. 2. The maximum number of children in attendance at any one time is 6, excluding any children who live on-site. And where the activity complies with the following rule requirements standards¹⁵⁰: LRZ-S7	Activity status when compliance is not achieved with R8.1 or R8.2: Discretionary
LRZ-R9	Signs	
Low Density Residential Zone	Activity Status: PER Where: 1. There is a maximum of one sign per site; 2. The sign relates to the site on which it is located; 3. The sign does not exceed 0.5m² in area; 4. The sign is not illuminated and does not use reflective materials; 5. The sign is fixed and does not move; and 6. The sign does not obscure driver visibility to and from access ways. <i>Note: This rule applies in addition to the controls on signage contained in Section 12 – District Wide Rules and Performance Standards.</i>	Activity status when compliance is not achieved with R9.1 – R9.6: RDIS Matters of discretion are restricted to: a. The effect on amenity values of neighbouring properties. b. The effect on amenity values of the neighbourhood, and in particular on the character of the streetscape. c. The effect on the safe and efficient operation of the roading network.
LRZ-R10	Excavation and Fill ¹⁵¹	
Low Density Residential Zone	Activity Status: PER Where:	Activity status when compliance is not achieved with R10.1 – R10.2: RDIS Matters of discretion are restricted to:

¹⁴⁶ Clause 16(2) change for clarity

¹⁴⁹ #165

¹⁵⁰ Clause 16(2) change for clarity

¹⁵¹ Evidence of Craig Barr (#82, #135, #139, #146, #163)

	- Any extraction <u>or fill</u>¹⁵² of material shall not exceed 1m in depth within 2m of any site boundary; and - The maximum volume or area of land excavated within any site in any 12-month period does not exceed 200m²³ per site, <u>excluding excavation required for construction of a building for which a building consent has been issued.</u>¹⁵³ <i>Note: Any excavation that will or may modify or destroy the whole or part of an archaeological site requires an authority to be obtained from Heritage New Zealand Pouhere Taonga.</i>¹⁵⁴	- The location, volume and area of <u>excavation earthworks.</u>¹⁵⁵ - The effect on amenity values or safety of neighbouring <u>sites properties.</u>¹⁵⁶ - The effect on water bodies and their margins. - The impact on visual amenity and landscape character. - Any effects on the road network arising from the excavation. - Any effects on archaeological, heritage or cultural values. - Any mitigation measures proposed.
LRZ-RX	<u>Community facilities and shop</u> ¹⁵⁷	
<u>Scheduled Activity No. 127 in Schedule 19.3.6</u>	<u>Activity Status: PER</u> <u>Where:</u> <u>No vehicular access is provided direct to Pisa Moorings Road.</u> <u>Where the activity complies with the following standards:</u> <u>LRZ-S2, LRZ-S3, LRZ-S5 and LRZ-S6.</u>	<u>Activity status when compliance is not achieved with RX.1: DIS</u> <u>Activity status when compliance with standard(s) is not achieved: Refer to Standards Table.</u>
LRZ-R11	<u>Convenience Retail activities</u>	
Low Density Residential Zone	<u>Activity Status: RDIS</u> <u>Where the activity complies with the following rule requirements standards</u>¹⁵⁸: LRZ-S2 to LRZ-S4 and LRZ-S6. <u>Matters of discretion are restricted to:</u> - Whether the proposed activity will primarily service the surrounding residential area. - Hours of operation. - amenity effects on neighbouring properties, including noise, disturbance and privacy. - outdoor storage, including rubbish collection areas.	

¹⁵² Evidence of Craig Barr (#82, #135, #139, #146, #163)

¹⁵³ #21 & #30, #31, #32, #51, #123, #137, #145, #165

¹⁵⁴ #112

¹⁵⁵ Clause 16(2) amendment, for consistency. Also relates to #165

¹⁵⁶ #165

¹⁵⁷ Evidence of Craig Barr (#146)

¹⁵⁸ Clause 16(2) change for clarity

	e. the location and design of car parking and loading areas and access.	
LRZ-R12	Retirement Villages	
Low Density Residential Zone	Activity Status: RDIS Where the activity complies with the following rule requirements standards¹⁵⁹: LRZ-S2 to LRZ-S6. Matters of discretion are restricted to: a. Integration of vehicle, cycle and pedestrian access with the adjoining road network. b. Provision of landscaping, or use of open space to integrate the proposal into the surrounding area, on-site amenity for residents, recreational facilities and c. <u>Adequacy of stormwater systems and wastewater capacity.</u> d. Design and layout of pedestrian circulation. e. Parking and <u>manoeuvring access.</u> f. Traffic generation, including impacts on the safety and efficiency of the wider transport <u>road</u> network. g. Residential amenity for neighbours in respect of outlook and privacy. h. <u>Visual quality and interest in the</u> The design, form and layout of the retirement village, including buildings, fencing, location and scale of utility areas, parking areas and external storage areas. i. <u>Any functional or operational requirements.</u>¹⁶⁰	
LRZ-R13	Community facilities and Educational Facilities¹⁶¹	
Low Density Residential Zone	Activity Status: RDIS Where the activity complies with the following rule requirements standards¹⁶²: LRZ-S2 to LRZ-S6. Matters of discretion are restricted to:	

¹⁵⁹ Clause 16(2) change for clarity

¹⁶⁰ #158, #165

¹⁶¹ Evidence of Kate Graham (Ministry of Education #60)

¹⁶² Clause 16(2) change for clarity

	a. The location and design of car parking and loading areas and access. b. Design and layout of on-site pedestrian and cycling connections. c. Hours of operation. d. Noise, disturbance and loss of privacy of neighbours. e. Location, size and numbers of signs. f. Traffic generation and impact on the <u>transport road</u>¹⁶³ network. g. Landscaping. h. Site layout. i. The scale of activity. j. Scale, form and design of buildings.	
<u>LRZ-RX</u>	<u>Comprehensive Residential Development</u> ¹⁶⁴	
<u>Low Density Residential Zone</u>	<u>Activity Status: RDIS</u> <u>Where:</u> <u>1. The density across the site is no greater than 1 dwelling per 600m² gross site area.</u> <u>Matters of discretion are restricted to:</u> a. <u>Provision for housing diversity and choice.</u> b. <u>How the development responds to the context, features and characteristics of the site.</u> c. <u>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.</u> d. <u>Measures proposed to ensure higher density areas do not detract from the character and amenity of the wider surrounding area.</u> e. <u>Integration with transport networks, including walking and cycling.</u> f. <u>The location, extent and quality of public areas and streetscapes, taking into account servicing and maintenance requirements.</u> g. <u>How the configuration of lots will allow for development that can readily achieve the outcomes sought in LRZ-P1.</u>	<u>Activity status when compliance is not achieved with RX.1: NC</u>

¹⁶³ #165

¹⁶⁴ Evidence of Joanne Skuse (#161)

	h. <u>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.</u>	
LRZ-R14	Any activity not otherwise listed in LRZ-R1 to LRZ-R12 or LRZ-R14 to LRZ-R17¹⁶⁵	
Low Density Residential Zone	Activity Status: DIS	
LRZ-R15	Industrial Activities	
Low Density Residential Zone	Activity Status: NC	
LRZ-R16	Large format retailing	
Low Density Residential Zone	Activity Status: NC	
LRZ-R17	Noxious Activities	
Low Density Residential Zone	Activity Status: NC	
LRZ-R18	Buildings on Land Subject to Hazards	
Low Density Residential Zone	Activity Status: NC Where: 1. The erection of any building (excluding buildings and/or structures associated with network utilities) on any part of a site identified on the planning maps as being subject to a hazard or land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.	

Standards

LRZ-S1	Density	Activity Status where compliance not achieved:
Low Density Residential Zone	1. Where the residential unit is connected to a reticulated sewerage system¹⁶⁵	NC

¹⁶⁵ #165

	a. <u>the minimum site area no more than one residential unit is provided</u> per unit is ¹⁶⁶ 5400m², ¹⁶⁷ or b. <u>on any site less than 400m², one residential unit per site.</u>¹⁶⁸ 2. Where the residential unit is not connected to a reticulated sewerage system, no more than one <u>residential unit dwelling</u>¹⁶⁹ is provided per 800m².	
LRZ-S2	Height	Activity Status where compliance not achieved: ¹⁷⁰
Low Density Residential Zone	1. The maximum height of buildings and structures must not exceed 7.5m measured from ground level to the highest part of the building or structure. <u>LRZ-S2.1 does not apply to:</u> • <u>Antennas, aerials, satellite dishes (less than 1m in diameter).</u> • <u>Solar panels which do not project beyond the building envelope by more than 0.5m.</u> • <u>Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</u>¹⁷¹ • <u>Hose drying towers which do not exceed 15m in height.</u>¹⁷²	Where: LRZ-S2 is not met, but the height of the building or structure does not exceed 8.5m: RDIS Matters of discretion are restricted to: - Dominance of built form in the surrounding area. - Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties. - Any mitigation measures proposed which reduce the adverse effects of the increased height. <u>Any constraints which make compliance impractical.</u> <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u>¹⁷³ Where: LRZ-S2 is not met, and the height of the building or structure exceeds 8.5m: NC

¹⁶⁶ #51, #64, #73, #93, #94, #95, #99, #149, #150, #155, #161, #162, #165, #166, #167

¹⁶⁷ Relates to Sean Dent (#93), Crossbar Trust (#94), Shamrock Hut Ltd (#95), Wally Sanford (#144), Kathryn Adams (#149), Werner Murray (#156), Christian Paul Jordan (#166), #165; Brian De Geest, #21, Thyme Care Properties Ltd, #145; Freeway Orchards, #30; Goldfields Partnership, #31; Molyneaux Lifestyle Village Ltd, #32; M & G Stewart, #33; D & J Sewhoy, Heritage Properties Ltd, #51, Landpro Ltd (#150)

