In the Environment Court of New Zealand
Christchurch Registry

I Te Kooti Taiao O Aotearoa

Ōtautahi Rohe ENV-2024-CHC-

Under	the Resource Management Act 1991 (the Act)
In the matter of	an appeal under Clause 14(1) of the First Schedule of the Act
And in the matter of	the decisions by Central Otago District Council in respect of the Proposed Change to the District Plan (Plan Change 19)
Between	**Shamrock Hut Limited** Appellant
And	**Central Otago District Council** Respondent

Notice of Appeal of Shamrock Hut Limited on the Central Otago District Council Plan Change 19

Dated 9 August 2024

LRB Legal
PROJECTS . ENVIRONMENTAL . INFRASTRUCTURE

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To: The Registrar
Environment Court
Christchurch

1 **Shamrock Hut Limited** ('**SHL**') appeals against the decisions of the Central Otago District Council (the '**Respondent**') on the Proposed changes to the District Plan ("**PC19**").

2 SHL made a submission (number 95) on PC19.

3 SHL is not a trade competitor for the purpose of section 308D of the Act.

4 SHL received re-notification of the decision on 27 June 2024.

5 The decision was made by the Respondent.

Provisions being appealed

6 The decisions that SHL is appealing are the Respondent's decisions on the PC19 that relate to residential density and subdivision for the Low Density Residential Zone.

7 In particular, SHL appeals the Respondent's decisions on the following provisions:

a LRZ – S1;

b SUB-S1(3); and

c SUB – R6.

General reasons for the appeal

8 The general reasons for this appeal are that, in the absence of the relief sought, the Respondent's decisions:

a Would be inconsistent with national direction, including the Ministry for Environment, National Policy Statement for Urban Development 2020;

b Would be inconsistent with clear economic and social indicators being experienced, and projected to worsen, within the district. Which is reflected in numerous studies and reports, including the Cromwell Housing Assessment, by Rationale, September 2021;

c Will not promote the sustainable management of resources, and will therefore not achieve the purpose of the Act, including by not meeting the reasonably foreseeable needs of future generations;

d Will not promote the efficient use of natural and physical resources;

e Do not represent the most appropriate way to achieve the objectives of the PC19, as required by section 32 of the RMA; and

f Will not assist the Respondent in achieving Part 2 of the Act by providing for the use of natural and physical resources in a way which enables people and communities to provide for their social, economic and cultural wellbeing (section 5(2)).

Reasons for appeal of particular provisions

9 Without limiting the generality of paragraph 8, the reasons of SHL for appealing the provisions listed above are:

a The current zoned Low Density Residential land is infrastructure ready (in fact has infrastructure in place) and is well-integrated socially into the residential areas of Cromwell. It is not consistent with good planning practice, nor does it make economic sense to 'down zone' these areas in place of developing new residential zones, or upzoning other established and already developed, residential areas in the district.

b The Cromwell Housing Assessment report and sales and rental statistics for the area illustrate that demand for housing in the district has grown exponentially, and is predicted to continue. There has also shown to be a shortfall in housing and property stock in the market. This has come at the expense of affordability for many current and aspiring residents. In efforts to address this it is crucial that the Respondent facilitates the provision of a mixture of housing stock and options.

c The amendments to LRZ-S1 and SUB-S1(3) are inconsistent with national planning framework. The NPS-UD provides clear direction to local authorities that they need to plan for growth and provide greater development capacity, in a well managed and appropriate way.

The NPS-UD applies to *'planning decisions by any local authority that affect and urban environment.'*[1]

2.1 Objectives

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

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

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

(a) the area is in or near a centre zone or other area with many employment opportunities

(b) the area is well-serviced by existing or planned public transport

(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

2.2 Policies

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(a) have or enable a variety of homes that:

(i) meet the needs, in terms of type, price, and location, of different households; and

(ii) enable Māori to express their cultural traditions and norms; and

(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

(e) support reductions in greenhouse gas emissions; and

(f) are resilient to the likely current and future effects of climate change.

It would be contrary to the intentions of the NPS-UD to 'down zone' and remove development potential from long existing, functioning residential areas.

Relief sought

10 SHL seeks the following relief:

a Amendments to the provisions listed above (and any related provisions) in order to address the reasons for the appeal as set out in this notice,

[1] NPS-UD 1.3(1)(b)

specifically (our amendments to the decisions version of the PC19 in underline/~~strike out~~):

i SUB-S1(3): Where a reticulated sewerage system is available or is installed as part of the subdivision the minimum size of any allotment shall be no less than ~~40~~250m^2

ii LRZ-S1:

1. Where the residential unit is connected to a reticulated sewerage system,:

a. the minimum site area no more than one residential unit is provided per unit is ~~40~~250m^2, or

b. on any site less than ~~40~~250m^2, one residential unit per site.

b Such further or alternative relief, or ancillary changes, that resolve the concerns set out in this notice of appeal; and

c Costs

11 The following documents are attached to this notice of appeal:

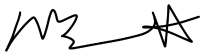
a **Appendix A**: A copy of the submission and statement of SHL on PC19; and

b **Appendix B**: A list of names and addresses of persons to be served with this notice of appeal; and

c **Appendix C**: A copy of the relevant parts of the decision.

12 SHL agrees to participate in mediation or other alternative dispute resolution mechanism.

Dated 9 August 2024



Lauren Barnett
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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the part of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix A Submission and statement of Shamrock Hut Limited on PC19

Before The Hearings Panel appointed by the Central Otago District Council

Under	the Resource Management Act 1991
And	
In the Matter	of Central Otago District Council's Plan Change 19.

Statement of **Sean Dent** for Crossbar Trust (S94), Shamrock Hut Limited (S95), and Sean Dent (S93)

Dated: 24th April 2023

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INTRODUCTION

Qualifications and Experience

1. My name is Sean Dent. I am a resource management planning consultant and a Director of Southern Planning Group (2017) Limited (**Southern Planning Group**). I live in Cromwell, Central Otago.

