

SUBMISSION ON PROPOSED PLAN CHANGE 19 (PUBLIC) THAT IS SUBJECT  
TO FULL NOTIFICATION

PLAN CHANGE 19 – RESIDENTIAL ZONING

To: **Central Otago District Council**  
Attention: Principal Policy Planner  
By email: [districtplan@codc.govt.nz](mailto:districtplan@codc.govt.nz)

**Name of Submitter:** Wooing Tree Development Partnerships Limited ('the Submitter' or 'WTDPL')

1. This is a submission on Plan Change 19 (Public) (**PC19**) to the Central Otago District Council Operative District Plan (**the district plan**) prepared by Central Otago District Council (**CODC**). PC19 proposes to:
  - Amend planning Maps by rezoning any land currently within the 'Residential Resource Area' to new Large Lot, Medium Density and Low-Density Residential zones
  - Delete Chapter 7 of the district plan in full and replace it with a new 'Residential Zones' chapter
  - Insert new definitions from the national planning standards to apply to the new residential chapter provisions; and
  - Make consequential changes necessary to other parts of the district plan.

**Background**

2. The Submitter owns the 22.6283-hectare property at 64 Shortcut Road, Cromwell (referred henceforth as '**Wooing Tree Estate**'), which sits broadly to the north of State Highway 8B between Ludgate-Cromwell Road to the west and Shortcut Road to the east.
3. The Submitter is in the middle of the staged subdivision / development of Wooing Tree Estate and has obtained resource consent under the Covid-19 Recovery (Fast-Track Consenting) Act 2020 for subdivision of that land. Specifically:
  - (a) 276 residential lots, seven residential superlots of between 750m<sup>2</sup> and 3,000m<sup>2</sup>,

(b) The Fast-Track consent also provides for a buffer strip around the State Highway 6 and 8B site frontages and the northern boundary (which adjoins residential properties) of between 4.3 and 15m, although these are generally 15m along state highways and 10m along the northern boundary.

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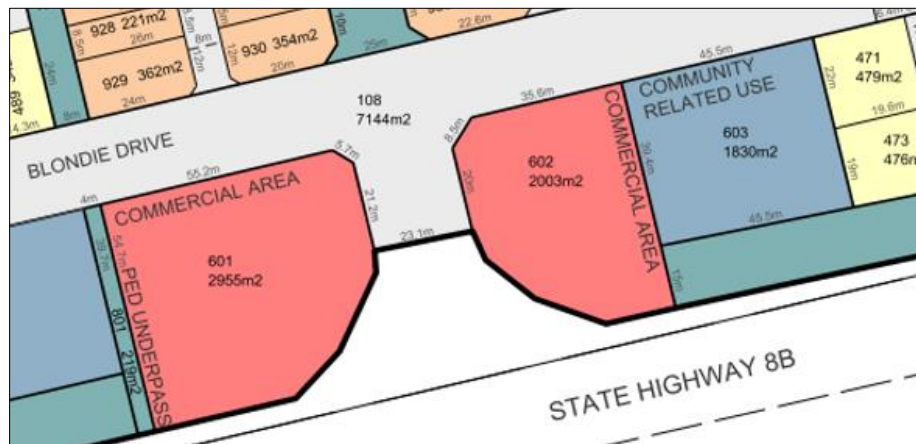
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## Scope of Submission