¹⁶⁸ Evidence of Craig Barr (#135)

¹⁶⁹ Clause 16(2) amendment for consistency

¹⁷⁰ Clause 16(2) amendment

¹⁷¹ #165

¹⁷² #114

¹⁷³ #165

LRZ-S3	Height in relation to boundary	Activity Status where compliance not achieved: ¹⁷⁴
Low Density Residential Zone	1. Buildings must be contained within a building envelope defined by the recession plane angles set out in Schedule 1 to the Residential Zone chapter, from points 2.5m above ground level at the boundaries of the site. 2. LRZ-S3.1 does not apply to: • A boundary with a road <u>or a shared access more than 3m in width.</u> • Common walls along a site boundary. • Eaves inclusive of gutters with a maximum depth of 20cm measured vertically. • Antennas, aerials, satellite dishes (less than 1m in diameter). • Solar panels which do not project beyond the building envelope by more than 0.5m. • Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m. • A gable end, dormer or roof where that portion projecting beyond the building envelope is no greater than 1.5m² in area and no greater than 1m in height. • <u>Internal boundaries within a retirement village.</u>¹⁷⁵ • <u>Hose drying towers.</u>¹⁷⁶	RDIS Matters of discretion are restricted to: a. Dominance of built form in the surrounding area. b. Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties. c. Any mitigation measures proposed which reduce the adverse effects of the breach. d. <u>Any constraints which make compliance impractical.</u> e. <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u>¹⁷⁷
LRZ-S4	Building Coverage	Activity Status where compliance not achieved:
Low Density Residential Zone	The building coverage of the net area ¹⁷⁸ of any site must not exceed 40%.	RDIS Matters of discretion are restricted to:

¹⁷⁴ Clause 16(2) amendment.

¹⁷⁵ #165

¹⁷⁶ #114

¹⁷⁷ #165

¹⁷⁸ Clause 16(2) amendment as definition of building coverage contains this. Also relates to #165

		a. Compatibility of the built form with the existing or anticipated character of the area. b. Dominance of built form in the surrounding area. c. The extent to which a level of openness around and between buildings is retained. d. Any mitigation measures proposed which reduce the adverse effects of the breach.
LRZ-S5	Setback from road boundary	<u>Activity Status where compliance not achieved:</u>¹⁷⁹
Low Density Residential Zone	1. Any building or structure shall be setback a minimum of 4.5m from a boundary with a road, except that this shall not apply to an uncovered deck less than 1m in height.	RDIS Matters of discretion are restricted to: a. Any adverse effects on the safety and efficiency of the road network. b. The extent to which the breach will have adverse effects on visual amenity values, including dominance. c. Compatibility of the building or structure with the surrounding built environment. d. <u>Any constraints which make compliance impractical.</u>¹⁸⁰
<u>Medium Low Density Residential Zone</u> ¹⁸¹ Within 80m of the seal edge of a State Highway	2. New residential buildings shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq (24hr) in bedrooms and 40dBA Leq (24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors. This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.	<u>RDIS</u> <u>Matters of discretion are restricted to:</u> a. <u>The effect on the safe and efficient operation of the roading network.</u> b. <u>The effect on the amenity of persons nearby as a consequence of noise generated by activities on the State highway network.</u>¹⁸²

¹⁷⁹ Clause 16(2) amendment.

¹⁸⁰ #165

¹⁸¹ Clause 16(2) amendment.

¹⁸² To correct an omission. Relates to #146 and #165.

LRZ-S6	Setback from internal boundary	Activity Status where compliance not achieved: ¹⁸³
Low Density Residential Zone	Any building or structure shall be setback a minimum of: 1. 1.8m from any internal boundary (except that this does not apply to an uncovered deck less than 1m in height); and 2. 15m from <u>any property boundary which is adjacent to</u>¹⁸⁴ the margin of any lake. <u>LRZ-S6.1 does not apply to:</u> • <u>Uncovered decks of less than 1m in height.</u>¹⁸⁵ • <u>Internal boundaries within a retirement village.</u> • <u>Two or more residential units connected horizontally and/or vertically by a common wall or floor.</u>¹⁸⁶	RDIS Matters of discretion are restricted to: a. Adverse effects on privacy, outlook, or shading on the affected property. b. The extent to which the breach will have adverse effects on visual amenity values, including dominance. c. The compatibility of the building or structure with the surrounding built environment. d. Any adverse effects on accessibility to the lake.
LRZ-S7	Car parking	Activity Status where compliance not achieved:
Low Density Residential Zone	The following minimum carpark spaces shall be provided on the site: 1. One carpark space per residential unit; and 2. Where the activity is a home business, one additional carpark space; and 3. Where the activity is visitor accommodation, one additional carpark space; and 4. Where the activity is a childcare service, one additional carpark space.	RDIS Matters of discretion are restricted to: a. Any adverse effects on the safety and efficiency of the road network. b. Effects on amenity values of neighbouring properties.

¹⁸³ Clause 16(2) amendment.

¹⁸⁴ Evidence of Rachael Law (#21, #30, #31, #32, #33, #51, #145, #165)

¹⁸⁵ Relates to #30, #31, #51, #145, 165

¹⁸⁶ #165

MEDIUM DENSITY RESIDENTIAL ZONE

Introduction

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

A more intensive density of development is anticipated in this zone compared with the ~~other~~ Large Lot Residential and Low Density Residential¹⁸⁷ zones and it is intended to develop over time to provide for a range of housing options, including more intensive options, to meet the diverse needs of the community, provide affordable options and provide a greater critical mass to support commercial and community facilities.

While providing for more intensive density, buildings within this zone are expected to be well-designed to ensure that they integrate with the surrounding area, minimise the effects of development on adjoining sites and still provide a good quality living environment for residents. The provisions also provide a pathway for the approval of a Comprehensive Residential Development Plan, ~~allowing for which enables an integrated and master planning approach~~ to be undertaken on larger sites, including at higher densities, where this still achieves the high quality built form outcomes ~~sought~~.¹⁸⁸ Approval of a Comprehensive Residential Development Plan provides certainty regarding the form of an overall development, and can precede, or be considered concurrently with subdivision consents and land use consents for residential units.

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

While the focus of the zone is residential activity,¹⁸⁹ some commercial and community facilities are anticipated, where they support the local residential population and are compatible with the purpose, character and amenity values of the zone.

The Future Growth Overlay identifies ~~any~~ areas that ~~hasve either~~ been signalled in the Vincent Spatial Plan for medium density residential zoning, in future, or other areas identified as being appropriate for future residential growth. ~~The provisions applying to this area are those of the underlying zoning, and therefore a Plan Change will be required to rezone this area in future.~~ However, there are some wider servicing constraints to developing these areas that must be addressed before they are able to be developed. Provisions are therefore applied in the Overlay is intended to identify any location where future growth is anticipated, when further supply of residential land is required, and provided that restricting development until there is capacity within the reticulated water and wastewater networks to service the additional development.¹⁹⁰

In addition to the provisions in this chapter, the provisions in Sections 1-3, 6 and 11 to 18 continue to apply to the MRZ.¹⁹¹

¹⁸⁷ #146

¹⁸⁸ #146

¹⁸⁹ #146

¹⁹⁰ Evidence of Sean Dent (#83), Evidence of Craig Barr (#146), Evidence of Brodie Costello (#150), Evidence of Joanne Skuse (#161, #162)

¹⁹¹ Relates to #128.

Objectives and Policies

Objectives	
MRZ-O1	Purpose of the Medium Density Residential Zone
The Medium Density Residential Zone provides primarily for more intensive residential living opportunities, as well as activities that support, and are compatible with, the zone's residential focus.	
MRZ-O2	Character and amenity values of the Medium Density Residential Zone
The Medium Density Residential Zone is a good quality living environment, which: 1. positively responds to the natural, heritage and cultural context and site features; 2. <u>changes over time to</u> provides a range of housing types, including those of a greater density than other residential zones, making efficient use of land and providing for growth needs;¹⁹² 3. is responsive to and well-connected into the surrounding area; 4. is well-designed, balancing affordability with good urban design outcomes; and 5. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites.	

