

**UNDER THE**

Resource Management Act 1991 (**Act**)

**IN THE MATTER OF**

An appeal under Clause 14(1) of the First Schedule to the Act

**BETWEEN**

**BRIAN DE GEEST**

Appellant

**AND**

**CENTRAL OTAGO DISTRICT COUNCIL**

Respondent

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**NOTICE OF APPEAL AGAINST DECISION ON PLAN CHANGE 19 TO THE CENTRAL OTAGO  
DISTRICT PLAN**

**08 AUGUST 2024**

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**Christchurch**

Counsel acting: Gerard Cleary  
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Anthony  
Harper 

**TO: The Registrar  
Environment Court  
Christchurch**

**Notice of Appeal**

1 Brian De Geest (**Appellant**) appeals against a decision made by the Central Otago District Council (the **Respondent**) to reject his submission on Plan Change 19 to the Central Otago District Plan (**PC19**):

2 The Appellant made a submission and further submission on PC19.

3 The Appellant is not a trade competitor for the purposes of section 308D of the Act.

4 The Appellant received notice of the Respondent's decision on PC19 on 07 June 2024. The decision on PC19 was re-notified by way of public notice dated 27 June 2024, this public notice advising that the closing date for lodging appeals on PC19 was amended to 09 August 2024.

5 The decision was made by a hearings panel appointed by the Respondent.

**Details of De Geest Submission and Respondent's Decision**

6 The Appellant owns a 4.8ha block of land, legally described as Lot 1 DP 23948 and situated north of State Highway 8B adjacent to Lake Dunstan and State Highway 8 (**Land**).

7 The location of the Appellant's land is illustrated in Figure 1 below:



8 Under the current Operative District Plan, the Land is zoned as Residential Resource Area 3 (RRA(3)).

9 The relief sought by the Appellant in his submission on PC19 was summarised by the Respondent in its Summary of Submissions:

*Amend proposed zoning for Lot 1 DP 23948 (current RRA (3) zoning north of State Highway 8B adjacent to Lake Dunstan and State Highway 8 to Medium Density; remove 30m Building Line restriction adjacent to State Highway 8; MRZ-R11 (2) - remove reference to volume; MRZ-R13 - remove requirement to comply with MRZ-S4 (building coverage) and amend RDIS matters accordingly to exclude MRZ-S4. MRZ-S6 (2) - reduce the setback from Lakes from 15m to 7m*

10 The decision on PC19 was to reject the relief sought in the Appellant's submission.

11 The relevant part of the decision dealing with the Appellant' submission is Section 5.5.1: *PC19 Proposed Zoning Cromwell: North Cromwell.*

12 The Hearings Panel recorded the range of relief sought within submissions on the North Cromwell area and relevant evidence supporting these submissions, including planning evidence on behalf of Mr. De Geest in support of a medium density residential zone (MRZ) for the Land.

13 The Hearings Panel stated at paragraphs 184-191:

#### *5.5.1 North Cromwell*

*184. The Panel notes there are some larger blocks within the area that are not developed, including those of Mr Mitchell, D & J Sew Hoy Heritage Properties, and De Geest. The Panel further notes that because they are larger properties, they could be more comprehensively developed at a higher density under the recommended approach to Comprehensive Residential Development. Ms White has also suggested that it may be appropriate to apply LLRZ Precinct 1 (1,000m<sup>2</sup> minimum) to these properties, because they would be able to be developed in a more integrated manner, rather than through infill.*

*185. While the development at this higher density would have a slightly different character to that of the overall area, the Panel agrees with Ms White that it would not undermine the character of the LLRZ areas (because it would apply only to discrete sites, rather than infill throughout the area) and would provide for more variety.*

*186. The Panel also agrees with Ms White that a different zoning being applied to larger undeveloped sites within these areas is appropriate and that LLRZ Precinct 1 is the equivalent of the current zoning of the De Geest site and aligns with the density sought by Mr Mitchell.*

*187. With respect to the MRZ sought by Ms Law<sup>49</sup>, the Panel does not consider that the proximity of these sites to the McNulty Inlet are sufficient to justify their rezoning to MRZ. The area is not within a walkable distance to either commercial areas or other key community facilities unlike MRZ identified in on the outskirts of Alexandra are proposed to be supported by addition of a new commercial area, and other MRZ areas towards edge of Cromwell township are located close to commercial areas. By contrast, the Spatial Plan does not propose commercial activity in the McNulty Inlet area.*

188. [Not Quoted]

**Panel Findings**

189. The Panel agrees with Ms White that MRZ is not appropriate in this area and that LLRZ (Precinct 1) is appropriate to be applied to the larger ‘greenfield’ sites (including the De Geest and Heritage Properties sites) providing for a higher level of development on these sites, and in addition, the Comprehensive Residential Development pathway would allow for development below the minimum allotment sizes otherwise applying, where it is undertaken in a comprehensive manner.

190. Having considered the submissions, section 42A recommendations, evidence presented at the hearing and Ms Whites reply, the Panel is of the view that LLRZ should be applied to the areas north of State Highway 8B (excluding Wooing Tree), other than those areas identified in red in figure 5.

191. That the LLRZ (P1) is applied to the properties identified in red in figure 5. Figure 5 – North Cromwell LLRZ (P1)



Figure 5 – North Cromwell LLRZ (P1)

- 14 In sum therefore, the Panel rejected the MRZ sought for the Land in the Appellant's submission and instead decided that it should be rezoned as Large Lot Residential (LLRZ) Precinct 1 with a minimum lot size requirement of 1000m<sup>2</sup>. This is the same density enabled by the current RRA (3) zoning.
- 15 The objectives, policies, rules and standards for the LLRZ (Precinct 1) are set out in Appendix 1 to the Decision: *PC19 Provisions as Amended by Decisions*.



16 In respect of LLRZ (Precinct 1), Appendix 1 contains the following specific Objective LLRZ -O3 and Policy LLRZ-P6:

**LLRZ -O3 Precincts 1,2 & 3**

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

**LLRZ -P6 Precinct 1**

*Provide for development within Precinct 1 at a density consistent with the existing character of the precinct.*

17 A further Policy LLRZ-P9: *Comprehensive Development* provides:

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

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

18 To implement Policy LLRZ-P9, Appendix 1 includes a specific Rule LLRZ-R12 which provides that Comprehensive Residential Development is a Restricted Discretionary Activity if specified average density standards are met. For a site within the LLRZ (Precinct 1), an average density standard of 1500m<sup>2</sup> applies (LLRZ-R12.1 (b)). Failure to meet this standard results in non-complying activity status.

19 Relevant density standards for LLRZ Precinct 1 are:

<b>LLRZ -S1</b>	<b>Density</b>	<b>Activity Status where compliance is not achieved</b>
<b>Precinct 1</b>	<p>3. <i>The minimum site area per residential unit is 1000m<sup>2</sup></i></p> <p>4. <i>On any site less than 1000m<sup>2</sup>, one residential unit per site.</i></p>	<b>NC</b>



- 23.3 Development of the Land to a higher density than enabled by the LLRZ (Precinct 1) provisions can be appropriately and efficiently serviced by infrastructure.
- 23.4 The Decision places an undue emphasis on the maintenance of amenity within the North Cromwell area and fails to consider counterbalancing factors associated with the enablement of greater residential development within this area, which is in close proximity to Central Cromwell and a range of public facilities. As such, the Land is in an excellent location to provide for a higher density of residential development.
- 23.5 Enabling greater residential development within this area is more appropriate to achieve the purpose of the Act and will better provide for the economic and social wellbeing of Cromwell and the Central Otago District.
- 23.6 In terms of the Objectives, Policies and associated rules for development within LLRZ Precinct 1 as they apply to the Land, in theory these enable greater density of residential development of the Land particularly through the Comprehensive Residential Development (CRD) consent process. However, in practice it is unlikely that the CRD consent mechanism will deliver any additional supply of residential development over and above the overall yield anticipated by the density standards applying to LLRZ Precinct 1. This is due in large part to the requirement that the average gross site area is required to be 1500m<sup>2</sup> in LLRZ-R12 and the associated SUB-R5.
- 23.7 The inconsistency between the average density standard of 1500m<sup>2</sup> in LLRZ-R12/SUB-R5 and the lower minimum allotment size of 1000m<sup>2</sup> in LLRZ-S1 and SUB-S1 has not been explained in the Decision and cannot be justified. For a CRD proposal to meet the large average density requirement of 1500m<sup>2</sup> this would in practice necessitate significant "unders and overs" in terms of allotment sizes and is therefore an option that would have no benefit over a standard subdivision. In effect, the provisions do not actively encourage or enable the provision of a variety of housing to meet different needs.

### **Relief Sought**

- 24 The **primary relief** sought by the Appellant is a zoning of the Land which enables a higher density of residential development. More specifically, this could be enabled by either:
- 24.1 A rezoning of the land to Low Density Residential (LRZ), which enables residential development at a density of 1 dwelling per 600m<sup>2</sup>; or
- 24.2 A rezoning which enables a mixture of residential densities, including densities of 1000m<sup>2</sup> at the boundaries of the Land with existing residentially zoned properties and higher densities consistent with the LRZ provisions at the centre.
- 25 Without prejudice to the primary relief sought in paragraphs 24.1-24.2 above, the LLRZ (Precinct 1) policies and associated rules should be amended to better enable more intensive residential development. Appropriate amendments include, but are not necessarily limited to:

**Note:** Deletions are marked with ~~strikethrough~~ and replacement wording marked as **bold**.

25.1 An amendment to Policy LLRZ-P6 so that it reads:

*Provide for development within Precinct 1 at a density consistent with the ~~existing~~ **planned residential** character of the Precinct*

25.2 Amendments to Policy LLRZ-P9, so that it reads:

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

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

25.3 Either amend LLRZ-R12 and the corresponding SUB-R5 so that the activity status is controlled or amend these Rules to include a clause which says that any application for Comprehensive Residential Development within Precinct 1 shall be processed on a non-notified basis; and

25.4 Deletion of Rule LLRZ-R12 1.b and SUB-R5 which impose an average density standard of 1500m<sup>2</sup> for the LLRZ (Precinct 1); and

25.5 Deletion of non-complying activity status for allotments that do not meet the 1000m<sup>2</sup> minimum lot size requirements in LLRZ S1 and SUB-S1.

26 The Appellant also seeks such other alternative or consequential amendments to the provisions of PC19 that may be required to give effect to the relief sought.

08 August 2024

.....

G J Cleary

Solicitor for Brian De Geest

This Notice of Appeal is issued by **GERARD JOSEPH CLEARY**, Solicitor for the above-named Appellant of the firm of Anthony Harper.

The address for service of the above-named Appellant is:

Anthony Harper Lawyers,  
62 Worcester Boulevard,  
PO Box 2646,  
Christchurch  
Attention: Gerard Cleary  
[Gerard.cleary@ah.co.nz](mailto:Gerard.cleary@ah.co.nz)



## ADVICE TO RECIPIENTS OF NOTICE

### *How to become party to proceedings*

You may be a party to the appeal if you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after this notice was lodged with the Environment Court.

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

### *How to obtain copies of documents relating to appeal or inquiry*

The copy of this notice served on you does not attach a copy of the relevant application. This document may be obtained, on request, from the Appellant.

### Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department of Courts in Christchurch.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

**The Christchurch address** of the Environment Court is:

Justice and Emergency Precinct

20 Lichfield Street

Christchurch

8013

Telephone: (03) 3650905 or 03 3534434

Facsimile: (03) 365 1740

**Appendix 1 – Copy of the Appellant's submission and further submission in relation to the matters raised in this notice of appeal**

## Resource Management Act 1991

### Submission on Notified Proposed Plan Change to Central Otago District Plan

Clause 6 of Schedule 1, Resource Management Act 1991

#### (FORM 5)

To: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

### Details of submitter

Name: Brian De Geest

Postal address: c/o De Geest Construction Ltd, P.O. Box 187 Oamaru 9400  
(Or alternative method of service under [section 352](#) of the Act)

Phone: 027 242 8646

Email: [brian@degeest.com](mailto:brian@degeest.com)

Contact person: Rachael Law, Paterson Pitts Group, Agent on behalf of submitter.  
[rachael.law@ppgroup.co.nz](mailto:rachael.law@ppgroup.co.nz)

(Name & designation, if applicable)

This is a submission on proposed Plan Change 19 to the Central Otago District Plan (the proposal).

I am am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (*\*select one*)

~~\*I / We am / am not (select one) directly affected by an effect of the subject matter of the submission that:~~

~~(a) adversely affects the environment; and~~

~~(b) does not relate to trade competition or the effects of trade competition.~~

~~\*Delete this paragraph if you are not a trade competitor.~~

The specific provisions of the proposal that my submission relates to are:

(Give details, attach on separate page if necessary)

See attached

**This submission is:**

(Attach on separate page if necessary) Include:

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

See attached \_\_\_\_\_

**I / We seek the following decision from the consent authority:**

(Give precise details, including the general nature of any conditions sought)

See attached \_\_\_\_\_

- I support / oppose the application OR neither support nor oppose (select one)
- I wish / do not wish to be heard in support of this submission (select one)
- ~~\*I / We will consider presenting a joint case if others make a similar submission~~  
\*Delete this paragraph if not applicable.

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.



Signature Rachael Law, agent  
on behalf of submitter

26/08/22

Date

**Submissions close at 4pm on Friday 2 September 2022**

Submissions can be emailed to [districtplan@codc.govt.nz](mailto:districtplan@codc.govt.nz)

**Note to person making submission:**

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that a least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

## De Geest – submission on Proposed Plan Change 19

Name: Brian De Geest

Postal address: C/- De Geest Construction Ltd

P O Box 187

OAMARU 9444

Phone: 027 2428646

Email: [brian@degeest.com](mailto:brian@degeest.com)

### Submission:

The submitter is the landowner of Lot 1 DP 23948, SH6 and as one of the last large lakefront site in Cromwell they would like to develop it in a unique and innovative way to do it justice. Therefore, the submitter opposes PC19 in its entirety as it applies to their site (in both provisions and zoning).

### Reason for submission:

The site’s current zoning is RRA(3) under the Operative District Plan, which allows for:

- Minimum lot size of 1000m<sup>2</sup>, in general accordance with schedule in 19.19. Maximum yield of 21 allotments.

The proposed site zoning under Proposed Plan Change 19 (PC19) zoning is LLRZ, with a 30m building line restriction off SH6.

- Minimum lot size of 2000m<sup>2</sup> (elevates to Non Complying).
- Deletes the schedule in 19.19.

Overall, the PC19 proposed zoning significantly limits the development potential of the exceptional site (being the last lakefront site in Cromwell). The submitter is opposed to the rezoning of the site from RRA(3) to LLRZ.

### Specific Relief sought:

Amend the mapping related to the subject site (Lot 1 DP 23948, SH6), and amend the provisions (including any consequential amendments or amendments which result in the same effect sought) as follows:

Notified Provision	Relief sought	Reasons
Mapping	Mapping change: Rezoned the site known legally as Lot 1 DP 23948 from Large Lot Residential Zone (LLRZ) to Medium Density Residential Zone (MRZ).	The site is currently zoned RRA(3) with a minimum lot size of 1000m <sup>2</sup> .  The proposed LLRZ zone would allow minimum lot size of



Notified Provision	Relief sought	Reasons
		<p>2000m<sup>2</sup>. With a 15m lake setback and a 30m State Highway setback through a building line restriction. These restrictions result in very little area for any actual development on the site.</p> <p>The MRZ zoning would enable the site owner more options for potential development of the site to take the best opportunity of the unique site.</p> <p>PC19 has resulted in MRZ zoning separated from other areas of MRZ zoning or a town centre with examples of this in Cromwell and notably in the north-western end of Alexandra. This relief sought is therefore consistent with Council's approach to rezoning through PC19.</p>
Mapping	<p>Mapping change: 30m building line restriction setback from SH - delete from planning maps.</p>	<p>In conjunction with new standard MRZ-S5 Setback from road boundary – Within 80m of the sealed edge of a State Highway – the issue associated with this original 30m setback is covered and this building line is now rendered unnecessary.</p>
<p>MRZ-R11 Excavation</p> <p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. Any extraction of material shall not exceed 1m in depth within 2m of any site boundary; and</li> <li>2. The maximum volume or area of land excavated within any site in any 12-month period does not exceed 200m<sup>2</sup> per site.</li> </ol>	<p>Amend 2. To remove reference to volume as below:</p> <ol style="list-style-type: none"> <li>2. The maximum <del>volume or</del> area of land excavated within any site in any 12-month period does not exceed 200m<sup>2</sup> per site</li> </ol>	<p>Not possible to have a m<sup>2</sup> amount as a volume.</p>

Notified Provision	Relief sought	Reasons
<p>MRZ-R13 Retirement villages</p> <p>Activity Status: RDIS</p> <p>Where the activity complies with the following rule requirements: MRZ-S2 to MRZ-S6.</p>	<p>Amend standard. Remove requirement to comply with MRZ-S4 Building coverage.</p> <p>MRZ-R13 Retirement villages</p> <p>Activity Status: RDIS</p> <p>Where the activity complies with the following rule requirements: <u>MRZ-S2, MRZ-S3, MRZ-S5 and to MRZ-S6.</u></p>	<p>Given that in most designs retirement villages are much denser in development from usual developments, and considering that requiring compliance with S2, S3, S5 and S6 will protect the character and amenity of the zone when experienced from outside of the site, the compliance with S4 for a retirement village would be unreasonable.</p>
<p>MRZ-S4 Building coverage</p> <p>The building coverage of the net area of any site must not exceed 40%.</p>	<p>Amend standard. Seek that the building coverage is changed from 40% to 60%.</p> <p>MRZ-S4 Building coverage</p> <p>The building coverage of the net area of any site must not exceed <u>460%</u>.</p>	<p>Given the small lot sizes allowed in the zone, the net building coverage needs to be correspondingly higher to be able to allow for reasonable sized buildings on these sites, especially considering this standard relates to net site area and not site area.</p>
<p>MRZ-S6 Setback from internal boundary</p> <p>Any building or structure shall be setback a minimum of:</p> <ol style="list-style-type: none"> <li>1. 1m from any internal boundary (except that this does not apply to common walls along a site boundary, or to an uncovered deck less than 1m in height); and</li> <li>2. 15m from the margin of any lake.</li> </ol>	<p>Amend point 2.</p> <p>Seek that the phrase 'margin of any lake' is clearly defined.</p> <p>Seek that the margin is shortened from 15m to 7m.</p> <p>MRZ-S6 Setback from internal boundary</p> <p>Any building or structure shall be setback a minimum of:</p> <ol style="list-style-type: none"> <li>2. <u>157</u>m from the margin of any lake.</li> </ol>	<p>The definition of 'margin of any lake' will ensure that this is beyond personal interpretation. A standard needs to be readily comprehensible. It needs to be measurable and cannot involve discretion, interpretation or room for doubt. Currently with no definition for 'margin of any lake' MRZ-S6.2 does not meet the requirements for a standard.</p> <p>The change to MRZ-S6.2 allows for this unique site to create a space that is suitable for the last lake front site in Cromwell.</p>



# Brian de Geest PC19 Rezoning

Created Date: 13/07/2022  
Created Time: 10:47 AM  
Created By: anonymous



Scale: 1:2500  
Original Sheet Size A4  
Projection: NZTM2000  
Bounds: 1300603.96970677,5007162.28909114  
1301440.97226483,5007625.74656226

The information displayed in the Geographic Information System (GIS) has been taken from Central Otago District Council's (CODC) databases and maps. Digital map data sourced from Land Information New Zealand (LINZ). Licensed under the Creative Commons Attribution 4.0 International licence <https://creativecommons.org/licenses/by/4.0/>. It is made available in good faith but its accuracy or completeness is not guaranteed. CODC accepts no responsibility for incomplete or inaccurate information. If the information is relied on in support of a resource consent it should be verified independently.

## Resource Management Act 1991

### FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO SUBMISSION ON NOTIFIED PROPOSED PLAN CHANGE TO THE CENTRAL OTAGO DISTRICT PLAN

Clause 8 of Schedule 1, Resource Management Act 1991

(FORM 6)

19/172

To: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

RECEIVED  
14/12/2022  
CODC

### Name of person making further submission

Name: **Brian De Geest**

Postal address: **P O Box 187 Oamaru 9400**

(Or alternative method of service under [section 352](#) of the Act)

**027 242 8646**

Email: **brian@degeest.com**

Contact person: **Brian De Geest**

(Name & designation, if applicable)

This is a further submission ~~in support~~ of (or in opposition to) a submission on Proposed Plan Change 19 to the Central Otago District Plan.

I am:

1. A person representing a relevant aspect of the public interest, the grounds for saying this being:

.....; or

2. A person who has an interest in the proposal that is great than the interest the general public has, the grounds for saying this being:

**I am submitter 21** .....; or  
(Please state whether you are a person who may make a submission under 1 and/or 2 above and also specify/explain the grounds for saying that you come within category 1 and/or 2)



**3. The local authority for the relevant area.**

I ~~support~~ (or oppose) the submission of:

**See attached list**..... on Plan Change 19  
(Please state the name and address of original submitter and submission number and submission point number of the original submission)

The reasons for my ~~support~~ (or opposition) are:

**See attached**.....  
.....  
.....  
.....

(Please give reasons and continue on an additional page if necessary)

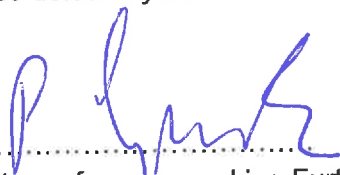
I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed):

**I seek that the whole of the submissions listed be disallowed as they relate to Lot 1 DP 23948**.....

.....  
(Please give precise details)

I wish (~~or do not wish~~) to be hearing in support of my further submission.  
(Please strike out as applicable)

If others make a similar submission , I will consider presenting a joint case with them at a hearing.  
(Please delete if you would not consider presenting a joint case)



.....  
Signature of ~~person making Further Submission~~  
(or person authorised to sign on behalf of person making further submission)  
(A signature is not required if you make a submission by electronic means)

Date: ..... *14 December 2022* .....

Email: ..... *peter.dymock@ppgroup.co.nz* .....

Telephone No: **(0274) 377 910**.....



