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Central Otago District Plan

Plan Change 19 – Residential Chapter Provisions

Section 42A Report – Report on Submissions and Further Submissions PART 1 (Provisions)

Prepared by

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Abbreviations used in this report:

Abbreviation	Full Text
CODP or Plan	Central Otago District Plan
Council	Central Otago District Council
LLRZ	Large Lot Residential Zone
LRZ	Low Density Residential Zone
MHUD	Ministry of Housing and Urban Development
MRZ	Medium Density Residential Zone
NP Standards	National Planning Standards
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-UD	National Policy Statement on Urban Development 2020
RMA	Resource Management Act 1991
s32 Report	Plan Change 19 – Residential Chapter Provisions, Section 32 Evaluation Report

1. Purpose of Report

1. This report is prepared under s42A of the RMA in relation to Plan Change 19 - Residential Chapter Provisions (PC19) to the CDDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this plan change and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions. This report is one of two s42A reports relating to PC19 and relates to the provisions contained in PC19, but not the application of zones. Submissions which relate to the zoning of particular areas will be addressed in a second report.
2. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and Experience

3. My name is Elizabeth (Liz) Jane White. I am an independent planning consultant, based in Christchurch. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
4. I have over 15 years' planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents, and preparing and processing resource consent applications and notices of requirements for territorial authorities. I was engaged by Central Otago District Council to assist with the preparation of proposed Plan Change 19 (PC19), and prepared the PC19 provisions and s32 report.
5. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I have complied with it when preparing this report. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

3. Scope and Format of Report

6. This report considers the submissions and further submissions that were received in relation to PC19, but excludes those seeking changes to the zoning of specific areas, which will be addressed in a separate report. It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report. Footnoted references to the relevant submitter(s) identify the scope for each recommended change.
7. The assessment of submissions generally follows the following format:
 - a. An outline of the relevant submission points
 - b. An analysis of those submission points
 - c. Recommendations, including any amendments to plan provisions (and associated assessment in terms of s32AA of the RMA where appropriate).
8. In some cases, where appropriate, the outline of submission points and their analysis is combined in one section.
9. Further submissions have been considered in the preparation of this report, but are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission.
10. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.

4. Plan Change Overview

Spatial Plans

11. Prior to the preparation and notification of PC19, the Council prepared Spatial Plans for Vincent and Cromwell. These plans were prepared to identify the growth expected in the District over a 30 year period and set a blueprint for how such growth should be accommodated, to address residential land availability and housing affordability concerns in the District.
12. PC19 follows on from the Spatial Plans, by seeking to generally apply the residential zoning identified in the Spatial Plans. These zones align with those required under the National Planning Standards (NP Standards), being Large Lot Residential (LLRZ); Low Density Residential (LRZ); and Medium Density Residential (MRZ). In addition, as PC19 forms part of the wider review of the District Plan, it also proposes to make a comprehensive suite of changes to the way these residential areas are managed. This includes the deletion of the current Section 7 Residential Resource Area of the Plan and replacement with three new chapters (one for each

proposed residential zone), as well as a separate Residential Subdivision chapter containing subdivision provisions. These changes also impact residential areas of the District which the Spatial Plans do not apply to. Other changes proposed in PC19 which are consequential to the above include changes to definitions to support the provisions, and minor changes to other sections of the Plan to reflect the proposed new zones.

13. The townships or settlements to which each proposed residential zone applies are set out in s32 report.¹ The differences between the zones are predominantly to do with the anticipated densities in each, and in brief summary:
 - a. The LLRZ has the lowest density, with a greater ratio of open space than built form.
 - b. The LRZ provides for traditional suburban housing, predominantly detached houses on sections with generous on-site open space and setback from boundaries.
 - c. The MRZ provides for higher density development, in areas that are within a walkable distance of commercial areas or other key community facilities.

5. Procedural Matters

14. PC19 was notified on 9 July 2022, with submissions closing on 2 September 2022. The summary of submission was notified on 1 December 2022, but due to a delay in the summary of submissions being uploaded to the PC19 website, the further submission period was extended slightly and closed on 20 December 2022.

6. Statutory Framework

15. The assessment under the RMA for this Plan Change includes whether:
 - a. it is in accordance with the Council's functions (s74(1)(a));
 - b. it is in accordance with Part 2 of the RMA (s74(1)(b));
 - c. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
 - d. the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
 - e. the provisions within the plan change are the most appropriate way to achieve the objectives (s32(1)(b)).
16. In addition, assessment of the plan change must also have regard to:

¹ *Central Otago District Plan, Plan Change 19 – Residential Chapter Provisions, Section 32 Evaluation Report*, at paragraphs 8-10.

- a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
 - b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
 - c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect (s76(3)).
17. The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).
 18. Specific provisions within the RMA and in other planning documents that are relevant to PC19 are set out in the s32 Report.² These documents are discussed in more detail within this report where relevant to the assessment of submission points.
 19. The assessment of submission points has also been undertaken in the context of the s32 Report prepared for PC19. All recommended amendments to provisions since the initial s32 Report evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken, where required, in this report.

7. Assessment of Submissions

Overview of Submissions

20. 171 submissions were received on PC19 and 76 further submissions.

Structure of Report

21. Given the volume of submissions received on PC19, this report does not discuss all matters raised in individual submissions, and instead addresses matters raised through submissions in broader detail.³ In addition, only the key aspects of submissions are outlined in this report; the submissions themselves should therefore be referred to for the full detail of what changes are sought and why.
22. The assessment of submissions has been undertaken based on groups of provisions, as follows:
 - Supporting submissions
 - Relevance of the NPS-UD and NPS-HPL
 - Selection of zones

² Refer 'Statutory Context' section, paragraphs 14-40.

³ This reflects Clause 10(2)(a) of the First Schedule to the RMA, which allows for the decisions to address submissions by grouping them according to the provisions in the plan change, or the matters to which they relate.

- Objectives (and related policy framework)
 - Policies
 - Design Guide
 - Rules (Activities)
 - Standards
 - Subdivision
 - Minor changes which are supported
 - Other matters where no changes are recommended
23. As noted earlier, this report does not address changes sought to the zoning of specific sites or areas, which will be addressed in a separate Section 42A Report.

8. Supporting Submissions

24. One submitter supports PC19⁴ in full, while various others indicate general support for the plan change, albeit they seek some changes which are addressed further in this report. The support of these submitters is acknowledged.

9. Relevance of NPS-UD and NPS-HPL

25. The s32 Report notes that the National Policy Statement on Urban Development 2020 (NPS-UD) only applies to local authorities that have all or part of an “urban environment” within their district or region. It states that:

*The definition of an “urban environment” means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, part of a housing and labour market of at least 10,000 people. This currently does not apply within the District, while noting that over the horizon covered by the spatial plans, Cromwell is expected to reach this threshold. The approach taken within PC19 is to align the Residential Zones chapter as much as possible within the NPS-UD so that the provisions are future proofed, while noting that the provisions are not strictly required to give effect to the NPS-UD.*⁵

26. Several submitters⁶ do not agree with this and consider that the NPS-UD does apply. Reasons given include that because the Spatial Plans identify that Cromwell is expected to reach this threshold in time, this falls within the reference to “intends to be” contained within the definition.

⁴ #10 - Johan (Johnny) van Baaren & Brenda Dawn Hesson

⁵ Section 32 Report, para 24

⁶ For example #135- Cairine Heather MacLeod, #161 - Topp Property Investments 2015 Ltd

27. I have been advised that CODC sought confirmation from the Ministry of Housing and Urban Development (MHUD) regarding this, with respect to whether or not CODC were required to remove the car parking requirement from the Plan (under Clause 3.38 of the NPS-UD). The response confirmed that if an urban environment is not located within the District, then the requirements of the NPS-UD do not apply; and that Central Otago had not been identified by MHUD as a local authority who was required to remove the car parking requirements. The correspondence is attached as **Appendix 2** to this report. It is also important to note that while Cromwell is expected to reach the threshold of an 'urban environment' over the life of the Spatial Plan, this is not currently the case, nor is it expected to occur over the life of these District Plan provisions.⁷ I consider that "*intended to be*" should be interpreted in this context.
28. Regardless of the above, in my view, even if the NPS-UD is relevant, as noted in the s32 Report and set out above, PC19 is considered to align with the NPS-UD in any case, with the exception of car parking, which is expanded on further below (in the sub-section relating to car parking). Firstly, the NPS-UD states that Tier 3 local authorities are *encouraged*, but are not *required* to do the things required of Tier 1 and 2 authorities (clause 1.5). This limits the obligations of the Council. PC19 is also based on Spatial Plans which have been prepared to respond to anticipated demand over a 30-year period, which in turn has been informed by growth projections prepared by Rationale. PC19 is therefore based on robust and recent information (Objective 7). CODC has also continued to monitor growth and update the growth projections.⁸ The general development pattern set out, including intensification opportunities, is aimed at providing a well-functioning urban environment, (Objective 1), improving housing affordability (Objective 2), articulates where changes anticipated in amenity values (Objective 4) and is aligned with the Council's infrastructure planning (Objective 6).
29. My understanding is that the submitters who consider the NPS-UD is relevant either have not identified how PC19 would not give effect to it or consider that the increase in minimum allotment size in the LRZ (and/or limited change to densities in particular LLRZ areas) means that capacity for further development in the District will decrease and that this in turn means that sufficient capacity may not be provided. However, as noted above, the Spatial Plans were based on growth projections, and in identifying where the anticipated demand would be supplied, identified residential areas with different densities. The densities identified in PC19 are consistent with those in PC19, and therefore align with the growth projections. Therefore, in my view, it is necessary to look at the capacity provided as a whole, rather than looking at changes to one zone in isolation. In particular, I note that Objective 3 relates to enabling more people to live in areas which meet specific criteria; not that all areas within an urban

⁷ The most recent growth projections predict that Cromwell will not reach a usually resident population of 10,000 until around 2040.

⁸ Rationale. *Growth Projections – 2022*. April 2022. Available at: https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/10d76975365b119040eb45dc64d234d24101176f/original/1660692683/481a14b405ed8f53f61233e473274bc9_CODC_-_Growth_Projections_-_Report.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKIOR7VAOP4%2F20230323%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20230323T201902Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=69989d78df2d752dec62b0daa77568d75c1c27b4b427b905b7989d27a88c7ec

environment must provide for intensification. I also understand that the Council have undertaken further assessment of the yield provided in PC19 in respect to the Cromwell Ward, to confirm if the zoning proposed would provide sufficient capacity for the forecasted demand. I understand that this identified that PC19 would provide sufficient supply in the Cromwell Township and at a Ward level. This confirms that PC19 in general will provide sufficient capacity for the expected demand, noting as well the longer 30-year horizon of the Spatial Plans. For completeness I note that the specific density within the LRZ is also considered further later in this report.

30. Since PC19 was notified and after the close of submissions, the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into force. Of relevance to PC19, it includes restrictions on urban rezoning of highly productive land. However, the direction does not apply to land identified for future urban development, which by definition includes land identified in the Spatial Plans (being strategic planning documents), nor does it apply to land proposed in PC19 to be rezoned from rural to residential (clause 3.5(7)). It is therefore relevant only to land which is currently zoned rural and not identified for residential development in the Spatial Plans or PC19, which has been sought by submitters to be zoned LLRZ, LRZ or MRZ. This will be addressed further in the second Section 42A Report which will address submissions seeking rezonings.

10. Selection of Zones

Submissions

31. One submitter opposes the inclusion of the MRZ altogether,⁹ as they do not consider that the density and height will achieve the outcomes sought in MRZ-P1, while another opposes any section in Cromwell being less than 500m², which, due to the proposed densities means that in effect they appear to disagree with the zone.¹⁰
32. Other submitters¹¹ considers that the description of the 'General Residential Zone' (GRZ) in the NP Standards better describes the growth and development pattern that has occurred within the District prior to PC19.

Analysis

33. PC19 is based on the Vincent and Cromwell Spatial Plans, which were prepared by the Council to plan for where growth over the next 30 years should occur, in a manner that meets anticipated demand for residential land and helps address housing affordability. The areas identified as MRZ within PC19 are largely consistent with the Spatial Plans, and are generally in areas that are within a walkable distance of commercial areas or other key community facilities, or are greenfield areas which provide an opportunity for comprehensively designed higher density neighbourhoods. If the MRZ is removed, PC19 would no longer provide sufficient capacity to meet expected demand. In absence of an alternative approach being put forward as

⁹ #129 - John and Barbara Walker

¹⁰ #8 - Richard & Wendy Byrne

¹¹ #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

to how demand could be met, I consider retention of the MRZ is necessary to meet demand and appropriately aligns with the outcomes sought in the Spatial Plans.

34. The LRZ is also consistent with the Spatial Plans. This difference in the NP Standards descriptions appears to be that the LRZ is referred to as having buildings predominantly with a suburban scale, whereas the GRZ refers to a mix of building types. In my view, the appropriate zone to apply is the one that describes what is anticipated moving forwards, not simply a continuation of what has happened previously. In this regard, higher intensity development may exist in the LRZ, but under PC19 these are intended to be focused in the MRZ. Regardless, I consider both the current and anticipated typology is *predominantly* suburban. Therefore, I recommend the LRZ is retained, and is not amended to be GRZ.

Recommendation

35. I recommend that the application of Medium Density Residential and Low Density Residential zones are retained.

11. Objectives (and Related Policy Framework)

36. This section of the report relates to submissions seeking changes to the objectives, as well as any submission points that seek related changes to the policy framework.

Submissions

37. Some submitters seek changes to the objectives (and in some cases related policies) for each residential zone, to:
- a. Amend or add to the objectives and policies in each zone chapter and the residential subdivision chapter to refer to these areas being supported by infrastructure, and require that all development is appropriately serviced, to ensure that these zones can be supported by, or health and safety maintained through, the provision of necessary infrastructure.¹² One submitter also seeks that a suite of policies are added to the subdivision chapter in relation to servicing.¹³
 - b. Ensure the objective and policy framework recognises existing commercial activities and their associated effects, particularly in terms of recognising that where residential activity is located in close proximity to commercial activities this may detract from amenity values appreciated by some people.¹⁴
 - c. In the MRZ and LRZ, highlight that the amenity and character of this zone is anticipated to change over time.¹⁵

¹² #60 - Ministry of Education, #114 - Fire and Emergency New Zealand (and #165 - Paterson Pitts Group (Cromwell) in relation to subdivision only).

¹³ #165 - Paterson Pitts Group (Cromwell)

¹⁴ #61 - Foodstuffs (South Island) Properties Ltd - Alexandra NW

¹⁵ #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

- d. Separate out LLRZ-O3 (and LLRZ-P7) into an objective (and policy) for each precinct and amend the numbering of all precinct provisions.¹⁶
- e. Add explicit reference to “*retirement villages*” in LRZ-O2(1) and MRZ-O2.¹⁷
- f. Add new objective more broadly relating to the housing and care needs of the ageing population.¹⁸
- g. Add a new objective to the LRZ and MRZ “*To provide for the diverse and residential changing residential needs of communities, recognise that the existing character and amenity of the XX Zone will change over time to enable a variety of housing types with a mix of densities*”¹⁹
- h. Add further clauses to SUB-O1 relating to providing for the health and wellbeing of communities and maintaining the safety and efficiency of the transport network, and adding related policies, as well as adding to SUB-P1.²⁰

Analysis

- 38. I do not consider it appropriate to amend or expand the objectives and policies in relation to infrastructure. This is because these objectives relate to the outcomes sought for these zones. Infrastructure which is necessary to support these areas may be located both within and outside of the zone, and in my view the outcomes sought in relation to infrastructure provision are not zone-based in any case. PC19 also does not propose to amend the objectives and policies which currently apply to infrastructure and which are contained in Section 13. This approach of having specific outcomes and direction relating to infrastructure which apply regardless of zone is also consistent with the NP Standards in that provisions relating to infrastructure are anticipated in a specific *Energy, infrastructure and transport* section.
- 39. In relation to the residential subdivision chapter, I do not consider any additional objectives, or related policies to be necessary because provision of infrastructure is already addressed in Section 16: Subdivision (e.g. Objective 16.3.2), which is not altered by PC19 and which will continue to apply in addition to the provisions in the residential subdivision chapter. For the same reason, I do not consider it necessary to include a policy in the residential chapters in relation to servicing. This is because servicing is a wider matter which is already addressed in Chapter 16, with Policy 16.4.3 already requiring that subdivided land is supplied with adequate services and infrastructure. I also do not agree with adding further clauses to SUB-O1, adding a

¹⁶ #165 - Paterson Pitts Group (Cromwell)

¹⁷ #158 - Retirement Villages Ass of NZ INC, noting that the specific changes outlined relate to LRZ-O2 and therefore it is not clear what change is sought to MRZ-O2.

¹⁸ #158 - Retirement Villages Ass of NZ INC

¹⁹ #158 - Retirement Villages Ass of NZ INC

²⁰ #165 - Paterson Pitts Group (Cromwell)

suite of policies to the residential subdivision chapter, or adding further clauses to SUB-P1, as these are matters already addressed in Section 16,²¹ as noted in the introduction to the chapter.

40. In relation to commercial activities and their associated effects, it is not clear what changes are explicitly sought by submitters. Regardless, I consider the current objectives align with the description of these zones set out in the NP Standards. I also consider that s10 of the RMA, which provides existing use rights, already recognises existing activities, and the proposed policies (LLRZ-P5, LRZ-P5 & MRZ-P6) provide appropriate direction for consideration of expansions to existing activities.
41. Given MRZ-O2 and LRZ-O2 already refers to “anticipated” amenity values, and the submitter does not identify alternate wording to address their concern, I do not recommend a change in response to this submission point.
42. Within the NP Standards, precincts are described as follows: “A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).” I note that this does not require that each precinct has a separate objective; rather a precinct is used where there are modifications or refinement of the underlying zone. In this case, the outcome sought for each precinct is the same (as expressed in LLRZ-O3, in addition to LLRZ-O1 and LLRZ-O2) being maintenance of the amenity and character resulting from existing or anticipated development – the distinction between each is then what the specific existing/anticipated development is, which is expanded on in LLRZ-P6, LLRZ-P7 and LLRZ-S1 and LLRZ-S4. For completeness I also do not agree that the NP Standards require that any provision relating to a precinct must be numbered in a particular way; I accept some district plans have taken this approach but this is a drafting choice and does not appear to be directed in the NP Standards.
43. With respect to retirement villages, I do not agree with adding reference to these in LRZ-O2 and MRZ-O2, because these provisions relate to the predominant type of built form anticipated, and while retirement villages are anticipated (and provided for) in the zone, they are not the predominant typology anticipated.
44. With regard to the additional objectives sought (relating to the ageing population and the diverse and changing residential needs), I do not agree that these should be added as objectives, as they are not worded as outcomes. With respect to the housing and care needs of the ageing population, I consider that this is a sub-set of the general intent of PC19 to provide for a range of housing opportunities to meet the needs of all parts of the community and I do not consider it appropriate for the District Plan to have specific provisions around one part of the community in this respect.
45. In terms of in the objective relating to changing needs and changing character, I consider it more appropriate to make a minor change to MRZ-O2.2 to acknowledge that it is expected that this

²¹ For example, Objective 16.3.1 relates to the roading network and Policy 16.4.1 already requires legal and physical access.

zone will change over time (noting I do not consider the same applies to the LRZ). I also consider that this is a matter than may be more appropriately addressed at the policy level, by making changes to the 'Residential Activities' policies (LLRZ-P2, LRZ-P2 and MRZ-P3). This is addressed further in the section below which discusses those policies.