Policies	
MRZ-P1	Built Form
Ensure that development within the Medium Density Residential Zone: 1. actively and safely addresses road frontages and public open spaces; 2. provides reasonable levels of privacy, outlook and adequate access to sunlight; 3. provides safe and appropriate access and on-site parking that is discretely integrated; 4. maintains a level of openness around and between buildings that reflect a moderate scale and intensity of built form that does not unreasonably dominate adjoining sites; 5. provides visual interest; 6. is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe; 7. provides sufficient and usable common and private open space and storage space for residents; 8. maintains the safe and efficient operation of accessways and <u>the roads network</u>¹⁹³; 9. mitigates visual effects through screening of storage areas and provision of landscaping; 10. incorporates Crime Prevention Through Environmental Design (CPTED) principles to achieve a safe and secure environment; 11. encourages water efficiency measures; and 12. within Precinct 1, does not detract from the <u>heritage values and</u>¹⁹⁴ character of the Clyde Heritage Precinct.	
MRZ-P2	Comprehensive Development
Provide for comprehensively designed, medium density residential development on larger sites, at higher densities, where it: 1. provides <u>opportunities for a diversity of housing types choice</u>;¹⁹⁵ 2. is designed to respond positively to its context and the features of the site; 3. is <u>compatible connected with the urban of to nearby centres and community facilities areas</u>;¹⁹⁶	

¹⁹² #158

¹⁹³ #161

¹⁹⁴ #112

¹⁹⁵ #146

¹⁹⁶ Relates to #165

4. provides a well-connected movement <u>transport</u>¹⁹⁷ network and usable public open spaces and streetscapes; and 5. achieves the built form outcomes in MRZ-P1.	
MRZ-P3	Residential activities
Provide for Enable residential activities within a range of residential unit types and sizes <u>to meet the diverse and changing residential demands of communities</u> ¹⁹⁸ .	
MRZ-P4	Home businesses
Provide for home businesses where: they are ancillary to a residential activity;¹⁹⁹ - they are consistent the anticipated character, amenity values and purpose of the zone; and - the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring are compatible with²⁰⁰ do not compromise the amenity of adjoining sites.	
MRZ-P5	Retirement Living
Provide for a range of retirement living options, including retirement villages, where they are comprehensively planned and: any adverse effects on the residential amenity values of adjoining residential properties and the surrounding area are avoided or mitigated; and²⁰¹ - the scale, form, composition and design of the village <u>responds to</u> maintains the anticipated character and amenity values of the surrounding area, <u>while recognising the functional and operational needs of retirement villages;</u> and²⁰² they are designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents, with good on-site amenity and facilities; and - any parking and vehicle manoeuvring provided on-site is appropriately designed; and road <u>the safety and efficiency of the road network is maintained;</u>²⁰³ and they are well-connected to commercial areas and community facilities.²⁰⁴	
MRZ-P6	Other non-residential activities
Only allow other non-residential activities and buildings, including the expansion of existing non-residential activities and buildings,²⁰⁵ where: - any adverse effects of the activity, including noise, do not compromise the anticipated amenity of the surrounding area; and - the nature, scale and intensity of the activity is compatible with the anticipated character and <u>amenity values</u> qualities²⁰⁶ of the zone and surrounding area; and - the activity is of a nature and scale that meet <u>serves</u>²⁰⁷ the needs of the local community and does not undermine the viability of the Business Resource Areas; and - the surrounding area retains a predominance of residential activities, and for adjoining <u>residential</u>²⁰⁸ properties sites,²⁰⁹ a sense of amenity, security and companionship is maintained; and	

¹⁹⁷ #165

¹⁹⁸ Relates to #158.

¹⁹⁹ #165

²⁰⁰ Relates to #146

²⁰¹ #158

²⁰² #158

²⁰³ #165

²⁰⁴ #165

²⁰⁵ #30, #165

²⁰⁶ #30, #165

²⁰⁷ #146

²⁰⁸ #146

²⁰⁹ #30, #165

5. any parking and vehicle manoeuvring provided on-site is appropriately designed; and 6. <u>the road safety and efficiency of the road network is maintained; or</u> 7. <u>the activity is an expansion of an existing non-residential activity or building, and the expansion does not result in any significant increase of any existing tension with (1)-(6) above.</u>²¹⁰	
MRZ-P7	Future Growth Overlay
Recognise and provide for rezoning <u>Restrict development</u> of land within the Future Growth Overlay <u>for medium density development, where until</u>²¹¹: 1. It is demonstrated as necessary to meet anticipated demand; and²¹² 2. It is able to be serviced by reticulated water and wastewater networks and transport infrastructure.²¹³	

Rules

MRZ-R1	Residential units	
Medium Density Residential Zone	Activity Status: PER Where: 1. There are no more than two residential units per site. And the activity complies with the following <u>rule requirements standards</u>²¹⁴: MRZ-S1 to MRZ-S13, except where the residential units are within an area for which a Comprehensive Residential Development Master Plan²¹⁵ has been approved, and non-compliance with any <u>rule requirement standards</u>²¹⁶ has been considered through that resource consent.	Activity status when compliance is not achieved with R1.1: RDIS And the activity complies with the following <u>rule requirements standards</u>²¹⁷: MRZ-S1 to MRZ-S13, except where the residential units are within an area for which a Comprehensive Residential Development Master Plan²¹⁸ has been approved, and non-compliance with any <u>rule requirement standard(s)</u>²¹⁹ has been considered through that resource consent. Matters of discretion are restricted to: - How the development responds to its context and site features, including any retained buildings, existing trees and, within Precinct 1, the Clyde Heritage Precinct. - The design of road frontages and frontages to public open spaces in relation to public safety (including CPTED principles), activation,

²¹⁰ #30, #165

²¹¹ Evidence of Carey Vivian (#164)

²¹² Evidence of Sean Dent (#83), Evidence of Craig Barr (#146), Evidence of Brodie Costello (#150), Evidence of Joanne Skuse (#161, #162)

²¹³ #9

²¹⁴ Clause 16(2) change for clarity

²¹⁵ Consequential change

²¹⁶ Clause 16(2) change for clarity

²¹⁷ Clause 16(2) change for clarity

²¹⁸ Consequential change

²¹⁹ Clause 16(2) change for clarity

		entrance recognition, access and servicing. c. Management of privacy, views and sunlight access for neighbours, including those on-site. d. The location, safety and landscape treatment of shared access and parking areas, including garages. e. Configuration of building / roof forms, façade design and material use. f. The balance between hard and soft landscaping and the extent to which landscaping enhances residential amenity. g. The location, size and quality of private and common open spaces, including orientation, privacy, and access to internal areas. h. The location, useability and screening of service, storage and waste management areas. i. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u>²²⁰ Activity status when compliance with rule requirement standard²²¹(s) is not achieved: Refer to Rule Requirement Standards²²² Table.
MRZ-R2	Comprehensive Residential Development Master Plan ²²³	
Medium Density Residential Zone	Activity Status: RDIS Matters of discretion are restricted to: a. Provision for housing diversity and choice, relative to other residential areas.²²⁴ b. How the development responds to its context and site features, including solar orientation, views, existing buildings and vegetation, and, within Precinct 1, the Clyde Heritage Precinct.	

²²⁰ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

²²¹ Clause 16(2) change for clarity

²²² Clause 16(2) change for clarity

²²³ Clause 16(2) amendment to correct inconsistency in terminology. Also relates to #161

²²⁴ #165

	c. Whether the urban form is compatible with the nearby land use mix, including providing <u>Provision of</u> convenient access to commercial centres and community facilities.²²⁵ d. The extent to which the development provides <u>Provision of</u> well-connected and legible movement <u>transport</u> networks, integrating all access modes, with priority for walking and cycling.²²⁶ e. The location, extent and quality of public open space and streetscapes, taking into account servicing and maintenance requirements. f. The Incorporation of Crime Prevention Through Environmental Design (CPTED) principles to achieve a safe and secure environment. g. Whether the configuration of blocks and lots will allow for development that can readily achieve the outcomes sought in MRZ-P1. h. Where the application also seeks provision for future built development to breach any of the rule requirements standards²²⁷, discretion is also restricted to those matters specified in the relevant rule requirement standard²²⁸. i. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u>²²⁹	
MRZ-R3	Minor Residential Unit	
Medium Density Residential Zone	Activity Status: PER Where: 1. There is a maximum of one minor residential unit per <u>principal residential unit on any site</u>;²³⁰	Activity status when compliance is not achieved with R3.1, NC Activity status when compliance is not achieved with²³² R23.2 or R23.3²³³: DIS

²²⁵ #165

²²⁶ #165

²²⁷ Clause 16(2) change for clarity

²²⁸ Clause 16(2) change for clarity

²²⁹ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

²³⁰ #161, #162

²³² #165

²³³ Clause 16(2) amendment to correct an error.

	2. The maximum floor area of the minor residential unit is 70m² or 90m² including a garage; and 3. The minor residential unit shall use the same servicing connections and accessway as the principal residential unit. And the activity complies with the following rule requirements standards²³¹: MRZ-S2 to MRZ-S6 and MRZ-S8.	Activity status when compliance with rule requirement standard²³⁴(s) is not achieved: Refer to Rule Requirement Standards²³⁵ Table.
MRZ-R4	Relocated buildings	
Medium Density Residential Zone	Activity Status: CONPER Where: - Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling; <u>A building pre-inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building and shall include certification from the owner of the relocated building that the reinstatement work will be completed within a 12 month period;</u> <u>The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and</u> <u>All other reinstatement work required by the building pre-inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed</u>	Activity status when compliance is not achieved with R4.1: DIS <u>Activity status when compliance is not achieved with R4.2-R4.4: RDIS</u> <u>Matters of discretion are restricted to:</u> <u>The works required to reinstate the dwelling to an appropriate state of repair.</u> <u>The appropriateness of any alternate time period.</u> <u>Provision of servicing.</u> <u>Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.</u> Activity status when compliance with rule requirement standard²³⁸(s) is not achieved: Refer to Rule Requirement Standards²³⁹ Table.