2. I hold the qualification of Bachelor of Resource Studies from Lincoln University which I obtained in 2005 and I am an Associate Member of the New Zealand Planning Institute. I have been a resource management planning consultant with Southern Planning Group for 16 years. Prior to this I was employed as a resource consent processing planner and compliance officer with Lakes Environmental (formerly CivicCorp) for approximately two years.

3. Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances before various District and Regional Councils, and the Environment Court.

4. From the variety of working roles that I have performed as described in the previous paragraphs, I have acquired a sound knowledge and experience of the resource management planning issues that are faced in the Central Otago District.

5. Notwithstanding my professional background and qualifications, this statement, and my future appearance before the Hearings Panel regarding Plan Change 19, is made in my personal capacity as a resident, and a landowner within the Cromwell area of over thirteen years.

6. Specifically, I am the sole landowner of 63 Antimony Crescent, Cromwell (S93), a Director of Shamrock Hut Limited (S95) which owns 71 Waenga Drive, Cromwell, and I am a business partner and friend to the trustees of the Crossbar Trust (S94) that own 47 Erris Street, Cromwell.

SCOPE OF STATEMENT

7. The topics covered in my statement are as follows:

   (a) the zoning of the submitter's sites;

   (b) residential density & subdivision;

(c) minor residential units;

(d) visitor accommodation;

(e) summary.

8. I have read the Section 42A Report prepared by Ms Liz White (Council's consultant planner).

THE ZONING OF THE SUBMITTERS SITES

9. All three of the submitter's sites are proposed to be located within the Low Density Residential Zone.

10. The submitters agree with the application of the Low Density Residential Zone being applied to their properties, however, concerns are held regarding the density, minimum allotment sizes, and management of visitor accommodation that the Council is promoting. These concerns are covered in more detail below.

RESIDENTIAL DENSITY & SUBDIVISION

11. The original submissions opposed the Standard LRZ-S1 and SUB-S1(3) which restrict residential density (where a reticulated sewer system is available) and minimum allotment size for subdivision in the Low Density Residential Zone respectively, to 1 unit per 500m^2 or a minimum allotment size of 500m^2.

12. All three submitters that I am representing today purchased their properties based on being subdividable in the future under the existing density/minimum allotment provisions in the Operative District Plan (minimum Lot size of 250m^2).

13. The changes proposed in PC19 subsequently mean that the properties of submitters 93 and 95 which are located at 63 Antimony Crescent and 71 Waenga Drive are no longer subdividable without a Non-Complying Activity Consent – a status which indicates it would only be approved in exceptional situations.

14. In terms of submitter 94, their property at 47 Erris Street will change from having the potential of four residential units/four Lots to two.

15. For landowners such as these submitters that have made a conscious investment in their properties on the basis that they are further developable (at minimum lot sizes/densities of 1 unit per 250m^2), what has been proposed in PC19 will have significant financial effects on property values, and ultimately our respective economic well-being.

16. I can confirm that the intention of all three submitters, was that when debt levels were suitably reduced on the affected properties, subdivision and re-development of the properties is the long term intended outcome. The existing residential units are comfortable and meet the healthy home standards but are old (dam era or older) and therefore, there is economic benefit from their removal and subsequent re-development of the properties.

17. Ms White outlines she has been advised (but does not state by who) that the current density provisions have been around since around 1990 but development has rarely occurred at this density. An assumed reason for this is the unlikely ability to put a compliant residential unit on a smaller site under the current bulk and location provisions.

18. In part, I agree with Ms White's assumptions, however, I also consider that as I have noted above, re-development of existing sites is often more feasible on a long-term basis. For example, the submitters properties at 63 Antimony Crescent and 71 Waenga Drive would have had residential units of 10 – 15 years old on them in the early 1990's and their current configuration on the properties doesn't easily provide for subdivision or location of secondary additional residential units.

19. As stated above, the submitters have purchased the properties on the basis that the existing residential units will be nearer their need for replacement once the debt on the properties is paid down (i.e., within the next five to ten years they will be 50 + years old) and that subdivision and development is intended at this point.

20. Therefore, with the amendments to the bulk and location provisions sought by PC19, infill development and/or complete re-development at the existing densities/lot sizes of 1 unit per 250m^2 or lot sizes down to 250m^2 is highly likely to be taken up by the submitters.

21. Maintaining the ability for infill development of existing residential sections down to the current densities within the proposed Low Density Residential

Zone will provide a greater housing supply and a range of densities to accommodate the differing needs of the district's residents.

22. I also consider that the difference between allowing a minor residential unit on the properties of up to 90m^2, particularly those at 63 Antimony Crescent and 71 Waenga Drive, will have a negligible difference in residential character and amenity than if these sites were subdivided into two lots and the resultant Lots each had a residential unit.

23. Excluding garages, both these properties have residential units of approximately 106m^2 in area and therefore, the difference in effects on residential character between having an additional 90m^2 residential building (minor unit) or a similarly sized 100m^2 + residential unit on a separate section are considered similar.

24. I understand that the Council is concerned about achieving the zone purpose which in part states:

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

25. In this regard, the Council's PC19 seeks to 'relocate' higher density development to the Medium Density Residential Zones identified in PC19 to increase development capacity and maintain a more traditional Low Density Residential Zone environment.

26. In my opinion, maintaining residential density and subdivision in the Low Density Residential Zone down to 250m^2 can maintain low density characteristics and integrate with the existing environment.

27. It is important to note that not every site in this zone would be developed or subdivided down to the minimum 250m^2. Not every landowner will have the financial means or the desire to subdivide and develop their site. Accordingly, the existing low-density characteristics and open space are unlikely to change immediately, or to the extent of detrimentally altering the character of the Zone.