Recommendation

46. I recommend that MRZ-O2.2 is amended as follows:

changes over time to 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;

47. I do not consider that the change requires further evaluation under s32AA as it is a minor drafting change that better aligns the provision with the outcome expressed in MRZ-O2.2, while not altering the general intent of the objective. Therefore, the original s32 evaluation still applies.

48. I recommend that other than the changes identified above, the objectives are retained as notified.

12. Policies

Built Form Policies (LLRZ-P1, LRZ-P1 and MRZ-P1)

Submissions

49. Changes sought to the policies relating to built form include:

- a. Rewording the policies to make them clearer how it relates to the objective, and to re-order and consolidate clauses relating to amenity and bulk and location, and those relating to transport and access.²²
- b. Adding "*as informed by the density standards*" to LLRZ-P1.1, LRZ-P1.1 and MRZ-P1.2 relating to privacy levels, outlook and adequate access²³
- c. in relation to MRZ-P1 only:
 - i. Deleting reference to "discretely integrating parking" in MRZ-P1.3.²⁴
 - ii. Deleting MRZ-P1.4, which relates to maintaining a level of openness around and between buildings.²⁵

²² #165 - Paterson Pitts Group (Cromwell)

²³ #158 - Retirement Villages Ass of NZ INC

²⁴ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

²⁵ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

- iii. Deleting MRZ-P1.5 on the basis that active street frontages in clause (1) provide visual interest,²⁶ or querying what “visual interest” means.²⁷
- iv. Referring to “shared” accessways in MRZ-P1.8.²⁸
- v. Explicitly referring to the “heritage values” as well as the character of Clyde in MRZ-P1.12.²⁹

Analysis

50. I do not consider it necessary to repeat, at the policy level, the outcome sought in the objective which the policy direction is implementing. I also do not consider it necessary to re-order and consolidate clauses relating to particular matters, given this would further complicate the drafting of the policy by adding sub-clauses without altering the effect.
51. I do not consider it necessary to add reference to the density standards within the policy, for two reasons. The first is that density has been taken into account when determining what “reasonable” levels of privacy, outlook and adequate access to sunlight are, which is reflected in the permitted activity standards relating to these matters. Because of the different character and amenity values of each zone, which largely differs due to their differing densities, these standards differ. Secondly, I do not consider that referring to standards, either generally or specifically, in a policy is helpful. The standards should implement the direction in the policies (in this case, by setting a minimum level of what is “reasonable”) and where these are not met, resource consent applications should be considered on a case-by-case basis as to whether the policy direction is still met. If the policy refers back to a standard, then in my view this does not assist decision-makers on resource consents in determining when a breach might be appropriate.
52. In terms of MRZ-P1, I do not agree with deleting reference to discretely integrating parking or deleting clause (4), as the submitter considers that these are better addressed in the comprehensive housing policy (MRZ-P2). However, this does not work in practise as the latter policy will only apply and be able to be considered when the development proposed is a comprehensive development. In my view, this direction is appropriate to apply to all medium density development that is not permitted (i.e. where consent is required under MRZ-R1). I further note that these matters and what is anticipated are expanded on in the Medium Density Residential Design Guide. I also do not agree with consideration of maintenance of accessways and roads being limited to only shared accessways as this would not allow for consideration of how, for example, the access associated with a proposed medium density development may affect a neighbouring access, which may not be shared.
53. With respect to “visual interest” this is expanded on in the Medium Density Residential Design Guide (pages 19-20). I do not agree that active street frontages alone are sufficient to achieve

²⁶ #165 - Paterson Pitts Group (Cromwell)

²⁷ #148 - CHP Developments Limited

²⁸ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

²⁹ #112 - Heritage New Zealand Pouhere Taonga

visual interest and in turn ensure good urban design outcomes (MRZ-O2.4), as articulated in the Design Guide. Therefore, I consider the clause should be retained.

54. I agree with amending clause (12) to also refer to heritage values as this better aligns with the wording of the objectives relating to the heritage precinct (11.2.1 and 11.2.2).

Recommendation

55. I recommend that MRZ-P1.12 is amended as follows:

within Precinct 1, does not detract from the heritage values and character of the Clyde Heritage Precinct.

56. I otherwise recommend that LLRZ-P1, LRZ-P1 and MRZ-P1 are retained as notified (except where minor changes are recommended later in this report).
57. I do not consider that the change requires further evaluation under s32AA as it is a minor drafting change that better aligns the provision with the framework it relates to and does not alter the general intent. Therefore, the original s32 evaluation still applies.

Comprehensive Development (MRZ-P2, MRZ-R2 and related definition)

Submissions and Analysis

58. One submitter seeks a change to MRZ-P2.1 to refer to it enabling opportunities for a diversity of housing house, rather than providing for housing choice.³⁰ It is not clear from the submission why the change is sought, but in considering when comprehensive development is undertaken – being prior to development of specific housing – I agree with amendments to refer to “opportunities” although my preference is to retain “provides” rather than “enables”.
59. Another submitter³¹ seeks clause (3), relating to compatibility with the urban form of nearby areas, is deleted, on the basis that development should be focused on the anticipated character of the MRZ, not conformance with character of the zone next to it. Changes are also sought to refer to active transport in clause (4), rather than “movement” network. I note the matter of discretion in MRZ-R2 which relates to this policy is “*Whether the urban form is compatible with the nearby land use mix, including providing convenient access to commercial centres and community facilities.*” Changes are also sought to the matters of discretion to either align with the above points, or to improve the drafting for consistency or clarity reasons. Having also considered the direction in the Design Guide, it does not appear that the intended outcome sought is for ‘compatibility’ with the surrounding area, but more about ensuring the context is taken into account. As such, as I tend to agree with the submitter that the current wording is not appropriate. While I agree with deleting the wording about compatibility (as clause (2) already talks about responding to context), I consider clause (3) should be amended to refer to access to commercial centres and community facilities. This is not otherwise covered at the

³⁰ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

³¹ #165 - Paterson Pitts Group (Cromwell)

policy level and appears to be, in part, what was intended in terms of reference to urban form of nearby areas. I also agree with amending 'movement' to transport for consistency, but consider this should not be limited to active transport only as the Design Guide refers to all transport modes. I generally agree with the changes sought to the matters of discretion, to align them with the changes recommended to the policy and to improve clarity and consistency in drafting.

60. Related to this matter, another submitter seeks a new policy in the MRZ and LRZ which recognises the intensification opportunities provided by larger sites and provides for more efficient use of those sites.³² I consider that the comprehensive development framework already appropriately provides for this in the MRZ, and this is where intensification is anticipated, rather than the LRZ. Therefore, I do not consider an additional policy to be appropriate or necessary.
61. MRZ-P2 is implemented through a consent pathway for any 'Comprehensive Residential Development Master Plan' in MRZ-R2, which in turn is defined. One submitter supports the 3000m² threshold applying to Comprehensive Residential Development, but then seeks that the definition is amended so as to allow for super lots created as part of comprehensive plan which are less than 3000m² to be further subdivided through a Master Plan pathway;³³ while another considers that 3000m² is too large to incentive individual developers from using this pathway, seeking a reduction to 1500m² and noting that Queenstown uses 2000m².³⁴
62. I note that the 3000m² was recommended through urban design advice and also reflects the area used in the Operative Plan definition, albeit it only applies currently within the Wooing Tree Overlay Area. Notwithstanding this, the Comprehensive Residential Development framework is provided in PC19 as an 'option' that can be taken up to allow for comprehensively planned developments to be considered as a whole; but subdivision and development of larger sites are not 'required' to take this pathway. The key difference is that the Master Plan pathway allows for an overall concept to be consented, giving greater certainty to developers before undertaking more detailed planning. The Master Plan pathway also allows for a higher density to be considered through a restricted discretionary activity pathway, rather than becoming non-complying. At a 2000m² threshold, a development may only be 10+ units. I am also unsure as to whether the 2000m² threshold referred to by a submitter has been carried forward into the proposed Queenstown Lakes District Plan. Given this, my preference is to retain the 3000m² threshold generally. However I tend to agree that where it relates to further subdivisions of larger 'superlots' created in the initial stages of planning, and where the further development has been broadly considered through the initial subdivision, it is appropriate to provide the same consent pathway for the subsequent development of those lots.
63. Some submitters also note that the title of MRZ-R2 ('Comprehensive Residential Development Master Plan') does not align with the definition ('Comprehensive Residential Development

³² #158 - Retirement Villages Ass of NZ INC

³³ #79 - Wooing Tree Development Partnerships Limited

³⁴ #96 - NTP Development Holdings Ltd

Plan’),³⁵ while another considers amendments are required to the rule so that it is clear what the land use activity (under s9 of the RMA) is, as they consider it unclear when the comprehensive development rule (MRZ-R2) would be engaged and what the threshold of activity would be.³⁶ I consider that both can be addressed by amending the rule title and definition to just refer to ‘Comprehensive Residential Development’.

Recommendation

64. I recommend that MRZ-P2 is amended as follows:

Provide for comprehensively designed, medium density residential development on larger sites, at higher densities, where it:

- 1. provides opportunities for a diversity of housing types ~~choice~~;*
- 2. is designed to respond positively to its context and the features of the site;*
- 3. is ~~compatible~~ connected with the urban of to nearby centres and community facilities areas;*
- 4. provides a well-connected ~~movement~~ transport network and usable public open spaces and streetscapes; and*
- 5. achieves the built form outcomes in MRZ-P1.*

65. I recommend that the following matters of MRZ-R2 are amended as follows:

- a. Provision for housing diversity and choice, ~~relative to other residential areas~~.*
- c. ~~Whether the urban form is compatible with the nearby land use mix, including providing~~ Provision of convenient access to commercial centres and community facilities.*
- d. ~~The extent to which the development provides~~ Provision of well-connected and legible ~~movement~~ transport networks, integrating all access modes, with priority for walking and cycling.*

66. I recommend that the title of MRZ-R2 and related definition are amended to refer to ‘Comprehensive Residential Development’.

67. I recommend that the definition of ‘Comprehensive Residential Development’ is amended as follows:

means a comprehensively planned and designed residential development where the application site is greater than 3,000m², or where less than 3,000m², it is the subsequent development of an allotment created through a previous Comprehensive Residential Development consent.

³⁵ #161 - Topp Property Investments 2015 Ltd

³⁶ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

68. I do not consider that the changes require further evaluation under s32AA as they are minor drafting changes that better align the provisions with the framework they relate to, while not altering their general intent. Therefore, the original s32 evaluation still applies.

Residential Activities (LLRZ-P2, LRZ-P3 and MRZ-P3)

Submissions

69. Submissions relating to these policies include:
- a. Deleting LRZ-P2 and MRZ-P3 and replacing these with a policy that refers to enabling a diversity of residential activity, with reference to what is then permitted in the rules, on the basis that these policies do not “*further explain*” how a range of residential units and types can enable residential activities, particularly given the minimum allotment sizes proposed.³⁷
 - b. Amending the policies to refer to enabling residential activities “*that ensure the development of the zone is of a form, scale and design that is compatible with the zone purpose, character and amenity*” on the basis that the policy is not prescriptive enough and does not link back to the objectives.³⁸

Analysis

70. While noting the concern raised by the first submitter, the change sought essentially involves the policy stating what the permitted standards are. I do not consider this to be appropriate policy drafting as it provides no guidance for the processing of resource consents where these standards are breached. Taking into account the concern, as well as similar matters raised in relation to the objectives (refer earlier section) I do consider that the wording of these policies could be improved so that it is more directly related to provision of a range of unit types and sizes, rather than referring to residential activities.
71. I do not agree with these policies being amended to refer to built form, as this is addressed in the P1 policies and would result in duplication. These policies are more specifically about providing for residential needs, rather than the management of built form.

Recommendation

72. I recommend that LLRZ-P2, LRZ-P2 and MRZ-P3 are amended as follows:

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

73. I do not consider that the change requires further evaluation under s32AA as it is a minor drafting change that better aligns the provision with the objective it relates to, but does not alter the general intent. Therefore, the original s32 evaluation still applies.

³⁷ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

³⁸ #165 - Paterson Pitts Group (Cromwell)

Non-residential activities policies (LLRZ-P5, LRZ-P5 and MRZ-P6)

Submissions

74. Changes sought to the policies which apply to non-residential activities include:

- a. wording the stem “*provide for*” rather than “*avoid...unless*” (LLRZ-P5 and LRZ-P6) or “*only allow*” (MRZ-P6).³⁹
- b. changing the stem of LLRZ-P5 and LRZ-P5 from “*avoid...unless*” to “*only allow...where*”.⁴⁰
- c. amending the stem to refer to activities “*that contribute to the health and wellbeing of people and communities*”⁴¹ or “*that do not undermine the residential amenity values or the viability of any Business Resource area*”,⁴² or adding the phrase “*where it can be demonstrated*”.⁴³
- d. changing the clauses to “*or*”.⁴⁴
- e. removing the requirement in clause (1) for adverse effects to “*not compromise the anticipated amenity of the surrounding area*”.⁴⁵
- f. deleting the requirement in clause (3) for the activity to meet the needs of the local community.⁴⁶
- g. adding a further clause relating to the operational or functional needs for emergency service facilities.⁴⁷
- h. adding a new policy that applies to existing non-residential activities.⁴⁸
- i. making other minor wording changes to improve the drafting.⁴⁹

³⁹ #30 - Freeway Orchards (MRZ-P6 only), #60 - Ministry of Education, #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd, #165 - Paterson Pitts Group (Cromwell) (MRZ-P6 only)

⁴⁰ #165 - Paterson Pitts Group (Cromwell)

⁴¹ #30 - Freeway Orchards, #165 - Paterson Pitts Group (Cromwell)

⁴² #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

⁴³ #60 - Ministry of Education

⁴⁴ #60 - Ministry of Education

⁴⁵ #30 - Freeway Orchards, #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd, #165 - Paterson Pitts Group (Cromwell)

⁴⁶ #60 - Ministry of Education, #165 - Paterson Pitts Group (Cromwell)

⁴⁷ #114 - Fire and Emergency New Zealand

⁴⁸ #30 - Freeway Orchards

⁴⁹ #30 - Freeway Orchards, #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd, #165 - Paterson Pitts Group (Cromwell)

75. Related to the policy, a submitter also seeks that a new rule is added which provides a restricted discretionary status for additions and alterations to existing non-residential buildings, where the increase is not more than 30% of the existing gross floor area.⁵⁰

Analysis

76. I do not agree that it is appropriate for the policies to be amended to “*provide for*”. Such wording indicates that these activities are generally anticipated, which is inconsistent with the purpose of the zone, as set out in the O1 objectives. In addition, the drafting approach taken is that activities that are covered by “*provide for*” policies are generally afforded a permitted, controlled or restricted discretionary activity status; whereas activities covered by this policy are those which are restricted discretionary, fully discretionary or non-complying activities. Amending this policy would therefore provide less distinction between activities which are generally anticipated, and those which are only anticipated where the criteria in the policy are met. However, I tend to agree that using “*avoid... unless*” in LLRZ-P5 and LRZ-P5 is somewhat problematic, given that activities are anticipated where they meet the policy limbs and that “*only allow*” still provides appropriately strong direction.
77. In relation to the functional and operational needs of emergency service facilities, I am not clear what the intent of the additional clause is, as this would in essence impose an additional requirement for these facilities, whilst still needing to meet the other criteria. I do not consider the additional requirement to be appropriate as it would be more restrictive for these types of facilities. The submitter may wish to clarify if the intent was that where this clause is met, one or more of these other criteria would not apply. My preliminary view is that this such an ‘exemption’ might be appropriate to apply to clauses (2) and (3).
78. With respect to existing non-residential activities, I do have some concerns that there may be established activities which already may not meet one or more of the criteria and therefore any alteration or expansion of these would not be able to meet the policy. However, rather than an additional separate policy, I consider an additional clause can address this. I also agree that it is appropriate to provide a new rule for some (limited) expansions to existing non-residential buildings in all three zones. However I consider the rule should be permitted, subject to the meeting the relevant built form standards, to align it with the approach taken to accessory buildings (in MRZ-R5). This is because such a rule would only relate to the changes to the building and therefore this is appropriately controlled through the built form standards – it would not authorise changes to the activity which might also trigger a consent requirement.
79. I do not agree with the other changes sought, because:
- a. Making the criteria “or” would have the effect that only one of the clauses need to be met for consent to be granted, for example if appropriately designed parking and manoeuvring is provided then adverse effects become irrelevant. This would in my view not achieve the outcomes sought in these zones.

⁵⁰ #30 - Freeway Orchards

- b. I do not consider addition of the words “*where it is demonstrated*” to be necessary.
- c. Removing the requirement for adverse effects to not compromise the anticipated amenity of the surrounding area would in my view risk achievement of the objectives sought within surrounding areas, including, but not limited to those set out in LLRZ-O1, LLRZ-O2, LRZ-O1, LRZ-O2, MRZ-O1 and MRZ-O2.
- d. I consider that the requirement for any non-residential activity to meet the needs of the local community is appropriate as it aligns with the purpose of each zone. I consider this is more appropriate than a broader reference to contribution to the health and wellbeing of people and communities which arguably any type of activity could achieve on one way or another.
- e. Because I consider that clauses (1) and (3) should be retained, I do not agree that the stem should instead refer to residential amenity values or the viability of any Business Resource area.