²³¹ Clause 16(2) change for clarity

²³⁴ Clause 16(2) change for clarity

²³⁵ Clause 16(2) change for clarity

²³⁸ Clause 16(2) change for clarity

²³⁹ Clause 16(2) change for clarity

	<u>within 12 months of the building being delivered to the site.</u> <u>Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u> And the activity complies with the following rule requirements <u>standards</u>²³⁶: MRZ-S1 to MRZ-S13. Matters of control are restricted to: a. The time period within which the building will be placed on its foundations. b. Identification of, and the time period to complete reinstatement works to the exterior of the building. c. Provision of servicing. d. Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.²³⁷	
MRZ-R5	Accessory buildings and structures	
Medium Density Residential Zone	Activity Status: PER Where: - The building is ancillary to a permitted activity <u>or other lawfully established activity.</u>²⁴⁰ And the activity complies with the following rule requirements <u>standards</u>²⁴¹: - For buildings or structures of more than 10m², MRZ-S2 to MRZ-S6; or - For buildings or structures of 10m² or less, MRZ-S2 – MRZ-S5.	Activity status when compliance is not achieved with R5.1: DIS Activity status when compliance with rule requirement standard²⁴²(s) is not achieved: Refer to Rule Requirement Standards²⁴³ Table.
LLRZ-RX	Additions and alterations to existing non-residential buildings ²⁴⁴	
Medium Density	Activity Status: PER Where:	Activity status when compliance is not achieved with RX.1: DIS

²³⁶ Clause 16(2) change for clarity

²³⁷ #151

²⁴⁰ #30, also relates to #165

²⁴¹ Clause 16(2) change for clarity

²⁴² Clause 16(2) change for clarity

²⁴³ Clause 16(2) change for clarity

²⁴⁴ #30

Residential Zone	1. <u>The additions or alterations do not increase the existing gross floor area by more than 30%.</u> <u>And where the activity complies with the following rule requirements standards²⁴⁵:</u> MRZ-S2 to MRZ-S6.	Activity status when compliance with rule requirement standard²⁴⁶(s) is not achieved: Refer to Rule Requirement Standards²⁴⁷ Table.
MRZ-R6	Residential Activity	
Medium Density Residential Zone	Activity Status: PER	
MRZ-R7	Visitor accommodation	
Medium Density Residential Zone	Activity Status: PER Where: 1. The visitor accommodation is undertaken within a residential unit or minor residential unit;²⁴⁸ and 2. is ancillary to a residential activity <u>In addition to the visitor accommodation activity, at least one person resides permanently on the site; and;</u>²⁴⁹ 3. The maximum occupancy is 6 guests per night; and 4. The access to the site is not shared with another site.²⁵⁰ And the activity complies with the following rule requirements standards²⁵¹: MRZ-S13	Activity status when compliance is not achieved with R7.1, or R7.2 <u>or R7.3</u>: Discretionary Activity status when compliance is not achieved with R6.3: Restricted Discretionary Matters of discretion are restricted to: a. the effects of the activity on the amenity and safety of on any sites sharing access of the use of the access on: i. amenity; and ii. safety and efficient access.^{252 253} Activity status when compliance with rule requirement standard²⁵⁴(s) is not achieved: Refer to Rule Requirement Standards²⁵⁵ Table.
MRZ-R8	Home Business (unless otherwise specified in MRZ-R9 or MRZ-R15²⁵⁶)	

²⁴⁵ Clause 16(2) change for clarity

²⁴⁶ Clause 16(2) change for clarity

²⁴⁷ Clause 16(2) change for clarity

²⁴⁸ #161

²⁴⁹ Evidence of Sean Dent (#93, #94, #95)

²⁵⁰ #161, #162

²⁵¹ Clause 16(2) change for clarity

²⁵² #165

²⁵³ Evidence of Rachael Law (#21, #30, #31, #32, #33, #51, #145, #165)

²⁵⁴ Clause 16(2) change for clarity

²⁵⁵ Clause 16(2) change for clarity

²⁵⁶ Clause 16(2) change for clarity

Medium Density Residential Zone	Activity Status: PER Where: The home business is undertaken within a residential unit;²⁵⁷ - The maximum floor area occupied by the home business is no more than 30m²; Any No more than one employee engaged in the home business resides offen-site,²⁵⁸ - the home business, including any storage of goods, materials, or equipment takes place entirely within a building; and - The maximum number of vehicle trips for a home business per site must not exceed 32 per day. And where the activity complies with the following <u>rule requirements standards</u>²⁵⁹: MRZ-S13	Activity status when compliance is not achieved with R8.1 to R8.6: Discretionary Activity status when compliance with <u>rule requirement standard</u>²⁶⁰(s) is not achieved: Refer to <u>Rule Requirement Standards</u>²⁶¹ Table.
MRZ-R9	Childcare Services	
Medium Density Residential Zone	Activity Status: PER Where: - The childcare service is undertaken within a residential unit and is ancillary incidental²⁶² to a residential activity; and - The maximum number of children in attendance at any one time is 6, excluding any children who live on-site. And the activity complies with the following <u>rule requirements standards</u>²⁶³: MRZ-S13	Activity status when compliance is not achieved with R9.1 or R9.2: Discretionary Activity status when compliance with <u>rule requirement standard</u>²⁶⁴(s) is not achieved: Refer to <u>Rule Requirement Standards</u>²⁶⁵ Table.
MRZ-R10	Signs	

²⁵⁷ #165

²⁵⁸ #165

²⁵⁹ Clause 16(2) change for clarity

²⁶⁰ Clause 16(2) change for clarity

²⁶¹ Clause 16(2) change for clarity

²⁶² #165

²⁶³ Clause 16(2) change for clarity

²⁶⁴ Clause 16(2) change for clarity

²⁶⁵ Clause 16(2) change for clarity

Medium Density Residential Zone	Activity Status: PER Where: 1. There is a maximum of one sign per site; 2. The sign relates to the site on which it is located; 3. The sign does not exceed 0.5m² in area; 4. The sign is not illuminated and does not use reflective materials; 5. The sign is fixed and does not move; and 6. The sign does not obscure driver visibility to and from access ways. <i>Note: This rule applies in addition to the controls on signage contained in Section 12 – District Wide Rules and Performance Standards.</i>	Activity status when compliance is not achieved with R10.1 – R10.6: RDIS Matters of discretion are restricted to: 1. The effect on amenity values of neighbouring properties. 2. The effect on amenity values of the neighbourhood, and in particular on the character of the streetscape. 3. The effect on the safe and efficient operation of the roading network.
MRZ-R11	Excavation <u>and Fill</u>²⁶⁶	
Medium Density Residential Zone	Activity Status: PER Where: 1. Any extraction <u>or fill</u>²⁶⁷ of material shall not exceed 1m in depth within 2m of any site boundary; and 2. The maximum volume or area of land excavated within any site in any 12-month period does not exceed 200m²³ per site, <u>excluding excavation required for construction of a building for which a building consent has been issued.</u>²⁶⁸ <i>Note: Any excavation that will or may modify or destroy the whole or part of an archaeological site requires an authority to be obtained from Heritage New Zealand Pouhere Taonga.</i>²⁶⁹	Activity status when compliance is not achieved with R11.1 – R11.2: RDIS Matters of discretion are restricted to: a. The location, volume and area of <u>excavation earthworks.</u>²⁷⁰ b. The effect on amenity values or safety of neighbouring <u>sites</u> properties.²⁷¹ c. The effect on water bodies and their margins. d. The impact on visual amenity and landscape character. e. Any effects on the road network arising from the excavation. f. Any effects on archaeological, heritage or cultural values. g. Any mitigation measures proposed.
MRZ-R12	Convenience Retail activities	
Medium Density	Activity Status: RDIS	Activity status when compliance with <u>rule requirement standard</u>²⁷³ (s) is not

²⁶⁶ Evidence of Craig Barr (#82, #135, #139, #146, #163)

²⁶⁷ Evidence of Craig Barr (#82, #135, #139, #146, #163)

²⁶⁸ #21 & #30, #31, #32, #51, #123, #137, #145, #165

²⁶⁹ #112

²⁷⁰ Clause 16(2) amendment, for consistency. Also relates to #165

²⁷¹ #165

²⁷³ Clause 16(2) change for clarity

Residential Zone	Where the activity complies with the following rule requirements standards²⁷²: MRZ-S2 to MRZ-S5. Matters of discretion are restricted to: - Whether the proposed activity will primarily service the surrounding residential area. - Hours of operation. - Amenity effects on neighbouring properties, including noise, disturbance and privacy. - Outdoor storage, including rubbish collection areas. - The location and design of car parking and loading areas and access.	achieved: Refer to Rule Requirement Standards²⁷⁴ Table.
MRZ-R13	Retirement Villages	
Medium Density Residential Zone	Activity Status: RDIS Where the activity complies with the following rule requirements standards²⁷⁵: MRZ-S2 to MRZ-S6. Matters of discretion are restricted to: - Integration of vehicle, cycle and pedestrian access with the adjoining road network. - Provision of landscaping, or use of open space to integrate the proposal into the surrounding area, <u>on-site amenity for residents, recreational facilities and</u> <u>Adequacy of stormwater systems and wastewater capacity.</u> Design and layout of pedestrian circulation. - Parking and <u>manoeuvring access.</u> - Traffic generation, including impacts on the <u>safety and efficiency of the wider transport road network.</u>	Activity status when compliance with rule requirement standard²⁷⁷(s) is not achieved: Refer to Rule Requirement Standards²⁷⁸ Table.