28. Further, the Medium Density Residential Zone provides for development of different housing typologies by increasing height limits i.e., 11m and three storeys, and provides for comprehensive residential development plans. Both are significant differences to the Low Density Residential Zone provisions and differentiate the two proposed zones and their potential residential character, density, and levels of amenity.

29. Should the Council be concerned about the effects of a higher density of built form and its ability to maintain the existing low-density characteristics because of effects of development on adjoining sites, there are ways other than removing existing development rights that can be utilised.

30. For example, the QLDC Proposed District Plan allows for a higher level of residential density in their Low Density Suburban Residential Zone where any site below 900m^2 in net area which seeks to have more than one residential unit is required to adhere to a lesser height limit (7m for a single residential unit and 5.5m for a second residential unit).

31. Additional height restrictions such as this can assist in reducing the effects of dominance, privacy, shading etc. on adjoining properties whilst still enabling an increase in housing density and maintain existing levels of development rights.

32. The submitters would be supportive of the same control being imposed to enable a greater density at land use stage. The smaller section sizes and notified provisions for setbacks and recession planes is considered to adequately control these effects for subdivision down to 250m^2.

MINOR RESIDENTIAL UNITS

33. The submitter's support proposed Rule LRZ-R2 which provides for the establishment of minor residential units with a maximum floor area of 70m^2 – 90m^2 (over 70m^2 to include garaging).

34. In my opinion, this is a significant improvement over the ODP provisions which will enable greater diversity in housing typology and provide for the economic well-being of residential property owners by enabling an income stream to offset mortgage/building costs.

35. The provision of minor residential units (residential flats) has been common place in other District Plan's[1] for years and has been a well-used housing typology that enables a diversity of housing options in a housing market where demand outstrips supply.

36. It is also my experience both personally and professionally that there are existing minor units in the Central Otago District that are unconsented because the landowners do not like the idea/risk of going through a resource consent process for a 'multi-unit' development under the current provisions.

37. Changing the provisions as proposed, and subsequently enabling these types of development will in my opinion, increase housing supply and diversity of living opportunities, but by incentivising them, Council will obtain the development contributions from their known existence, and safety will be improved (in terms of the Building Act) with plumbing and fire-rating being assessed which is not the case with the unconsented minor units I am currently aware of.

38. I have read the Section 42A Report and agree with the amendments to Rule LRZ-R2.1 proposed by Ms White[2] that the number/density of minor residential units is amended to one per principal residential unit.

VISITOR ACCOMMODATION

39. The submitters support enabling the use of a residential unit for short term visitor accommodation as specified in Rule LRZ-R6. However, the submitters consider there is no clarity around what level of use is 'ancillary' to residential activity as required by the proposed Rule.

40. For example, I have not identified anything in the Rule that could prevent somebody having a residential unit that they reside in for six months of the year and then let it out for short term rents on Air BnB.

41. With no specified level of permitted use in the Rule, in the event of Council receiving complaints, the frequency of visitor accommodation use and whether it is 'ancillary to' residential activity will be difficult to monitor and enforce.

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[1] *QLDC Operative and Proposed District Plans*
[2] S42A Report paragraphs 98 – 103.

42. As identified in the submissions, visitor accommodation can in some situations, result in issues with anti-social behaviour that affect residential amenity for adjacent neighbours, and which can be exceedingly difficult to resolve particularly when there is no enforcement available from the Council (other than excessive noise directions issued under Section 327 of the RMA for breaching Section 16 of the Act).

43. I acknowledge that this can occur in a residential situation as well. I have personally lived in a situation in Cromwell, where frequent excessive noise by adjacent residents was unable to be controlled by the Council's enforcement officer(s) and it makes life unbelievably difficult. Ultimately, I was left to resolve the situation myself and I do not wish to risk being put in this situation again. I consider that uncontrolled visitor accommodation can heighten this risk as most people using AirBnB's are on holiday and while most people are respectful, people on holiday are in my opinion likely to have a higher propensity to drink and wish to stay up later and potentially affect residential amenity.

44. I am also aware of such situations having occurred in the QLDC on properties used for visitor accommodation when I was working as a compliance officer.

45. Accordingly, to protect the residential amenity of residents, the submitters had recommended a tiered consenting approach be imposed.

46. The tiered approach put forward in the submissions replicated the approach of the QLDC in the notified version of their Proposed District Plan. I can confirm that this approach was under appeal at the time of drafting the submissions.

47. The appeal between QLDC and AirBnB Australia Pty Ltd (and others) has been resolved via Consent Order[3]. The tiered approach identified for the Low Density Suburban Residential Zone which I consider would be appropriate in the PC19 Low Density Residential Zone is as follows:

    - Permitted up to 90 nights per annum (cumulatively on a site i.e., between residential units and minor units (residential flats in the QLDC PDP), the let is to one group at any one time, the maximum

[3] *Consent Order dated 30th January 2023*

occupancy is 2 adults per bedroom, outdoor space is not used between 10am and 7pm and a range of record keeping and management controls. The full revised Standard in the QLDC PDP is attached as **Appendix [A]**.

- Anything above 90 nights per annum (cumulatively on a site) requires a Restricted Discretionary Activity Consent where the following matters of discretion apply:

  a. The location, nature, and scale of activities;

  b. Vehicle access and parking;

  c. The management of noise, rubbish, recycling, and outdoor activities;

  d. Privacy and overlooking;

  e. Outdoor lighting;

  f. Guest management and complaints procedures;

  g. The keeping of records of residential visitor accommodation use, and availability of records for Council inspection; and

  h. Monitoring requirements, including imposition of an annual monitoring charge.

48. I would support this simplified tiered regime being incorporated into the Low Density Residential Zone provisions in PC19. In my opinion, this identifies a threshold of use that is 'ancillary' to permanent residential activity and enables a landowner/family to go away on an extended holiday and cover some of their costs by a period of short-term letting of their permanent residential unit which has an economic benefit for them, and some very basic management controls to ensure residential amenity for neighbours is maintained.