Recommendation

80. I recommend that the stem of LLRZ-P5 and LRZ-P5 are amended as follows:

~~Avoid~~ Only allow other non-residential activities and buildings, including the expansion of existing non-residential activities and buildings, unless where:

81. I recommend that the clauses within LLRZ-P5, LRZ-P5 and MRZ-P6 are amended as follows:

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 amenity values ~~qualities~~ of the zone and surrounding area; and*
3. *the activity is of a nature and scale that ~~meet~~ serves 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 residential properties/sites, 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 of the road network is maintained; or*
7. *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.*

82. I recommend an additional rule is added to each zone as follows:

Additions and alterations to existing non-residential buildings	
<u>Activity Status: PER</u> <u>Where:</u> 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:</u> <u>LL/L/MRZ-S2 to LL/L/MRZ-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>

83. Except in relation to existing activities, I do not consider that the changes require further evaluation under s32AA as they are minor drafting changes that do not alter the general intent. Therefore, the original s32 evaluation still applies. In relation to the additional clause and new restricted discretionary activity, I consider the changes more appropriately recognise existing physical resources located within these residential zones, while still ensuring the overarching objectives are achieved. This is because these activities will still be managed in respect to the character and amenity values of each zone, and to ensure their compatibility with the residential focus of these areas. I consider the separate rule and policy clause is more efficient as it allows for a targeted assessment of any expansions to existing non-residential activities.

Future Growth Overlays (LLRZ-P8, LRZ-P6 and MRZ-P7)

Submissions

84. Two submitters⁵¹ question how it will be determined when a further supply of residential land is required, and prefers that these are identified as development areas and subject to a requirement for a structure plan or outline plan. Two submitters seek changes to the FGO policies to add references to either transport infrastructure⁵² or to community facilities.⁵³

Analysis

85. As noted in the s32 Report, FGOs have been applied to areas which have been identified for residential development in the Vincent Spatial Plan. However, they are identified in Stages 2 and 3 of that Plan, meaning they are not considered necessary to meet short-term demand, but are intended to supply medium-long term demand. One of the current constraints to development in these areas is that servicing is not yet available, or planned, for these areas. Inclusion in the FGO therefore allows infrastructure providers, including the Council, to start planning for servicing these areas. I do not agree that provision of infrastructure, and particularly wider network upgrades, is a matter that can be addressed through a structure plan

⁵¹ #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

⁵² #9 - Waka Kotahi NZ Transport Agency

⁵³ #60 - Ministry of Education

or outline plan. The question of when further supply is required will be determined through monitoring and updating of growth projections, which is a common approach.

86. With respect to the policies, I consider it appropriate that the rezoning also takes into account servicing by transport infrastructure. This allows for consideration of whether roading upgrades are required to facilitate future development of the site. With respect to expanding this to apply to community facilities, I have concerns that such facilities are not a site-specific matter that should be considered in relation to the rezoning of these areas. Rather, in my experience, provision of community facilities is a township-wide consideration. It is also not something that is usually in the control of particular land owners to address, in the same way that roading or reticulated service upgrades are (including where upgrades are undertaken by the Council but contributed to by the developer through financial or development contributions). I therefore do not agree with the addition of community facilities to these policies.

Recommendation

87. I recommend that LLRZ-P8.2, LRZ-P6.2 and MRZ-P7.2 are amended as follows:

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

88. I recommend that the FGO provisions are otherwise retained as notified.

89. In terms of s32AA, I consider the change is relatively minor, but is more effective at ensuring Objectives 13.3.1, 16.3.1 and 16.3.2 are achieved. These relate to the safe and efficient operation and development of the transportation network; and ensuring subdivision (which would result from the rezoning) avoids, remedies or mitigates adverse effects on the safe and efficient operation of the District's roading network, and provide all necessary services and infrastructure without adversely affecting the public interest and the ongoing viability of those services and infrastructure.

13. Design Guide

Submissions

90. One submitter⁵⁴ seeks that the proposed Medium Density Residential Design Guide is incorporated by reference into the District Plan. This would be achieved by adding references to it in MRZ-P1 and MRZ-P2, and adding a standard requiring resource consent applications to include a statement confirming its relevant design elements have been considered. Another submitter⁵⁵ supports the use of the guidelines, but notes there is no direct requirement for its consideration in the plan provisions. If this is intended, the submitter seeks that MRZ-O2 be deleted and replaced with the following:

⁵⁴ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

⁵⁵ #96 - NTP Development Holdings Ltd

Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.

91. This submitter also considers that additional policies are necessary to support this and require consideration of the Design Guide, as well as a new rule being added which requires that any resource consent application for an RDIS or DIS activities under specified rules include a statement confirming the relevant elements from Design Guide have been considered.
92. Two submitters⁵⁶ question how much weighting is to be given to the Design Guide given they are not an explicit matter of discretion and considers that if they are to be utilised as a tool, they should be open to the submissions process.

Analysis

93. During the drafting phase of PC19, consideration was given to whether the Design Guide should be incorporated by reference into the District Plan or not.⁵⁷ The reason it was not included was that its inclusion could limit the flexibility of design options and affect the ability of Council to update the Design Guide, if required, because any change to it would require a Schedule 1 process. Including it was stated as being effective at achieving the outcomes sought, but less efficient. Design guides are used both inside and outside other District Plans. As such, it is not uncommon for these to be retained outside the Plan, but used to help guide the consent process as is proposed here; nor would incorporating them into the CDDP be unusual.
94. However, it is important to note that the objectives, policies and rules have been drafted to align with the Design Guide in any case. This has included the authors of the Design Guide providing input into the drafting of MRZ-P1 and MRZ-P2, to ensure its alignment with the matters in the Design Guide, as well as the wording of the matters of discretion in MRZ-R1 and MRZ-R2. In this way, guidance is provided in the Design Guide as to how the matters in those rules will be considered, with the Design Guide outlining how the policy direction can be met. For this reason, if the Design Guide is incorporated by reference, then I do not consider that a new objective and policy suite is necessary, as the current provisions already align with the Design Guide. Similarly, I do not consider an additional rule is required because the relevant parts of the Design Guide are addressed already in the rule framework.
95. Because of the way the provisions have been drafted to align with the Design Guide, I do not consider it necessary to include it within the District Plan. However, if it is included, I note that the Design Guide also contains guidance on matters that sit outside the current plan framework, and in my view it is appropriate that this remains so. This relates to the 'In the House' subsection of the Design Guide. Therefore if the Design Guide is incorporated, my preference would be simply for the matters of discretion in MRZ-R1 and MRZ-R2 to be amended to refer to any

⁵⁶ #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

⁵⁷ Section 32 Report, table following paragraph 92

residential design guide prepared and published by the Council, to the extent that it relates to the other matters of discretion listed.

Recommendation

96. I recommend that either:

- a. the Central Otago District Council Medium Density Residential Design Guide is not incorporated into PC19 and therefore no changes made; or
- b. the following matter of discretion is added to MRZ-R1 and MRZ-R2: *“i. Consideration of any residential design guide prepared and published by the Central Otago District Council Medium Density Residential Design Guide, to the extent that it relates to the above matters.”*

97. In terms of s32AA of the RMA, this matter is already covered in the s32 Report, and therefore is Option a. above is chosen, no further assessment is required. If the Hearing Panel prefers to incorporate the Design Guide by reference to it in the matters of discretion (option b. above) then I consider that the link to the Design Guide is more explicit and therefore the approach may be more effective at achieving the outcomes sought. However, it is less efficient because any changes to the Guide in future must be undertaken through a Plan change process. The key consideration is therefore whether the potential inefficiency is outweighed by the potential increase in effectiveness.

14. Rules (Activities)

Minor Residential Units (LLRZ-R2, LRZ-R2 and MRZ-R3)

Submissions

98. Several submitters⁵⁸ support the changes proposed within PC19 to provide for minor residential units (MRUs). Other submitters:

- a. Oppose providing for MRUs in the current RRA6 area (under LLRZ-R2 and LRZ-R2), being areas which currently contain 4000m² sections,⁵⁹ or as an alternate to removing their provision altogether, seek a reduction in the permitted size to 50-70m² and for them to only be allowed on 4000m² sections not 2000m² sections.⁶⁰
- b. Seek amendments to require that any proposed additional vehicle crossing for a MRU should meet council standards, and for the activity as a whole not spill out into roadside.⁶¹

⁵⁸ #93 - Sean Dent, #94 - Crossbar Trust, #95 - Shamrock Hut Ltd, #96 - NTP Development Holdings Ltd, #99 - Maddy Albertson, #152 - Susan Margaret Walsh

⁵⁹ #63 - Julene Anderson, #65 - Ian Anderson

⁶⁰ #65 - Ian Anderson

⁶¹ #144 - Wally Sanford

- c. Consider that the additional limit (90m²) for a MRU including a garage should be removed and the threshold of 70m² apply exclusive of any garage.
- d. Seek that the standard is amended to allow for one MRU per principal unit, rather than one per site.⁶²
- e. Consider that non-compliance with R2.1 should be discretionary, not non-complying.⁶³

Analysis

99. Currently the Operative Plan only allows for the use of MRUs for dependent family members. Enabling MRUs is one way in which the District's residential areas can better provide a variety of housing types to respond to demand, which in turn can assist with housing affordability. As such, my view is that the provisions relating to MRUs are directly related to responding to an identified resource management issue,⁶⁴ and provide for a more efficient use of land for an activity that, being a form of residential activity, is consistent with the purpose and character of each residential zone. I therefore do not agree with restricting them in certain areas. I am also comfortable with amending the requirement so that it allows for one MRU per principal unit and with amending the activity status to discretionary. The latter matter, as noted by the submitter, is inconsistent with the approach taken to additional principal units, which are restricted discretionary. While MRUs are not subject to the density requirements (whereas additional principal units are), I consider a fully discretionary status allows for consideration of density.
100. I do not agree with removing the permitted threshold for a garage that is associated with the MRU as removal of this could result in large garages being established which would have greater effects and potentially result in the MRU (including any garage component) becoming the dominant feature of a site, rather than the principal unit, which could undermine the outcomes sought in these zones. Given the MRU rule includes the requirement for any MRU to utilise the same accessway as the principal unit, new vehicle crossings are not anticipated. I also consider it difficult to 'require' that activity on a site does not spill out into roadside, but do note the requirements for a carpark space to be provided for each residential unit, meaning an additional carpark would be required when any MRU is established.

Recommendation

101. I recommend that LLRZ-R2.1, LRZ-R2.1 and MRZ-R3.1 are amended as follows:

There is a maximum of one minor residential unit per principal residential unit on any site;

102. I recommend that the activity status when compliance is not achieved with R2.1 is amended to be discretionary.

⁶² #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

⁶³ #165 - Paterson Pitts Group (Cromwell)

⁶⁴ Refer Section 32 Report, paras 57-60.

103. In terms of s32AA of the RMA, I consider that the changes provide a more efficient approach to how MRUs are managed, while still aligning with the outcomes sought.

Relocated Buildings (LLRZ-R3, LRZ-R3 and MRZ-R4)

Submissions

104. One submitter⁶⁵ is concerned that PC19 proposes to move away from a permitted activity status, subject to standards, provided under the Operative Plan for relocated buildings, to a controlled activity status (under LLRZ-R3, LRZ-R3 and MRZ-R4). They seek reinstatement of the permitted status, subject to standards set out in their submission, and a restricted discretionary status when the standards are not met (instead of fully discretionary as proposed under PC19). Another submitter⁶⁶ seeks deletion of these rules and the related policy direction (LLRZ-P1.4, LRZ-P1.4, MRZ-P1.6) as they consider reinstatement of relocated buildings is a Building Act matter and relocated buildings should need only to meet bulk and location requirements. In the alternate (and in the LLRZ only), they seek deletion of requirements in LRZ-R3.2 and 3.3 and an increase in the timeframe in LRZ-R3.4 to 12 months.

Analysis

105. I accept that the activity status under the Operative Plan is permitted, subject to standards. This was overlooked during the drafting phase and led to the controlled activity status being proposed, based on a misunderstanding that the current status was restricted discretionary. While the intention behind the controlled activity was therefore to be less restrictive, this is not the case. Having considered the matters raised in the submissions, I agree that a permitted activity, subject to standards is most appropriate, as it aligns with the current approach, the approach commonly taken in newer plans, and will still implement the policy direction relating to relocated buildings being reinstated to an appropriate state of repair within a reasonable timeframe (including extension to 12 months). I do not agree with deleting the policy direction and rule given it is within the Operative Plan, and in my view is appropriate to ensure the character and amenity values sought for each zone are achieved. For completeness I note that the standards sought by the submitter are largely consistent with those in the Operative Plan, and which were included in LLRZ-R3 (but not in LRZ-R3 or MRZ-R4).

Recommendation

106. I recommend that LLRZ-R3, LRZ-R3 and MRZ-R4 are amended as set out in **Appendix 1**, which includes:
- a. Changing the activity status to permitted.
 - b. Adding the following conditions to LRZ-R3 and MRZ-R4, and amending those in LLRZ-R3 to read:

⁶⁵ #151 - House Movers

⁶⁶ #165 - Paterson Pitts Group (Cromwell)

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;

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

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.

- c. Making non-compliance with the above conditions a restricted discretionary activity, with matters of discretion broadly similar to those which were proposed to be matters of control.

107. In terms of s32AA of the RMA, I consider that the permitted activity status, subject to conditions, is a more efficient way to implement the policy direction, while still being effective at achieving the outcomes sought. This is because the standards will be sufficient to ensure that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe, without the costs associated with a consent process being incurred. The approach is also consistent with the Court decision referred to by the submitter which led to the current permitted activity status.

Accessory buildings and structures (LLRZ-R4, LRZ-R4 and MRZ-R5)

Submissions and Analysis

108. Two submitters⁶⁷ consider that if accessory buildings are small in scale or meet the built form standards, and are related to an existing building on site, they should not be required to be associated with a permitted activity. Alternatively, one considers that an addition should be made to permit buildings ancillary to a lawfully established activity.⁶⁸ I do not agree with deleting the requirement altogether, as it clarifies what is “accessory”. I do however agree with expanding the requirement to also allow for buildings ancillary to other lawfully established activities, on the basis that it is inefficient to require consent in all instances and if ancillary to the activity (and otherwise compliant with the built form standards) it is not anticipated to have additional adverse effects. Where such a building will result in a change to the nature or scale of any activity, then a consent requirement will likely be triggered by other rules.

⁶⁷ #30 - Freeway Orchards, #165 - Paterson Pitts Group (Cromwell)

⁶⁸ #30 - Freeway Orchards

Recommendation

109. I recommend that LLRZ-R4, LRZ-R4 and MRZ-R5 are amended as follows:

The building is ancillary to a permitted activity or other lawfully established activity.

110. In terms of s32AA of the RMA, I consider that expanding the condition is more efficient approach where a non-permitted activity already exists within a residential area, while still being effective at achieving the outcomes sought.

Visitor Accommodation (LLRZ-R6, LRZ-R6 and MRZ-R7)

Submissions

111. Submissions relating to visitor accommodation include:

- a. Seeking that it be provided for as a restricted discretionary activity in the MRZ, where within 500m of Town Centre, to incentivise it in this area and align with policies to support Town Centre.⁶⁹
- b. Amending MRZ-R7 to permit visitor accommodation where identified in the Scheduled Activities overlay.⁷⁰
- c. Seeking a tiered regime to how visitor accommodation is managed, like that used by Queenstown.⁷¹
- d. Amending LLRZ-R6, LRZ-R6 and MRZ-R7 to enable visitor accommodation in minor residential units as well as principal units and remove the requirement for access to the site to not be shared with another site.⁷²

Analysis

112. Under the Operative Plan, visitor accommodation (referred to as 'travellers accommodation') requires consent as a discretionary activity in most residential zones, unless it falls within the definition of a 'homestay' whereby it is permitted. The approach proposed in PC19 is not dissimilar, in that visitor accommodation is only permitted where it is ancillary to a residential activity (i.e. there is also a permanent residential activity on-site) and limited to 6 guests. Otherwise, consent is required as a fully discretionary activity. I do not consider it appropriate to alter the approach where the activity is located within a particular distance of a town centre as to provide certainty around where it would apply, I consider mapping would be required, and in any case I consider that as a fully discretionary activity the appropriate consideration will be against the relevant 'other non-residential activities' policy.

⁶⁹ #79 - Wooing Tree Development Partnerships Limited

⁷⁰ #88 - GZR Property Investment Ltd

⁷¹ #93 - Sean Dent, #94 - Crossbar Trust, #95 - Shamrock Hut Ltd, #96 - NTP Development Holdings Ltd, #99 - Maddy Albertson

⁷² #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

113. I do not consider it appropriate to maintain the approach to scheduled activities, noting that this is something used in older plans and which in my experience is being moved away from in second generation district plans. In my view, having a separate rule regime for some listed existing activities is inefficient and runs the risk of undermining the outcomes sought for the residential zones. In particular, the change sought by the submitter would allow for expansions of any scheduled activities without any consideration of the appropriateness of this through a consent pathway. However, I have recommended above some changes to the policy framework relating to the expansion of existing non-residential activities and buildings, which will apply to existing visitor accommodation activities.
114. With respect to applying a regime similar to that of Queenstown, I do not consider this to be appropriate in the Central Otago context. In particular, such a regime would limit the ability for a permanent resident to obtain supplementary income from renting out part of their property to a limited number of guests, without, in my view, there being a corresponding benefit.
115. In terms of enabling visitor accommodation in minor residential units, the intent behind the rule was to only permit visitor accommodation activities that are small in scale and where there is a permanent residential use on site. As such, whether guests stay in the principal unit or a minor residential unit does not alter the potential effects. I agree with clarifying this in the rule.
116. I agree with removing the requirement for access to the site to not be shared with another site. I consider that the potential effects from additional traffic resulting from a limited number of guests are unlikely to be significant, nor noticeably different from those associated with a busy household. This is also not a requirement for other small-scale non-residential activities (such as childcare services and home businesses).

Recommendation

117. I recommend that LLRZ-R6.1, LRZ-R6.1 and MRZ-R7.1 are amended as follows:

The visitor accommodation is undertaken within a residential unit or minor residential unit and is ancillary to a residential activity;

118. I recommend that LLRZ-R6.3, LRZ-R6.3 and MRZ-R7.3 are deleted.
119. In terms of s32AA of the RMA, I consider that allowing for the permitted number of guests to be located in either the principal unit or a minor residential unit provides greater benefits to homeowners in terms of flexibility of use of minor residential units for visitor accommodation. As I do not consider use of a minor residential unit will alter the effects, in my view, there are no costs associated with allowing for this. I therefore consider the expansion to be more efficient at achieving the outcomes sought. I consider that requiring a resource consent where access to the site is shared with another site would be inefficient, and unnecessary to achieve the outcomes sought.