²⁷² Clause 16(2) change for clarity

²⁷⁴ Clause 16(2) change for clarity

²⁷⁵ Clause 16(2) change for clarity

²⁷⁷ Clause 16(2) change for clarity

²⁷⁸ Clause 16(2) change for clarity

	g. Residential amenity for neighbours in respect of outlook and privacy. h. Visual quality and interest in the <u>The design</u>, form and layout of the retirement village, including buildings, fencing, location and scale of utility areas, parking areas and external storage areas. i. <u>Any functional or operational requirements.</u>²⁷⁶	
MRZ-R14	Community facilities and Educational Facilities ²⁷⁹	
Medium Density Residential Zone	Activity Status: RDIS Where the activity complies with the following rule requirements <u>standards</u>²⁸⁰: MRZ-S2 to MRZ-S6. Matters of discretion are restricted to: - The location and design of car parking and loading areas and access. - Design and layout of on-site pedestrian and cycling connections. - Hours of operation. - Noise, disturbance and loss of privacy of neighbours. - Location, size and numbers of signs. - Traffic generation and impact on the transport road²⁸¹ network. - Landscaping. - Site layout. - The scale of activity. - Scale, form and design of buildings.	Activity status when compliance with rule requirement standard²⁸²(s) is not achieved: Refer to Rule Requirement Standards²⁸³ Table.
MRZ-R15	Any activity not otherwise listed in MRZ-R1 to MRZ-R13 or MRZ-R15 to MRZ-R18 ²⁸⁴	
Medium Density Residential Zone	Activity Status: DIS	
MRZ-R16	Industrial Activities	
Low Density	Activity Status: NC	

²⁷⁶ #158, #165

²⁷⁹ Evidence of Kate Graham (Ministry of Education #60)

²⁸⁰ Clause 16(2) change for clarity

²⁸¹ #165

²⁸² Clause 16(2) change for clarity

²⁸³ Clause 16(2) change for clarity

²⁸⁴ #165

Residential Zone		
MRZ-R17	Large format retailing	
Low Density Residential Zone	Activity Status: NC	
MRZ-R18	Noxious Activities	
Medium Density Residential Zone	Activity Status: NC	
MRZ-R19	Buildings on Land Subject to Hazards	
Medium Density Residential Zone	Activity Status: NC Where: 1. The erection of any building (excluding buildings and/or structures associated with network utilities) on any part of a site identified on the planning maps as being subject to a hazard or land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.	

Standards

MRZ-S1	Density	Activity Status where compliance not achieved:
Medium Density Residential Zone	1. Where the residential unit is connected to a reticulated sewerage system, the minimum site area per unit is 200m². 2. Where the residential unit is not connected to a reticulated sewerage system, the minimum site area per unit is 800m².	Where: 3. MRZ-S1.1 is not met, but the minimum site area per unit is 180m²: DIS Where: MRZ-S1.2 is not met, or MRZ-S1.1 and MRZ-S1.3 are not met: NC
MRZ-S2	Height	<u>Activity Status where compliance not achieved:</u> ²⁸⁵
Medium Density Residential Zone (excluding	1. The maximum height of buildings and structures must not exceed: a. 11m measured from ground level to the highest part of the building or structure; and b. 3 storeys.	Where: MRZ-S2.1 is not met, but the height of the building or structure does not exceed 120m: RDIS ²⁸⁸ Matters of discretion are restricted to:

²⁸⁵ Clause 16(2) amendment.

²⁸⁸ #96, #111, #112, #165

within Precinct 1)	<u>MRZ-S2.1 does not apply to:</u> • <u>Antennas, aerials, satellite dishes (less than 1m in diameter).</u> • <u>Solar panels which do not project beyond the building envelope by more than 0.5m.</u> • <u>Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</u>²⁸⁶ • <u>Hose drying towers which do not exceed 15m in height.</u>²⁸⁷	a. Dominance of built form in the surrounding area. b. Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties. c. Any mitigation measures proposed which reduce the adverse effects of the increased height. d. <u>Any constraints which make compliance impractical.</u> e. <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u>²⁸⁹ f. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u>²⁹⁰ Where: MRZ-S2.1 is not met, and the height of the building or structure exceeds 120m: NC²⁹¹
Within Precinct 1	2. The maximum height of buildings and structures must not exceed: a. 8.5m measured from ground level to the highest part of the building or structure; and b. 2 storeys. <u>MRZ-S2.2 does not apply to:</u> • <u>Antennas, aerials, satellite dishes (less than 1m in diameter).</u> • <u>Solar panels which do not project beyond the building envelope by more than 0.5m.</u> • <u>Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</u>²⁹²	Where: MRZ-S2.2 is not met: NC

²⁸⁶ #165

²⁸⁷ #114

²⁸⁹ #165

²⁹⁰ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

²⁹¹ #96, #111, #112, #165

²⁹² #165

	• <u>Hose drying towers which do not exceed 15m in height.</u>²⁹³	
MRZ-S3	Height in relation to boundary	<u>Activity Status where compliance not achieved.</u> ²⁹⁴
Medium Density Residential Zone	1. Buildings must be contained within a building envelope defined by the recession plane angles set out in Schedule 1 to the Residential Zone chapter, from points 3.5m above ground level at the boundaries of the site; or from points 2.5m above ground level along boundaries that adjoin the Low Density Residential Zone or Large Lot Residential Zone. 2. MRZ-S3.1 does not apply to: • A boundary with a road <u>or a shared access more than 3m in width.</u> • Common walls along a site boundary. • Eaves inclusive of gutters with a maximum depth of 20cm measured vertically. • Antennas, aerials, satellite dishes (less than 1m in diameter). • Solar panels which do not project beyond the building envelope by more than 0.5m. • Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m. • A gable end, dormer or roof where that portion projecting beyond the building envelope is no greater than 1.5m² in area and no greater than 1m in height. • <u>Internal boundaries within a retirement village.</u>²⁹⁵ • <u>Hose drying towers.</u>²⁹⁶	RDIS Matters of discretion are restricted to: a. Dominance of built form in the surrounding area. b. Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties. c. Any mitigation measures proposed which reduce the adverse effects of the breach. d. <u>Any constraints which make compliance impractical.</u> e. <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u>²⁹⁷

²⁹³ #114

²⁹⁴ Clause 16(2) amendment.

²⁹⁵ #165

²⁹⁶ #114

²⁹⁷ #165

MRZ-S4	Building Coverage	Activity Status where compliance not achieved:
Medium Density Residential Zone	The building coverage of the net area ²⁹⁸ of any site must not exceed 450% ²⁹⁹ <u>excluding any area covered only by eaves.</u> ³⁰⁰	RDIS Matters of discretion are restricted to: - Compatibility of the built form with the existing or anticipated character of the area. - Dominance of built form in the surrounding area. - The extent to which a level of openness around and between buildings is retained. - Any mitigation measures proposed which reduce the adverse effects of the breach. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u>³⁰¹
MRZ-S5	Setback from road boundary	Activity Status where compliance not achieved: ³⁰²
Medium Density Residential Zone	Any building or structure shall be setback a minimum of 2m from a boundary with a road, except that this shall not apply to an uncovered deck less than 1m in height.	RDIS Matters of discretion are restricted to: - Any adverse effects on the safety and efficiency of the road network. - The extent to which the breach will have adverse effects on visual amenity values, including dominance. - Compatibility of the building or structure with the surrounding built environment. <u>Any constraints which make compliance impractical.</u>³⁰³
Medium Density Residential Zone - ³⁰⁴ Within 80m of the seal edge	New residential buildings shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq (24hr) in bedrooms and 40dBA Leq (24hr) for other habitable rooms	RDIS Matters of discretion are restricted to: Any adverse effects on the operation of the road network, including the potential for

²⁹⁸ Clause 16(2) amendment as definition of building coverage contains this. Also relates to #165

²⁹⁹ Evidence of Mr Costello (#150); Evidence of Joanne Skuse (#161); Evidence of John Duthie (#79)

³⁰⁰ Evidence of John Duthie (#79)

³⁰¹ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

³⁰² Clause 16(2) amendment

³⁰³ #165

³⁰⁴ Clause 16(2) amendment

of a State Highway	in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors. This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.	reverse sensitivity effects to arise. a. <u>The effect on the safe and efficient operation of the roading network.</u> b. <u>The effect on the amenity of persons nearby as a consequence of noise generated by activities on the State highway network.</u> ³⁰⁵
MRZ-S6	Setback from internal boundary	<u>Activity Status where compliance not achieved.</u> ³⁰⁶
<u>Medium Density Residential Zone</u> ³⁰⁷	Any building or structure shall be setback a minimum of: 1m from any internal boundary (except that this does not apply to common walls along a site boundary, or to an uncovered deck less than 1m in height); and 15m from <u>any property boundary which is adjacent to</u>³⁰⁸ the margin of any lake. MRZ-S6.1 does not apply to: <u>Uncovered decks of less than 1m in height.</u>³⁰⁹ <u>Internal boundaries within a retirement village.</u> <u>Two or more residential units connected horizontally and/or vertically by a common wall or floor.</u>³¹⁰ <u>'zero-lot line' development, where no setback applies on the internal boundary of one side of a building, provided the building is setback 2m from the boundary on the other side of the building, and an appropriate legal mechanism allows for</u>	RDIS Matters of discretion are restricted to: - Adverse effects on privacy, outlook, or shading on the affected property. - The extent to which the breach will have adverse effects on visual amenity values, including dominance. - The compatibility of the building or structure with the surrounding built environment. - Any adverse effects on accessibility to the lake. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u>³¹²

³⁰⁵ Relates to #146 and #165

³⁰⁶ Clause 16(2) amendment

³⁰⁷ Clause 16(2) amendment

³⁰⁸ Evidence of Rachael Law (#21, #30, #31, #32, #33, #51, #145, #165)

³⁰⁹ Relates to #30, #31, #51, #145, #165

³¹⁰ #165

³¹² Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

	<u>maintenance access to the building.</u> ³¹¹	
MRZ-S7	Outdoor Living Space	Activity Status where compliance not achieved:
Medium Density Residential Zone	Each residential unit must have an exclusive outdoor living space: 1. for units with common living space at ground floor level, of at least 30m² with a minimum dimension <u>width</u>³¹³ of 4m; and 2. for units <u>with a living space</u>³¹⁴ located entirely above the ground floor level, that comprises a balcony of at least 128m²,³¹⁵ with a minimum dimension <u>width</u>³¹⁶ of 1.5m; and 3. located on the north, west or east side of the residential unit and which is accessible from the living space of the residential unit.³¹⁷	RDIS Matters of discretion are restricted to: a. Provision of useable outdoor space; and b. Accessibility and convenience for residents; and c. Whether there is suitable alternative provision of public outdoor space, in close proximity, to meet resident's needs; <u>and</u> d. <u>Any topographical or other constraints.</u>³¹⁸ e. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u>³¹⁹
MRZ-S8	Landscaping	Activity Status where compliance not achieved:
Medium Density Residential Zone	At least 30 ²⁵ % of the <u>net site area of any</u> ³²⁰ site shall be planted in grass, trees, shrubs or other vegetation.	RDIS Matters of discretion are restricted to: a. Compatibility with the character of the area. b. Balance between built form and open space. c. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u>³²¹
MRZ-S9	Service and ³²² Storage Space	Activity Status where compliance not achieved:

³¹¹ Evidence of John Duthie (#79)

³¹³ #30, #31, #51, #145, #165

³¹⁴ Clause 16(2) amendment to provide clarity.