49. Allowing for short-term letting over 90 nights per annum as a Restricted Discretionary Activity ensures that any longer-term application of short-term letting can be adequately controlled through a resource consent and suitably enforced (if ever necessary).

50. The effects of visitor accommodation are in my opinion, well understood and the suggested matters of discretion provide a comprehensive list of considerations that are not overly restrictive, but which are also broad enough that an inappropriate proposal could be refused.

51. Ms White has recommended that in the Central Otago context, a tiered regime (as suggested in the original submissions) 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 there being a corresponding benefit[4].

52. I disagree entirely with Ms White and in my opinion, the costs of gaining a resource consent for this activity vs the potential return is a negligible concern. The letting of a single residential unit, whilst dependent on the time of year and quality of the unit, can return several hundred dollars a night. The cost of a resource consent process would therefore be covered from a handful of nights of short-term letting and would remain in perpetuity provided that the activity did not cease to occur on the site for a period greater than 12 months[5].

53. Regardless, the revised tiered approach that I have outlined above, more closely aligns that which was notified by the Council in PC19 and provides for a Permitted level of letting whilst providing for protection of residential amenity from longer term and more 'commercial like' visitor accommodation in residential neighbourhoods.

CONCLUSION

54. Overall, it is my opinion that the changes outlined above to the provisions relating to density/subdivision, and visitor accommodation will result in a more efficient use of the proposed Low Density Residential Zone.

55. However, the changes are not considered to be detrimental to the Low Density Residential Zone character and amenity values when compared with the ability to provide for minor residential units, the suggested height controls for multi-unit development at land use stage, and the differentiation that will

[4] *S42A Report, Paragraph 114*

[5] *RMA Section 10(2) regarding existing use rights*

occur with the height and building typology provided for in the identified Medium Density Residential Zone.

56. The changes to the visitor accommodation provisions still enable a low level of Permitted short-term letting activity whilst protecting residential amenity and character.

57. Overall, the amendments recommended above are considered to appropriate in the context of the Resource Management Act 1991.

Sean Dent

24 April 2023

	Standards for activities in the Lower Density Suburban Residential Zone	Non-compliance status
		mitigation to manage the location of the building.
7.5.15	Road Noise - State Highway Any new residential buildings or buildings containing Activities Sensitive to Road Noise, located within: a. 80 metres of the boundary of a State Highway that has a speed limit of 70km/h or greater; or b. 40 metres of the boundary of a State Highway that has a speed limit less than 70km/h. shall be designed, constructed and maintained to ensure that the internal noise levels do not exceed 40dB LAeq(24h) for all habitable spaces including bedrooms.	NC
7.5.16	Building Restriction Area Where a building restriction area is shown on the District Plan web mapping application, no building shall be located within the restricted area.	NC
7.5.17	Home Occupation 7.5.17.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity. 7.5.17.2 The maximum number of two-way vehicle trips shall be: a. heavy vehicles: none permitted; b. other vehicles: 10 per day. 7.5.17.3 Maximum net floor area of 60m². 7.5.17.4 Activities and storage of materials shall be indoors.	D
7.5.18	Residential Visitor Accommodation <u>where:</u> 7.5.18.1 <u>The total nights of occupation by paying guests on a site do not exceed a cumulative total of 90 nights per annum from the date of initial registration.</u> ~~Must not exceed a cumulative total of 90~~	RD Discretion is restricted to: a. The location, nature and scale of activities; b. <u>vehicle access and parking;</u>

	Standards for activities in the Lower Density Suburban Residential Zone	Non-compliance status
	~~nights occupation by paying guests on a site per 12 month period.~~ 7.5.18.2 A single residential unit (inclusive of a residential flat) must be rented to a maximum of one (1) group of guests at any one time.~~Must not generate any vehicle movements by heavy vehicles, coaches or buses to and from the site.~~ 7.5.18.3 The number of guests must not exceed 2 adults per bedroom and the total number of adults and children must not exceed: • 3 in a one-bedroom residential unit • 6 in a two-bedroom residential unit. • 9 in a three-bedroom or more residential unit~~Must comply with the minimum parking requirements for a residential unit and/or residential flat (whichever is used for the residential visitor accommodation activity) in Chapter 29 Transport.~~ 7.5.18.4 No vehicle movements by a passenger service vehicle capable of carrying more than 12 people are generated. 7.5.18.5 Outdoor space is not used between the hours of 10:00pm and 7:00am and sign/s are installed and visible from the outdoor space advising the permitted hours of use. 7.5.18.6 Rubbish and recycling is not left on/adjacent to the road, except on the day of collection. 7.5.18.7 The activity is registered with Council prior to commencement. 7.5.18.8 Council is provided with the following information at the time of registration: (a) the contact details of the person and/or organisation responsible for managing the property and responding to any complaints; and (b) confirmation that the immediately adjacent neighbouring properties,	~~The location, provision, use and screening of parking and access;~~ c. ~~The management of noise, outdoor lighting, use of outdoor areas, rubbish and recycling~~The management of noise, rubbish, recycling and outdoor activities; d. ~~The compliance of the residential unit with the Building Code as at the date of the consent~~Privacy and overlooking; e. ~~Health and safety provisions in relation to guests~~Outdoor lighting; f. Guest management and complaints procedures; g. The keeping of records of ~~RVA~~ residential visitor accommodation use, and availability of records for Council inspection; and h. Monitoring requirements, including imposition of an annual monitoring charge. ~~All other sites:~~ ~~Standard 7.5.18.1:~~ ~~91-180 nights RD~~ ~~>180 nights NC~~ ~~All other Standards:~~ ~~NC~~ ~~For RD non-compliance with Standard 7.5.18.1 discretion is restricted to:~~ ~~i. The nature of the surrounding residential context, including its residential amenity values, cohesion and character, and the effects of the activity on the neighbourhood;~~