Postal Address: **Paterson Pitts Limited Partnership**

**P O Box 103**

**Alexandra, 9340**

Contact Person: **Peter Dymock** .....  
(name & designation, if applicable)

## **Submissions close at 4pm on Tuesday 20 December 2022**

Submissions can be emailed to [districtplan@codc.govt.nz](mailto:districtplan@codc.govt.nz)

### **Note to person making submission**

A copy of your further submission must be served on the original submitter within 5 working days after it is served on the local authority.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**List of submissions to PC 19 I oppose :**

<b>Submission</b>	<b>Submitter</b>	<b>Address for Service</b>
4	DG Reece	debbiereece63@gmail.com
5	CJ Reece	colinreece58@gmail.com
6	D & C Reece	debbiereece63@gmail.com; colinreece58@gmail.com
8	R & W Byrne	wendyandrichardbyrne@gmail.com
20	S & L Smith	haljam@xtra.co.nz
23	AJ Wilkinson	andy@mishasvineyard.com
25	J Hopcroft	jmhopcroft1@gmail.com
35	B & C Lynch	bernard.lynch183@outlook.com
37	A Lawrence	tonylawrence@outlook.co.nz
38	L Hopcroft	lyall.jan2@gmail.com
39	Y Maxwell	roddyvonne@gmail.com
40	R Maxwell	roddyvonne@gmila.com
50	J Walker	jbwalker@xtra.co.nz
54	North Cromwell Society Incorporated	ben@cuee.nz
55	R Scott	bobscott11@xtra.co.nz
57	B Walker	jbwalker@xtra.co.nz
59	P Robertson	paul@design4detail.nz
63	J Anderson	julene.maree@hotmail.com
65	I Anderson	ian.anderson@hotmail.com
66	T Deaker & M Borrie	trevandmark@gmail.com
87	M & K Wright	wrightnz168@gmail.com
118	Lakefield Estate Unincorporated Residents Group	lawson_otatara@xtra.co.nz
121	S Anderson	gary@garyanderson.co.nz
131	L Gill	loisg@xtra.co.nz

## The reason for my opposition are :

1. I am submitter 21.
2. My site is located on SH6 , north of SH 8B and has direct frontage onto Lake Dunstan. My submission requests that my site be rezoned from RRA (3) in the Operative District Plan (ODP) to medium density (MRZ) under PC 19.
3. The submitters listed below generally wish to retain the current zoning in the ODP of all of the land between SH 8B and Lake Dunstan to be in the RRA (6) Resource Area( i.e. A minimum lot size of 4,000m<sup>2</sup>) . Some submissions suggest a minimum lot size down to 1000m<sup>2</sup> and the submission of A Lawrence requests a low density zoning
4. For the reasons given in my original submission, I believe my site is suitable for medium density development and I therefore oppose all of the listed submissions below as they affect my site.
5. It is noted that many of these submissions appear to be “pro-forma” from residents who were opposed to the “Wooing Tree” development north of SH 8B. However, the EPA has determined that the land north of SH 8B is suitable for a more intensive form of development.
6. Intensification of the land between SH 8B and Lake Dunstan is fundamental to the realisation of the Cromwell's Spatial Plan's overall intent of accommodating future growth within the current urban limits. My site is the last remaining large “green fields” site with direct frontage to Lake Dunstan. I believe that retention of large lots on my site is a gross waste of a unique land resource with its potential for innovative development under Medium Density Zoning .

---

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**Appendix 2 – Copy of the Respondent's Decision.**



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# Central Otago District Council

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## Plan Change 19 – Decision of the Central Otago District Council Hearings Panel

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**Central Otago District Council  
Plan Change 19  
Residential Chapter Review**

**Decision of the Central Otago District Council Hearings Panel**

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## 1. Introduction

### 1.1 Purpose of this Report

1. This report outlines the decision of the Central Otago District Council Hearings Panel (the Panel) on Proposed Plan Change 19 (PC19) to the operative Central Otago District Plan 2008.
2. The Panel is appointed by the Council to hear submissions made on the plan change and to draft a decision for the approval of the Central Otago District Council (the Council) as to whether PC19 should be declined, approved or approved with amendments.
3. The plan change has been the subject of a section 32 report, public notification and hearing process, culminating in our recommendation.

### 1.2 Structure of Decision

4. The recommendations in the section 42A reports prepared by Ms White have been adopted by this panel unless otherwise amended following the hearing of submissions, evidence, and the right of reply, as indicated in this decision.
5. All recommended amendments to provisions are shown by way of strikeout and underlining in the Residential Provisions Chapter in Appendix 1 of this decision.
6. A table of decisions on all submissions is available in Appendix 2.
7. The Panel has had the opportunity to hear from submitters in support of their submissions. In this respect, our decision is broadly organised as outlined below:
  - a) Factual context for the plan change (in Section 2): This a non-evaluative section and contains an overview and an outline of the main components of the plan change providing relevant context for considering the issues raised in submissions to the plan change. Here, we also briefly provide a summary account of the hearing process itself which involved, at the Panel's request, provision of further information and evidence from the parties. We also consider here various procedural matters about the submissions received. Section 3 outlines the statutory framework for the plan change.



- b) Evaluation of key issues (Sections 4-6): These sections contain an assessment of the main issues raised in submissions to PC19 (Section 4) and, where relevant, reference is made to the evidence/statements presented at the hearing, along with an assessment of submissions received in relation to PC 19 Zonings, requests for new zonings (Section 5), and other submission points raised in evidence (Section 6).
- c) We conclude with an overall summary of our findings (in Section 8), having had regard to the necessary statutory considerations that underpin our considerations (in Section 7). In Section 8 we record some concluding comments about the proposal, the issues arising, and our overall findings, with our recommended decision. All of these parts of the report are evaluative, and collectively record the substantive results of our deliberations.

### 1.3 Role of Panel

- 8. As noted above, the Panel role is to hear submissions and draft a decision for the approval of Council on the outcome of Plan Change 19.
- 9. The authority delegated to us by the Council includes all necessary powers under the RMA to hear and to provide a recommended decision on the plan change to the Council.
- 10. Having familiarised ourselves with PC19 and its associated background material, read all submissions, conducted the hearing and site/locality visits, we hereby record our findings.

### 1.4 Comments on Parties Assistance

- 11. We would like to record our appreciation at the manner in which the hearing was conducted by all the parties taking part.
- 12. In the course of considering PC19, we issued a series of instructions and requests for further information and evidence. This involved significant work and effort from witnesses and counsel, and we are grateful for this assistance.
- 13. The Panel would also like to thank the section 42A report writer, Ms White, for the quality of both section 42A reports (Stage 1 and Stage2) and her reply, which were of considerable assistance in making this decision.

## 2 Plan Change Context

### 2.1 Notified Plan Change

14. The Section 32 evaluation<sup>1</sup> that accompanied PC19 provide describes purpose and background of the plan change as follows:

*“PC19 proposes to make a complete and comprehensive suite of changes to the way the District’s residential areas are zoned and managed. As such, it proposes to:*

- *Replace the current Section 7 Residential Resource Area of the Plan with a new Residential Zone Section, comprising:*
  - *a Large Lot Residential Zone (LLRZ) chapter;*
  - *a Low-Density residential Zone (LRZ) chapter;*
  - *a Medium Density Residential Zone (MRZ) chapter; and*
  - *a Residential Subdivision chapter (SUB); and*
- *Amend the planning maps to rezone land in general accordance with what has been identified in the Vincent and Cromwell Spatial Plans (the Spatial Plans) and to reflect the new zone names above; and*
- *Amend Section 18 Definitions to insert new definitions that apply in the Residential Zones chapter and make consequential amendments to existing definitions to clarify the sections of the Plan where they apply; and*
- *Make consequential changes to other sections of the Plan to reflect the proposed new zones.”*

15. PC19 rationalises the operative provisions where appropriate, and in particular those related to Residential Resource Areas 1-13 to simplify the variations in standards and densities where those variations are no longer considered necessary to achieve the outcomes sought.

16. Further updates to the provisions were also proposed to align with current best planning practice, and where changes to the current approach were not considered necessary to achieve the outcomes sought for residential areas, the current provisions are proposed to be rolled over into the new residential zone chapters.

17. In determining the appropriate residential zones and drafting new provisions, the National Planning Standards have been implemented to the extent that it has been possible to do so ahead of the full District Plan Review; including the adoption of the Zone Framework Standard and Format Standards for the new residential zones and Residential Chapter, and the adoption of definitions insofar as they apply to the provisions proposed in the Residential Chapter.

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<sup>1</sup> Section 32 Evaluation (paras 3-13)

18. While guided by the outcomes of the Cromwell and Vincent Spatial Plans, the zoning proposed in PC19 differs in two instances to that shown in the Cromwell Spatial Plan. The first is in relation to properties fronting Lake Dunstan on Bell Avenue, Lake View Terrace, Stout Terrace, Thelma Place, the McNulty Inlet recreational area/lakefront, and the nohoanga site, that was identified in the Cromwell Spatial Plan as Low Density Residential.
19. PC19 as notified proposed to re-zone this area as a combination of LRZ and LLRZ. The change in density in this area will reduce the residential yield anticipated by the Cromwell Spatial Plan. This has been offset to some degree by the second difference which is an extension of the proposed Medium Density zoning between Waenga Drive and State Highway 6 from the local purpose reserve containing the walkway to Ripponvale on Waenga Drive, to opposite Ripponvale Road.
20. PC19 is part of the Council's District Plan Review programme, and it also applies to all existing Residential Resource Areas, including those outside areas covered in the spatial plans.

## 2.2 Notification and submissions

21. PC 19 was publicly notified on 9<sup>th</sup> July 2022, with submissions closing 2<sup>nd</sup> September 2022. One hundred and seventy-one original submissions were received.
22. A summary of submissions received was notified on 1<sup>st</sup> December 2022 closing 2<sup>nd</sup> September 2022. Seventy-six further submissions were received.

## 2.3 Pre-hearing directions and procedures

### 2.3.1 Minute 1

23. Minute 1 was issued by the Panel on 22 March 2022 providing instruction to parties and outlining expectations in terms of timing, exchange of evidence and hearing of submissions on Stage 1 (Provisions).

### 2.3.2 Minute 2

24. The panel reminded submitters that summary of submissions of evidence was required to be submitted.

### 2.3.3 Minute 3

25. Minute 3 was issued by the Panel on 28<sup>th</sup> April 2023 providing instruction to parties and outlining expectations in terms of timing, exchange of evidence and hearing of submissions on Stage 2 (Zoning).

## 2.4 Post-hearing directions, procedures, and preliminary matters

### 2.4.1 Minute 4

26. Following the hearing of evidence in support of submissions on PC 19 the Hearings Panel issued Minute 4 on 7 July 2023 with instructions to Council staff and the section 42A report writer.

27. Minute 4 requested reviews of expert evidence presented by submitters, legal advice and urban design advice and issued directions for the review and circulation of additional evidence received post-hearing.
28. The material was circulated to all parties who had the opportunity to comment.