³¹⁵ #148

³¹⁶ #30, #31, #51, #145, #165

³¹⁷ #30, #31, #51, #145, #165

³¹⁸ #30, #31, #51, #145, #165

³¹⁹ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

³²⁰ Evidence of Brodie Costello (#148)

³²¹ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

³²² Clause 16(2) amendment to provide clarity.

Medium Density Residential Zone	- Each residential unit must have an outdoor or indoor service³²³ space of at least 2.5m² with a minimum dimension-width³²⁴ of 1.5m available for use for the storage of waste and recycling bins. The required spaces can be,³²⁵ provided either individually or within a communal space for multiple units. - Within the Clyde Heritage Precinct, <u>any outdoor storage space must be positioned or screened so that it is not visible from any road.</u>³²⁶	RDIS Matters of discretion are restricted to: - Provision of useable service and storage space. - Accessibility and convenience for residents. <u>Within the Clyde Heritage Precinct, compatibility with the heritage values and character of the area.</u>³²⁷ <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u>³²⁸
MRZ-S10	Outlook Space	Activity Status where compliance not achieved:
	Each residential unit must provide the following minimum outlook spaces: for a principal living room, 4m in depth and 4m in width; for a principal bedroom, 3m in depth and 3m in width; and³²⁹ - all other habitable rooms, 1m in depth and 1m in width.	RDIS Matters of discretion are restricted to: - Visual privacy and outlook between habitable rooms of different buildings on the same or neighbouring sites. - Visual dominance. - Provision of a sense of space for residents. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u>³³⁰
MRZ-S11	Fencing	Activity Status where compliance not achieved:
	The maximum height of any fence along a road boundary shall be: <u>1.2</u>³³¹m, where less than 50% of the fence structure is visually transparent; or	RDIS Matters of discretion are restricted to: - Effects on the streetscape. - Adequacy of sunlight access to open spaces. - Privacy for residents.

³²³ Clause 16(2) amendment to provide clarity

³²⁴ #30, #31, #51, #145, #165

³²⁵ #30, #31, #51, #145, #165

³²⁶ #112

³²⁷ #112

³²⁸ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

³²⁹ #148

³³⁰ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

³³¹ Evidence of Rachael Law (#21, #30, #31, #32, #33, #51, #145, #165)

	2. 1.8m, where <u>a minimum of 50% or more</u> ³³² of the fence structure is visually transparent.	d. The need to mitigate traffic noise on high volume roads. e. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u> ³³³
MRZ-S12	Habitable Rooms	Activity Status where compliance not achieved:
	<u>Each Any residential unit must have a habitable room located at ground floor level, unless the unit (excluding access to it) is located entirely above the ground floor level.</u> ³³⁴	RDIS Matters of discretion are restricted to: a. Activation of frontages. b. Visual interest. c. Access to ground level open spaces. d. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u> ³³⁵
MRZ-S13	Car parking	Activity Status where compliance not achieved:
	The following minimum carpark spaces shall be provided on the site: 1. One carpark space per residential unit; and 2. Where the activity is a home business, one additional carpark space; and 3. Where the activity is visitor accommodation, one additional carpark space; and 4. Where the activity is a childcare service, one additional carpark space.	RDIS Matters of discretion are restricted to: a. Any adverse effects on the safety and efficiency of the road network. b. Effects on amenity values of neighbouring properties.

³³² #30, #31, #51, #145, #165

³³³ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

³³⁴ #148, #150

³³⁵ Evidence of Craig Barr (#82, #135, #139, #146, #163); Evidence of Joanne Skuse (#161, #162), Evidence of Brodie Costello (#150)

RESIDENTIAL ZONES SUBDIVISION

Introduction

Note: This chapter currently only applies to residential zones, and applies in addition to, and should be read in conjunction with, the district-wide provisions for subdivision contained in Section 16.

Objectives and Policies

Objectives	
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.	
Policies	
SUB-P1	Creation of new <u>sites-allotments</u>³³⁶
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.	
SUB-P3	Energy Efficiency
Recognise the benefits of subdivision that encourages energy efficiency through subdivision designs which: 1. maximise solar gain; 2. support the uptake of energy efficient technologies; and 3. support multi-modal transport choice.	
SUB-P4	Heritage Precincts
Within heritage precincts, require consideration of future buildings on the heritage values and character of the precinct, at the time of subdivision.	
SUB-P5	<u>Structure Plans</u>
<u>Ensure that subdivision and development in any area to which a Structure Plan applies is developed in general accordance with the Structure Plan.</u> ³³⁷	

³³⁶ #165

³³⁷ #146

Rules

SUB-R1	Boundary adjustments	
All Residential Zones	Activity Status: CON Where the activity complies with the following rule requirements standards³³⁸: 1. The allotments comply with SUB-S1; or 2. Any existing allotment that does not meet SUB-S1 does not decrease in area. Matters of control are restricted to: 1. The area of the proposed allotments. 2. The location, design and construction of access, and its adequacy for the intended use of the subdivision. 3. Public access requirements. 4. The provision of services and their adequacy for the intended use of the subdivision. 5. Any amalgamations and easements that are appropriate.³³⁹ 6. Any financial contributions necessary for the purposes set out in Section 15 of the Plan. 7. Any other matters provided for in section 220 of the Act.³⁴⁰	Activity Status when compliance is not achieved with R1.1 and R1.2: DIS
SUB-R2	Subdivision to create a <u>new allotment for a network or public utility or a reserve</u> ³⁴¹	
All Residential Zones	Activity Status: CON Where: 1. <u>Any balance allotment complies with SUB-S1.</u>³⁴² Matters of control are restricted to: a. The area of the proposed allotment taking into consideration the proposed use of the allotment, the amenities of neighbouring properties sites³⁴³ and the site's	<u>Activity Status when compliance is not achieved with R2.1: DIS</u>

³³⁸ Clause 16(2) change for clarity

³³⁹ #165

³⁴⁰ #165

³⁴¹ #165

³⁴² Evidence of Rachel Law (#165)

³⁴³ #165

	ability to dispose of waste (if required). b. The location, design and construction of access, and its adequacy for the intended use of the subdivision. c. Public access requirements. d. The provision of services and their adequacy for the intended use of the subdivision. e. Any amalgamations and easements that are appropriate.³⁴⁴ f. Any financial contributions necessary for the purposes set out in Section 15 of the Plan. g. Any other matters provided for in section 220 of the Act.³⁴⁵	
SUB-R3	Subdivision where any part of the site is within a Heritage Precinct	
All Residential Zones	Activity Status: RDIS Where: 1. The application for subdivision consent is submitted concurrently with an application for land use consent under Section 11. Where the activity complies with the following rule requirements <u>standards</u>³⁴⁶: SUB-S1 Matters of discretion are restricted to: 1. Those matters specified in SUB-R4. 2. The impact of the proposed subdivision on the heritage values and character of the Heritage Precinct.	Activity status when compliance is not achieved with R3.1: DIS And the activity complies with the following rule requirements <u>standards</u>³⁴⁷: SUB-S1 Activity status when compliance with rule requirement standard³⁴⁸(s) is not achieved: Refer to Rule Requirement Standards³⁴⁹ Table.
SUB-RX	<u>Subdivision of land where each allotment contains an existing principal residential unit, or where a land use consent has been obtained, or is applied for concurrently, under MRZ-R1.</u> ³⁵⁰	
Medium Density	<u>Activity Status: CON</u> <u>Where:</u>	<u>Activity status when compliance is not achieved with RX.1: RDIS</u>

³⁴⁴ #165

³⁴⁵ #165

³⁴⁶ Clause 16(2) change for clarity

³⁴⁷ Clause 16(2) change for clarity

³⁴⁸ Clause 16(2) change for clarity

³⁴⁹ Clause 16(2) change for clarity

³⁵⁰ #165

<u>Residential Zone</u>	1. <u>The subdivision does not result in any new non-compliance with MRZ-S7, MRZ-S8, MRZ-S8, MRZ-S9 and MRZ-S10.</u>³⁵¹ <u>Matters of control are restricted to:</u> a. <u>The provision of adequate network utility services, including the location, design and construction of these services.</u> b. <u>The ability to lawfully dispose of wastewater and stormwater.</u> c. <u>The location, design and construction of access, and its adequacy for the intended use of the subdivision.</u> d. <u>Earthworks necessary to prepare the site for development occupation, and/or use.</u> e. <u>Subdivisional design including the shape and arrangement of allotments to:</u> i. <u>facilitate convenient, safe, efficient and easy access.</u> ii. <u>achieve energy efficiency, including access to passive solar energy sources.</u> iii. <u>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.</u> iv. <u>maintain and enhance amenity values.</u> v. <u>facilitate adequate access to back land.</u> vi. <u>protect existing water races.</u> f. <u>The provision of or contribution to the open space and recreational needs of the community.</u> g. <u>Provision for pedestrian and cyclist movement, including the</u>	<u>Matters of discretion are restricted to:</u> <u>Those matters set out in SUB-R4.</u>
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³⁵¹ To ensure a subdivision does not result in these matters subsequently not being achieved.