Home Businesses (LLRZ-P3, LRZ-P3 and MRZ-P4, LLRZ-R7, LRZ-R7 and MRZ-R8)

Submissions and Analysis

120. Submissions relating to the home business provisions include:

- a. Deleting LLRZ-P3.1, LRZ-P3.1 and MRZ-P4.1 (relating to the requirement for a home business to be ancillary to a residential activity) on the basis that by definition a 'home business' is required to be incidental to the use of the site for a residential activity; and making similar changes to LLRZ-R7.1 (noting this is not a requirement included in LLRZ-R7.1 or MRZ-R8.1)⁷³
- b. Amending the home business rules to remove the requirement for the business to be undertaken within a residential unit (LLRZ-R7.1, LRZ-R7.1, MRZ-R8.1), on the basis that by definition it must already be incidental to the use of the site for residential activities and given the other requirements, it is reasonable to allow for it to be undertaken within an accessory building such as a garage.⁷⁴

121. One submitter⁷⁵ seeks deletion of the requirement (in LLRZ-R7.3, LRZ-R7.3 and MRZ-R8.3) for any employee in a home business to reside on-site. I do not agree that the effects of any number of additional employees are sufficiently managed through the other standards. For example, multiple employees could result in additional traffic to and from a site and also detract from the focus of the Business Resource Area. The current restriction is also consistent with that under the Operative Plan. I note that by definition at least one person operating the business must reside on site in any case. While I do not support deleting the requirement, I do consider it appropriate to permit one further employee to reside off-site as I do not consider this will have noticeable effects. Beyond this, I consider it reasonable to consider potential effects of additional employees through a resource consent process.

Recommendation

122. I recommend that LLRZ-R7.3, LRZ-R7.3 and MRZ-R8.3 are amended as follows:

~~Any~~ No more than one employee engaged in the home business resides ~~off~~on-site;

Excavation (LLRZ-R10, LRZ-R10 and MRZ-R11)

Submissions

123. Submissions relating to the excavation rules generally seek to increase the permitted area threshold (in all zones, or at least in LLRZ) as 200m² is considered too low and would trigger resource consent to build on most sites.⁷⁶ Other options put forward include increasing to

⁷³ #165 - Paterson Pitts Group (Cromwell)

⁷⁴ #165 - Paterson Pitts Group (Cromwell)

⁷⁵ #165 - Paterson Pitts Group (Cromwell)

⁷⁶ #123 - Lowburn Viticulture Ltd, #145 - Thyme Care Properties Ltd, #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd, #165 - Paterson Pitts Group (Cromwell)

2500m² to reflect the regional council trigger for earthworks,⁷⁷ amending to be 200m³,⁷⁸ or increasing in the LLRZ to 500m² (area) and 500m³ (volume)⁷⁹. One submitter seeks the rule is amended to apply to all earthworks, including fill, as in their view it has the same effects as extraction, and that erosion and sediment control measures are required.⁸⁰ Several submitters also seek deletion of reference to 'volume' in one or more of the excavation rules, noting that the threshold is "m²" which is not a volume,⁸¹ and minor changes to the matters of discretionary to use consistent terminology are also identified.⁸² One submitter also seeks a requirement is introduced for earthworks to adhere to an Accidental Discovery Protocol where kōiwi and taonga tūturu are discovered.⁸³

Analysis

124. The proposed standard resulted from Council officers identifying that the Operative Plan only controls excavation with respect to the potential for excavation to destabilise adjoining sites and does not provide any control on the scale of excavation across the rest of a site. PC19 proposed a 200m² per site limit, consistent across all three residential zones. I accept that on an LLRZ site, in particular, the effect of this threshold is that resource consent would be required for most if not all buildings as well as a range of site works such as driveway formation. I agree with submitters that this is not appropriate or necessary given these works can be reasonably anticipated by the zone purpose.
125. In the Otago Regional Water Plan, Rule 14.5 provides a permitted activity status to earthworks which meet a range of conditions, including that the area exposed is no more than 2500m² in 12-month period. However, the rule relates to regional council functions and in this case, my understanding is that they relate to the potential effects from exposed soil on sedimentation, rather than on amenity effects such as visual impacts or dust. While a 2500m² threshold would align with this, given the effects managed under each plan would differ I am not convinced it is appropriate to use the same thresholds. In other plans I reviewed, it appears more common to control the total volume of earthworks rather than their area. The range on the volume in residential zones varies between 20m³ and 300m³.⁸⁴ Queenstown and Waimakariri also have higher limits (400m³ and 500³ respectively) for large lot zones whereas the other plans do not distinguish between the different residential zones. Some of these plans⁸⁵ do not apply the limits to earthworks which relate to the construction of a building for which a building consent has been issued. I consider a 500m³ volume to be too high and consider 200m³ an appropriate

⁷⁷ #145 - Thyme Care Properties Ltd, #165 - Paterson Pitts Group (Cromwell)

⁷⁸ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

⁷⁹ #123 - Lowburn Viticulture Ltd

⁸⁰ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

⁸¹ #21 - Brian De Geest & #30 - Freeway Orchards, #31 - Goldfields Partnership, #32 - Molyneux Lifestyle Village Limited, #51 - D & J Sew Hoy, Heritage Properties Ltd, #137 - R S (Bob) Perriam, #145 - Thyme Care Properties Ltd, #165 - Paterson Pitts Group (Cromwell)

⁸² #165 - Paterson Pitts Group (Cromwell)

⁸³ #170 - Hokonui Runanga

⁸⁴ Christchurch District Plan - 20m³; Dunedin District Plan - 30m³ (noting this applies to flatter sites, and lower volumes apply to sloping sites); Proposed Selwyn District Plan - 150m³; Proposed Waimakariri District Plan - 200m³; Clutha District Plan - 250m³; and Proposed Queenstown District Plan - 300m³.

⁸⁵ Clutha District Plan and Dunedin District Plan.

middle ground. Although I do not consider that earthworks relating to building construction are likely to exceed these thresholds, as there may be other earthworks undertaken within the same 12-month period, I consider it appropriate to exempt these earthworks from the limit.

126. With respect to expanding the rule to apply to all forms of earthworks, and to requiring adherence to an erosion control measures and an Accidental Discovery Protocol (ADP) for earthworks, I note that when the NP Standards are implemented in full, the excavation rules currently contained in the residential chapter (both in the Operative Plan and as proposed in PC19) will need to be located within an 'Earthworks' chapter.⁸⁶ A review of such provisions will encompass earthworks provisions in all zones, rather than being limited only to those applying within the residential zones. I consider that extension of the rule to encompass much broader forms of earthworks, and to consider application of erosion and sediment control measures is better considered when the earthworks provisions as a whole are reviewed, and these rules shifted into such a chapter. I also consider adherence to an ADP is a matter that is not specific to residential zones alone, and in my view the appropriate time to consider adherence to the specific requirements is when the earthworks provisions as a whole are reviewed, and these rules shifted into such a chapter. If the Hearing Panel to not agree with this and consider that an ADP should be included in the PC19 excavation rules, then I consider that there are two options for this:

- a. Setting this out in an advice note only.⁸⁷
- b. Including it as a standard, applying where any excavation results in the discovery of kōiwi and taonga tūturu.⁸⁸

Recommendation

127. I recommend that the LLRZ-R10.2 (Excavation), LRZ-R10.2 and MRZ-R11.2 are amended as follows:

The maximum volume ~~or area~~ of land excavated within any site in any 12-month period does not exceed 200m³ per site, excluding excavation required for construction of a building for which a building consent has been issued.

128. I recommend minor changes are made to the matters of discretion, as set out in **Appendix 1**.
129. In terms of s32AA of the RMA, I consider that the exemption for construction of buildings better aligns with purpose of each zone (O1 objectives). I consider the increase in volume (from that notified) strikes a better balance between introducing controls to assist in maintaining anticipated amenity values, without introducing unreasonable costs on development. In most cases it is likely that resource consent would be triggered where a larger subdivision is proposed

⁸⁶ 7. District-wide Matters Standard, clause 29.

⁸⁷ As used in the proposed Porirua District Plan, proposed Waimakariri District Plan.

⁸⁸ As used in the proposed Queenstown Lakes District Plan.

and therefore the subdivision and earthworks consents can be applied for and processed concurrently.

Convenience Retail (MRZ-R12)

Submissions and Analysis

130. One submitter⁸⁹ supports provision for convenience retail in MRZ-R12 but considers that the definition should be amended to increase the gross floor area from 150 to 250m² GFA, to enable a large enough public floor area and sufficient goods storage for stock. Another submitter⁹⁰ seeks that that cap is increased to 350m² per tenancy and a total of 1000m² per site.
131. I note that the effect of the change relates to whether a retail activity is restricted discretionary or discretionary, as where an activity meets the definition of being 'convenience retail' – which relates to both its nature and its scale - it is restricted discretionary (under MRZ-R12), whereas other activities (including retail that is larger) are discretionary (under MRZ-R15). If an activity serves a convenience function (i.e. meets the other aspects of the definition) then the size and its appropriateness can still be considered against the policy framework. Given the smaller lots sizes anticipated in the MRZ I consider the 150m² threshold to be appropriate.

Recommendation

132. I recommend MRZ-R12 is retained as notified.

Retirement Villages (LLRZ-P4, LRZ-P4 and MRZ-P5; LLRZ-R10, LRZ-R12 and MRZ-R13)

Submissions

133. Retirement villages are proposed in PC19 to be a restricted discretionary activity (under LLRZ-R10, LRZ-R12 and MRZ-R13), with specific policy guidance contained in LLRZ-P4, LRZ-P4 and MRZ-P5.
134. Submissions relating to retirement villages include:
- a. Supporting provision for them in the MRZ.⁹¹
 - b. Opposing provision for these in what is currently zoned RRA6, on the basis that as these are essentially an intensive subdivision they are better located in a town centre.⁹²
 - c. Seeking deletion of LRZ-P4 and MRZ-P5 and its replacement with new policies relating to the provision of a diverse range of housing and care options that are suitable for

⁸⁹ #96 - NTP Development Holdings Ltd

⁹⁰ #79 - Wooing Tree Development Partnerships Limited, noting this is alternate relief if their request for Business Resource Area zoning is not granted.

⁹¹ #96 - NTP Development Holdings Ltd

⁹² #63 - Julene Anderson, #65 - Ian Anderson

the particular needs and characteristics of older persons; and recognition of the functional and operational needs of retirement villages.⁹³

- d. Amending the policies to shift clause (3) to the stem of the policy, require that significant effects on amenity values are avoided, and others minimised, and directing that connectedness to commercial areas and community facilities is limited to “*where practical*”.⁹⁴
- e. Amending the requirement for retirement villages to comply with density and/or building coverage standards, as such developments are denser in form and other standards will protect character and amenity of zone as experienced from outside of site.⁹⁵
- f. Seeking changes to various matters of discretion in LLRZ-R12, LRZ-R12 and MRZ-R13.⁹⁶
- g. Seeking that the rules are precluded from full notification, and from limited notification where the built form standards (excluding density) are met.⁹⁷

Analysis

135. The s32 Report notes that one issue which PC19 seeks to address is the demand for new residential development and housing affordability, and it is explicitly recognised that this includes the need to provide housing diversity to provide a range of options for retirees.⁹⁸ Such diversity includes retirement villages. Currently the District Plan does not include provisions that are specific to retirement villages. However, as predominantly residential activities, it is my view that it is appropriate to locate them in residential areas. Because they are different to other forms of residential housing, it is however important that they are appropriately managed to ensure that they contribute towards achieving the outcomes sought in each zone. Because the proposed framework provides a consent pathway for consideration of the effects of any specific proposal, I do not agree that it is appropriate for them to be excluded from particular areas (such as the area currently zoned RRA6).

136. With respect to the policies, I do not agree that the alternate policies are appropriate, as they provide no direction for how the effects of retirement villages are to be managed. I note that the changes I have recommended in relation to the residential policy will address the provision of a range of housing options to meet communities’ needs, and as with similar comments on the objectives, I do not agree that it is necessary or appropriate for the needs of one part of the community to be singled out. I do, however, note the concerns raised by the submitter on the current wording of the policies and instead recommend amendments to address these. I have

⁹³ #158 - Retirement Villages Ass of NZ INC

⁹⁴ #165 - Paterson Pitts Group (Cromwell)

⁹⁵ #21 - Brian De Geest, #30 - Freeway Orchards, #31 - Goldfields Partnership, #51 - D & J Sew Hoy, Heritage Properties Ltd, #145 - Thyme Care Properties Ltd, #165 - Paterson Pitts Group (Cromwell)

⁹⁶ #158 - Retirement Villages Ass of NZ INC, #165 - Paterson Pitts Group (Cromwell)

⁹⁷ #158 - Retirement Villages Ass of NZ INC

⁹⁸ Refer Section 32 Report, paras 57-60.

also considered the changes sought to the matters of discretion and agree with some, but not all of them, and some of these necessitate changes to the policy as well. The key changes I support are:

- a. deleting clause (1) of the policy, which relates to managing effects, as this is addressed through the requirement for retirement villages to meet the standards, which in turn are managed under the P1 policies. Removing the clause therefore does not mean that the effects are not to be managed but how they are to be managed is otherwise already addressed through the P1 policies. For the same reason, I consider the related matter of discretion can be removed. As a consequence of this, there is no need to split these clauses out to distinguish between 'significant' and non-significant effects.
- b. Because of the above, I consider it necessary to require compliance with coverage standards. In my view, the assertions of the submitters – that character and amenity will be maintained regardless of site coverage – are more appropriately tested through the resource consent process. Under this rule, retirement villages are restricted discretionary and subject to most built form standards (except density in the LRZ and MRZ). Where building coverage is also breached, the activity status remains restricted discretionary, with assessment matters including consideration of compatibility with anticipated character of the area. If there is no restriction on site coverage, my view is that built development could result which is inconsistent with the outcomes sought in each zone. I also do not agree with removing the requirement to meet the density standard in the LLRZ, as allowing for a much higher density of development in this zone would not be consistent with LLRZ-O2.
- c. removing the direction to 'maintain' the character and amenity values and instead ensure that the design and layout of any villages responds to what is anticipated in the surrounding area.
- d. adding explicit reference to the functional and operational needs of retirement villages within both the policy and matters of discretion as I agree that this is important.
- e. removing those matters which relate to effects or outcomes which are internal to the site, as I agree that the matters which the District Plan should focus on are those which relate to how any proposed retirement village integrates with the surrounding environment, rather than internal amenity. While I consider internal amenity is still relevant to a degree, this is managed through the requirement for retirement villages to meet the zone standards and I do not consider it necessary to expand beyond this, for this particular activity.
- f. removing the requirement for connectedness to commercial areas and community facilities, as I accept that this may not always be practical. Having considered this further, I do not consider that the requirement addresses a resource management issue and does not take into account that such developments often contain facilities

for residents on site, or otherwise provide access to services (e.g. minivans). I consider this is a management consideration rather than an environmental effects matter. However, I consider adding “where practical” to this clause, would, in effect, nullify the direction and therefore consider it better to remove the clause instead.

137. With respect to notification, as the matters to be considered extend beyond ‘boundary’ effects and may have wider impacts on the surrounding area, I do not agree that public or limited notification should be precluded. I have also considered other changes sought by the submitters and in my view these are not more appropriate for achieving the objectives.

Recommendation

138. I recommend that LLRZ-P4, LRZ-P4 and MRZ-P5 are amended as follows:

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; and~~
- 2. the scale, form, composition and design of the village responds to ~~maintains~~ the anticipated character and amenity values of the surrounding area, while recognising the functional and operational needs of retirement villages; and*
- ~~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 safety and efficiency is maintained; and*
- ~~6. they are well-connected to commercial areas and community facilities.~~

139. I recommend that the matters of discretion in LLRZ-R10, LRZ-R12 and MRZ-R13 are amended as follows:

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.

~~*, on-site amenity for residents, recreational facilities and*~~ *Adequacy of stormwater systems and wastewater capacity.*

~~*Design and layout of pedestrian circulation.*~~

Parking and manoeuvring access.

Traffic generation, including impacts on the safety and efficiency of the wider transport road network.

~~Residential amenity for neighbours in respect of outlook and privacy.~~

~~Visual quality and interest in The design, form and layout of the retirement village, including buildings, fencing, location and scale of utility areas, parking areas and external storage areas.~~

Any functional or operational requirements.

140. In terms of s32AA, I consider that the changes are more appropriate to achieve the outcomes sought, particularly the O2 objectives. This is because the removal of various matters still ensures the provision of good quality on-site amenity and the maintenance of the anticipated amenity of adjacent sites, but relies on the zone standards to achieve this without the retirement village policy and rule 'double dipping' on this matter. This improves the efficiency of the provisions without reducing their effectiveness as a whole. I also consider the changes are more targeted in how they seek to ensure retirement villages are well-designed and well-connected into the surrounding area. I consider reference to operational and functional requirements will also assist in achieving the provision of a range of housing types. I also consider that the notified controls on matters relating to internal amenity and design, and the policy requirement for this type of residential activity to be connected to commercial areas and community facilities, go beyond what is necessary to achieve the outcomes sought for each zone.

Emergency Service Facilities

Submissions

141. The PC19 provisions do not explicitly provide for emergency services facilities. These are however considered to fall within the definition of 'community facility'. One submitter⁹⁹ seeks that:

- a. emergency services facilities are separately defined, and permitted in the LLRZ, LRZ and MRZ.
- b. The height standard for each zone is amended to provide for emergency service facilities up to 9m in height (where the zone height limit is lower) and hose drying towers up to 15 in height and the height to boundary standard is amended to exclude application to both of these.
- c. a new servicing standard is added to each zone, and to the residential subdivision chapter, requiring that a site is provided with a water supply, including for fire fighting purposes, with matters of control or discretion for any activities also amended to

⁹⁹ #114 - Fire and Emergency New Zealand

include consideration of servicing for any controlled activities or restricted discretionary activities.