7. This submission relates to PC19 in its entirety.

## The Submission is:

8. The Submitter **SUPPORTS PC19 IN PART** as it relates to the introduction of medium density residential standards in Cromwell. This is subject to the Submitter's requested relief being granted and matters raised in its submission being addressed. In particular, and without limiting the generality of the above:
  - (a) The Submitter supports the proposed Medium Density Residential Zone across Wooing Tree Estate
  - (b) The Submitter supports the rezoning of the existing State Highways 6 and 8B 'buffer land' from Rural to Medium Density Residential zone.
  - (c) The Submitter supports the use of a 'Building Line Restriction' to ensure an appropriate buffer between the adjoining SH6 and 8B and future development of Wooing Tree Estate, rather than the Rural Zone previously used to achieve this outcome
  - (d) The submitter supports the permitted residential density of 1:200m<sup>2</sup> provided for within the Medium Density Residential Zone
  - (e) The Submitter supports the provision for Comprehensive Residential Development within the Medium Density Residential Zone
  - (f) The Submitter supports the enabling of visitor accommodation
9. While the Submitter supports in part the proposed zoning and provisions as they relate to Wooing Tree Estate, the Submitter seeks a number of amendments to PC19 which are set out in further detail below. In particular, but without limiting the generality of the above:
  - (a) The Submitter opposes the deletion of Business Resource Area entirely from Wooing Tree Estate. The Submitter considers that the operative Business Area is not in the most appropriate location within Wooing Tree Estate, and instead requests that approved Lots 601 and 602 be zoned to fall within the Business Area. WTDPL has obtained resource consent on the basis of operative zoning which anticipates the ability to achieve commercial development on Lots 601 and 602, which sit immediately to the east and west of the main road into Wooing Tree Estate from the Barry Avenue roundabout (as detailed in the image below).



Note: The residential superlots in orange at the top of the image are indicatively shown as further subdivided in this image. Their formal consented status is as superlots.

The operative Business Resource Area (2) provides for 4,000m<sup>2</sup> of retail within Wooing Tree Estate, within which there can be five tenancies of 200m<sup>2</sup>, whereas the proposed MDR zone provides only for 'Convenience Retail Activities' which do not exceed 150m<sup>2</sup> in gross floor area. What WTDPL is asking for the planning maps to be amended to include Resource Area - Business Area to align with the locations identified in the Fast-Track consent. Additionally, again to align with the expectations set out in the approved resource consent(s), Resource Area – Business Area standards as they apply to Wooing Tree Estate (Lots 601 and 602) can be amended to reduce the total area of commercial / retail activity across Wooing Tree Estate to 1,000m<sup>2</sup> and the maximum tenancy size to 350m<sup>2</sup>.

In the event that site-specific Business Area 'zoning' request is not adopted, the Submitter notes as an alternative that the 'Convenience Retail Activities' cap within the Residential Zone be increased to 1,000m<sup>2</sup> and tenancies allowed up to a maximum of 350m<sup>2</sup>.

Relief sought:

- (i) Planning maps are amended to include Business Resource Area (2) on Lots 601 and 602, as per approved subdivision consent; and
- (ii) Amend Standard 8.3.6(i)(b)(ii) to increase the maximum gross floor area cap on retail from 200m<sup>2</sup> to 350m<sup>2</sup>; or
- (iii) As an alternative to (i) and (ii) above, amend the definition of 'Convenience Retail Activities' as per below:

*Convenience Retail Activities means any retail activity that provides goods required on a day to day basis and which does not exceed ~~150m<sup>2</sup>~~ 350m<sup>2</sup> in gross floor area per tenancy and a total of 1,000m<sup>2</sup> per site.*

- (b) PC19 includes a Building Line Restriction along much of the external boundary of Wooing Tree Estate which seeks to establish a 30m setback of development from State Highways 6 and 8B. While this partly accords with the operative Rural Resource Area notation across Wooing Tree Estate, it does not align with the consented buffer of between 4.3m and 15m (mainly 15m alongside State Highway 6 and 8B, 10m in the north and a 4.3m strip at the Barry Avenue roundabout) along the State Highway frontages of the property.

Accordingly, the Submitter requests that the proposed Building Line Restriction be moved to establish a buffer that is consistent with the consented subdivision layout. Note that WTDPL proposes the introduction of a new building line restriction along the northern boundary of Wooing Tree Estate as this was a commitment as part of the Fast-Track consenting process. WTDPL does not rescind that commitment and wants to ensure it is reflected on the planning maps to provide certainty to the residential neighbours to the north of Wooing Tree Estate.

Relief sought:

Amend the planning maps as they relate to Wooing Tree Estate to move the building line restriction to accord with the outcomes enabled through the approved Fast-Track consent for Wooing Tree Estate. Specifically, the building line restriction would range between 4.3m and 15m from the external boundaries of Wooing Tree Estate, being mainly 15m alongside State Highway 6 and 8B, 10m in the north and a 4.3m strip at the Barry Avenue roundabout.