#### 2.4.2 Minutes 5 and 6

29. Minute 5 was issued by the Panel on 26<sup>th</sup> April 2024 in response to the release of Environment Court Decision No. [2024] NZEnvC 83 on 18 April 2024. The decision considered the legal issue: "...can more detailed mapping undertaken since 17 October 2022 using the Land Use Capability (LUC) classification prevail over the identification of land as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory (NZLRI) and determine for the purposes of cl 3.5(7) of the NPS-HPL whether land is highly productive land (HPL)".
30. In the course of the hearing submissions the Panel received legal and planning evidence on behalf of two submitters who considered it was possible to undertake site-specific assessments during the transitional period of the NPS-HPL that would change the classification of land. Minute 5 was issued by the Panel inviting the following parties to provide written comment in relation to the decision of the court:
  - Ms Rebecca Wolt, legal counsel on behalf of Mr Stephen Davies<sup>2</sup> and Lowburn Viticulture Limited<sup>3</sup>
  - Mr Jake Woodward on behalf of Mr Stephen Davies and Lowburn Viticulture Limited
  - Ms Liz White, s42A report writer
  - Ms Jayne Macdonald, legal counsel for Central Otago District Council
31. Ms Wolt on behalf of Mr Davies and Lowburn Viticulture Limited requested an extension to the timeframe for a response. The Panel agreed to a small extension through Minute 6 to Midday on Monday 13<sup>th</sup> May.
32. Written comments were received from Ms Wolt, Mr Woodward and Ms White within the permitted timeframes of Minutes 5 & 6. The supplementary comments have been considered in relation the requests for additional zoning through submissions by Mr Davies and Lowburn Viticulture Limited.
33. No further comments have been received from Ms Macdonald in response to Minute 5, other than to confirm that her response in relation to Minute 4 provides a view that is consistent with the decision of the Environment Court.
34. The Panel consideration of the submissions from Mr Davies and Lowburn Viticulture Limited, and the supplementary comments received in response Minute 5 are addressed further in this decision starting at paragraphs 49 and 61 respectively.

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<sup>2</sup> Submitter #147

<sup>3</sup> Submitter #123

## 2.4.3 Additional Evidence Received from Submitters

### 2.4.3.1 *Lowburn Viticulture Limited*

35. Lowburn Viticulture Limited (LVL)<sup>4</sup> in evidence to the panel indicated that LVL had paid a development contribution in 2018 of \$73,000 in relation to Resource Consent 160414 that Mr van der Velden believed was to be used to upgrade the Lowburn wastewater.
36. At the hearing Councillor Gillespie, indicated that this was not his understanding of how development contributions were applied. Councillor Gillespie advised he would take advice from staff regarding Mr van der Velden's comments.
37. A memorandum dated 2 June 2023 was received from legal counsel Rebecca Wolt on behalf of LVL outlining in more detail the submitters understanding of the contributions paid along with a copy of the contribution notice and invoice.
38. The Panel has made enquiries regarding the contribution paid in the context of RC 160414 and have been advised that the contribution charged was a financial contribution towards the Lowburn and Pisa Mooring Sewer Extension.
39. The enquiries confirmed the contributions charged were a connection charge that stems back to when Lowburn and Pisa Moorings were connected to the Cromwell wastewater system, rather than contributing to future upgrades, as might be the case with a Development Contribution.
40. The contribution relates to the additional 20 allotments created by RC 160414 and their contribution towards the existing sewer extension.
41. In conclusion the Panel has determined that the contribution paid in the context of RC 160414 does not contribute to any future upgrades required to enable additional development to occur, rather it is the cost of connection to pay for the cost of providing the network Lowburn and not a development contribution.

### 2.4.3.2 *Sugarloaf Vineyards Limited and Topp Property Investments 2015 Limited*

42. The panel acknowledges the receipt of a memorandum dated 1 June 2023 from James Gardner-Hopkins on behalf of Sugarloaf Vineyards<sup>5</sup> Limited and Topp Property Investments 2015 Limited<sup>6</sup> seeking leave to submit late evidence.
43. The evidence was prepared by Natalie Hampson a Director for Market Economics Limited and is a peer review of the yield assessment prepared by Rationale Limited (Rationale) and released with the section 42A report.
44. The Panel accepted the report by Ms Hampson and requested a response from Rationale to the matters raised in the report.

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<sup>4</sup> Submitter #123

<sup>5</sup> Submitter #162

<sup>6</sup> Submitter #161

45. The response from Rationale<sup>7</sup> notes that the scope of the report prepared by them was to provide a high-level assessment using the latest growth projections to check the assessments undertaken for the Cromwell Spatial Plan in 2018 were still appropriate.
46. They also indicate that the model used does not attempt to carry out a parcel level analysis of capacity assessed based on likely overall zone-level density parameters that account for this at a high-level.
47. The panel has considered the report by Ms Hampson and the response by Rationale and agrees with Ms White in her reply that estimates of growth are never going to be exact, rather they rely on assumptions which parties may not agree on. They provide basis on which to understand broadly, likely future growth, and to appropriately plan for it.
48. Growth projections are ultimately estimates, which are used to assist the Council in its planning for future growth. While some parties questioned the methodology and assumptions of the Rationale assessments, the intent scope of the initial assessment was to provide a high-level assessment using the latest growth projections to check the more comprehensive assessments undertaken for the Cromwell Spatial Plan in 2018.
49. The Panel is satisfied that the information provided by Rationale adequately provides a 'check in' against the work completed in the context of the Cromwell Spatial Plan and expects that the Council will continue to monitor actual growth, update its projections, and adjust its planning accordingly where required. This allows for assumptions on which the projections are based to be reconsidered.

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<sup>7</sup> Rationale Limited response to Minute 4 dated 29 August 2023.

### 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:
- Any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2)).
  - The extent to which the plan is consistent with the plans of adjacent territorial authorities (s74(2)(c));
  - for any proposed rules, the actual and potential effect on the environment of activities including, in particular, any adverse effect (s76(3)); and
  - 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<sup>8</sup> 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.

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<sup>8</sup> 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<sup>9</sup>.
- 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<sup>10</sup>.
- c. That Bannockburn, Lowburn, Pisa Moorings and Cromwell Township / the Cromwell Ward <sup>11</sup>; or Bannockburn, Lowburn and Clyde <sup>12</sup>; or Pisa Moorings, Cromwell, Alexandra and Clyde<sup>13</sup> 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.<sup>14</sup>

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<sup>15</sup>; 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<sup>16</sup>; and the future growth overlay approach retains a rural zoning and the land is not “plan-enabled”.

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

<sup>9</sup> 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.

<sup>10</sup> 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.

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

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

<sup>13</sup> Stage 1 Evidence of Janne Skuse (#161 - Topp Property Investments 2015 Ltd), paras 12-16.

<sup>14</sup> Legal Advice, MacTodd Lawyers 11 August 2023.

<sup>15</sup> 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.

<sup>16</sup> Stage 2 Evidence of Jake Eastwood (Stephen Davies - #147), paras 6.20-6.25.



60. Mr Barr<sup>17</sup> and Mr Giddens<sup>18</sup> 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<sup>19</sup>, 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.<sup>20</sup>
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

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<sup>17</sup> Stage 2 Evidence of Craig Barr ((#82 - Jones Family Trust and Searell Family Trust), paras 6.52-6.53.

<sup>18</sup> Stage 2 Evidence of Brett Giddens (#163 - Rowan and John Klevstul), paras 44-45.

<sup>19</sup> Reply Report – Liz White, para 17.

<sup>20</sup> 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 250m<sup>2</sup>.<sup>21</sup> Ms White in her Stage 1 section 42A report recommended that the minimum allotment size be reduced to 400m<sup>2</sup>. A number of submitters indicated agreement with Ms Whites recommendation.<sup>22</sup>
75. Several parties also expressed concerns about the yield assessment undertaken by Rationale,<sup>23</sup> 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

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<sup>21</sup> #93 Sean Dent, #94 Crossbar Trust, #95 Shamrock Hut Ltd, #144 Wally Sandford, #149 Kathryn Adams, #156 Werner Murray, #166 Christian Paul Jordan.

<sup>22</sup> #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).

<sup>23</sup> 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 400m<sup>2</sup> would be appropriate to enable allotments of between 800m<sup>2</sup> and 1000m<sup>2</sup> the opportunity to create an additional allotment, and that a 400m<sup>2</sup> minimum average be retained with a 250m<sup>2</sup> minimum lot size be provided for to allow more flexibility while retaining an overall average density of 400m<sup>2</sup>.

77. Similarly, the panel also agrees with Ms Whites recommendation that where an existing site is 800m<sup>2</sup>+, it would be appropriate to allow for two residential units or a two-lot, without both lots needing to meet the 400m<sup>2</sup> 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.<sup>24</sup>

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 400m<sup>2</sup> 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:

<p><b>Low Density Residential Zone</b></p>	<p>3. Where a reticulated sewerage system is available or is installed as part of the subdivision the minimum size of any allotment shall be no less than 4500m<sup>2</sup>.</p> <p>4. Where a reticulated sewerage system is not installed or available, the minimum size of any allotment shall be no less than 800m<sup>2</sup>.</p>	<p><b>Where:</b></p> <p>5. <u>SUB-S1.3 is not met, but the minimum size of any allotment is no less than 250m<sup>2</sup>, the minimum average allotment size is no less than 400m<sup>2</sup> and only one additional allotment is created: <b>RDIS</b></u></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. <u>Those matters set out in SUB-R4.</u></p> <p><b>Where:</b></p> <p><u>SUB-S1.4 or SUB-S1.5 is not met: <b>NC</b></u></p>
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81. Amend LRZ-S1 as follows:

<sup>24</sup> Section 42A reply report para 31.

<b>LRZ-S1</b>	<b>Density</b>	<b>Activity Status where compliance not achieved:</b>
<b>Low Density Residential Zone</b>	<ol style="list-style-type: none"> <li>1. Where the residential unit is connected to a reticulated sewerage system<sup>25</sup>: <ol style="list-style-type: none"> <li>a. <del>the minimum site area no more than one residential unit is provided per unit is 5400m<sup>2</sup></del>, or</li> <li>b. <u>on any site less than 400m<sup>2</sup>, one residential unit per site.</u></li> </ol> </li> <li>2. Where the residential unit is not connected to a reticulated sewerage system, no more than one <u>residential unit dwelling</u> is provided per 800m<sup>2</sup>.</li> </ol>	<b>NC</b>

### 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<sup>25</sup> 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<sup>26</sup> supports an increased site coverage of 50%, excluding eaves and Ms Law<sup>27</sup> 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

<sup>25</sup> Stage 1 Evidence of Brodie Costello (#150 – Landru Ltd)

<sup>26</sup> Stage 1 Evidence of John Duthie (#79 – Wooing Tree)

<sup>27</sup> 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)

Central Otago context, while incentivising medium density development. The Panel also agrees with Mr Duthie that eaves should be excluded as they will have minimal impact on the level of openness around and between buildings (MRZ-P1(4)).

88. The Panel notes the evidence of Mr Costello who indicated higher site coverage limits proposed in Queenstown and Porirua of 45%, and Ms Whites reply report that notes Ashburton also uses 45% in their Residential B zone which has a comparable density to that proposed in PC19.
89. We also agree with Mr Duthie that eaves should be excluded as they will have minimal impact on the level of openness around and between buildings (MRZ-P1(4))
90. Accordingly, the Panel has determined that MRZ-S4 be amended as follows:

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

#### 4.4 Medium Density Guidelines Implementation

##### ***Issue Identification & Evidence***

91. A number of submitters have sought clarity or amendments to the way that the Medium Density Guidelines are used in relation to the provisions.
92. Ms Skuse<sup>28</sup> considers that the Guidelines should either be incorporated by reference into the District Plan, or otherwise left as any other matter to be considered.
93. Mr Costello<sup>29</sup> considers that further clarity is required around matters like when the Guidelines are updated, and the process around that.
94. Mr Barr<sup>30</sup> is concerned if they are not incorporated by reference, limited weight could be placed on them, and that they could be updated without any consultation and queries how this would ensure that they align with the policies which they have informed (i.e. MRZ-P1 and MRZ-P2). He specifically seeks that they are referenced in MRZ-P1, MRZ-P2 and a standard added requiring resource consent applications to include a statement confirming its relevant design elements have been considered.