	<u>provision of, or connection to, walkways and cycleways.</u> h. <u>The provision of esplanade strips or reserves and/or access strips.</u> i. <u>The provision of services and their adequacy for the intended use of the subdivision.</u> j. <u>Any financial contributions necessary for the purposes set out in Section 15 of the Plan.</u>	
SUB-RX	<u>Subdivision of land where a land use consent has been obtained, or is applied for concurrently, under LLRZ-RX, LRZ-RX or MRZ-R2.</u> ³⁵²	
<u>Large Lot Residential Zone</u>	<u>Activity Status: RDIS</u> <u>Where:</u> 1. <u>The density across the site is no greater than 1 dwelling per:</u> a. <u>2000m² gross site area in Precinct 2 or 3; or</u> b. <u>1500m² gross site area elsewhere.</u> <u>Matters of discretion are restricted to:</u> <u>Those matters set out in SUB-R4.</u>	<u>Activity status when compliance is not achieved with RX.1.a: DIS</u> <u>Where:</u> 3. <u>The overall density across the site is no greater than 1 allotment per 1500m² gross site area; and</u> 4. <u>Either 1500m², or 50m² per allotment, whichever is the greater, is provided for public use as an area of open space.</u> <u>Activity status when compliance is not achieved with RX.1.b, Rx.2, RX.3 or RX.4: NC</u>
<u>Low Density Residential Zone</u>	<u>Activity Status: RDIS</u> <u>Where:</u> 2. <u>The density across the site is no greater than 1 allotment per 600m² gross site area.</u> <u>Matters of discretion are restricted to:</u> <u>Those matters set out in SUB-R4.</u>	
<u>Medium Density Residential Zone</u>	<u>Activity Status: RDIS</u> <u>Matters of discretion are restricted to:</u> <u>Those matters set out in SUB-R4.</u>	
SUB-R4	Subdivision not otherwise specified	
All Residential Zones	Activity Status: RDIS Where the activity complies with the following rule requirements <u>standards</u>³⁵³:	Activity status when compliance with rule requirement standard³⁵⁸(s) is Rule Requirement Standards³⁵⁹ Requirement Table.

³⁵² Relates to evidence of Joanne Skuse (#161)

³⁵³ Clause 16(2) change for clarity

³⁵⁸ Clause 16(2) change for clarity

³⁵⁹ Clause 16(2) change for clarity

	SUB-S1 <u>and SUB-S2</u>³⁵⁴ Matters of discretion are restricted to: 1. Whether the subdivision creates allotments that can accommodate anticipated land uses and are consistent with the purpose, character, and qualities of the applicable zone. 2. The provision of adequate network utility services (given the intended use of the subdivision) including the location, design and construction of these services. 3. The ability to lawfully dispose of wastewater and stormwater. 4. The location, design and construction of access to public roads and its adequacy for the intended use of the subdivision. 5. The provision of landscaping, including road berms. 6. Earthworks necessary to prepare the site for development occupation, and/or use. 7. 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. 8. The provision of or contribution to the open space and recreational needs of the community.	
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³⁵⁴ Craig Barr (#139)

	9. The provision of buffer zones adjacent to roads, network utilities or natural features. 10. The protection of important landscape features, including significant rock outcrops and escarpments. 11. Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways. 12. The provision of esplanade strips or reserves and/or access strips. 13. Any financial contributions necessary for the purposes set out in Section 15 of this Plan. 14. <u>Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.</u>³⁵⁵ 15. <u>Consistency with any Structure Plan included in this District Plan.</u>³⁵⁶ 16. Any amalgamations and easements that are appropriate. 17. Any other matters provided for in section 220 of the Act.³⁵⁷	
SUB-R5³⁶⁰	<u>Subdivision resulting in the creation³⁶¹ of three or more allotments of 400m² or less³⁶² in the Medium Density Residential Zone</u>	
Medium Density Residential Zone	Activity Status: RDIS Where: 1. The application for subdivision consent made under this rule shall be submitted concurrently with an application for land use consent under MRZ-R1, or after the grant of a land use consent. Where the activity complies with the following rule requirements: SUB-S1, except where a resource consent has been obtained for a Comprehensive Residential Development Plan, and the	Activity status when compliance is not achieved with R5.1: NC And the activity complies with the following rule requirements: SUB-S1³⁶³ Activity status when compliance with rule requirement(s) is not achieved: Refer to Rule Requirement Table.

³⁵⁵ Paul & Angela Jacobsen, Judge Rock (#14)

³⁵⁶ Evidence of Craig Barr (#146)

³⁵⁷ #165

³⁶⁰ Evidence of Sean Dent (#96)

³⁶¹ #146, #165

³⁶² #96

³⁶³ Clause 16(2) amendment to correct an error. Also relates to #165.

	subdivision is in accordance with that consent. Matters of discretion are restricted to: 1.—Those matters set out in SUB-R4.	
SUB-R6	Subdivision of Land Subject to Hazards	
All Residential Zones	Activity Status: DIS 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.	
SUB-R7	Subdivision of Land within a Future Growth Overlay³⁶⁴	
<u>Future Growth Overlay – Pisa Moorings</u>	<u>RDIS</u> <u>Where:</u> 1. <u>The Cromwell Wastewater Treatment plant has been upgraded to implement nitrogen removal and increase the capacity of the membrane treatment plant; and</u> 2. <u>The Cromwell and Pisa Moorings Water schemes have been combined and a regional council water take consent issued.</u> <u>Matters of discretion are restricted to:</u> <u>Those matters set out in SUB-R4.</u>	<u>Activity status when compliance is not achieved with R7.1 or R7.2: NC</u>
<u>Future Growth Overlay – Lowburn</u>	<u>RDIS</u> <u>Where:</u> 3. <u>The Cromwell Wastewater Treatment plant has been upgraded to implement nitrogen removal and increase the capacity of the membrane treatment plant; and</u> 4. <u>The Lowburn wastewater main and pumpstation has been reconfigured and upgraded.</u>	<u>Activity status when compliance is not achieved with R7.3 or R7.4: NC</u>

³⁶⁴ Relates to Evidence of Craig Barr (#146); Evidence of Brodie Costello (#150), Evidence of Sean Dent (#83), Evidence of Joanne Skuse (#161, #162)

	<u>Matters of discretion are restricted to:</u> <u>Those matters set out in SUB-R4.</u>	
<u>Future Growth Overlay – Clyde</u>	<u>RDIS</u> <u>Where:</u> 5. <u>The Alexandra Wastewater Treatment plant has been upgraded and a regional council discharge consent has been issued for treatment of Alexandra and Clyde wastewater.</u> <u>Matters of discretion are restricted to:</u> <u>Those matters set out in SUB-R4.</u>	<u>Activity status when compliance is not achieved with R7.5: NC</u>

Standards

SUB-S1	<u>Density Minimum Allotment Size</u> ³⁶⁵	Activity Status where compliance not achieved:
Medium Density Residential Zone	1. Where a reticulated sewerage system is available or is installed as part of the subdivision the minimum size of any allotment shall be no less than 200m ² . 2. Where a reticulated sewerage system is not installed or available, the minimum size of any allotment shall be no less than 800m ² .	NC
Low Density Residential Zone	3. Where a reticulated sewerage system is available or is installed as part of the subdivision the minimum size of any allotment shall be no less than 4500m ² . ³⁶⁶ 4. Where a reticulated sewerage system is not installed or available, the minimum size of any allotment shall be no less than 800m ² .	<u>Where:</u> ³⁶⁷ 5. <u>SUB-S1.3 is not met, but the minimum size of any allotment is no less than 250m², the minimum average allotment size is no less than 400m² and only one additional allotment is created: RDIS</u> <u>Matters of discretion are restricted to:</u> a. <u>Those matters set out in SUB-R4.</u> <u>Where:</u> SUB-S1.4 or SUB-S1.5 is not met: NC
Large Lot Residential	6. The minimum size of any allotment shall be no less than 2000 1500 ³⁶⁸ m ² .	<u>Where:</u> ³⁶⁹

³⁶⁵ #165

³⁶⁶ #51, #64, #73, #93, #94, #95, #99, #149, #150, #155, #161, #162, #165, #166, #167

³⁶⁷ Relates to #144, #166 and the Evidence of Rachael Law (#21, #30, #31, #32, #33 #51, #145, #165), Evidence of Brodie Costello (#150), Evidence of Joanne Skuse (#161, #162)

³⁶⁸ Evidence of Craig Barr (#135), Evidence of Jake Woodward (#147)

³⁶⁹ Relates to #144, #166 and the Evidence of Rachael Law (#21, #30, #31, #32, #33 #51, #145, #165), Evidence of Brodie Costello (#150), Evidence of Joanne Skuse (#161, #162)