	Standards for activities in the Lower Density Suburban Residential Zone	Non-compliance status
	including any property with shared access arrangements, have been provided written notice that the property is to be used for residential visitor accommodation and the contact details of the person and/or organisation responsible for managing the property and responding to any complaints. 7.5.18.9 The information required by Standard 8 is reviewed and resubmitted to Council on an annual basis (from the date of registration of the activity), including the annual provision of written notice to neighbours required by Standard 8.b. 7.5.18.10 Up to date records of the activity are kept including: (a) a record of the date and duration of guest stays and the number of guests staying per night; and (b) a detailed record of any complaints received and remediation actions taken. 7.5.18.11 The records required by Standard 10 are provided to Council on an annual basis from the date of registration and made available for inspection by Council with 24 hours' notice. Note: The Council may request that records are made available to the Council for inspection, at 24 hours' notice, in order to monitor compliance with rules 7.5.18.1 to 7.5.18.3.	~~j. The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;~~ ~~k. The scale and frequency of the activity, including the number of guests on site per night;~~ ~~l. The management of noise, use of outdoor areas, rubbish and recycling;~~ ~~m. The location, provision, use and screening of parking and access;~~ ~~n. The compliance of the residential unit with the Building Code as at the date of the consent;~~ ~~o. Health and safety provisions in relation to guests;~~ ~~p. Guest management and complaints procedures;~~ ~~q. The keeping of records of RVA use, and availability of records for Council inspection; and~~ ~~r. Monitoring requirements, including imposition of an annual monitoring charge.~~
7.5.19	Homestay 7.5.19.1 The total number of paying guests on a site does not exceed five per night.~~Must not exceed 5 paying guests on a site per night.~~ 7.5.19.2 No vehicle movements by a passenger service vehicle capable of carrying more than 12 people are generated.~~Must comply with minimum parking~~	~~Standards 7.5.19.1 and 7.5.19.2:~~ ~~RD~~ ~~All other Standards:~~ ~~NC~~RD ~~For non-compliance with Standards 7.5.19.1 and~~

FORM 5
SUMBMISSION ON PROPOSED CENTRAL OTAGO DISTRICT PLAN – PLAN CHANGE 19

Clause 6 of Schedule 1, Resource Management Act 1991

To: Central Otago District Council

Submitter Details:

Name of submitter:	Shamrock Hut Limited
Address for Service:	Shamrock Hut Limited 63 Antimony Crescent Cromwell 9310 Attention: Sean Dent sean@southernplanning.co.nz 021 946 955

1. **This is a submission on the Proposed Central Otago District Plan – Plan Change 19.**

2. **Trade Competition**

The submitter could not gain an advantage in trade competition through this submission.

3. **Omitted**

4. **Shamrock Hut Limited's submission is that:**

4.1 Shamrock Hut Limited "**the submitter**" is the landowner of 71 Waenga Drive, Cromwell legally described as Lot 27 DP 17252 as illustrated in Figure 1 below:

Figure 1. Submitters Property. Source – CODC GIS 01.09.22

4.2 The subject site is 625m^2 in area and held in Record of Title OT12C/1470.

4.3 In terms of the Operative District Plan **"ODP"** the subject site is zoned Residential Resource Area as illustrated in Figure 2 below:

Figure 2. ODP Zoning. Source – CODC GIS 01.09.22

4.4 In the Proposed District Plan **"PDP"** the subject site is zoned Low Density Residential Zone as illustrated in Figure 3 below:

Figure 3. PDP Zoning. Source – CODC GIS 01.09.22

The submitter generally **opposes** the PDP for the following reason:

Zoning

4.5 The submitter opposes all Objectives, Policies, and Rules of the PDP that address the maximum density, minimum allotment size and visitor accommodation activities for the Low Density Residential Zone. The following comments are made in respect of these matters:

Residential Density

4.6 The submitter opposes Standard LRZ-S1 which provides for a maximum density (where connected to reticulated wastewater) of one residential unit per unit per 500m^2 site area.

4.7 The submitter considers that retaining the status quo for density under the ODP (one residential unit per 250m^2 site area) is more appropriate in an established residential area than introducing new and more restrictive site density provisions.

Minor Residential Units

4.8 The submitter supports Rule LRZ-R2 which provides for the establishment of one minor residential unit with a maximum floor area of 70m^2 – 90m^2 (over 70m^2 to include garaging). In the submitter's opinion, this is a significant improvement over the ODP provisions which will enable greater diversity in housing typology and provide for the economic well-being of residential property owners by enabling an income stream to offset mortgage/building costs.

Visitor Accommodation

4.9 The submitter supports enabling the use of a residential unit for short term visitor accommodation as specified in Rule LRZ-R6. However, the submitter considers there is no clarity around what level of use is 'ancillary' to residential activity as required by the proposed Rule.

4.10 Further, with no specified level of permitted use in the Rule, in the event of Council receiving complaints, the frequency of visitor accommodation use and whether it is 'ancillary to' residential activity will be difficult to monitor and enforce.

4.11 In addition, visitor accommodation can in some situations result in issues with anti-social behaviour that affect residential amenity for adjacent neighbours, and which can be exceedingly difficult to resolve particularly when there is no enforcement available from the Council (other than excessive noise directions issued under Section 327 of the RMA for breaching Section 16 of the Act).

4.12 Accordingly to protect the residential amenity of future residents when the submitters land is subdivided, the submitter opposes Permitted visitor accommodation and requests that a tiered approach is imposed I.E.

- Controlled Activity Consent for up to 90 nights use,
- Restricted Discretionary for 91 – 180 nights use and
- Non-Complying for 181 – 365 nights use.

4.13 Matters of control should include:

a. The scale of the activity, including the number of guests on site per night;
b. The management of noise, use of outdoor areas, rubbish, and recycling;
c. The location, provision, use and screening of parking and access;
d. The compliance of the residential unit with the Building Code as at the date of the consent;
e. Health and safety provisions in relation to guests;
f. Guest management and complaints procedures;
g. The keeping of records of RVA use, and availability of records for Council inspection; and
h. Monitoring requirements, including imposition of an annual monitoring charge.