As a consequential amendment to the above relief, WTDPL requests the deletion of proposed Rule 8.3.6(xiv) as follows:

~~*In the Business Resource Area (2) in the Wooing Tree Overlay Area no building shall be located within 30 metres to the northern boundary of the Wooing Tree Overlay Area.*~~

- (c) The Submitter requests that the density cap of 1:180m<sup>2</sup> applying to a Comprehensive Residential Development Plan be amended to enable development to a density of 1:150m<sup>2</sup>. The comprehensive nature of such developments ensures that a coordinated approach to the overall amenity outcomes is able to be undertaken. The requested change would enable greater flexibility and design outcomes.

Relief sought:

Amend Standard MRZ-S1 (Density) as follows:

**Where:** MRZ-S1.1 is not met, but the minimum site area per unit is ~~180m<sup>2</sup>~~ 150m<sup>2</sup>:

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- (d) Associated with the above request, the Submitter seeks recognition within the definition of Comprehensive Residential Development Plan that the definition applies to the land subject to the wider development rather than the individual sites embodied within that land as they result of a first phase of subdivision.

The Submitter agrees that 3,000m<sup>2</sup> is an appropriate minimum size for the block of land subject to comprehensive development, however believes that any superlots subsequently created that may be smaller than 3,000m<sup>2</sup> should not be excluded from the benefits of the Comprehensive Residential Development Plan pathway. Superlots are a commonly used approach to land development across Otago and the rest of New Zealand. The Panel's approval of seven superlots as part of the Fast-Track process shows that this is a reasonable and appropriate approach to the comprehensive development of Wooing Tree Estate. However, some of the consented superlots within Wooing Tree Estate are less than 3,000m<sup>2</sup> (between 750m<sup>2</sup> and 3,000m<sup>2</sup>) and have been consented on the basis of future, comprehensive development as part of WTDPL's larger land development project.

Comprehensive development is about trying to promote different types of housing. For terrace housing it is common that you would not follow through with subdivision around terrace houses until the development is completed. Super lots of less than 3,000m<sup>2</sup> are entirely appropriate for terrace housing products, and should not be excluded from the Comprehensive Residential Development pathway simply because there has been a superlot process as an intermediate

step in the land development process.

The Submitter notes that in practical terms it is possible to deliver comprehensive development on smaller Lots. While the Submitter seeks as a minimum to enable Comprehensive Residential Development on Wooing Tree Estate, it considers that it would be appropriate to amend the definition of Comprehensive Residential Development Plan to explicitly state that superlots created as part of a Comprehensive Residential Development Plan continue to benefit from that activity pathway, even when they are smaller than 3,000m<sup>2</sup>. The key is that the land is being developed on a comprehensive and master planned basis.

Relief sought:

Amend the definition of 'Comprehensive Residential Development Plan' as set out below:

*"Comprehensive Residential Development Plan means a comprehensively planned and designed residential development where the application site is greater than 3,000m<sup>2</sup>. For completeness, superlots created as part of a Comprehensive Residential Development Plan continue to benefit from the activity, even when they are less than 3,000m<sup>2</sup>"*

- (e) The Medium Density Residential Zone provides for Visitor Accommodation as a discretionary activity where servicing more than six guests (Rule MRZ-R7). The Submitter supports the residential zoning but requests an amendment such that Visitor Accommodation in the Medium Density Residential Zone, where within 500m of the town centre, is a restricted discretionary activity. This will incentivise Visitor Accommodation close to the town centre and thus reinforcing the Council's policies of supporting town centre. It will also enable the overall outcomes upon which the Submitters approved resource consent has been designed and approved, which includes Visitor Accommodation across Lot 604. The proposed Medium Density Residential Zone is otherwise an appropriate zoning for Lot 604 and will provide appropriate alternatives to Visitor Accommodation if that activity does not occur on the site. It is the Submitter's clear priority that the zone does provide for Visitor Accommodation.