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<sup>28</sup> Stage 1 Evidence of Janne Skuse (#161 - Topp Property Investments 2015 Ltd)

<sup>29</sup> Stage 1 Evidence of Brodie Costello (#150 – Landpro Ltd)

<sup>30</sup> 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),

## **Panel Findings**

95. The panel has considered the evidence presented by submitters and agrees with Ms White's recommendation in her reply that it would be more efficient to incorporate the guidelines by reference.
96. Accordingly, the Panel has determined that the following matter of discretion be added to MRZ-R1, MRZ-R2, MRZ-S2, MRZ-S4 and MZ-S6 to MRZ-S12:  
*Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.*
97. In terms of s32AA of the RMA, the Panel accepts Ms Whites view that incorporation of the Design Guide by reference is more explicit, and its inclusion will be more effective in assisting with the achievement of MRZ-O2 and the implementation of MRZ-P1.

## 4.5 Comprehensive Development/Structure Plan Approach

### **Issues Identification & Evidence**

98. PC 19 as notified within the MRZ, makes provision for development, above the density otherwise specified within the MRZ, where undertaken on larger sites, to be considered through a restricted discretionary consent provided that the starting application site has a minimum area of 3,000m<sup>2</sup>.
99. These provisions were supported by a number of submitters who have sought variations on this concept to apply to other residential zonings and in relation to specific requests for additional property zonings not included in PC19 (as notified).
100. Ms Skuse sought application of a similar concept to the LLRZ and LRZ zones.<sup>31</sup>
101. Ms Skuse<sup>32</sup>, on behalf of Topp Property Investments 2015 Ltd, also sought that a Structure Plan be added in relation to a site in the Muttontown Area that would provide for a lower density in this area of LRZ (of 300m<sup>2</sup> minimum) where in accordance with the Structure Plan. Ms Skuse's also requested a higher density of 1 dwelling per 1500m<sup>2</sup> of gross site area would apply under a comprehensive development.<sup>33</sup>
102. Mr Weir's evidence in relation to Topp Property Investments 2015 Ltd was that Structure Plans evolve through a participatory process with key stakeholders and the community.<sup>34</sup> Mr Weir supports, a structure plan approach for the Muttontown site and the application of a gross residential density along with a minimum allotment size, in this case, being 600m<sup>2</sup> and 300m<sup>2</sup> respectively.<sup>35</sup> He also supports a 1,500m<sup>2</sup> average and 300m<sup>2</sup> minimum

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

<sup>32</sup> Stage 2 Evidence of Joanne Skuse (#161 - Topp Property Investments 2015 Ltd)

<sup>33</sup> Stage 2 Evidence of Joanne Skuse (#162- Sugarloaf Vineyards Ltd)

<sup>34</sup> Stage 2 Evidence of Bruce Weir (#161 - Topp Property Investments 2015 Ltd), para 17

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



in relation to the Sugar Loaf Vineyards site at Lowburn,<sup>36</sup> rather than a minimum allotment area.

103. In relation to the Sugarloaf Vineyard site in Lowburn, an alternate approach to density, in LLRZ (P2), was sought through Ms Skuse's evidence, whereby a higher density of 1 dwelling per 1500m<sup>2</sup> of gross site area would apply under a comprehensive development scenario.
104. The submission from the J Klevstul and R Klevstul and Rubicon Hall Road Limited (#163), relating to land to the south of the current Bannockburn Township, sought application of LLRZ, with lower average allotment sizes where urban design principles relating to a hamlet concept are met.
105. In the Stage 2 s42A report Ms White expressed concerns about how the hamlet concept would be implemented through the Plan provisions. Urban design evidence provided by Mr Lunday raised concerns that the LLRZ framework does not necessarily create a sense of openness (due to the level of built form the site coverage limits allow for) and supports an approach which would allow for smaller clusters.<sup>37</sup>
106. Following the hearing of evidence the Panel issued Minute 4 which provided for Ms White to circulate a draft of proposed changes to several of the planning witnesses who presented evidence at the hearing. In her reply and as required Ms White indicated the responses to the circulated draft changes along with an outline of the responses.
107. Ms White in her reply recommends a change to the definition of Comprehensive Residential Development to include a threshold for the LRZ and LLRZ at a rate of around 10-15 times the minimum lot size otherwise applying and therefore broadly consistent with that proposed for MRZ. Her recommendation is a single threshold for LLRZ (rather than multiple minimum sizes for each precinct).

### ***Panel Findings***

108. The Panel accepts the recommendation from Ms White in response to matters raised in submissions and evidence submitted in support of those submissions, that it would be appropriate for a pathway to be created that allowed for a comprehensive development for LRZ and LLRZ in addition to MRZ with a development threshold of 10-15 times the minimum allotment size for the respective zones which is consistent with the threshold applied in terms of the MRZ.
109. The pathway would allow for lots to be created below the minimum lot sizes otherwise applying in the respective zones, provided the threshold for minimum development area is met subject to an overall density being met in both LRZ and LLRZ.
110. The Panel agrees with Ms Whites recommendation to add the following Policies and Rules to the LRZ, LLRZ and SUB chapters:

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

<sup>37</sup> Evidence of James Lunday (#163 - J Klevstul and R Klevstul and Rubicon Hall Road Limited

<b><u>LRZ-P7 / LLRZ-P9</u></b>	<b><u>Comprehensive Development</u></b>
<p><u>Provide for a higher density of development on larger sites, where development is undertaken in a comprehensive manner and:</u></p> <ol style="list-style-type: none"> <li>1. <u>the overall layout provides for a variety of lot sizes and opportunities for a diversity of housing types while still being designed to achieve the built form outcomes in LLRZ-P1/LRZ-P1;</u></li> <li>2. <u>the design responds positively to the specific context, features and characteristics of the site;</u></li> <li>3. <u>areas of higher density development are located or designed so that the overall character of the surrounding area is retained; and</u></li> <li>4. <u>the development delivers a public benefit, such as public access, reserves or infrastructure improvements.</u></li> </ol>	

<b><u>LLRZ-RX / LRZ-RX</u></b>	<b><u>Comprehensive Residential Development</u></b>	
<b><u>Large Lot Residential Zone / Low Density Residential Zone</u></b>	<p><b><u>Activity Status: RDIS</u></b></p> <p><b><u>Where [LLRZ]:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>The density across the site is no greater than 1 dwelling per:</u> <ol style="list-style-type: none"> <li>a. <u>2000m<sup>2</sup> gross site area in Precinct 2 or 3; or</u></li> <li>b. <u>1500m<sup>2</sup> elsewhere.</u></li> </ol> </li> </ol> <p><b><u>Where [LRZ]:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>The density across the site is no greater than 1 dwelling per 600m<sup>2</sup> gross site area.</u></li> </ol> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>a. <u>Provision for housing diversity and choice.</u></li> <li>b. <u>How the development responds to the context, features and characteristics of the site.</u></li> <li>c. <u>The extent to which the proposal provides wider community benefits, such as through protection or restoration of important features or areas, increased opportunities for connectivity or community facilities.</u></li> <li>d. <u>Measures proposed to ensure higher density areas do not detract from the character and amenity of the wider surrounding area.</u></li> <li>e. <u>Integration with transport networks, including walking and cycling.</u></li> <li>f. <u>The location, extent and quality of public areas and streetscapes, taking into account servicing and maintenance requirements.</u></li> <li>g. <u>How the configuration of lots will allow for development that can readily achieve the outcomes sought in LLRZ-P1/LRZ-P1.</u></li> </ol>	<p><b><u>[LLRZ]</u></b></p> <p><b><u>Activity status when compliance is not achieved with RX.1.a: DIS</u></b></p> <p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>2. <u>The overall density across the site is no greater than 1 dwelling per 1500m<sup>2</sup> gross site area; and</u></li> <li>3. <u>Either 1500m<sup>2</sup>, or 50m<sup>2</sup> per unit, whichever is the greater, is provided for public use as an area of open space.</u></li> </ol> <p><b><u>Activity status when compliance is not achieved with RX.1.b, RX.2 or RX.3: NC</u></b></p> <p><b><u>[LRZ]</u></b></p> <p><b><u>Activity status when compliance is not achieved with RX.1: NC</u></b></p>

	<p><i>h. <u>Where the application also seeks provision for future built development to breach any of the rule requirements, discretion is also restricted to those matters specified in the relevant rule requirement.</u></i></p>	
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<b><u>SUB-RX</u></b>	<b><u>Subdivision of land where a land use consent has been obtained, or is applied for concurrently, under LLRZ-RX, LRZ-RX or MRZ-R2.</u></b>	
<b><u>Large Lot Residential Zone</u></b>	<p><b><u>Activity Status: RDIS</u></b></p> <p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>The density across the site is no greater than 1 dwelling per:</u> <ol style="list-style-type: none"> <li>a. <u>2000m<sup>2</sup> gross site area in Precinct 2 or 3; or</u></li> <li>b. <u>1500m<sup>2</sup> elsewhere.</u></li> </ol> </li> </ol> <p><b><u>Matters of discretion are restricted to:</u></b> <u>Those matters set out in SUB-R4.</u></p>	<p><b><u>Activity status when compliance is not achieved with RX.1.a: DIS</u></b></p> <p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>3. <u>The overall density across the site is no greater than 1 allotment per 1500m<sup>2</sup> gross site area; and</u></li> <li>4. <u>Either 1500m<sup>2</sup>, or 50m<sup>2</sup> per allotment, whichever is the greater, is provided for public use as an area of open space.</u></li> </ol> <p><b><u>Activity status when compliance is not achieved with RX.1.b, Rx.2, RX.3 or RX.4: NC</u></b></p>
<b><u>Low Density Residential Zone</u></b>	<p><b><u>Activity Status: RDIS</u></b></p> <p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>2. <u>The density across the site is no greater than 1 allotment per 600m<sup>2</sup> gross site area.</u></li> </ol> <p><b><u>Matters of discretion are restricted to:</u></b> <u>Those matters set out in SUB-R4.</u></p>	
<b><u>Medium Density Residential Zone</u></b>	<p><b><u>Activity Status: RDIS</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b> <u>Those matters set out in SUB-R4.</u></p>	

111. In terms of s32AA, the panel accepts Ms Whites assessment in her reply report that the comprehensive development provisions will, collectively, provide greater opportunities for development, while the consent pathway will still ensure that the effects of development are appropriately managed to achieve the outcomes sought. The Panel agrees that the comprehensive development approach being extended to apply to LRZ and LLRZ is likely to result in additional benefits being gained through development opportunities which might not otherwise be achieved through ‘standard’ subdivisions, while the costs of this approach, in terms of potential impacts of smaller lots, are minimised through the clear policy direction ensuring that such development still meets the outcomes sought and the approach, provides an additional pathway for development, that is both efficient and effective at achieving the outcomes sought.