Analysis

142. It is my view that a permitted status should be afforded to activities that are expected, in most if not all circumstances, to align with the outcomes sought for the zone. I do not consider it appropriate for emergency service facilities to be permitted in the residential zones because the effects of such a facility are different to those of a residential activity, and in my view require consideration of site-specific effects through a consent pathway. The submission does not address how the effects of these facilities align with the outcomes sought for this zone, nor how the effects would be managed through a permitted activity framework to achieve the outcomes sought. I acknowledge that Objective 6.3.6, which relates to Community and Emergency Service Activities, seeks to enable and promote the provision of accessible community facilities and emergency service activities, to meet the social, economic, cultural, health and safety needs of the community. I do not agree that this automatically requires a permitted activity status be applied regardless of zoning, and I consider it appropriate that these facilities, as with other community facilities, are considered through the consenting framework against both this objective as well as those of the relevant zone. As a consequence of this, I do not consider a separate definition is required.
143. I also do not agree with providing a different height for these particular facilities, as the effects of an increased height are the same regardless of what a building's use is. I consider hose drying towers to be different, given their scale and nature, and therefore the additional height does not affect privacy, nor unreasonably, in my view, affect neighbouring property's outlook or access to sunlight. I therefore agree with providing an exemption for hose drying towers.
144. In relation to the additional standard sought, I do not consider this to be necessary. In my opinion the provision of infrastructure, including firefighting provision, is best dealt with at the time of subdivision. As noted earlier, Section 16: Subdivision already addresses servicing.

Recommendation

145. I recommend that the height standards (LLRZ-S2, LRZ-S2 and MRZ-S2) are amended to provide for hose drying towers up to 15m.
146. I recommend that the height in relation to boundary standards (LLRZ-S3.2, LRZ-S3.2 and MRZ-S3.2) are amended to exclude hose drying towers.
147. In terms of s32AA, I consider the exemptions for hose drying towers will still align with the policy direction (LLRZ-P1.1, LRZ-P1.1 and MRZ-P1.2) as the increased height for these structures will not affect privacy, and will still maintain outlook and adequate access to sunlight. Therefore, I consider the approach is more efficient, while still being effective.

15. Standards

General

148. It is noted that density is closely related to zoning. As such, while the following sections discuss submission points seeking changes to the density provisions in residential zones, it does not address submissions which relate more specifically to the zoning of particular areas, even if the main concern relating to the proposed zoning is the density the zoning anticipates. These submissions will be addressed in a separate Section 42A Report. However, it is acknowledged that in considering the rezoning requests, the density provisions may need to be reconsidered in some instances.

Submissions

149. The following submission points were received which comment on the standards more broadly:

- a. Seeking that all density-related standards (MRZ-S1, MRZ-S3 and MRZ-S4) are aligned with Schedule 3A of the RMA.¹⁰⁰
- b. Opposing all built form standards if they haven't been subject to feasibility testing.¹⁰¹
- c. For smaller lot sizes, seeking to ensure that houses are designed and orientated to use the environment to its advantage and reduce impact on neighbours.¹⁰²
- d. Seeking that the density, height and setbacks for the LRZ are applied to lots in the MRZ which adjoin any LRZ site.¹⁰³

Analysis

150. In my view it is not appropriate to apply the MDRS contained in Schedule 3A of the RMA to the Central Otago District. These standards are required to be applied in specific districts – being those who are Tier 1 territorial authorities under the NPS-UD (or Tier 2 authorities where an Order in Council requires this). This currently captures Auckland, Christchurch, Hamilton, Tauranga, and Wellington City Councils, along with some other councils within some parts of the broader Canterbury, Bay of Plenty, Waikato and Wellington regions. It was therefore not anticipated that these standards would be applied to any medium density residential zone in other areas. The MDRS standards were also considered in the drafting of PC19, with urban design input specifically considering and testing what medium density standards would be appropriate in Central Otago. In several cases, those in Schedule 3A were not considered to be appropriate to apply in this context. In my view, their application would have greater adverse effects, and lead to a far more significant shift in the character and amenity of these areas.

¹⁰⁰ #158 - Retirement Villages Ass of NZ INC

¹⁰¹ #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

¹⁰² #70 - James Dicey, #75 - Residents for Responsible Development of Cromwell

¹⁰³ #43 – Rosemarie Carroll

151. In terms of feasibility testing, I note that as set out above, this has occurred in relation to the MRZ standards which were tested by urban designers as part of the PC19 drafting phase. Within the other zones, the standards are either consistent with the Operative Plan standards, and I do not understand feasibility issues have been raised in relation to these, or where they differ they are based on standards contained in similar zones in other district plans. Give this, I consider further feasibility testing is not necessary.
152. With respect to the design of housing on smaller lot sizes, I note that the rule package for MRZ, including the zone standards, as well as the consent pathway for three or more residential units per site, in combination with the direction contained in the Design Guide, is aimed at ensuring that development achieves good urban design outcomes.
153. I do not agree with applying the LRZ to lots within the MRZ, where they adjoin an LRZ site. This would, in effect, shift the boundary between these zones, and the concern of the submitter would just be transferred.

Recommendation

154. I do not recommend any changes to the provisions in response to these submissions.

Density in MRZ (MRZ-S1)

Submissions

155. Submissions relating to density in the MRZ include:
- a. Those who consider 200m² is too small and seek a higher minimum of between 250m² and 350m² instead.¹⁰⁴ Reasons include that in combination with other standards, it would lead to significant shading and the inability to site detached dwellings, would not allow for green space or storage of boats and will not provide for affordable housing.
 - b. Seeking that all of Clyde Township is increased to 400m² as 200m² is considered too small for a historic township.¹⁰⁵
 - c. Supporting the density in Clyde Township, but seeking that comprehensive design guidance is developed to complement this.¹⁰⁶
 - d. Reducing the minimum site area (in MRZ-S1) at which a non-complying activity status applies, from 180m² to 150m², to enable greater flexibility and design while still ensuring a comprehensive approach to development is undertaken.¹⁰⁷

¹⁰⁴ #16 - John Lister, #24 - Leanne Downie

¹⁰⁵ #136 - Lawrence O'Callaghan

¹⁰⁶ #112 - Heritage New Zealand Pouhere Taonga

¹⁰⁷ #79 - Wooing Tree Development Partnerships Limited

- e. Reducing the density to 150m² to provide more intensive housing options.¹⁰⁸
- f. Removing the higher density of 800m² where not connected to reticulated sewerage.¹⁰⁹

Analysis

156. As noted above, the MRZ standards were informed by urban design input, which included testing of different minimum lot sizes. While development at the minimum size may limit the ability for detached dwellings, it is anticipated that over time the MRZ will have a range of housing types, including semi-detached dwellings, terraced housing and apartments. The height and height in relation to boundary standards have also been tested to ensure that they will not result in significant shading. The setbacks, outdoor living space, landscaping and outlook space standards are also intended to assist in maintaining *“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”* (MRZ-P1.4). In my view, the provision of storage is not precluded, as landowners are not ‘required’ to develop at the minimum standard and may have larger sections if they wish to. In my view, requiring larger lot sizes simply to provide storage in all circumstances would not result in an efficient use of land and would not assist in addressing the need to provide for anticipated growth.
157. With respect to smaller lot sizes, the urban design advice was that 200m² provides for a range of medium density building typologies, while encouraging more compact semi-detached or terraced housing options. Some further flexibility is provided by providing a discretionary activity pathway down to 180m². In my view, this is an appropriate pathway for considering smaller developments. With respect to larger and comprehensively planned development, I note that the comprehensive development pathway provides for greater flexibility, as this provides a restricted discretionary activity consent pathway, regardless of density. I consider the overall approach is appropriate. In particular I consider that it will be more difficult for smaller developments to achieve the outcomes sought at a higher density, whereas larger and comprehensively planned development will more easily be able to ensure higher densities achieve good urban design outcomes.
158. The urban design advice, along with additional advice from a heritage expert, also specifically considered the heritage values within the Clyde Heritage Precinct. This identified that higher density development (at 200m²) could be appropriately designed to complement the heritage values, but recommended a lower height limit be applied (as reflected in MRZ-S2). The Medium Density Residential Design Guide also includes a specific section on Clyde.¹¹⁰ I therefore do not agree that a lower density is required to achieve the outcomes sought within Clyde.
159. I do not agree with removing the higher density requirement of 800m² where not connected to reticulated sewerage. This is consistent with the current approach, and allows for a reasonable

¹⁰⁸ #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

¹⁰⁹ #165 - Paterson Pitts Group (Cromwell)

¹¹⁰ Design Guide, pages 27-28.

area for on-site effluent disposal. Removing this would imply that smaller sites are anticipated in non-reticulated areas despite the constraints of such on-site disposal. Relying on the subdivision provisions alone also does not take into account that two units are permitted per site (under MRZ-R1), provided the density is met.

Recommendation

160. I recommend that MRZ-S1 is retained as notified.

Density in LRZ (LRZ-S1)

Submissions

161. A number of submitters oppose the proposed minimum lot size in LRZ of 500m², noting that it is an increase from that currently applying in these areas (250m²).¹¹¹ Reasons for this are that it takes away current development opportunities, will not allow for infill development within the LRZ, and therefore it may not provide growth for demand, and in Cromwell in particular, common existing lot sizes would not be able to be subdivided further. Changes sought vary, with alternate densities sought from 200m² (i.e. having only one zone, not splitting into MRZ and LRZ), 250m² (to retain existing), 300m², or 400m² (to align with the Vincent Spatial Plan). Changes are also sought to remove the higher density of 800m² where not connected to reticulated sewerage.¹¹²

Analysis

162. For completeness I note some of these submitters comment only in relation to the application of the density to their property, or to particular townships, but there is broad scope in submissions to consider the density holistically across the whole zone.

163. While I accept that the current minimum will increase from 250m², I have been advised that despite this minimum having applied since around 1990, development has rarely occurred at this density. The reason for this is likely to be the effect of other existing standards, particularly building setbacks and site coverage, means it would be difficult to site a complying dwelling on a smaller section. PC19 proposes to amend the residential framework so that higher density is concentrated in the MRZ, with the built form standards having been tested to ensure that they allow for higher density development. I understand that some more recent subdivisions have had lot sizes in the 400-450m² range, and where lower, this is in areas (such as Dunstan Park and Wooing Tree) identified in PC19 as MRZ, not LRZ. The proposed 500m² minimum in the LRZ is therefore intended to provide for a density that is more consistent with the current density in these areas, while still allowing for some infill. I also note that in terms of supply and demand, the densities are consistent with the modelling undertaken in the development of the Spatial

¹¹¹ #42 - Hayden Lockhart, #51 - D & J Sew Hoy, Heritage Properties Ltd, #64 - Kenneth Charles Dickie, #73 - Samuel Paardekooper, #93 - Sean Dent, #94 - Crossbar Trust, #95 - Shamrock Hut Ltd, #99 - Maddy Albertson, #149 - Kathryn Adams, #150 - Landpro Limited, #155 - Hannah Reader, #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd, #165 - Paterson Pitts Group (Cromwell), #166 - Christian Paul Jordan, #167 - Holly Townsend

¹¹² #165 - Paterson Pitts Group (Cromwell)

Plans and therefore the PC19 zoning framework will not result in under-supply. As noted earlier, this has been confirmed in respect to the Cromwell Ward in more recent yield assessments as well.

164. Notwithstanding this, as noted by some submitters, the Vincent Spatial Plan anticipated that low density development would typically be 400-900m² sections, whereas the Cromwell Spatial Plan anticipated 500-700m² sections. The drafting approach taken in the residential chapters has been to remove 'average' lot size requirements and apply minimum lot sizes only. Reducing the minimum to 400m² would therefore align with the Vincent Spatial Plan, while still being broadly consistent with the Cromwell Spatial Plan, as a minimum size does not limit larger sections being created and the overall average of new development would be above 400m². In my view this would also be more efficient as it would allow for the infill of sections which are between 800 - 1000m², while still aligning with the outcomes sought in LRZ-O2.
165. I do not agree with removing the higher density requirement of 800m² where not connected to reticulated sewerage. This is consistent with the current approach, and allows for a reasonable area for on-site effluent disposal. Removing this would imply that smaller sites are anticipated in non-reticulated areas despite the constraints of such on-site disposal, and relying on the subdivision provisions alone does not take into account that two units are permitted per site (under LRZ-R1), provided the density is met.

Recommendation

166. I recommend that LRZ-S1.1 is amended as follows:

Where the residential unit is connected to a reticulated sewerage system, the minimum site area per unit is 5400m².

167. In terms of s32AA of the RMA, I consider that the smaller allotment size will still achieve the character and amenity outcomes sought in LRZ-O2, while providing more opportunities for infill development. This allows for a more efficient use of land within these areas without compromising their intended character. I consider that 400m² as a minimum is consistent with the Vincent Spatial Plan and broadly consistent with the Cromwell Spatial Plan. At the time of writing this report, quantification had not been undertaken of the number of sections in the LRZ of between 800m² and 1000m². It is anticipated that this will be completed by the time of the hearing and provided to the Hearing Panel, to quantify the additional infill opportunities that would be created by this recommendation.

Density in LLRZ (LLRZ-S1)

Submissions

168. LLRZ-S1 applies a minimum site area per residential unit of 2000m² in the LLRZ, except in specific precincts, where the minimum is either 1000m² (Precinct 1); 3000m² (Precinct 2); or 6000m² (Precinct 3). The different densities reflect the historical pattern of development in the areas to which the precincts apply, and are areas where it is considered appropriate to recognise and

provide for the maintenance of the existing amenity and character resulting from the current densities within these areas. Submissions relating to LLRZ-S1 are:

- a. Opposing the Precinct 3 density on the basis that it is larger than in the Operative District Plan, and a smaller lot size would be consistent with areas close by while still maintaining amenity and character;¹¹³ or seeking a reduction to 4000m² in this precinct in Alexandra (the 'Old Golf Course').¹¹⁴
- b. Seeking a decrease to 600m², with a separation 50m separation applied between neighbouring dwellings.¹¹⁵
- c. Seeking a lower density in Precinct 1 in Pisa Moorings to allow for infill.¹¹⁶
- d. Seeking a lower density in part or all of Bannockburn, either of 1000m² or 1500m² to allow for infill, or for consistency with Pisa Moorings,¹¹⁷ or a minimum of 1200m² with an average of 1500m².¹¹⁸
- e. Seeking that some infill is enabled in the LLRZ.¹¹⁹

Analysis

169. The differences in the minimum densities within the LLRZ reflect that there are a number of areas within the Operative Plan where different zones (Residential Resource Areas 1-13) are used to largely apply different site-specific densities. PC19 has attempted to rationalise the variation in densities, while recognising that in some areas, it is appropriate to retain the current densities to maintain existing amenity and character. I therefore do not consider it appropriate to amend the densities such that the number of variations increase further, particularly where the change sought does not relate to maintaining existing amenity and character. It is also important to note that PC19 proposed minimum allotment sizes only, and does not continue to also apply average lot sizes. Therefore, while some of the minimum lot sizes proposed in PC19 are higher than the current minimum lot sizes applying, they are consistent with the current average and overall existing amenity and character. I therefore support the proposed densities being retained in Pisa Moorings and Bannockburn, rather than having additional variations, or re-introducing differences between minimum and average lot sizes.
170. With respect to reducing the density to 600m², in my view, this would not be consistent with the objectives of the LLRZ and would be more akin to the density of development in the LRZ, therefore losing the distinction between the LRZ and LLRZ. I do consider that to be appropriate. I accept that as the densities are largely consistent with the current zonings, 'additional' infill

¹¹³ #98 - John and Mary Fletcher

¹¹⁴ #77 – Derek Shaw

¹¹⁵ #133 - John Morton as trustee for J and DM Morton Family Trust

¹¹⁶ #152 - Susan Margaret Walsh

¹¹⁷ #34 - Gordon Stewart, #117 - Graeme Crosbie, #156 - Werner Murray

¹¹⁸ #135 - Cairine Heather MacLeod

¹¹⁹ #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

development opportunities are not enabled. However, in my view this should be considered in the context of the overall package of zonings in PC19, which are anticipated to provide sufficient supply to meet projected demand.

171. With respect to Precinct 3, this has been applied to areas currently zoned Residential Resource Area 2, 7 & 9. The current minimum allotment areas for these are 4000m² (but with an average of 1ha), 1ha and 6000m² respectively. Given this, I consider that the application of a 6000m² minimum is consistent with the character and amenity anticipated under the Operative Plan.

Recommendation

172. I recommend that LLRZ-S1 is retained as notified.

Height (LLRZ-S2, LRZ-S2 and MRZ-S2)

Submissions

173. Changes sought relating to height are:

- a. Increasing the permitted height in the LLRZ and LRZ to 8m which is considered standard for a two-storey home.¹²⁰
- b. Opposition to allowing for up to 3 storeys in MRZ, with concerns largely relating to effects on neighbour's sunlight and privacy. Changes sought are that 3 storeys are only provided for in greenfield areas/new subdivisions only, or only in the mall.¹²¹
- c. Increasing the restricted discretionary limit to 12m and 4 storeys, and adding a discretionary status for up to 15m and non-complying above 15m.¹²²
- d. Applying the lower height limits (8.5m and 2 storeys) in MRZ Precinct 1 to all sites adjoining a scheduled historic heritage item, precinct or site.¹²³
- e. Correcting the discrepancy in MRZ-S2 between 11m being permitted and over 10m being non-complying.¹²⁴
- f. Applying exemptions to solar panels, chimneys and antennas.¹²⁵
- g. Adding further assessment matters for consideration of when the height limit is breached.¹²⁶

¹²⁰ #161 - Topp Property Investments 2015 Ltd

¹²¹ #17 - Stuart Heal, #18 - Neroli McRae, #22 - Judith Horrell

¹²² #165 - Paterson Pitts Group (Cromwell)

¹²³ #112 - Heritage New Zealand Pouhere Taonga

¹²⁴ #96 - NTP Development Holdings Ltd, #111 - Central Otago District Council, #112 - Heritage New Zealand Pouhere Taonga, #165 - Paterson Pitts Group (Cromwell)

¹²⁵ #165 - Paterson Pitts Group (Cromwell) (and #161 - Topp Property Investments 2015 Ltd in relation to chimneys)

¹²⁶ #165 - Paterson Pitts Group (Cromwell)

Analysis

174. The height limit of 7.5m within the LLRZ and LRZ is consistent with that currently applying. I consider that it does not preclude 2-storey dwellings, and I also understand that resource consent applications to breach the current limit are not common, which indicates that it is not currently creating an issue. I therefore consider it appropriate to continue to apply this limit. However, I agree with excluding smaller structures including chimneys from the height standards, as this will not compromise the built form outcomes sought. I also agree with providing for broad consideration of reasons why a higher height might be appropriate in the matters of discretion.
175. The urban design advice provided as part of the PC19 drafting noted that an 11m height limit could allow for a 4-storey flat roofed dwelling (utilising minimum floor to ceiling heights of 2.4m). The inclusion of the limit of three storeys was therefore (in combination with the 11m height limit) to avoid the potential for 4-storey dwellings that were considered to result in less acceptable visual dominance and privacy outcomes. Notwithstanding this, I have assumed the submitters are concerned about the overall height of 11m, which would allow for 3-storey development. In this regard, I note that the height limit should be considered in conjunction with the height in relation to boundary standard (MRZ-S3). The urban design advice is that this standard would allow for a 1-storey building 1m from the boundary, a 2-storey building between 2 and 3m from the boundary and a 3-storey building between 4.5-6.5m from the boundary. The effect of this is that for infill development, 3-storey development on an existing single site would not be likely. However, where sites are aggregated, or in greenfield areas, 3-storey units could be achieved away from boundaries of neighbouring sites. In my view, the practical effect of both the height and height in relation to boundary standards already largely addresses the concern of these submitters, and I do not consider that changes to the height standard are required. For the same reason, I do not consider it necessary to apply a lower height limit to any site adjoining a scheduled historic heritage item, precinct or site, as this is managed more appropriately through the height in relation to boundary controls than by applying a lower height limit across an entire adjoining site.
176. With respect to providing for a higher limits, I again note the urban design advice is that 4-storey dwellings are considered to result in less acceptable visual dominance and privacy outcomes. I consider that a higher non-complying limit of 15m could result in this. However, I agree with correcting the discrepancy between the permitted limit being higher than the restricted discretionary and non-complying limits. The intent was to provide for a small increase as a restricted discretionary activity, while signalling greater heights are likely to be inappropriate. I therefore agree with providing for 12m as a restricted discretionary activity, with a non-complying activity applying where over 12m. This is also consistent with the approach taken in LLRZ-S2 and LRZ-S2.