4.14 Matters of discretion should include:

a. The nature of the surrounding residential context, including its residential amenity values and character, and the effects of the activity on the neighbourhood;
b. The cumulative effect of the activity, when added to the effects of other activities occurring in the neighbourhood;
c. The scale and frequency of the activity, including the number of nights per year;
d. The management of noise, use of outdoor areas, rubbish, and recycling;
e. The location, provision, use and screening of parking and access;
f. The compliance of the residential unit with the Building Code as at the date of the consent;
g. Health and safety provisions in relation to guests;
h. Guest management and complaints procedures;
i. The keeping of records of RVA use, and availability of records for Council inspection; and
j. Monitoring requirements, including imposition of an annual monitoring charge.

Other LDRZ Rules and Standards

4.15 The submitter notes that there are other Rules and Standards not specifically addressed in paragraphs 4.1 to 4.14 above. While the submitter has no direct comments on these remaining provisions and generally supports these as notified, it is noted that they will have a bearing on the development and activities that can be undertaken within their land.

4.16 Accordingly, in terms of scope of their submission, the submitter retains an interest in all Rules and Standards of the LDRZ and any consequential amendments that may be made to the notified provisions through the plan change process.

Subdivision

4.17 The submitter supports Rule SUB-R4 which provides for subdivision of land in the LDRZ as a restricted Discretionary Activity (subject to compliance with the Standards).

4.18 However, the submitter opposes Standard SUB-S1(3) which requires a minimum allotment size of 500m^2 for subdivision in the LDRZ (where connection to a reticulated wastewater network is available).

4.19 As noted above in paragraph 4.7, it is considered that the status quo of the ODP should continue with a density/minimum allotment size of 250m^2.

5. The submitter seeks the following decision from the Central Otago District Council:

- That the relevant Objectives, Policies and Provisions of the LDRZ and Subdivision Chapters of Plan Change 19 are amended to take into account the concerns raised in the body of this submission;

- The submitter also seeks such further or consequential or alternative amendments necessary to give effect to this submission, and to:

  (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act");

  (b) meet the reasonably foreseeable needs of future generations;

  (c) enable social, economic, and cultural wellbeing;

  (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.

6) The submitter wishes to be heard in support of their submission.

7) If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.

Sean Dent on behalf of Shamrock Hut Limited

Date…02 September 2022

Appendix B List of names and addresses of persons to be served

Appendix B - Parties to be served with appeal

Ministry of Education	sara.hodgson@beca.com
Bruce Anderson	brucespack@gmail.com
Karen Anderson	bandy@xtra.co.nz
Samuel Paardekooper	Sampaardekooper@gmail.com
Jones Family Trust and Searell Family Trust	Craig@townplanning.co.nz
NTP Development Holdings Ltd	sean@southernplanning.co.nz
John and Mary Fletcher	stewart@fletcherconsulting.co.nz
Maddy Albertson	albertsonmaddy@gmail.com
John and Barbara Walker	jbwalker@xtra.co.nz
John Morton as trustee for J and DM Morton Family Trust	johndaph55@gmail.com
Cairine Heather MacLeod	campbell@chasurveyors.co.nz
Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd	campbell@chasurveyors.co.nz
Kathryn Adams	katadamsnz@gmail.com
Landpro Limited	walt@landpro.co.nz
Sugarloaf Vineyards Ltd	wmurray@propertygroup.co.nz
Paterson Pitts Group (Cromwell)	rachael.law@ppgroup.co.nz
Christian Paul Jordan	christianpauljordan@hotmail.com
Holly Townsend	townsendholly@ymail.com
Shanon Garden	shanon@navigateproperty.co.nz
Rowan and John Klevstul and Rubicon Hall Rod Ltd	office@townplanning.co.nz
Werner Murray	carolynwerner@mac.com
Stephen Davies	steve.d@xtra.co.nz
Topp Property Investments 2015 Ltd	wmurray@propertygroup.co.nz
Wally Sandford	mrwallysanford@gmail.com
Brian De Geest	brian@degeest.com
Thyme Care Properties Limited	rachael.law@ppgroup.co.nz , nbulling@pggwrightson.co.nz
Freeway Orchard	rachael.law@ppgroup.co.nz
Goldfields Partnerships	rachael.law@ppgroup.co.nz
Molyneux Lifestyle Village	rachael.law@ppgroup.co.nz
M&G Stewart	rachael.law@ppgroup.co.nz
D&J Sew Hoy, Heritage Properties Ltd	rachael.law@ppgroup.co.nz

Appendix C Copy of the relevant parts of the PC19 decision

3 Statutory Framework

50. The relevant statutory framework for assessing PC19 are set out in the s32A Evaluation Report and in the s42A Reports (Stage 1 and Stage 2).

51. In summary, this requires an evaluation of 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)).

52. In addition, an assessment of the plan change must also have regard to:

    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));
    c. for any proposed rules, the actual and potential effect on the environment of activities including, in particular, any adverse effect (s76(3)); and
    d. must take into account any relevant iwi management plan (s74(2A)).

53. This decision addresses these matters and commences with an evaluation of the key issues raised in submissions and evidence.

4 Evaluation of Key Issues Raised in Submissions

54. This section considers the submissions and further submissions that were received in relation to PC19, excluding those seeking changes to the zoning of specific areas, which are addressed Section 5.

4.1 National Policy Statement for Urban Development (NPS-UD)

Issue Identification & Evidence

55. A number of submitters[8] were of a view that the Council is a Tier 3 authority under the NPS-UD and as such is required to give effect to the aspects of the NPS-UD that apply to a Tier 3 authority.