Relief sought:

Insert new Restricted Discretionary Activity rule under MRZ-R7 (Visitor Accommodation), as follows:

*Activity status for Visitor Accommodation located within 500m of a town centre when compliance is not achieved with R7.1 or R7.2: **Restricted Discretionary***

***Matters of discretion are restricted to:***

- 1. The design of road frontages and frontages to open spaces in relation to pedestrian safety (including CPTED principles), activation, entrance recognition, access and servicing.*
- 2. Scale and form of the buildings including building / roof forms, façade design and material use, recognising these are large residential structures.*
- 3. External design and appearance of the building(s).*
- 4. Management of privacy, views and sunlight access for neighbours including those on-site.*
- 5. The balance between hard and soft landscaping and the extent to which landscaping enhances visitor amenity.*
- 6. The location, size and quality of private and common open spaces, including orientation, privacy, and access to internal area.*
- 7. The location, useability and screening or service, storage and waste management areas.*
- 8. The adequacy of car parking*
- 9. The management of noise associated with any communal activities including restaurants and bars.*

- (f) The current provisions provide an exemption from Setback from internal boundary and Height in relation to boundary requirements where buildings adjoin (i.e. attached housing). It does not however contemplate zero lot development. Wooing Tree Estate is being developed with the opportunity to undertake zero-lot development, with the approved Fast Track resource consent enabling that outcome. The Submitter considers that zero lot development can result in improved residential amenity outcomes, particularly where setback requirements are ‘pooled’ into a single yard on one side of a dwelling. The Submitter seeks the amendment of standard (MRZ-S6) to enable a zero-lot built form outcome.

Once the subdivision occurs creating the zero-lot line opportunity, the building

would be a permitted activity.

Relief sought:

Amend Standard MRZ-S6 (Setback from internal boundary) as follows:

*Any building or structure shall be setback a minimum of:*

1. *1m from any internal boundary ~~except that:~~*

*a. this does not apply to common walls along a site boundary, or to an uncovered deck less than 1m in height); and*

*b. where an approved subdivision consent creates the opportunity through the implementation of appropriate legal mechanisms for access to maintain, zero-lot line development may occur on one side boundary where a 2m setback is provided on the other side boundary; and*

2. *15m from the margin of any lake,*

- (g) The Submitter seeks the amendment of the proposed 40% maximum building coverage standard to be set at 50%. This would ensure consistency with medium density residential standards introduced by the Resource Management (Enabling Housing and Other Matters) Amendment Act 2021. To facilitate medium density residential, there does need to be a degree of flexibility. The urban design analysis as part of the MDRS and across other planning jurisdictions in New Zealand shows that 50% coverage is appropriate for providing for the types of built form outcome associated with medium density residential development, while also achieving an appropriate balance in terms of landscaping and amenity outcomes. MDR zone is a small proportion of the Central Otago residential zoning and for this small area it is appropriate to increase the coverage to 50%.

Further to the above, the Submitter considers that building coverage for Comprehensive Residential Development should not be pre-determined. Rather, it should be assessed on the merits in terms of the whole development. Accordingly, the Submitter requests that the Building Coverage standard (MRZ-S4) be amended to articulate this outcome. The assessment of any building coverage as part of a Comprehensive Residential Development would be part of

the broader assessment of the application and would not warrant specific assessment matters.

Relief sought:

Amend Standard MRZ-S4 (Building Coverage), as follows:

*The building coverage of the net area of any site must not exceed ~~40%~~ 50%. This standard does not apply where a Comprehensive Residential Development Plan is in place.*

- (h) Associated with request (g) above, the Submitter notes that it is common in many planning jurisdictions to exempt eaves from the definition of building coverage. This may be particularly meaningful if the proposed 40% maximum building coverage is retained.

Relief sought:

Amend the definition of 'Building Coverage', as follows:

*Building Coverage: in relation to any site within a residential zone, means the percentage of the net site area covered by the building footprint, including any part of the eaves or spouting that projects more than 750mm horizontally from the exterior wall of the building.*

- (i) The Submitter seeks the amendment of the proposed 30m<sup>2</sup> ground floor outdoor living space to accord with the 20m<sup>2</sup> requirement set out in the Resource Management (Enabling Housing and Other Matters) Amendment Act 2021. The 20m<sup>2</sup> requirement is well proven as delivering appropriate on-site amenity for medium density housing across various planning jurisdictions and aligns with the MDRS requirements.

Relief sought:

Amend Standard MRZ-s7 (Outdoor Living Space), as follows:

*Each residential unit must have an exclusive outdoor living space:*



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c/- Tattico

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# Plan Change 19 - Wooing Tree - Submission - Final 010922

Final Audit Report

2022-09-01

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