Recommendation

177. I recommend that LLRZ-S2, LRZ-S2 and MRZ-S2 are amended to provide exceptions for solar panels, chimneys and antennas, and an additional matter of discretion is added to allow for consideration of reasons why a higher height might be appropriate.
178. I recommend that MRZ-S2 is amended to increase the restricted discretionary height limit to between 11m and 12m, and the non-complying limit to above 12m.
179. I do not consider that the changes require further evaluation under s32AA as they are minor changes that do not alter the general intent. Therefore, the original s32 evaluation still applies.

Height in Relation to Boundary (LLRZ-S3, LRZ-S3 and MRZ-S3)

Submissions

180. Changes sought to the height in relation to boundary standards are to:
- a. Apply a 25° sightline gradient from property boundary lines on north and south to prevent excessive shading on adjacent properties and allow low angle winter sunlight.¹²⁷
 - b. Apply 55° to the north and 45° degrees to other angles, as Schedule 1 as too complex.¹²⁸
 - c. Exempt MRZ-S3.2 from applying to adjoining sites that are adjacent to public land vested in or owned by the Council.¹²⁹
 - d. Include an explanation in Schedule 1 about how to calculate the recession plane using the diagram¹³⁰ or revert to the current Operative Plan approach and diagram.¹³¹
 - e. Add further exemptions for boundaries aligning a shared access and for boundaries within a retirement village.¹³²
 - f. Adding further assessment matters for consideration of when the standard is breached.¹³³

Analysis

181. In my experience, the Schedule 1 diagram is commonly used in district plans to manage shading and is easily applied. I agree that adding an explanation to the Schedule (which is also included in some other plans) will assist in understanding how it is to be applied. In my view its key

¹²⁷ #2 - John Wekking

¹²⁸ #96 - NTP Development Holdings Ltd

¹²⁹ #96 - NTP Development Holdings Ltd

¹³⁰ #111 - Central Otago District Council, #150 - Landpro Limited

¹³¹ #165 - Paterson Pitts Group (Cromwell)

¹³² #165 - Paterson Pitts Group (Cromwell)

¹³³ #165 - Paterson Pitts Group (Cromwell)

advantage is that it takes into account that shading is different from different angles and is therefore a more targeted way to manage shading so as to provide adequate levels of access to sunlight. While I accept that it is less critical to manage sunlight on adjoining sites that do not contain residential uses, such as sites vested in the Council for tree planting (as referred to by a submitter), my concern is that applying an exemption to any public land does not take into account that some sites owned by the Council may be developed in future. I agree with adding further exemptions for activities which I agree will still achieve the outcomes sought and with providing for broad consideration of reasons why a higher height might be appropriate in the matters of discretion.

Recommendation

182. I recommend that minor amendments are made to LLRZ-S3, LRZ-S3 and MRZ-S3 to expand the exemptions and add additional assessment matters.
183. I recommend that Schedule 1 is amended to include an explanation of how to use the height in relation to boundary diagram.
184. I do not consider that the changes require further evaluation under s32AA as they are minor drafting changes that do not alter the general intent. Therefore, the original s32 evaluation still applies.

Building Coverage (LLRZ-S4, LRZ-S4 and MRZ-S4)

Submissions

185. A number of submitters have sought changes to the proposed building coverage standards. As notified, the proposed standards are:

Zone	Standard
LLRZ	30%
LLRZ – Precinct 1	40%
LLRZ – Precinct 2	15%
LLRZ – Precinct 3	10%
LRZ	40%
MRZ	40%

186. A number of submitters seek that the coverage in the MRZ is increased to 50%,¹³⁴ 60%,¹³⁵ or 75%,¹³⁶ or raise general concerns that 40% is too low.¹³⁷ Reasons include that given the minimum site area of 200m², 40% coverage does not allow for a reasonable sized building; 40% is the same as that applied in the LRZ so the MRZ should allow for greater coverage; 50% is

¹³⁴ #70 - James Dicey, #96 - NTP Development Holdings Ltd, #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd, #150 - Landpro Limited, #161 - Topp Property Investments 2015 Ltd

¹³⁵ #21 - Brian De Geest, #30 - Freeway Orchards, #31 - Goldfields Partnership, #51 - D & J Sew Hoy, Heritage Properties Ltd, #145 - Thyme Care Properties Ltd, #165 - Paterson Pitts Group (Cromwell)

¹³⁶ #88 - GZR Property Investment Ltd

¹³⁷ #148 - CHP Developments Limited

consistent with the MDRS and will still appropriately balance landscape and amenity outcomes; and 40% is too restrictive.

187. Two submitters (who seeks an increase in MRZ to 60%) also seeks an increase in the coverage in the LRZ to 50%, as they consider this will still allow for sufficient open space to maintain the anticipated character of the zone.¹³⁸
188. In relation to the LLRZ, one submitter seeks that the coverage in LLRZ Precinct 3 is reviewed, noting that the Operative Plan provisions provide up to 40% so reduction to 10% is, in their view, a significant reduction.¹³⁹ Another seeks that Precinct 2 is increased to 30% and Precinct 3 to 20% as they consider the proposed limits are small, even given the large lot sizes.¹⁴⁰ Others question what feasibility testing has been undertaken on the LLRZ coverage limits.¹⁴¹
189. Other submissions seek that as with other plans, eaves are exempted from the coverage (by way of a change to the definition); and consider that for comprehensive residential development building coverage should not be pre-determined.¹⁴²

Analysis

190. The MRZ building coverage standard was recommended in urban design advice, which tested different options, including the MDRS limit of 50%. 40% was recommended so as to provide for a more open and spacious feel within the Central Otago context, with their testing identifying that a 50% building coverage would provide for potentially large and continuous built forms that in their view, would likely be too urban. **Appendix 3** contains figures provided as part of this testing, which demonstrate this. Given the MDRS apply to Tier 1 urban authorities with large metropolitan areas, I do not consider it appropriate to apply a standard that is higher than this (i.e. 60% or 75%) and given the urban design advice, which was based on testing of different options, I consider 40% is appropriate to achieve the outcomes sought in the Central Otago context. While I accept that this limits the area a building can cover, I note that it is intended that this zone will provide for a range of housing options, including semi-detached dwellings, terraced housing and apartments, rather than a predominance of single storey detached houses. I also note, in response to submitter's comments that a higher limit can still achieve an appropriate amenity outcome, that the provisions allow a consent pathway for consideration of higher coverage, on a case-by-case basis. The 40% limit is therefore a threshold beyond which consent can be granted to proposals which still achieve the overall outcomes sought. In my view, an increase in the permitted limit is not supported by urban design advice.

¹³⁸ #51 - D & J Sew Hoy, Heritage Properties Ltd, #165 - Paterson Pitts Group (Cromwell)

¹³⁹ #98 - John and Mary Fletcher

¹⁴⁰ #165 - Paterson Pitts Group (Cromwell)

¹⁴¹ #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

¹⁴² #70 - James Dicey

191. I do not consider an increase in the site coverage for LRZ to be appropriate, given it would result in higher site coverage than I consider to be appropriate for MRZ. It is also higher than equivalent zones in other district plans.¹⁴³
192. With respect to LLRZ, I consider that the limits, when considered in conjunction with the densities for each area, will provide for between 400m² and 600m² of buildings on site, which in my view allows for a substantial amount of built development. While I accept that the coverage will reduce from that currently applying, I note that it is unusual for a zone of this type to have such a high site coverage, and the current standard most likely reflects that the current standard applies to any Residential Resource Area, regardless of the different densities. In Precinct 3, a 10% site coverage on a 6000m² site still allows for 600m² of built form which in my view is appropriate to ensure a predominance of open space over built form (LLRZ-O2.2). The overall limit of permitted built development (i.e. 600m²) is the same as that provided in LLRZ, and more than that in Precincts 1 & 2 (400m² and 450m² respectively.)
193. With respect to eaves, I note that the definition of both building coverage and building footprint (which is referred to in the former) are from the NP Standards and therefore cannot be amended. With respect to comprehensive residential development, I note that this is subject to a consent pathway which allows for holistic consideration of where rule requirements might not be met by subsequent development. I consider this approach to be appropriately flexible and allows for comprehensively designed and planned development to exceed the standards provided the consent process demonstrates how the development achieve the outcomes sought.

Recommendation

194. I recommend that LLRZ-S4, LRZ-S4 and MRZ-S4 are retained as notified (noting, for completeness, that a minor amendment under clause 16(2) is recommended in **Appendix 1**).

Setbacks (LLRZ-S5, LLRZ-S6, LRZ-S5, LRZ-S6 and MRZ-S5 and MRZ-S6)

Submissions

195. Submission points on setbacks include:
- a. Amend LLRZ-S5 to reduce front yard setback to 4.5m, consistent with current requirement.¹⁴⁴
 - b. Amend LRZ-S5 to reduce front yard setback to 3m.¹⁴⁵
 - c. Amend MRZ-S6 to provide for “zero-lot” development.¹⁴⁶

¹⁴³ For example, 35% in the Ashburton District Plan and 40% in the Proposed Queenstown District Plan, Dunedin District Plan, Waitaki District Plan and Proposed Timaru District Plan.

¹⁴⁴ #165 - Paterson Pitts Group (Cromwell)

¹⁴⁵ #161 - Topp Property Investments 2015 Ltd

¹⁴⁶ #79 - Wooing Tree Development Partnerships Limited

- d. Amend LLRZ-S6 to increase the setback to 30m where adjoining Rural Resource Area, as 3m is not sufficient to manage potential reverse sensitivity effects; and add new matter of discretion relating to reverse sensitivity.¹⁴⁷
- e. Amend LLRZ-S5, LRZ-S5 and MRZ-S6 in relation to noise insulation requirements.¹⁴⁸
- f. Exempt internal boundaries in retirement villages and common or party walls from the internal boundary setback (LLRZ-S6, LRZ-S6 and MRZ-S6).¹⁴⁹
- g. Add further assessment matters for consideration of when the standard is breached.¹⁵⁰

Analysis

196. Reducing the front yard setback in the LRZ, while providing more flexibility for development, could result in a visually distinct contrast emerging between new development and older development. I therefore consider it more appropriate to retain the current setback. For the same reason, I agree with reducing the setback in the LLRZ to 4.5m. While the intention was to require a larger setback in order to provide more space between buildings and the road, (and therefore assist in achieving a predominance of open space over built form (LLRZ-O2.2)) I appreciate that it could result in newer development being setback further than has previously been able to occur and the increase in setback would be unlikely to change the overall character in these areas.
197. With regard to “zero-lot” development, this is not something I am familiar with, and I do not consider the wording of the standard proposed by the submitter to be sufficiently clear. I note the provisions allow for consideration through a Comprehensive Residential Development consent for breaches of the standards, with the standards then not applying to subsequent development that is in accordance with the Master Plan (refer MRZ-R1). If the effect of the change sought by the submitter is to allow for development consistent with that authorised through a previous subdivision consent, then I consider an amendment to MRZ-R1 to cover this may be more appropriate, albeit clearer wording would be needed.
198. I do not consider it appropriate to apply a 30m setback from the Rural Resource Area in any LLRZ. Within the Operative Plan, the internal boundary setback (regardless of adjoining zone) is generally 3m.¹⁵¹ There is no evidence in the submission that adverse effects have arisen in relation to the current requirements in Central Otago to justify such a significant shift. I am also not aware of other plans where such a large setback is broadly applied within a residential zone. It would also result in an inconsistent approach applying in residential areas, whereby dwellings

¹⁴⁷ #89 - Horticulture New Zealand

¹⁴⁸ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd, #165 - Paterson Pitts Group (Cromwell)

¹⁴⁹ #165 - Paterson Pitts Group (Cromwell)

¹⁵⁰ #165 - Paterson Pitts Group (Cromwell)

¹⁵¹ Standard 7.3.6(iii)(c)(i) and (ii).

with a LLRZ/Rural interface would have large setbacks but those with an LRZ/Rural or MRZ/Rural interface would not.

199. With respect to noise insulation requirements, the proposed standards reflect those currently in Section 7 of the Plan.¹⁵² No review was undertaken of these as part of PC19 and therefore there is no technical information to support such a change. My understanding is that under the NP Standards such rules would be required to be located within a 'Noise' chapter,¹⁵³ and therefore I consider the appropriate time to review the specific requirements is when the noise matters are reviewed, and these rules shifted into such a chapter. I do note, however, that a breach of the current rule is restricted discretionary, and the current drafting in LLRZ-S6 and LRZ-S5 does not specify the activity status of the rule breach or matters of discretion (whereas MRZ-S5 does). I also note that the matters of discretion are not entirely consistent with those currently applying and consider they should be amended slightly so as to retain consistency (noting this is consistent with changes sought by a submitter). I therefore recommend this is rectified through the RDIS activity status being applied to LLRZ-S6 and LRZ-S5, and the matters of discretion in all three rules being amended to align with the current wording used in Rule 7.3.3(ii).
200. I agree with adding an additional matter of discretion allowing consideration of constraints which may make compliance impractical, consistent with that recommended in relation to the height standards. I also agree with amending the internal boundary setback (LLRZ-S6, LRZ-S6 and MRZ-S6) so that internal boundaries in retirement villages are exempt, and common or party walls in LRZ and MRZ. However given multi-unit development is not anticipated in the LLRZ, I do not consider it appropriate to add the exemption within LLRZ-S6.

Recommendation

201. I recommend that LLRZ-S5 is amended to reduce the road boundary setback to 4.5m.
202. I recommend that the two standards in LLRZ-S5, LRZ-S5 and MRZ-S5 are numbered and that:
- (1) is amended to add a further matter of discretion relating to constraints; and
 - (2) is amended to specify that the activity status when compliance is not achieved is restricted discretionary, with the specific wording of the relevant matters of discretion in Rule 7.3.3(ii) applied.
203. I recommend that LLRZ-S6, LRZ-S6 and MRZ-S6 are amended to exempt internal boundaries in retirement villages, and LRZ-S6 and MRZ-S6 amended to exempt common or party walls.
204. The specific changes are set out in **Appendix 1**.
205. In terms of s32AA I consider that the changes are minor. Applying a 4.5m setback in the LLRZ is consistent with that currently applying and therefore the costs and benefits do not alter from

¹⁵² Standard 7.3.6(xii)

¹⁵³ 7. District-wide Matters Standard, clause 33(c).

those under the status quo. I consider that the additional exemptions more appropriately align the standards with the objectives, as they better provide for types of development which are anticipated within the zones. I do not consider that the other changes require further evaluation under s32AA as they are minor changes which provide clarity.

Car Parking

Submissions

206. Submissions relating to car parking include:

- a. Opposition to mandatory provision for carparking in MRZ.¹⁵⁴
- b. Support for smaller section sizes if sufficient parking is available.¹⁵⁵
- c. Seeking a requirement for one carpark per bedroom, provisions for access to electric vehicle charging,¹⁵⁶ and for wider streets in order to provide room for car parking in MRZ areas.¹⁵⁷
- d. Opposition to only one car park being required for development that includes travellers accommodation.¹⁵⁸

Analysis

207. The requirements for car parking reflect those in the Operative Plan. No review of these has been undertaken as part of PC19 and therefore there is no technical information, such as a review by a traffic engineer, to support changes to these, such as increasing the requirement to one carpark per bedroom, or increasing that applying to visitor accommodation activities. Under the NPS-UD, Tier 1, 2 and 3 territorial authorities cannot have provisions which require a minimum number of car parks to be provided. As noted earlier, the NPS-UD is not considered to apply to the Central Otago District and therefore the requirements can be retained at this time. MHUD have also confirmed that they did not identify the Central Otago District Plan as needing to be checked within respect to removal of car parking requirements (refer **Appendix 2**). In my view, retention of the current requirements is appropriate to ensure adequate on-site parking is provided, particularly given the lack of public transport in the District. In absence of any technical review, I do not consider it appropriate to amend the current standards. Notwithstanding this, if the Hearing Panel considers that the NPS-UD does apply to part of the District, my understanding is that Clause 3.38 of the NPS-UD requires that minimum car parking requirements be removed from the district plan in their entirety (i.e. not just in relation to those areas defined as 'urban environments'.) This would require the deletion of LLRZ-S7, LRZ-S7 and MRZ-S13, and consequential changes to rules referring to the standard. I do not consider that

¹⁵⁴ #12 - Te What Ora, Public Health Service, #161 - Topp Property Investments 2015 Ltd, #162 - Sugarloaf Vineyards Ltd

¹⁵⁵ #17 - Stuart Heal

¹⁵⁶ #70 - James Dicey, #75 - Residents for Responsible Development of Cromwell

¹⁵⁷ #16 - John Lister, #70 - James Dicey, #75 - Residents for Responsible Development of Cromwell

¹⁵⁸ #88 - GZR Property Investment Ltd

the NPS-UD direction precludes consideration of parking altogether (just the setting of minimum standards) and therefore I do not consider that changes to the policy direction or matters of discretion relating to parking would be required.

208. With respect to width of streets, I note that this is matter is not within the scope of PC19, with the current standards still applying. With respect to provisions for access to electric vehicle charging, I consider that this is a matter for individual developers to consider, and there is nothing in the standards to discourage communal charging where multi-unit development is proposed.