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

56. The matters raised in submissions included:

    a. The definition of "urban environment" does not include reference to a timespan, the time reference in the NPS-UD of up to 30 years should be applied, rather than considering the life of the District Plan produced under the Resource Management Act 1991[9].
    b. The Council is required to review a plan every ten years, it is considered more likely that the current framework and zoning would be in place for 15-20 years[10].
    c. That Bannockburn, Lowburn, Pisa Moorings and Cromwell Township / the Cromwell Ward [11]; or Bannockburn, Lowburn and Clyde [12]; or Pisa Moorings, Cromwell, Alexandra and Clyde[13] are sufficiently connected or linked to be part of a housing and labour market, and in considering them together, the threshold is, or will be reached.

57. The Panel notes that the Central Otago District Council has not identified an urban environment that would make Central Otago District Council a Tier 3 local authority in terms of the NPS-UD. Through Minute 4, legal advice was sought on whether the Hearing Panel is required to determine if Central Otago contains an urban environment to which the NPS-UD applies, or whether this is a matter for the Council itself to determine; and what time frame should be applied to the "intended to be" element of the NPS-UD.

58. The advice received from Jayne Macdonald from MacTodd was that while the Council has based PC19 on their interpretation of urban environment, the Hearings Panel is able to make a determination of the latter; and that it would be consistent and logical for the "intended to be" timeframe to be over the 30-year long term period addressed in the NPS-UD.[14]

59. Several submitters considered that PC19 would better give effect to the NPS-UD provisions if it provided a more flexible range of residential densities and additional greenfield zoning[15]; the shortfall in Pisa Moorings and Bannockburn is better met through re-zoning of additional land in those areas; the growth projections overestimate capacity and may not provide sufficient zoning[16]; and the future growth overlay approach retains a rural zoning and the land is not "plan-enabled".

Representations of James Gardner-Hopkins (#163 - Rowan and John Klevstul, #161 – Sugarloaf Vineyards Ltd, #162 – Topp Property Investments 2015 Ltd), paras 12-18.

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

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

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

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

[13] Stage 1 Evidence of Janne Skuse (#161 - Topp Property Investments 2015 Ltd), paras 12-16.

[14] Legal Advice, MacTodd Lawyers 11 August 2023.

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

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

60. Mr Barr[17] and Mr Giddens[18] in evidence both considered that the NPS-UD can only be given effect to if the shortfall in capacity in Bannockburn is rectified, noting that housing capacity provided in Cromwell is for a different type of housing (e.g. LRZ and MRZ) than that in Bannockburn.

Panel Findings

61. Section 75 (3) (a) of the RMA requires a District Plan to give effect to any National Policy Statement.

62. The Panel has decided that while it is able to make a decision regarding whether or not the Central Otago District Council is a Tier 3 authority, they would prefer to consider the matters raised in terms of providing for future residential growth across the district within the context of the submissions received and the actions required of a Tier 3 authority.

63. As indicated in Ms Whites reply, under Clause 1.5(1) Tier 3 local authorities are strongly encouraged, but not required to do the things which Tier 1 and Tier 2 authorities are required to do.

64. The NPS-UD is intended to operate over three timeframes. Short Term (1-3 years), Medium Term (3-10 years) and Long Term (10-30 years). The development capacity to be provided over these timeframes requires consideration of infrastructure funding and planning.

65. The Panel considers that suggestions from some submitters that townships be linked together to form an urban environment in the context of the NPS-UD (forming a Tier 3 urban environment), to be at odds with submitters also requiring variety needs to be provided within each of these townships.

66. The Panel agrees with Ms White in her written reply[19], that variety should be considered as a whole, rather than township by township and that sufficient variety of residential zones proposed in PC19 is sufficient to give effect to the requirements of the NPS-UD, and that a shortfall in one area is not automatically inconsistent with the NPS-UD if sufficient capacity is provided overall.

67. The NPS-UD requires that sufficient capacity is provided to meet demand and the Panel is of the view that it is appropriate for the Council to determine where it is best to provide capacity and variety. In the context of the Cromwell and Vincent wards this has been done through the development of the Cromwell and Vincent Spatial Plans.

68. The Panel is aware that in Lowburn and Bannockburn, the Cromwell Spatial Plan supported the growth of housing, but this was explicitly stated as being balanced with the current section sizes and retaining the character of these areas.[20]

69. In response to a question from the Panel, Mr Barr indicated that in his view the application of the NPS-UD allowed for Council to be more positive to zoning additional land, without being restricted by consideration of infrastructure provision. The panel does not agree with this assertion and notes that objective 6 of the NPS-UD requires decisions on urban

[17] Stage 2 Evidence of Craig Barr ((#82 - Jones Family Trust and Searell Family Trust), paras 6.52-6.53.
[18] Stage 2 Evidence of Brett Giddens (#163 - Rowan and John Klevstul), paras 44-45.
[19] Reply Report – Liz White, para 17.
[20] Page 44 & 45 Cromwell Spatial Plan.

development to be integrated with infrastructure planning and funding decisions.

70. Clause 3.2(2) of the NPS-UD directs that at least sufficient development capacity is provided to meet expected demand for housing, but that in order to be considered sufficient, the development must be '*infrastructure-ready*'.

71. What is considered infrastructure-ready is defined by clause 3.4(3) of the NBPS-UD as follows:
    a. Short-term (being 0-3 years) *there is adequate existing development infrastructure to support the development of the land*;
    b. medium term (3-10) *funding for adequate infrastructure to support development of the land is identified in a long-term plan* and
    c. long term (10-30), *development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy.*

72. Re-zoning in terms S32 of the RMA is required to be the most appropriate option and under the NPS-UD contribute to a well-functioning urban environment. This requires the Panel to consider alternate options that might better address any shortfall, rather than supporting a finding that any particular rezoning/density increase is justified under the NPS-UD on a capacity basis.