## 5 Evaluation of Key Zoning Submissions

### 5.1 Servicing

112. A Key component when considering residential zoning is the ability of network infrastructure to service any proposed zonings.
113. In terms of infrastructure the Central Otago District Council identifies future water and wastewater infrastructure requirements and associated funding in its Long-Term Plan and associated 30-year Infrastructure Strategy that identifies infrastructure investment necessary to provide for growth. These plans are reviewed every three years.
114. The Panel acknowledges that at the time Ms Muir's evidence was prepared The Water Services Entity Act 2022 was to transfer responsibility for the planning and delivery of services to four new water entities from 1 July 2024. This is no longer the case as a result of the change in Central Government approach to the management of Three Waters.
115. The Panel is of the view that it needs to be satisfied that any areas rezoned are either supported by existing infrastructure, or that adequate infrastructure will be available in the relevant future timeframe.
116. This is supported by Ms Muir's report included in the section 42A (Stage 2) report, that provides the Panel with a summary of water and wastewater servicing constraints that are relevant to the Panel's consideration of submissions seeking the zoning of additional residential areas.
117. A number of submitters referred to the ability for Council to obtain funding for infrastructure upgrades through development contributions and developer agreements. The Panel agrees that these can be used to assist with both site-specific upgrades that may be required due to development, as well as contributing towards wider upgrades necessitated by overall growth (i.e. not attributable to a single development).
118. The servicing issues identified by Ms Muir, however, do not just relate to the funding of upgrades, but to their timing, and ultimately are about ensuring that growth is not enabled ahead of provision of appropriate infrastructure.
119. In particular, as noted in Ms Muir's response to Minute 4, any rezoning needs to be considered in the context of the need to supply the wider network and customers, and maintain required levels of service, while also servicing growth needs. She also notes that when considering rezoning requests, consideration needs to be given to how this will impact on treatment capacity, capacity of reticulation mains, and reservoir and main pumpstation requirements.
120. This largely relates to the potential for increased demand from additional zoned land, and not how the individual development will be connected to the existing network, as it is the additional demand that will cause the issue rather than how the connection is provided.

121. It is important that any future growth can be integrated with infrastructure, both at a localised level as well as the wider network. This includes taking into account whether the additional capacity required to service the rezoning requested through submissions will come at the expense of capacity to service the existing customers or those areas proposed for growth through PC19.
122. Ms Muir’s evidence, as well as her response to Minute 4, identified that some areas where rezoning are sought are areas which will have more expensive ongoing operating costs, which will result in increased average costs to customers across the networks they are connected to, such as where there are higher pumping costs, and/or low connection densities.
123. The Panel understand from Ms Muir that development contributions are not able to meet the increased ongoing operational costs of delivering water and wastewater infrastructure, which instead must be met by the ratepayers.
124. Given the evidence present by Ms Muir the Panel must, when considering any requested zoning, beyond that provided for in PC 19, be mindful of the upgrades necessary to critical infrastructure as identified in Ms Muir’s evidence, that would be required to accommodate any additional zoning and the timing of those upgrades.

## 5.2 Future Growth Overlays

125. Plan Change 19 provides for a number of areas to be indicated as “*Future Growth Areas*” (FGO). A number of submitters have expressed concerns about the way that the FGO framework would work in practice.<sup>38</sup>
126. Submitters are generally of the view that if the only constraint to development is the timing of infrastructure upgrades, then the proposed approach is inefficient, because prior to the upgrades occurring it retains the existing zoning, requiring a further plan change to ‘uplift’ the future intended residential zoning.
127. FGOs have been applied to areas which have been identified for residential development in the Vincent Spatial Plan, 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 major constraints to development in these areas is that servicing is not yet available or planned. The intention of the inclusion in the FGO was to signal to infrastructure providers, including the Council, to start planning for servicing these areas.
128. A number of witnesses at the hearing, expressed a level of support for applying the intended zoning now (which provides greater certainty to landowners, developers and the community), while managing the need for network upgrades to occur ahead of

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<sup>38</sup> Including Stage 2 Evidence of Craig Barr (#146- Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd); Stage 2 Evidence of Brodie Costello (#150 – Landpro Ltd), #83 - Sean Dent, Rachael Law (Tabled statement for #1 - MA and JM Bird); Stage 1 Evidence of Jo Skuse (#161 – Topp Property Investments Ltd 2015)

development through a rule precluding development of these areas until the upgrades have occurred.

129. Mr Woodward's considered in his evidence that a rule is not necessary the matters of control already included in PC19 are sufficient.<sup>39</sup> Similarly, Mr Dent considers that servicing matters can be addressed through reliance on the matters of discretion for subdivision.<sup>40</sup>
130. The Panel agrees with Ms White that this approach would not to be as efficient or effective, as it provides less of a clear signal about the need for infrastructure upgrades to be integrated with development, providing greater certainty for developers on what servicing upgrades are required to be undertaken ahead of development.
131. The Panel notes that this type of approach has been used in the past in relation to Plan Change 15 which resulted in a change to the Operative Plan, under Rule 7.3.5(viii), which lists subdivision of specified land parcels as a non-complying activity "*prior to the provision of a reticulated wastewater disposal scheme at Clyde that is capable of servicing this land*".

#### **Panel Findings**

132. The Panel has considered the submissions and evidence submitted in relation to areas in Clyde and Manuhierikia identified in PC 19 as FGO and determined that they be retained (and where detailed in other places in this report, can applied to additional areas) with the following amendments as recommended by Ms White:
- a. These areas are rezoned so that the identified 'future' zone identified is applied now;
  - b. An additional rule is added to the Residential Zones Subdivision chapter, which applies a non-complying activity status for subdivisions within an FGO, prior to specified servicing upgrades being undertaken.
  - c. While, in the interim prior to the upgrades occurring, the relevant residential zone framework will apply, development will be limited through further subdivision being restricted through the above additional rules, as well as through the rules limiting the number of residential units per site (LLRZ-R1, LRZ-R1, MRZ-R1).
133. The Panel agrees with Ms White that this approach will still be effective at achieving the outcomes sought including Objective 6.3.4 and Policy 6.4.2, as well as Objective 4.5 and Policies 4.5.1 and 4.5.2 of the partially operative Otago Regional Policy Statement (2019 ORPS) while ensuring that the additional urban growth is timed with the provision of infrastructure upgrades to service the new areas.
134. The Panel has determined that the introduction to the LLRZ, LRZ and MRZ should be amended as recommended by Ms White:

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<sup>39</sup> Summary Statement of Jake Woodward (#123 - Lowburn Viticulture Limited), para 1.15.

<sup>40</sup> Stage 2 Evidence of Sean Dent (#83 - A F King and Sons Ltd #83), para 124.

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

135. That LLRZ-P8, LRZ-P6 and MRZ-P7 be amended as follows:

- a) ~~Recognise and provide for rezoning~~ Restrict development of land within the Future Growth Overlay for [residential purposes/ medium density development], ~~where until:~~
- ~~i.—It is demonstrated as necessary to meet anticipated demand; and~~
  - ~~ii.—it is able to be serviced by reticulated water and wastewater networks~~ and transport infrastructure.
- b) Add new subdivision rule as follows:

<u>SUB-R8</u>	<u>Subdivision of Land within a Future Growth Overlay</u>	
<u>Future Growth Overlay – Pisa Moorings</u>	<p><u>RDIS</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> <li><u>1. The Cromwell Wastewater Treatment plant has been upgraded to implement nitrogen removal and increase the capacity of the membrane treatment plant; and</u></li> <li><u>2. The Cromwell and Pisa Moorings Water schemes have been combined and a regional council water take consent issued.</u></li> </ol> <p><u>Matters of discretion are restricted to: Those matters set out in SUB-R6.</u></p>	<u>Activity status when compliance is not achieved with R8.1 or R8.2: NC</u>
<u>Future Growth Overlay – Lowburn</u>	<p><u>RDIS</u></p> <p><u>Where:</u></p>	<u>Activity status when compliance is not achieved with R8.3 or R8.4: NC</u>

	<p>3. <u>The Cromwell Wastewater Treatment plant has been upgraded to implement nitrogen removal and increase the capacity of the membrane treatment plant; and</u></p> <p>4. <u>The Lowburn wastewater main and pumpstation has been reconfigured and upgraded.</u></p> <p><u>Matters of discretion are restricted to: Those matters set out in SUB-R6.</u></p>	
<u>Future Growth Overlay – Clyde and Manuherikia</u>	<p><u>RDIS</u></p> <p><u>Where:</u></p> <p>5. <u>The Alexandra Wastewater Treatment plant has been upgraded and a regional council discharge consent has been issued for treatment of Alexandra and Clyde wastewater.</u></p> <p><u>Matters of discretion are restricted to: Those matters set out in SUB-R4.</u></p>	<u>Activity status when compliance is not achieved with R8.5: NC</u>
<u>Future Growth Overlay – Omakau</u>	<p><u>RDIS</u></p> <p><u>Where:</u></p> <p>6. <u>The Omakau Wastewater Treatment plant has been upgraded and a regional council discharge consent has been issued for treatment of Omakau wastewater.</u></p> <p><u>Matters of discretion are restricted to: Those matters set out in SUB-R6.</u></p>	<u>Activity status when compliance is not achieved with R8.6: NC</u>

136. The Panel agrees with Ms Whites assessment under s32AA of the RMA, that the proposed approach is more appropriate. This approach is also consistent with Objective 6 of the NPS-UD, which seeks that decisions on urban development are integrated with infrastructure planning, and that re-zoning the land now also ensures that it is “plan-enabled” as directed under clause 3.2(2), while still meeting the requirement for the capacity supplied to be “infrastructure-ready” in the long term under Clause 3.4(3)(c). This



addresses the concerns of Ms Skuse set out earlier, that retention of an underlying rural zoning would not be plan-enabled.

### 5.3 PC19 Proposed Zoning - Alexandra

#### 5.3.1 Graveyard Gully Road



Figure 1 – Graveyard Gully Road

137. Council received a submission from MR Murray (#36) opposing the re-zoning of properties opposite Shakey Bridge from Rural Resource Area to LLRZ. The submitter raised concerns that the proposal would not protect the heritage landscape leading up to the Clock.
138. Ms White in her section 42A (Stage 2) notes that the proposed zoning is identified in the Vincent Spatial Plan to allow for further residential development, noting the property is currently location within an area identified as a Significant Amenity Landscape (SAL). Subdivision within this area currently requires consideration of *“Potential for visual absorption of future built development with particular attention being given to those areas identified as outstanding natural landscapes and significant amenity landscapes on the planning maps”*.<sup>41</sup>
139. Ms White considers that the application of the LLRZ would effectively result in no controls or considerations applying in this area, resulting in a disconnect between the mapping of these areas as within the SAL and the framework applying. Her recommendation being that 51, 65, 72, 85 Graveyard Gully Road is not zoned LLRZ, and the current Rural Resource Area zoning be retained.<sup>42</sup>

<sup>41</sup> Vincent Spatial Plan, 4 April 2022, page 26

<sup>42</sup> Section 42A Report (Stage 2) page 12

### **Panel Findings**

140. The panel has considered the submission and agrees with the recommendation from Ms White that 51, 65, 72, 85 Graveyard Gully Road is not zoned LLRZ, the current Rural Resource Area zoning be retained and the submission from MR Murray (#36) be accepted.
141. The panel also agrees with Ms White's assessment under s32AA, that the costs associated with retention of the Rural Resource Area are that further opportunities for development of this area are not provided, reducing the capacity provided through PC19, however, given the small size of this area, the impact will be limited and is not significant enough to result in an undersupply when compared to the benefits of the retention of the Rural Resource Area and the values associated with the SAL will continue to be managed under the current framework.