Recommendation

209. I recommend that LLRZ-S7, LRZ-S7 and MRZ-S13 are retained as notified.

Other MRZ standards (MRZ-S7 to MRZ-S12)

Submissions

210. PC19 proposes additional standards within the MRZ which reflect that higher density development is anticipated in this zone, and such development has the potential to adversely affect the surrounding area, if it is not well-designed. These standards relate to outdoor living space (MRZ-S7), landscaping (MRZ-S8), service and storage space (MRZ-S9), outlook space (MRZ-S10), fencing (MRZ-S11) and habitable rooms (MRZ-S12). Submissions on these standards include:

- a. Seeking changes to the outdoor living space requirement (MRZ-S7), including reducing it to 20m² in line with the MDRS,¹⁵⁹ reducing it to 16m² as the proposed limit compromises ability to maximise site for built form,¹⁶⁰ and concerns that requiring a 12m² balcony which does not overlook outlook space or outdoor living space of another unit is too difficult.¹⁶¹
- b. Seeking reductions in the landscaping required (MRZ-S8) to 15%, with half required in the front yard, so as to achieve contribution to street scene and amenity,¹⁶² or to 20%,¹⁶³ and concerns that 30% is too prescriptive and does not give consideration to where less than 30% would be preferable¹⁶⁴ or questioning the emphasis on open space and amenity and whether feasibility has been tested.¹⁶⁵

¹⁵⁹ #79 - Wooing Tree Development Partnerships Limited

¹⁶⁰ #88 - GZR Property Investment Ltd

¹⁶¹ #148 - CHP Developments Limited

¹⁶² #88 - GZR Property Investment Ltd

¹⁶³ #30 - Freeway Orchards, #31 - Goldfields Partnership, #51 - D & J Sew Hoy, Heritage Properties Ltd, #145 - Thyme Care Properties Ltd, #165 - Paterson Pitts Group (Cromwell) (as an alternative to deletion of standard altogether).

¹⁶⁴ #148 - CHP Developments Limited

¹⁶⁵ #161 - Topp Property Investments 2015 Ltd

- c. Seeking an additional requirement for service and storage spaces (MRZ-S9) to be screened or positioned so not visible from adjoining public spaces in Clyde Heritage Precinct, and a related matter of discretion.¹⁶⁶
- d. Concerns that the outlook space requirement (MRZ-S10) go beyond MDRS by requiring outlook space for principal bedrooms, which results in restrictions on available property space,¹⁶⁷ and queries over how the standard reconciles with 1m yard setback and whether it has been subject to testing.¹⁶⁸
- e. Seeking deletion of the habitable rooms standard¹⁶⁹ on the basis that it compromises creativity in design and does not work for buildings with separate upstairs and downstairs residential units.
- f. Seeking that these standards are deleted in their entirety, and instead added as matters of discretion for breaches of other standards.¹⁷⁰ If this is not accepted other amendments are suggested to some of the standards.

Analysis

211. As noted earlier, the proposed MRZ standards were informed by input received from urban designers, which included testing. The advice received on the above standards is set out below:

- a. Outdoor Living Space Advice: *The proposed standard provides for more usable outdoor living spaces, enabling provision for a mix of paved and soft landscape areas (e.g. outlook and screening) and utility and storage spaces for larger recreation or household equipment. This also provides a greater sense of openness in a Central Otago context, while potentially managing the location of built form on the site.*

In addition, I have reviewed outdoor living space requirements in other district plans and note that 30m² is used in other plans.¹⁷¹ There are lower requirements of 15m² in Dunedin and 20m² in Auckland and Timaru, but given these are large urban areas and 30m² is used in other more comparable districts, I consider 30m² to be appropriate. With respect to balcony sizes, I note that this was not explicitly considered in the urban design advice. I note that the minimum requirements in other plans I reviewed¹⁷² is between 6m² – 10m². Given this, I consider 8m² to be reasonable.

¹⁶⁶ #112 - Heritage New Zealand Pouhere Taonga

¹⁶⁷ #148 - CHP Developments Limited

¹⁶⁸ #161 - Topp Property Investments 2015 Ltd

¹⁶⁹ #88 - GZR Property Investment Ltd, #148 - CHP Developments Limited, #150 - Landpro Limited, #161 - Topp Property Investments 2015 Ltd

¹⁷⁰ #30 - Freeway Orchards, #31 - Goldfields Partnership, #51 - D & J Sew Hoy, Heritage Properties Ltd, #145 - Thyme Care Properties Ltd, #165 - Paterson Pitts Group (Cromwell)

¹⁷¹ Including Ashburton District Plan; Proposed New Plymouth District Plan; Proposed Porirua District Plan; Christchurch District Plan.

¹⁷² Proposed New Plymouth District Plan, Proposed Porirua District Plan, Dunedin City Plan.

- b. Minimum Landscaping Advice: *a 30% requirement provides for adequate provisions of both buffer and screen planting between buildings, fencelines, car parking and access ways with opportunities for more substantial landscape areas to support larger tree planting.*

I also note that consideration of where less than 30% may be preferable is a matter that can be considered through the consent process. The standard is only the permitted threshold, meaning it is considered to be sufficient to achieve the outcomes in most or all circumstances; it does not mean that less landscaping may not be appropriate in some cases, but allows for this to be assessed on a case-by-case basis. Standards in other plans¹⁷³ I reviewed were between 20-35% so I do not consider the proposed threshold to be out of step with other plans.

- c. Outlook Space Advice: *The requirements provide visual privacy and outlook between habitable rooms of different buildings on the same or neighbouring sites, encouraging reorientation or offsetting of direct facing windows, managing visual dominance and ensuring a sense of space for residents.*

I note the requirements are the same as the MDRS, except, as noted by the submitter, for an additional requirement for a principal bedroom to have a 3m x 3m outlook space, whereas under the MDRS this would be included in the 'all other habitable rooms standard' requiring only a 1m x 1m space. I am comfortable with removing this requirement as the urban design advice did not identify a specific reason for this additional requirement, and I consider that the additional benefits are unlikely to outweigh the costs associated with additional requirements.

- d. Permeable Fence Advice: *Given the orientation of the blocks in Central Otago, it is likely that lots on the northern side of blocks will result in front yards being the primary private open spaces for residents (ensuring they have sunlight access). It is therefore important that visually permeable fence rule is put in place to balance privacy for residents with a positive streetscape experience (e.g. addressing passive surveillance, activation, etc).*

Given the above advice, I do not support deletion of this standard, as it is appropriate to help achieve the outcomes sought in the MRZ.

- e. Habitable Rooms Advice: *Where garages occupy a high proportion of ground level buildings, the benefits of frontage activation, visual interest and direct access to ground level open spaces is compromised. Providing for habitable rooms at ground level also supports people with accessibility limitations, including older persons.*

I do not agree with the submitter that requiring at least one habitable room at ground floor level would compromise creativity in design; what it does is ensure that

¹⁷³ Proposed Queenstown District Plan, Proposed New Plymouth District Plan, Christchurch District Plan.

residential units are not solely comprised of a garage and utility rooms like laundries at ground floor level. Again, I note that this is also the permitted standard, with alternate designs being able to be considered through a consent process in terms of whether they still align with the policy and objective framework. I accept however that the standard as currently written would not allow for buildings with separate upstairs and downstairs residential units. Given the intent is related to frontage activation, visual interest and direct access to ground level open spaces, I tend to agree with amending the standard so that it does not apply where a residential unit (excluding its entrance) is located entirely above the ground floor.

212. The Service and Storage Space requirement (MRZ-S9) was not specifically addressed in the urban design advice but is a common standard applied in higher density zones.¹⁷⁴ The intent is to ensure that adequate space is provided for the storage of waste and recycling bins and in my view is appropriate to apply in a higher density environment. I agree that requiring such storage to be screened from roads where the development is within the Clyde Heritage Precinct is appropriate and aligns with ensuring development in the MRZ does not detract from the heritage values and character of the Precinct (MRZ-P1.12).
213. Given the urban design advice received, I do not agree with deleting these standards and simply relying on consideration through breaches of other standards. Firstly, MRZ-S2 – MZ-S6 are seeking to control aspects of built development that are quite different to those which MRZ-S7 to MRZ-S12 are related to. While the former standards will help contribute to achieving the outcomes sought, in my view they are not sufficient on their own to ensure that built form meets MRZ-P1, and in turn that development is well-designed and provides a good quality living environment (MRZ-O2). Having considered the range of alternate changes sought to these standards, I agree with a number of them, for the reasons given in the submissions, and consider these changes provide a more appropriate balance between achieving the outcomes sought while not placing unreasonable constraints on development. The detail of these is set out below.

Recommendation

214. I recommend that MRZ-S7 is amended as follows:

Each residential unit must have an exclusive outdoor living space:	RDIS
1. for units with common living space at ground floor level, of at least 30m ² with a minimum dimension <u>width</u> of 4m; and	Matters of discretion are restricted to:
2. for units <u>with living space</u> located entirely above the ground floor level, that comprises a balcony of at least 128m² , with a minimum dimension <u>width</u> of 1.5m; and	a. Provision of useable outdoor space; 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.	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>

¹⁷⁴ Including the Ashburton District Plan, Proposed Queenstown District Plan and Christchurch District Plan.

215. I recommend that MRZ-S8 is retained as notified.

216. I recommend that MRZ-S9 is amended as follows:

1. Each residential unit must have an outdoor or indoor service space of at least 2.5m² with a minimum dimension width of 1.5m available for use for the storage of waste and recycling bins. 2. The required spaces can be provided either individually or within a communal space for multiple units. 2. <u>Within the Clyde Heritage Precinct, any outdoor storage space must be positioned or screened so that it is not visible from any road.</u>	RDIS Matters of discretion are restricted to: a. Provision of useable service and storage space. b. Accessibility and convenience for residents. c. <u>Within the Clyde Heritage Precinct, compatibility with the heritage values and character of the area.</u>
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217. I recommend that MRZ-S10.2 is deleted.

218. I recommend that MRZ-S11.2 is amended as follows:

1.8m, where a minimum of 50% ~~or more~~ of the fence structure is visually transparent.

219. I recommend that MRZ-S12 is amended as follows:

~~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.

220. In terms of s32AA, I consider that the changes are more appropriate to achieve the objectives for the MRZ, because they generally reduce the limitations on development (and therefore costs) in a way that I consider will still implement MRZ-P1 and not compromise the outcomes sought in MRZ-O2. With respect to the additional requirement within the Clyde Heritage Precinct, I consider the while this increases the requirements for development, this is necessary to properly implement MRZ-P1.12 and to achieve the outcome sought in terms of responding to the heritage features in this area (MRZ-O2.2).

221. With respect to other changes sought by submitters I consider it important to note that while there are costs associated with application of the MRZ standards, there are also costs associated with the consequences of poor design, implementation and management of the built environment and these can have long lasting effects that are often difficult to retrospectively address. Conversely, ensuring built development is well-designed and provides good residential amenity will likely have long term community benefits which help to contribute to the attractive of the district's main townships for residents and visitors.

Additional Connectivity and Green Space Standards

Submissions

222. The following submission seeks additional standards relating to connectivity and/or green space:

- a. Requirements for subdivision to provide common green space and connections.¹⁷⁵
- b. Support for connectivity and the requirement that any single subdivision not be considered in isolation, particularly in terms of right of ways restraining future connections for infill housing.¹⁷⁶
- c. Inclusion of a regulatory framework to facilitate access and services to landlocked properties in LLRZ, provision for right of ways to become unformed legal road and conditions to reflect the objective of connectivity.¹⁷⁷

Analysis

223. In my view, it is difficult to set specific ‘requirements’ for green spaces and connections. For example, a two-lot subdivision to provide an additional lot at the back of a property is different to a larger multiple-lot greenfield subdivision. Instead, I consider it more appropriate to allow for consideration of this on a case-by-case basis, which in my view is already provided for through the matters of discretion for subdivision, which include *“The provision of or contribution to the open space and recreational needs of the community”, “Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways”* and *“The provision of esplanade strips or reserves and/or access strips.”* Similarly, I consider that through the proposed matters of discretion (which are also consistent with the Operative Plan), appropriate consideration is already given to future connectivity, as one of the matters of discretion is for *“Subdivisional design including the shape and arrangement of allotments to: facilitate convenient, safe, efficient and easy access... [and] facilitate adequate access to back land.”* I note in relation to changing rights of ways to unformed legal roads that this it is beyond the control of a District Plan.

Recommendation

224. I do not recommend that additional requirements are added to the subdivision rules and standards in response to these submission points.

Other Standards

Submissions

225. The following submission seeks additional standards relating to:

- a. applying a buffer or noise insulation requirements to common boundaries with a specific site in Bannockburn, to protect consented activities.¹⁷⁸
- b. inclusion of a construction vibration standard.¹⁷⁹

¹⁷⁵ #18 - Neroli McRae, #58 - Jo Robinson, #70 - James Dicey, #75 - Residents for Responsible Development of Cromwell

¹⁷⁶ #58 - Jo Robinson

¹⁷⁷ #80 - Matt & Sonia Conway, #91 - Judy and John Hamilton

¹⁷⁸ #33 - Mary & Graeme Stewart

¹⁷⁹ #144 - Wally Sanford

- c. adding controls, such as limiting bulk, height, material/colours, landscaping and lighting in the LRZ to more adequately protect visual impact, particularly views from lake reserve and cycle trail network and prevent loss of rural transition of north Cromwell.¹⁸⁰

Analysis

226. The sites which would be affected by the proposed setback or insulation requirements are currently zoned Residential Resource Area 4. This allows for sites with a minimum allotment area of 1500m², at an average of 2000m². The zoning proposed under PC19 is LLRZ, where a 2000m² minimum is proposed to. Given that the resource consent for the submitter's property would have taken into account the zoning of these adjoining properties and their sensitivity to the activities proposed by the submitter, and the PC19 zoning remains consistent with the density anticipated under the current zoning, I do not consider it reasonable to now apply a restriction to those adjoining properties. In my view, the costs associated with restricting buildings within a 50m setback, or with additional insulation are not sufficiently justified.
227. I do not consider it appropriate to include a construction vibration standard in PC19. While PC19 includes excavation rules, and excavation may lead to vibration, my understanding is that vibration is a component of noise.¹⁸¹ Noise, including construction noise is also currently managed in Section 12 of the Operative Plan. I also note that given the limited scope of PC19, such a standard could only be applied to residential zones, whereas in my view, it would be more appropriate to consider application of such a standard to other areas of the District. My understanding is that under the NP Standards such a standard would be required to be located within a 'Noise' chapter,¹⁸² and therefore I consider the appropriate time to review the specific requirements is when the noise matters in Section 12 are reviewed.
228. In terms of additional requirements being added to the LRZ, I do not consider that additional controls are necessary to achieve the outcomes sought for the zone. In my experience, additional bulk and design controls (to those of the underlying zone) are usually only applied in particularly sensitive areas, such as in high value landscape areas. With respect to the views from the lake, I note that PC19 proposes to continue to apply a 15m building setback from the margin of any lake (LRZ-S6.2) which will reduce the dominance of buildings when viewed from the lake reserve.

Recommendation

229. I do not recommend any changes in response to these submission points.

¹⁸⁰ #153 - Fraser James Sinclair & Kelly Michelle Checketts

¹⁸¹ In s2 of the RMA, 'noise' is defined as including vibration.

¹⁸² 7. District-wide Matters Standard, clause 33(b).

16. Subdivision

Submissions and Analysis

230. As noted earlier, one submitter seeks a range of additions to the objectives and policies in the subdivision chapter, and similarly seek that a range of additional standards are added.¹⁸³ Changes are also sought to the matters of control in SUB-R1, SUB-2 and to the activity statuses.
231. The provisions contained in the Residential Subdivision Chapter reflect only those matters currently contained in Section 7. As the rules in Section 16 will continue to apply I do not agree with the additional standards being added as this would duplicate, overlap or conflict with those in Section 16. The matters of control and discretion are largely those in the Operative Plan, with some additions which relates to the proposed new residential framework. My understanding is that under the NP Standards subdivision rules are required to be located within a specific 'Subdivision' chapter, and therefore when Section 16 is reviewed, these residential subdivision rules would be shifted into that chapter. As such, a full review has not been undertaken. I therefore consider that a review of the 'merits' of the approach, including specific drafting of assessment matters, is better left to the time when the subdivision provisions as a whole are reviewed. I do however agree with making amendments to standards which have no effect, such as those relating to Section 220 of the RMA, which applies regardless of whether it is stated again in the matters of control or discretion. I consider a full discretionary activity status for boundary adjustments which do not meet the density requirements is more appropriate than narrowing consideration to only the area of the proposed allotments, as there may be flow-on effects from size that need to be considered.
232. Three submitters¹⁸⁴ seek that the rule controlling general residential subdivisions (SUB-R4) is amended so that subdivision is a controlled activity, rather than restricted discretionary, where the density requirements (in SUB-S1) are met. In my opinion, the difficulty with this is that there may be adverse effects arising from a subdivision that are unrelated to density, including servicing or access matters. In my view, the potential implications (costs) of the inability to consider these and to decline such a consent where warranted, outweigh any benefits associated with providing greater certainty to a developer through a controlled activity pathway. I also note that the proposed restricted discretionary activity status is consistent with the Operative Plan so the costs and benefits associated with the approach in PC19 do not change from the status quo.
233. One submitter¹⁸⁵ seeks that SUB-R5 is deleted, noting that the effect of this rule is that it results in any subdivision of more than three lots in the MRZ becoming non-complying unless concurrent land use consent applied for. I note that 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.

¹⁸³ #165 - Paterson Pitts Group (Cromwell)

¹⁸⁴ #81 - John Elliot, #88 - GZR Property Investment Ltd, #123 - Lowburn Viticulture Ltd

¹⁸⁵ #96 - NTP Development Holdings Ltd

However, I agree with the submitter that for a larger landholding it is not reasonable to require land use consents for a whole development to be submitted at the same time. Instead, I consider that the rule should be amended so that it only applies where it relates to the creation of three or more allotments which are 400m² or less, so as to avoid a number of smaller lots being created without the need to obtain a land use consent.

234. One submitter¹⁸⁶ also seeks that a new controlled activity subdivision rule is added for subdivision around existing lawfully established buildings, or buildings approved through a resource consent application, where no vacant allotments are created, on the basis that density will have been addressed through the land use rules or resource consent. While I understand the intent behind this, I do not agree with providing for subdivision of the area around any existing building, as this could lead to minor residential units (established as permitted activities) subsequently being subdivided off from the principal residential unit, creating a loophole in the rule framework. Rather than subdivision around buildings, I consider it appropriate for the rule to relate to existing principal residential units or subdivision applications which are submitted concurrently with, or after the grant of, a land use consent under MRZ-R1.