Zone (excluding Precincts 1, 2 & 3)		7. <u>SUB-S1.6 is not met, but the minimum average allotment size is no less than 1500m² and only one additional allotment is created: RDIS</u> <u>Matters of discretion are restricted to:</u> a. <u>Those matters set out in SUB-R4.</u> <u>Where:</u> <u>SUB-S1.4 or SUB-S1.5 is not met: NC</u>
Large Lot Residential Zone - Precinct 1	8. The minimum size of any allotment shall be no less than 1000m ² .	NC
Large Lot Residential Zone - Precinct 2	9. The minimum size of any allotment shall be no less than 3000m ² .	NC
Large Lot Residential Zone - Precinct 3	10. The minimum size of any allotment shall be no less than 6000m ² .	NC
<u>SUB-S2</u>	<u>Servicing Thresholds³⁷⁰</u>	
<u>LRZ at 131-157 Dunstan Road</u>	1. <u>The subdivision of 131-157 Dunstan Road shall not exceed 40 residential lots.</u>	<u>RDIS</u> <u>Matters of discretion are restricted to:</u> a) <u>The sufficiency of the wastewater network to service additional development.</u> b) <u>Any limitations on staging required to address wastewater servicing.</u>

³⁷⁰ Evidence of Craig Barr (#139)

Schedule 1 – Height in Relation to Boundary

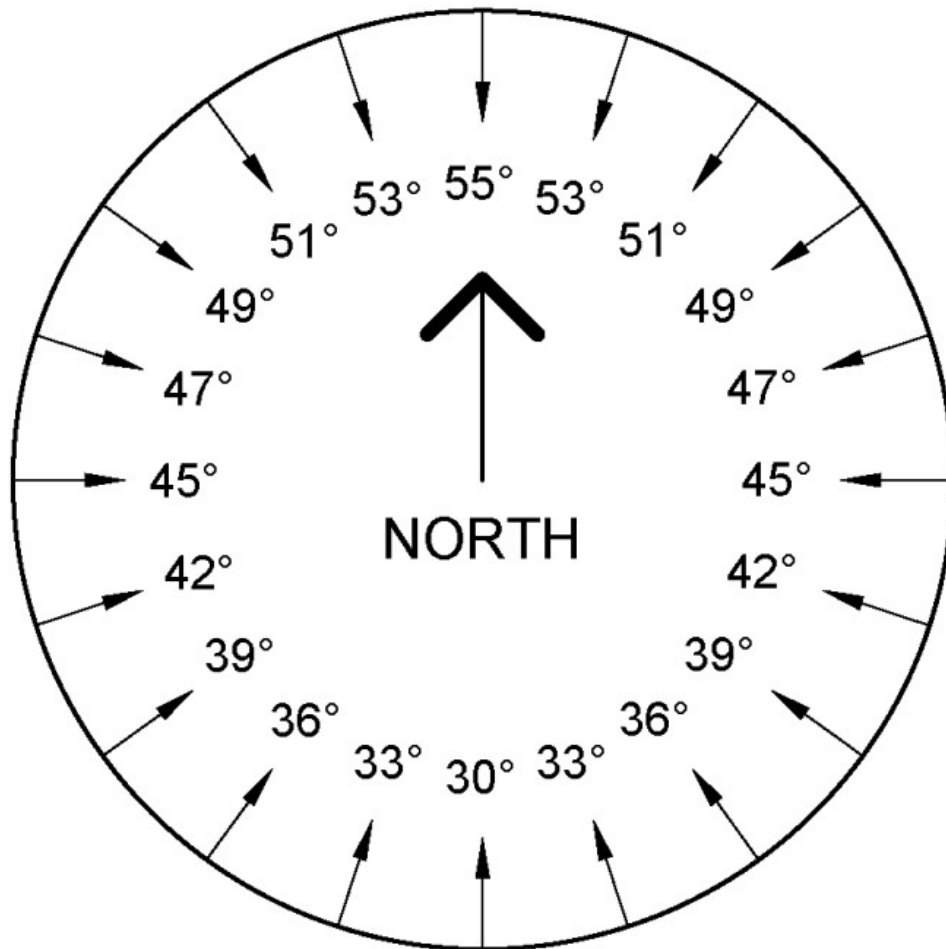


Figure 1

Determining Recession Plane Angles

The angles of the recession plane are determined by a site boundary's orientation relative to the direction of true north. The recession plane indicator shown in Figure 1 determines the recession plane angle which applies to a site boundary.

How to use Figure 1

1. Position Figure 1 on a site plan so that true north faces straight up.
2. Position the circle so that the outer edge of the circle touches the boundary
3. The correct angle is the number nearest where the circle touches the boundary (refer examples in Figure 2 below.)

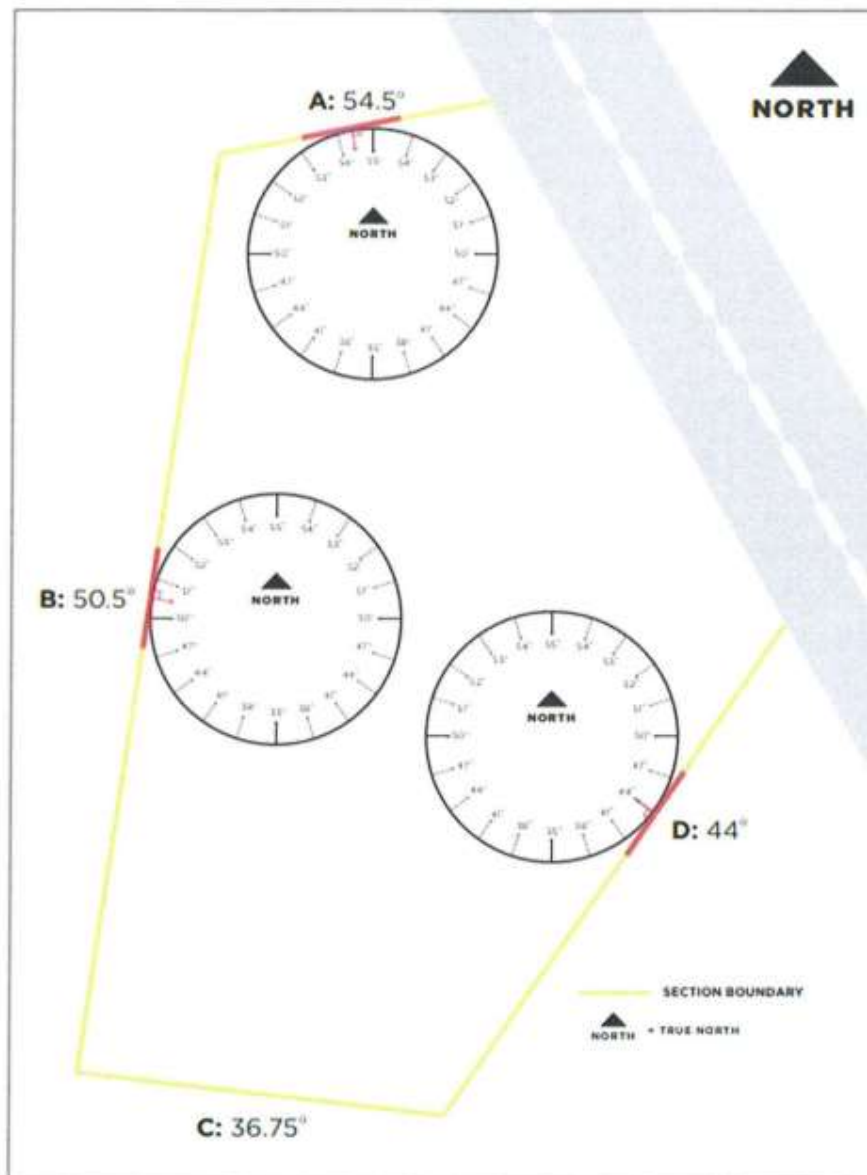


Figure 2

Definitions:

Noxious Activity

in a residential zone,³⁷¹ means any of the following:

1. the disposal of waste onto land (excluding composting activities associated with residential gardening activities).
2. The intensive confinement of animals (excluding the keeping of domestic animals associated with residential activities), ~~plants~~³⁷² or fungi (excluding domestic glasshouses).
3. Any activity that uses, stores or generates quantities of hazardous substances that exceed the limits specified in Schedule 19.14.
4. Any activity that requires a licence as an offensive trade within the meaning of the Third Schedule of the Health Act 1956.

Boundary Adjustment

in a residential zone³⁷³, means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.³⁷⁴

Comprehensive Residential Development Plan³⁷⁵:

means a comprehensively planned and designed residential development where:

1. in the Medium Density Residential Zone, the application site is greater than 3,000m² or
2. in the Low Density Residential Zone, the application site is greater than 6,000m²; or
3. in the Large Lot Residential Zone, the application site is greater than 2ha,³⁷⁶ or
4. where less than 3,000m² the areas in 1. – 3. above, it is the subsequent development of an allotment created through a previous Comprehensive Residential Development consent.³⁷⁷

Section 19.3.6:

Community facilities and Shop as defined in Section 18 is a permitted activity on the site identified as Scheduled Activity 127 subject to compliance with LRZ-S2 Height and LRZ-S3 Height in relation to boundary, LRZ-S5 Setback from road boundary and LRZ-S6 Setback from internal boundary Rule 7.3.6(iii)-Bulk and Location of Buildings³⁷⁸ and Rule 12.7 District Wide Rules and Performance Standards and provided that no vehicular access is achieved direct to Pisa Moorings Road.

³⁷¹ #89

³⁷² Evidence of Lynette Wharfe (#89)

³⁷³ This addition reflects that PC19 only proposes to amend the framework applying to residential zones, and without this limitation (as provided in other definitions) it would extend the scope of PC19 to apply to other chapters of the Plan.

³⁷⁴ #165

³⁷⁵ #161

³⁷⁶ Relates to evidence of Joanne Skuse (#161)

³⁷⁷ #79

³⁷⁸ Relates to evidence of Craig Barr (#146)