#### 5.3.2 North Alexandra (Dunstan Road)



*Figure 2 – North Alexandra (Dunstan Road)*

142. A number of submissions were received in relation to the proposed re-zoning of an area on Dunstan Road from Rural Residential Resource Area (RuRRA) to LLRZ. Supporting submissions were received from Russell Ibbotson (#7) and Molyneux Lifestyle Village Limited (#32).
143. NR Murray (#36), submitted in opposition to the proposed re-zoning on the basis that the change of zoning does not protect the productive soils of this area which does not support

the NP-SUD Objective 1 or 8. The submitter considering that the zoning should be changed from RuRRA to Rural Resource Area.

144. Paul and Angela Jacobson<sup>43</sup> who own and operate a vineyard operation at 36 & 38 Hillview Road are seeking their property be re-zoned “*Viticultural Zone*”, with the existing Rural Residential zoning retained. The submission also seeks that the LLRZ be re-zoned as “*Large Lot Urban Zone*”. The submitters consider that 2,000m<sup>2</sup> is large for an urban setting and small from a rural perspective, that the costs associated with the loss of viticulture land has not been considered and the uniform density along Waldron Road does not represent a graduation in density.
145. The Panel notes that while the proposed zoning was signalled in the Vincent Spatial Plan, however we are mindful of the very real concerns the Jacobson’s have raised in relation to the risk of reverse sensitivity effects resulting from the change in zoning.

### **Panel Findings**

146. The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) came into force post the notification of PC19. The NPS-HPL restrictions on urban rezoning of highly productive land. However, as note by Ms White in her s42A Report (Stage 2)<sup>44</sup>, the direction only applies to land zoned “general rural or rural production”.
147. The area was identified in the Vincent Spatial Plan through extensive community engagement as being suitable for the proposed LLRZ.
148. The Panel is of the view that the proposed zoning is appropriate and should be retained as notified, noting that additional submissions on the zone provisions as they relate to this area were received and are addressed elsewhere in this decision and with the exception of the property owned by Mr & Mrs Jacobson which is to retain the current RuRRA zoning to better reflect the current land use.
149. The Panel also accepts the recommendation of Ms White in her reply in relation to the submission by the Jacobson’s that an amendment to SUB-R4, adding the following matter of discretion is appropriate:

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

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<sup>43</sup> Submitter #14

<sup>44</sup> Section 42A report para 42, p14



## 5.4 PC19 Proposed Zoning - Bannockburn

### 5.4.1 Domain Road Vineyard Zoning

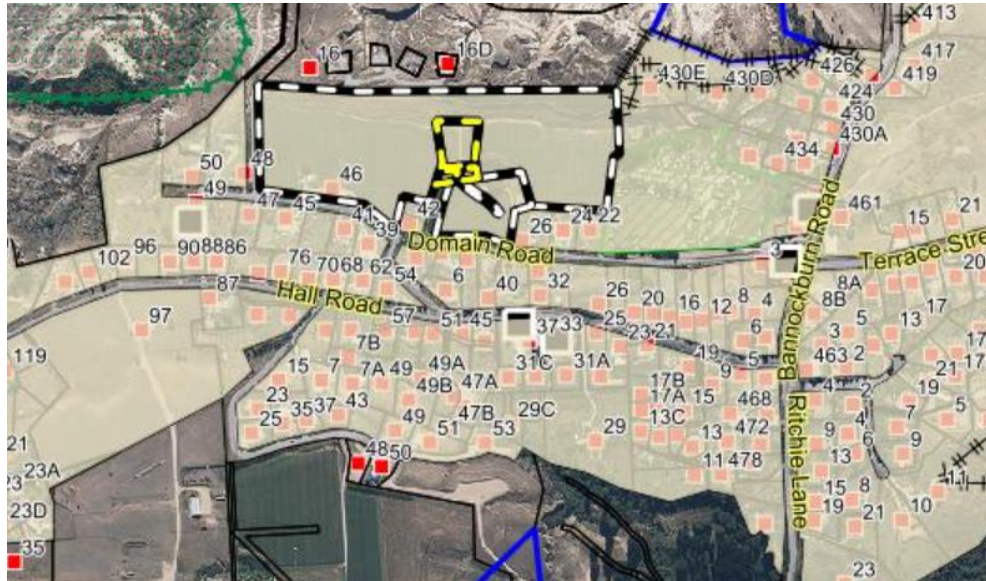


Figure 3 – Bannockburn

150. Key matters raised by submitters opposed to the proposed re-zoning included that Domain Road Vineyard was not included in Spatial Plan and therefore was not part of wider community consultation; that there are other options for growth that will not have the same effects on the settlement that have not be explored; loss of productive use, and the impact on views and character of the Township Effects not having properly been considered.
151. Mr Dicey<sup>45</sup> presented his view that the Domain Road Vineyard is afforded protection under NPS-HPL. The Panel does not agree with this position, however as noted by Ms White in the Stage 2 s42A Report, while the NPS-HPL does not apply to this site, that does not mean that the Panel cannot consider the effect of the rezoning in terms of impacts on productive use of the Domain Road Vineyard site.
152. A number of submitters oppose the proposed LLRZ zoning of the Domain Road Vineyard in Bannockburn. Allen & Jostina Riedstra<sup>46</sup> oppose LLRZ of their property at 49 Domain Road, which is located to the south-west of the Vineyard, preferring to retain the existing zoning.
153. In his evidence to the Panel, Graeme Crosbie<sup>47</sup> supports Domain Road Vineyard being zoned LLRZ, emphasising the largely urban surrounding of the site, and the impact of this on vineyard operations in terms of reverse sensitivity.
154. The zoning of this site is discussed by Ms White in her Stage 2 s42A report, where she confirms her view that the location of the site would provide a logical expansion of the

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<sup>45</sup> Submitter #70

<sup>46</sup> Submitter #29

<sup>47</sup> Submitter #117

township, the site is able to be serviced by Councils Infrastructure, and it would assist in providing supply in an area where there is high demand.

155. Following the hearing of submissions Ms White in her reply considered that given the loss of the productive use of the land and the high level of amenity and character the community derive from the rural use of the site, and should the Panel agree to recommend that the Council consider growth options in Bannockburn further through a township-specific Spatial Planning exercise, then it would be appropriate to consider the Domain Road vineyard site as part of such a process, rather than rezoning it now.

### **Panel Findings**

156. The Panel has considered the submissions received in relation to the proposed re-zoning of the Domain Road Vineyard and while the Panel considers that the Vineyard site is a logical extension of the township, as indicated by Ms White, this needs to be balanced against the loss of the productive use of the land and the high level of amenity and character the community derive from the rural use of the site.
157. The Panel finds that it would be more appropriate for the Domain Road Vineyard to remain rural at this time.

#### 5.4.2 Bannockburn Density/ Minimum Allotment

158. PC19 applies the LLRZ to Bannockburn Township, which results in a minimum density requirement of 2000m<sup>2</sup>. This was applied to be broadly consistent with the current zoning, which, while applying a lower minimum of 1500m<sup>2</sup>, requires an average of 2000m<sup>2</sup>.
159. The Panel heard continued support from some submitters for the proposed 2000m<sup>2</sup> minimum being applied, on the basis that this is considered consistent with character of the area.
160. Other submitters continue to support a lower minimum of 1000m<sup>2</sup> applying in Bannockburn. Some noting that there are already some sections in Bannockburn of this size, and it is therefore better to plan for this rather than allow it only on an ad hoc basis as it would assist in addressing the lack of supply to meet demand and provide for a more flexible range of densities at Bannockburn reflecting the pattern of development which has occurred to date in Bannockburn and provide for a more efficient use of land for housing.
161. While supporting a lower minimum lot size of 1000m<sup>2</sup>, Mr Barr in his evidence seeks that this is coupled with an average of 1500m<sup>2</sup> being applied. He considers that 1500m<sup>2</sup> is a better reflection of the development which has occurred to date and not detrimental to character of Bannockburn.
162. This was supported by Mr Milne, who states that the pattern of settlement in Bannockburn consists of large lot residential varying in size from 1500m<sup>2</sup> - 3000m<sup>2</sup> with some smaller 1000m<sup>2</sup> sections closer to town centre. He considers 1000m<sup>2</sup> min and

1500m<sup>2</sup> average to be in keeping with residential development within wider settlement area.

163. Evidence presented by Jake Woodward opposes increase in minimum allotment size in Bannockburn from 1500m<sup>2</sup> to 2000m<sup>2</sup>, rather supporting a minimum of 1500m<sup>2</sup> being applied given the variation in lot sizes below 2000m<sup>2</sup>. Mr Woodward does not consider that applying a 2000m<sup>2</sup> minimum is truly consistent with the existing amenity and character. He also considered that a lower minimum (i.e. beyond 1500m<sup>2</sup>) would result in a “fundamental shift in character over and above what presently characterises the immediate vicinity”, with vicinity in this context being the area near the submitter’s property.
164. Ms White in her reply noted that development at this lower level might, over time, result in a lower overall average lot size, but noted result in a perceptible shift in the character of the township.
165. The Panel notes the support for applying a 2000m<sup>2</sup> minimum but accepts that as the current framework allows for smaller lots of 1500m<sup>2</sup>, applying this as a minimum would still be consistent with the existing character of the Township.
166. We have considered a number of submissions in relation to the applicability of a reduction in minimum allotment size agree with Ms White’s view that while a minimum lot size of 1000m<sup>2</sup> would provide greater flexibility and more opportunity for infill, it could alter the character of the township, there is a different character between Pisa Moorings (where there is a 1000m<sup>2</sup> minimum lot size) and Bannockburn.
167. As noted earlier in this decision, while the NPS-UD includes direction in relation to providing sufficient development capacity, this is within a framework that overall seeks to ensure well-functioning urban environments that provide for community wellbeing.
168. The Panel has reached a view that it is entirely aligned with the NPS-UD to apply a lot size in Bannockburn that is consistent with the current amenity and character of the Township, which contributes to the variety of housing options across the wider District.

### ***Panel Findings***

169. The Panel agrees that a reduction in the minimum allotment size to 1500m<sup>2</sup> would not be material in the context of Bannockburn, noting Ms Muir’s advice to Ms White in her reply that this level of development can be serviced in terms of existing infrastructure.
170. This is consistent with the minimum allotment of 1500m<sup>2</sup> provided for in the operative District Plan.
171. The panel notes that while the requests for a reduction in density were largely in the context of specific properties in the proposed LLRZ zoning in Bannockburn, the submissions and evidence submitted were related to the wider LLRZ.

172. Rather than create another bespoke Precinct that would apply to Bannockburn alone, Ms White has provided a recommendation that would apply to the whole LLRZ on the basis that there is sufficient scope to apply an amendment.

173. Ms Whites recommendation also includes a provision that there be only one residential activity on any allotment with an area of less than 1500m<sup>2</sup>. The Panel considers this to be an appropriate addition to performance standards to maintain an overall density.