Recommendation

235. I recommend that a new controlled activity rule is included in the Residential Zones Subdivision Chapter as follows:

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>	
<u>Medium Density Residential Zone</u>	<u>Activity Status: CON</u> <u>Matters of control are restricted to:</u> <u>1. The provision of adequate network utility services, including the location, design and construction of these services.</u> <u>2. The ability to lawfully dispose of wastewater and stormwater.</u> <u>3. The location, design and construction of access, and its adequacy for the intended use of the subdivision.</u> <u>4. Earthworks necessary to prepare the site for development occupation, and/or use.</u> <u>5. Subdivisional design including the shape and arrangement of allotments to:</u> <u>a. facilitate convenient, safe, efficient and easy access.</u> <u>b. achieve energy efficiency, including access to passive solar energy sources.</u> <u>c. facilitate the safe and efficient operation and the economic</u>	

¹⁸⁶ #165 - Paterson Pitts Group (Cromwell)

	<u>provision of roading and network utility services to secure an appropriate and co-ordinated ultimate pattern of development.</u> d. <u>maintain and enhance amenity values.</u> e. <u>facilitate adequate access to back land.</u> f. <u>protect existing water races.</u> 6. <u>The provision of or contribution to the open space and recreational needs of the community.</u> 7. <u>Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways.</u> 8. <u>The provision of esplanade strips or reserves and/or access strips.</u> 9. <u>The provision of services and their adequacy for the intended use of the subdivision.</u> 10. <u>Any financial contributions necessary for the purposes set out in Section 15 of the Plan.</u>	
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236. I recommend that rule SUB-R5 is amended as follows:

SUB-R5	Subdivision <u>resulting in the creation of three or more allotments of 400m² or less</u> in the Medium Density Residential Zone	
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 subdivision is in accordance with that consent. Matters of discretion are restricted to: 1. Those matters set out in SUB-R4.	Activity status when compliance is not achieved with R5.1: NC And the activity complies with the following rule requirements: SUB-S1 Activity status when compliance with rule requirement(s) is not achieved: Refer to Rule Requirement Table.

237. In terms of s32AA, I consider that the controlled activity rule is a more efficient approach, which better recognises that the effects associated with existing or consented principal residential unit are already established and other matters can be addressed through consent conditions. It is therefore still effective at implementing SUB-P1. I consider that the changes to SUB-P5 are also

more efficient, by better targeting the requirement for subdivision and land use consents to smaller allotments, while still ensuring appropriate alignment between the subdivision and land use rules.

17. Minor Changes which are Supported

Submissions and Analysis

238. The following identifies minor matters raised in submissions where I agree that changes to the PC19 provisions are appropriate. These are all improvements in drafting and provide clarity and certainty, but do not change the policy direction or expected outcomes. In some cases, the specific wording recommended in **Appendix 1** may differ from that proposed by a submitter, because while I agree in principle, or in part with the submitter, I consider alternate wording is more appropriate to address the issue identified.

General

- a. Amending various provisions to refer to the maintaining the safety and efficiency of the road 'network' rather than referring to roads, as this more accurately captures the intent of the provisions, and referring consistently to 'road network' rather than 'transport network' when it relates to traffic generation.¹⁸⁷
- b. Amending various references to 'properties' to refer to 'sites'.¹⁸⁸

Chapter Introductions

- c. Amending the introduction to each zone to note the continued relevance of other sections of the Plan.¹⁸⁹
- d. Amending the Introductions to each chapter to: refer to Pisa Moorings in LLRZ and LRZ; and making minor changes to provide further clarity.¹⁹⁰

Objectives and Policies

- e. Amending LLRZ-P3.3, LRZ-P3.3 and MRZ-P4.3 to remove ambiguity arising from the current phrasing "*compatible with / do not compromise...*" and aligning these with the wording used in LLRZ-P5.1, LRZ-P5.1 and MRZ-P6.1.¹⁹¹
- f. Amending the title of SUB-P1 to use consistent terminology.¹⁹²

¹⁸⁷ #165 - Paterson Pitts Group (Cromwell)

¹⁸⁸ #165 - Paterson Pitts Group (Cromwell)

¹⁸⁹ Relates to #128 - Transpower New Zealand Ltd

¹⁹⁰ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

¹⁹¹ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd, #165 - Paterson Pitts Group (Cromwell)

¹⁹² #165 - Paterson Pitts Group (Cromwell)

Rules

- g. Amending LRZ-R1.1 so that it refers to one residential unit per site, not two, on the basis that this was a drafting error and was not intended.¹⁹³ This is consistent with the building typology (detached) anticipated in this zone (under LRZ-O1.1) and aligns with LLRZ-R1.1.
- h. Amending the matters of discretion in the visitor accommodation rules (LLRZ-R6, LRZ-R6 and MRZ-R7) to better clarify the intent.¹⁹⁴
- i. Amending the childcare services rules (LLRZ-R8, LRZ-R8 and MRZ-R9) so that the requirement is for the activity to be 'incidental' to a residential activity, rather than 'ancillary' to it, to clarify that the intent is that the site must also be used for a residential activity and not solely for childcare services.¹⁹⁵
- j. Adding an advice note to the excavation rules (MRZ-R11, LLRZ-R10 and LRZ-R10) which alerts plan users to the requirements for an archaeological authority.¹⁹⁶
- k. Simplifying the title of the 'default' rules (LLRZ-R11, LRZ-R14 and MRZ-R15).¹⁹⁷
- l. Amending the title of SUB-R2 to use consistent terminology.¹⁹⁸
- m. Adding "*resulting in three creation of...*" to the title of SUB-R5 to provide greater clarity.¹⁹⁹

Standards

- n. Amending MRZ-S6 (Setback from internal boundary) (and for consistency, LLRZ-S6 and LRZ-S6) to make the exceptions clearer.²⁰⁰
- o. Limiting the definition of 'noxious activities' to residential zones, as while the currently proposed definition would only apply to these zones, I accept that in future it could form the basis for what is applied in the review of other zones.²⁰¹
- p. Amending the title of SUB-S1 to better reflect the matter it controls.²⁰²

¹⁹³ #111 – Central Otago District Council

¹⁹⁴ #165 - Paterson Pitts Group (Cromwell)

¹⁹⁵ #165 - Paterson Pitts Group (Cromwell)

¹⁹⁶ #112 - Heritage New Zealand Pouhere Taonga

¹⁹⁷ #165 - Paterson Pitts Group (Cromwell)

¹⁹⁸ #165 - Paterson Pitts Group (Cromwell)

¹⁹⁹ #146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

²⁰⁰ #30 - Freeway Orchards, #31 – Goldfields Partnership, #51 - D & J Sew Hoy, Heritage Properties Ltd, #145 - Thyme Care Properties Ltd

²⁰¹ #89 - Horticulture New Zealand

²⁰² #165 - Paterson Pitts Group (Cromwell)

Definitions

- q. Adding a definition for 'boundary adjustment' from the NP Standards.²⁰³

Recommendation

239. I recommend that the provisions identified above are amended as set out in **Appendix 1**.
240. The changes do not require a s32AA evaluation because they relate to improvements to the drafting of the provisions and changes which will provide greater clarity to plan users, without changing their effect.

18. Other Matters Where No Changes Recommended

Submissions and Analysis

241. The following submission points relates to matters not otherwise addressed in this report, where I do not consider (for the reasons set out in the table) that any changes to the PC19 provisions are required.

Sub #	Matter	Analysis
12	Seeks investigation of <i>"what enablers could be put in place to facilitate community heating options"</i> for the MRZ.	In my view such enablers are matters which sit outside the Plan and no change is therefore required to the provisions (noting that my understanding of the submission is that they are not in any case seeking changes to the provisions themselves).
12	Seeks that Standard 10.3.6(iii), as it applies to MRZ, is removed, so that mandatory car parking for households in higher density areas is removed.	This standard applies to the Rural Settlements Resource Area and therefore does not apply to any MRZ area.
21	Reduce setback from margin of lake (in MRZ-S6) from 15m to 7m, to allow <i>"for this unique site to create a space that is suitable for the last lake front site in Cromwell."</i>	In my view it would not be appropriate to reduce the setback simply to allow for lake front buildings in one particular area.
21 165	Define "margin of any lake" to ensure standard is clear.	The proposed standard is consistent with that currently applying in all residential zones (Rule 7.3.6(iii)(a)). I am not aware of any interpretation issues having arisen with the current standard.
31 51 145 165	Non-compliance with density standards (MRZ-S1, LRZ-S1 and/or LLRZ-S1) should be discretionary not non-complying.	I consider the non-complying activity status to be appropriate to signal what density of development (that is not undertaken through a comprehensive residential development consent pathway) is not generally expected to meet the outcomes sought for these zones. I also note that in the case of MRZ, a tiered approach is taken, whereby between 180m ² and 200m ² is already discretionary, allowing for greater flexibility in this zone.
165	Non-compliance with density standards in SUB-S1 should be discretionary not non-complying.	
36	Seeks that Clyde Heritage Precinct is further protected from development provided for under LRZ and MRZ	Section 11 of the District Plan applies to identified heritage precincts and includes controls on new buildings within the Clyde Heritage Precinct. I do

²⁰³ #165 - Paterson Pitts Group (Cromwell)

	Precinct 1 rules, including preservation of historic access and frontages and replication of historic designs in new buildings.	not consider additional controls outside this area to be appropriate in PC19 and would be better considered when Section 11 is reviewed.
41	Supports LLRZ-R8 but seeks a requirement for childcare provider to <i>“engage appropriate relief staff who are non-resident for times off sickness or for holidays”</i> .	This is not a matter that the District Plan can address.
53	Seeks provisions for up to 5 dwellings per property in Rural Resource Area close to town.	Changes to the Rural Resource Area rules are outside the scope of PC19. This is therefore a matter to be considered when the Rural provisions are reviewed.
58	Seeks that the PC19 framework provides for access to properties (such as right of ways becomes legal roads) and requests widening of specific right of ways.	These are not matters that the District Plan can address.
60	Change the activity status for activities not otherwise listed (LLRZ-R11) to restricted discretionary.	The effects of un-specified activities are not all known and therefore a fully discretionary status is more appropriate. In addition, the suggested matters of discretion do not address all matters contained in the relevant policies, and therefore the rule would not implement the policy direction.
60	Apply the definitions of educational facility and community facility to all of Plan not just residential zones.	I consider this to be outside the scope of PC19. The s32 Report notes that the drafting approach has attempted to implement the NP Standards to the extent possible within PC19, with definitions only adopted insofar as they apply to the Residential Chapter. Amending the definitions as they apply to other zones would therefore increase the scope of the plan change as it would alter the effects of all other provisions applying in different zones which are not within the ambit of PC19.
114	Seeks amendments to that part of the ‘Community Facility’ definition which relates to non-residential zones.	
66	Seeks certainty about the paper road from Thelma Place towards McNulty Inlet and what it will be used for.	This is not a District Plan matter.
70	Require notification of larger subdivisions.	In my view it is not appropriate to automatically require such notification. This would be highly inefficient where such subdivisions are consistent with the zone purpose, character and amenity, and would likely result in less subdivision being proposed, which would not assist in meeting the identified demand for growth or assist with addressing housing affordability. The current approach however would allow for notification of any larger subdivisions where the adverse effects were considered on a case-by-case basis to be more than minor.
75	More protection of HPL required.	The Council must give effect to the NPS-HPL. However, it does not apply to residential zones, including sites that were proposed as residential in the Spatial Plans or in PC19 and therefore has limited relevance to PC19.

79	Seeks amendments to Business Resource Area provisions (8.3.6(i)(b)(ii) and 8.3.6(xiv)).	Changes to the Business Resource Area provisions are outside the scope of PC19.
89	Amend Rule 10.3.6)i) c) to require 25m setback.	The changes to Rule 10.3.6(i) have arisen as a consequential change to the new zone framework introduced for residential areas in PC19. The rules in Section 10 do not apply to the zones to which PC19 relates - they apply to the Rural Settlements Resource Area, which is not affected by PC19. The consequential change has arisen simply because some of the rules in Section 10 currently rely on those contained in Section 7, and Section 7 is being replaced by PC19. The consequential changes simply duplicate the existing rules and shift them into Section 10 without change. As PC19 does not include a review of the Rural Settlements Resource Area, it is not within the scope of PC19 to amend the current rules applying within these areas.
90	Requiring all services for subdivisions in Bannockburn outside of Woodfield Estate but on the boundary of Richard Beach Road or paper roads, to be provided from Richard Breach Road.	In my view, it is not appropriate to include this sort of detailed requirement within the District Plan itself. Rather, the provisions provide a framework against which subdivision consents are to be considered, with servicing addressed through consent conditions on subdivisions.
128	Seeks amendments to operative District Plan Map 42 to show extent of area to be rezoned and to show National Grid. Seeks assurance of the continued application of National Grid rules in Section 12, 13 and 16, and inclusion of a new rule which cross-references other sections.	With regards to mapping, the areas to be rezoned are clearly shown on the online maps which form part of PC19. The online maps also include the National Gridlines. I do not consider changes are required. While I agree with submitter that the provisions in Section 12, 13 and 16 continue to apply, I do not consider it appropriate or necessary to include a further rule within this chapter referencing those in other chapters. If this approach were to be taken, all rules that might apply to residential areas would need to be referenced. However as noted earlier, I consider a note can be added to the start of the chapter to highlight to Plan users that other sections of the Plan continue to apply and consider this is a more appropriate way to address the submitter's concerns.
144	Requests more detail about bonds for relocatable dwellings.	Bonds are a matter which can be considered where a relocated building does not meet the permitted activity conditions. The details of any bond would be addressed through the consent conditions associated with such a resource consent.
148 & 150	Not clear in MRZ-R1 what 'activation' means or refers to.	The matters of discretion are aligned with the Medium Density Residential Design Guide, which provides further guidance on this matter.
150	Have concerns that the matters of discretion relating to compatibility with land use (in MRZ-R2) are not clear as to what expectation is when development is adjacent a LRZ or Rural zone	The matters of discretion are aligned with the Medium Density Residential Design Guide, which provides further guidance on this matter.
150	Considers it unclear whether the keeping of animals currently permitted	The 'noxious activity' definition is taken from the list of activities already contained in the Operative

	under the residential chapter would be captured by the definition of 'noxious activity'.	Plan (Rule 7.3.5(i)). I am not aware of any issues having arisen in the interpretation of the current rule. The current 'Keeping of Animals' rule (7.3.6 (viii)) is a separate matter and through review it was determined that such a rule is uncommon in more recent district plans and is more appropriately addressed within a bylaw.
150	Seeks additional clarification on definitions of 'Convenience Retail Activity' and 'Large Format Retailing'	Not clear from submission what change is sought, or what ambiguity arises from the proposed definitions. Additionally I note the definitions are based on those used in other plans, so are not uncommon.
156 161 162	Seeks reinstatement of previous multi-unit development rule	A restricted discretionary rule is already provided within the PC19 package for multi-unit development (LLRZ-R1; LRZ-R1 and MRZ-R1).
161 162	Amend MRZ-R1 and LRZ-R1 to enable up to three units per site before consent is required, and rely on density standard. Remove one unit per site requirement altogether in LLRZ-R1 and rely on density standard.	I do not consider that the density standard on its own is sufficient to achieve the outcomes sought with respect to built form.
161 161	Amend LLRZ-R15, LRZ-R18 and MRZ-R19 so that within hazard areas the activity status is restricted discretionary.	The approach to managing built development in hazard areas, including activity status, reflects the Operative Plan. No review of these has been undertaken as part of PC19 and therefore there is no technical information to support changes to these. My understanding is that under the NP Standards such rules would be required to be located within a Natural hazards chapter, and therefore I consider the appropriate time to review the specific requirements is when the natural hazards matters are reviewed, and these rules shifted into such a chapter. I consider this more appropriate than reviewing the approach now and only in relation to residential zones.
165	Amend LLRZ-R15, LRZ-R18 and MRZ-R19 so that within hazard areas the activity status is discretionary, and other minor drafting changes are made.	
165	Seeks inclusion of non-notification clauses, based on assessment to be undertaken by the Council.	In absence of the identification of particular rules where this should be applied, I am unable to recommend changes.
165	Seeks addition of "unique" to the policies applying to precincts in the LLRZ (LLRZ-P6 and PREC-P7).	I do not consider this necessary, as the key direction is that the existing character is retained; whether it is unique or not is, in my opinion, not relevant to the direction.
165	Amending the signage rules (LLRZ-R9, LRZ-S9 and MRZ-R10) to increase size of signs and clarify what the sign refers to.	The requirements for signage reflect those in the Operative Plan (7.3.6(vii)). No review of these has been undertaken as part of PC19. My understanding is that under the NP Standards such rules would be required to be located within a specific 'Signs' chapter, and therefore I consider the appropriate time to review the specific requirements is when all signage provisions are reviewed, and these rules shifted into such a chapter.
165	Adding an additional policy in relation to the Clyde Heritage Precinct, to set direction for why different bulk and location standards apply.	This is an existing precinct already identified in Section 11 of the District Plan. This contains the direction as to why the bulk and location standards differ in this area, i.e. the provisions are to achieve

		the objectives in both the MRZ and those in Section 11.
169	Further assessments be undertaken of potential reverse sensitivity effects, and rules, policies and objectives included to mitigate reverse sensitivity effects.	I note that no specific wording has been proposed, nor identification of the issues arising from the provisions as currently proposed. In my view, the approach taken in PC19 to managing residential zones is broadly consistent with other plans.
170	Questions why Māori Purpose Zones haven't been considered in PC19.	PC19 is focussed on implementing the residential development and zoning proposed in the Spatial Plans, which did not include any MPZ areas. As acknowledged by the submitter, these areas may be considered in future reviews of other zones.
170	Matter of discretion for community facilities and retirement villages are inappropriately long, making them more fully discretionary in practise. Suggest revising down.	While I understand the submitter's point, I consider that the matters set out are appropriate and therefore in refining them, either matters that I consider are important to consider would be left out, or the current matters would simply be combined to make them appear smaller, while not actually reducing them in effect.

19. Conclusion

242. For the reasons set out in this report, I recommend that PC19 is approved, subject to changes being made to the proposed provisions, asset out in **Appendix 1**. These changes are either minor and therefore consistent with the original s32 evaluation, or a further evaluation under s32AA has been set out in this report. This recommendation does not extend to the application of the residential zones to particular areas which will be addressed in a separate Section 42A report.



Liz White

24 March 2023