73. While the Panel agrees with Mr Barr and Mr Giddens that it is important to consider the supply of LLRZ development in addition to LRZ and MRZ, we do not agree that the NPS-UD requires Council to zone any additional zoning sought through submissions to meet a shortfall in demand in a particular area in order to give effect to the NPS-UD, provided sufficient capacity is provided across the urban environment.

4.2 Low Density Zone - Density

Issues Identification & Evidence

74. Several submitters have requested the retention of a minimum allotment size of 250m2.[21] Ms White in her Stage 1 section 42A report recommended that the minimum allotment size be reduced to 400m2. A number of submitters indicated agreement with Ms Whites recommendation.[22]

75. Several parties also expressed concerns about the yield assessment undertaken by Rationale,[23] in relation to the LRZ, questioning the methodology used. The concerns, being that the modelling overestimates PC19 development capacity, particularly in terms of the feasibility of the capacity that is assumed. In relation to the proposed minimum allotment

[21] #93 Sean Dent, #94 Crossbar Trust, #95 Shamrock Hut Ltd, #144 Wally Sandford, #149 Kathryn Adams, #156 Werner Murray, #166 Christian Paul Jordan.
[22] #150 Landpro (Brodie Costello); #165 Patterson Pitts Group Cromwell, #21 Brian De Geest, #145 Thyme Care Properties Limited, #30 Freeway Orchard, #31 Goldfields Partnerships, #32 Molyneux Lifestyle Village, #33 M & G Stewart, #51 D & J Sewhoy and Heritage Properties (Rachael Law).
[23] For example, #156 - Werner Murray, Stage 2 Evidence of Rachael Law (#51 – D & J Sew Hoy, Heritage Properties Ltd), para 14, Stage 2 Evidence of Brodie Costello (#150 – Landpro Ltd), paras 12-16, Stage 2 Evidence of Jake Eastwood (Stephen Davies - #147), para 6.17 and 6.21-6.25.

size in LRZ, some parties consider that this potential overestimation of capacity supports providing a lower minimum lot size.

Panel Findings

76. The panel agrees with the recommendation in the Stage 1 s42A, and Ms Whites reply that a minimum allotment size of 400m2 would be appropriate to enable allotments of between 800m2 and 1000m2 the opportunity to create an additional allotment, and that a 400m2 minimum average be retained with a 250m2 minimum lot size be provided for to allow more flexibility while retaining an overall average density of 400m2.

77. Similarly, the panel also agrees with Ms Whites recommendation that where an existing site is 800m2+, it would be appropriate to allow for two residential units or a two-lot, without both lots needing to meet the 400m2 minimum, which would maintain the overall density, while providing greater flexibility and more efficient use of existing sites, particularly where there is an existing house that need not be removed. [24]

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

79. In Minute 4 the Panel allowed Ms White to circulate proposed changes to the relevant submitters for comment on the drafting. Ms White advises that Ms Skuse has indicated that the recommended changes would provide a practical approach to infill subdivision.

80. Accordingly, the panel considers it appropriate to amend SUB-S1 as follows:

Low Density Residential Zone	*3. Where a reticulated sewerage system is available or is installed as part of the subdivision the minimum size of any allotment shall be no less than ~~4~~500m^2.* *4. Where a reticulated sewerage system is not installed or available, the minimum size of any allotment shall be no less than 800m^2.*	***Where:*** *5. SUB-S1.3 is not met, but the minimum size of any allotment is no less than 250m^2, the minimum average allotment size is no less then 400m^2 and only one additional allotment is created:* ***RDIS*** ***Matters of discretion are restricted to:*** *a. Those matters set out in SUB-R4.* ***Where:*** *SUB-S1.4 or SUB-S1.5 is not met:* ***NC***

81. Amend LRZ-S1 as follows:

[24] Section 42A reply report para 31.

LRZ-S1	Density	Activity Status where compliance not achieved:
Low Density Residential Zone	1. Where the residential unit is connected to a reticulated sewerage system~~,~~: a. ~~the minimum site area~~ no more than one residential unit is provided per ~~unit is~~ ~~5~~4$00m^2$ ~~.~~, or b. on any site less than $400m^2$, one residential unit per site. 2. Where the residential unit is not connected to a reticulated sewerage system, no more than one residential unit ~~dwelling~~ is provided per $800m^2$.	**NC**

4.3 Medium Density Zone Site Coverage

Issues Identification & Evidence

82. There are several submissions seeking changes to site coverage rules in the Medium Density Zone.

83. Mr Costello[25] in his evidence considers that providing a higher building coverage will assist in encouraging infill development, he also notes that the proposed Queenstown and Porirua District Plans both propose a 45% building coverage in their medium density zones.

84. Similarly, Mr Duthie[26] supports an increased site coverage of 50%, excluding eaves and Ms Law[27] is seeking a higher site coverage limit of 60%.

85. The panel through Minute 4 requested advice from Boffa Miskell who prepared the Medium Density Guidelines in relation to the difference in outcome between a 40% site coverage and a 45% site coverage.

86. The advice received from Boffa Miskell and subsequently circulated confirms that a more open and spacious feel within the Central Otago context remains an appropriate outcome but that an additional 5% building coverage would seem to accommodate more built form at lower levels, without excessive loss of landscape coverage or sense of openness.

Panel Findings

87. The Panel agrees with Ms White in her reply that a 45% site coverage provides an appropriate balance between achieving more open and spacious outcomes sought in the

[25] Stage 1 Evidence of Brodie Costello (#150 – Landru Ltd)
[26] Stage 1 Evidence of John Duthie (#79 – Wooing Tree)
[27] Stage 1 Evidence of Rachael Law (#165 - Patterson Pitts Group Cromwell, #21 - Brian De Geest, #145 - Thyme Care Properties Ltd, #30 - Freeway Orchards, #31 - Goldfields Partnership, #32 - Molyneaux Lifestyle Village Ltd, #33 - M & G Stewart, #51 - D & J Sewhoy, Heritage Properties Ltd)