174. The Panel agrees with this recommendation and finds that it is appropriate to amend the density and subdivision standards as follows:

<b>LLRZ-S1</b>	<b>Density</b>	<b>Activity Status where compliance not achieved:</b>
<b>Large Lot Residential Zone (Excluding Precincts 1, 2 &amp; 3)</b>	<ol style="list-style-type: none"> <li>1. <i>The minimum site area per residential unit is <del>2000</del>1500m<sup>2</sup>.</i></li> <li><i>or</i></li> <li>2. <i>On any site less than 1500m<sup>2</sup>, one residential unit per site.</i></li> </ol>	<b>NC</b>

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

<b>Large Lot Residential Zone (excluding Precincts 1, 2 &amp; 3)</b>	<ol style="list-style-type: none"> <li>6. <i>The minimum size of any allotment shall be no less than <del>2000</del>1500m<sup>2</sup>.</i></li> </ol>	<b>NC</b>
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175. In terms of s32AA of the RMA, the Panel agrees with Ms Whites assessment that the change in density will still achieve LLRZ-O2, while being slightly more efficient through providing greater flexibility and variety in lot sizes across the zone.

## 5.5 PC 19 Proposed Zoning - Cromwell

### 5.5.1 North Cromwell

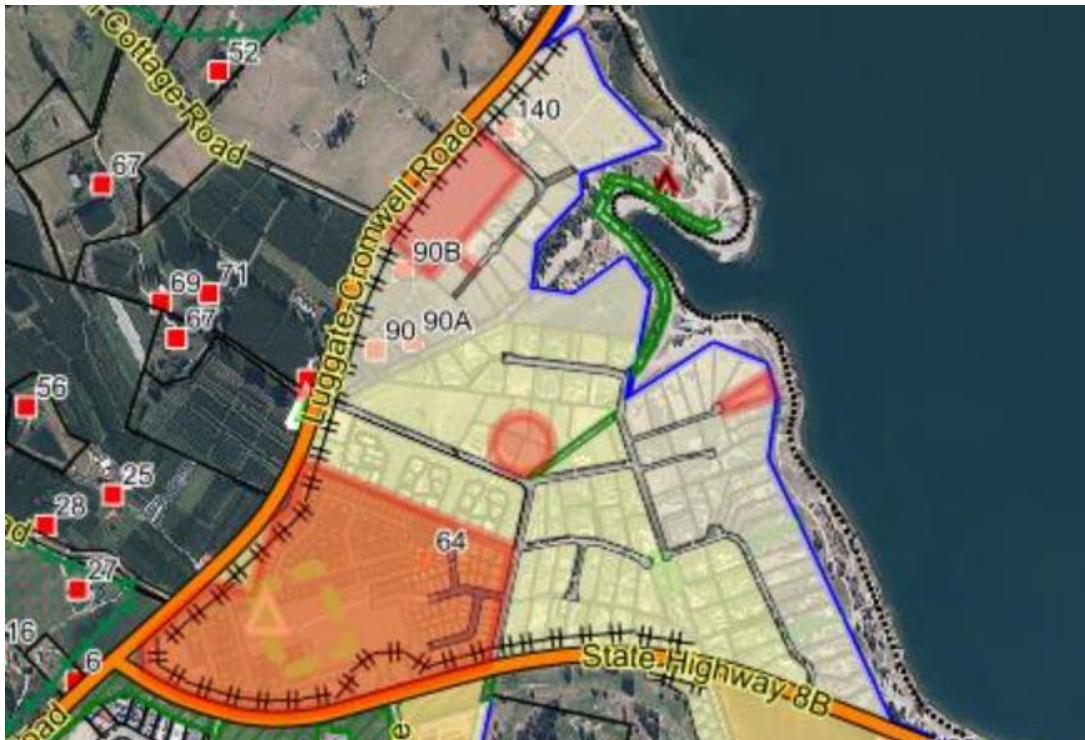


Figure 4 – North Cromwell

176. As noted in the s42A report (Stage 2) there were a significant number of submissions relating to the areas north of State Highway 8B proposed to be zoned LRZ and LLRZ, and a range of different outcomes sought. Submitters appearing at the hearing included those:

- a. Supporting application of LRZ across the area, on the basis that:
  - i. the 2000m<sup>2</sup> minimum under LLRZ would not allow for much infill, due to the position of current houses.
  - ii. 4000m<sup>2</sup> lots are wasteful, and setbacks can be applied in relation to lots adjoining nohoanga or lake
- b. Supporting 1000m<sup>2</sup>/1500m<sup>2</sup> applying in relation to a block on Shortcut Road.
- c. Supporting application of LLRZ (2000m<sup>2</sup> minimum).
- d. Supporting retention of operative plan approach (4000m<sup>2</sup> minimum), on the basis that:
  - iii. As development of this area is recent, the likelihood of additional yield from this area occurring may not be realised.
  - iv. It provides variety in housing options, with other areas providing higher density options.
  - v. the current zoning is in effect a rural residential zone, and this should be retained. The Spatial Plan does not recognise this area as being rural residential and was not subject to suitable engagement, nor did it consider other opportunities for urban growth.



- vi. this is the only remaining RRA (6) zone within the Cromwell Urban boundary, with other areas with this zoning rezoned before they were developed.
  - vii. The rezoning does not align with Policy 7.2.3
  - viii. From a servicing perspective the area is treated as rural, smaller sections would create an expectation of urban services, and it is not clear how such services would be retrofitted for existing lots.
177. Mark Mitchell <sup>48</sup>seeks application of a precinct to a large portion of this area of North Cromwell (but not the Thelma Place area) applying a 1500m<sup>2</sup> minimum. This is supported by evidence prepared by Campbell Hills, who considers the practical application of different minimum lots sizes in this area. Based on an assessment of this area, Mr Hills considers that the LLRZ minimum density of 2000m<sup>2</sup> would not provide for particularly practical subdivision designs, given the location of existing development on developed sites, considering that a minimum of 1000m<sup>2</sup> would encourage “awkward” subdivision layouts, and that in combination with the site coverage, could compromise the character and amenity of this area.
178. Ms Rachel Law has provided planning evidence to support the requested MRZ zoning of land in the northwestern area of Cromwell (#51 - D & J Sew Hoy, Heritage Properties Ltd and #21 – Brian De Geest). Ms Law’s evidence notes that the McNulty Inlet is identified in the Cromwell Spatial Plan as a “Community Node”.
179. While some submitters may consider that the area has a ‘rural’ feel, the predominance of residential, not rural activities in this area also means it does not align with the ‘rural lifestyle zone’ under the National Planning Standards. The area is clearly a residential zone.
180. The Spatial Planning exercise involved significant community engagement, that specifically considered opportunities for growth, as outlined in the Spatial Plan document itself. Given the range of requests in terms of the zoning of this area, the question is what zone is most appropriate to apply to this area moving forwards, taking into account a range of factors including the Spatial Plan outcome.
181. The retention of the current minimum allotment size of 4000m<sup>2</sup> (by applying a LLRZ zoning and a new precinct applying a higher minimum allotment size) would retain this character and amenity. Having reconsidered the submissions, the Panel accepts that the existing density results in a particular character and level of amenity that is important to some residents in this area.
182. In the Stage 2 s42A report, Ms White did not make a recommendation on the zoning of this area, given the volume and disparity of submissions. She did however recommend that none of the area be zoned MRZ, and that a single zoning be applied to the area.
183. The Panel agrees with Ms White that the application of LLRZ, would provide for some infill opportunities, with a subtle change in the character, without compromising the current amenity levels, and that applying a LLRZ across the developed portions of this area would

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<sup>48</sup> Submitter #113

strike an appropriate balance between maintaining the predominance of open space over built form (LLRZ-O2(2)) while better aligning with the intent of the Spatial Plan to provide for additional development in this area.

184. The Panel notes there are some larger blocks within the area that are not developed, including those of Mr Mitchell, D & J Sew Hoy Heritage Properties, and De Geest. The Panel further notes that because they are larger properties, they could be more comprehensively developed at a higher density under the recommended approach to Comprehensive Residential Development. Ms White has also suggested that it may be appropriate to apply LLRZ Precinct 1 (1,000m<sup>2</sup> minimum) to these properties, because they would be able to be developed in a more integrated manner, rather than through infill.
185. While the development at this higher density would have a slightly different character to that of the overall area, the Panel agrees with Ms White that it would not undermine the character of the LLRZ areas (because it would apply only to discrete sites, rather than infill throughout the area) and would provide for more variety.
186. The Panel also agrees with Ms White that a different zoning being applied to larger undeveloped sites within these areas is appropriate and that LLRZ Precinct 1 is the equivalent of the current zoning of the De Geest site and aligns with the density sought by Mr Mitchell.
187. With respect to the MRZ sought by Ms Law<sup>49</sup>, the Panel does not consider that the proximity of these sites to the McNulty Inlet are sufficient to justify their rezoning to MRZ. The area is not within a walkable distance to either commercial areas or other key community facilities unlike MRZ identified in on the outskirts of Alexandra are proposed to be supported by addition of a new commercial area, and other MRZ areas towards edge of Cromwell township are located close to commercial areas. By contrast, the Spatial Plan does not propose commercial activity in the McNulty Inlet area.
188. With respect to the D & J Sew Hoy Heritage Properties site, the Panel accepts Ms Whites recommendation in her reply that applying MRZ on the basis that it is in similar proximity to the town centre, as other MRZ sites. The Panel agrees with Ms White that the Freeway Orchard site is both larger, allowing for a more comprehensive development, and that it is surrounded by LRZ. The D & J Sew Hoy Heritage Properties site is, by contrast, surrounded by a lower density of development, and application of MRZ would, in particular, leave Lakefield Estate as somewhat of an island in a higher density area.

### ***Panel Findings***

189. The Panel agrees with Ms White that MRZ is not appropriate in this area and that LLRZ (Precinct 1) is appropriate to be applied to the larger 'greenfield' sites (including the De Geest and Heritage Properties sites) providing for a higher level of development on these sites, and in addition, the Comprehensive Residential Development pathway would allow for development below the minimum allotment sizes otherwise applying, where it is undertaken in a comprehensive manner.

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<sup>49</sup> On behalf of submitters #21 and #51

190. Having considered the submissions, section 42A recommendations, evidence presented at the hearing and Ms Whites reply, the Panel is of the view that LLRZ should be applied to the areas north of State Highway 8B (excluding Wooing Tree), other than those areas identified in red in figure 5.

191. That the LLRZ (P1) is applied to the properties identified in red in figure 5.



Figure 5 – North Cromwell LLRZ (P1)

192. The Panel accepts the s32AA evaluation of Ms White, that the application of LLRZ across the developed parts of this area will assist in achieving the outcomes sought for LLRZ of a predominance of open space over built form, while also retaining good quality on-site amenity and amenity for adjoining sites. While this may result in a slight change in character, it will maintain the high level of amenity associated with the existing development lots in this area.

193. Providing for a greater level of density on undeveloped sites through application of LLRZ (P1) will provide greater opportunities for development in the remaining parts of this area, and while there will be a difference in character in these areas when compared to the overall area, the Panel is of the view that this aligns with the LLRZ objectives and will not detract from the amenity of the area as a whole.

194. There are some lost opportunity costs associated with the recommended approach, in that it will not provide for the level of development that was proposed in PC19, or anticipated in the Spatial Plan but the Panel has formed the view that these costs are outweighed by the benefits of retaining key aspects of amenity and character that are clearly highly valued by the community.

## 5.6 Zoning Requests – Alexandra

### 5.6.1 Centennial Ave / Clutha Street / Ashworth Street 'Block

195. Hayden Lockhart<sup>50</sup> seeks that higher density is provided for in the LRZ area in the Centennial Ave / Clutha Street / Ashworth Street block (refer figure 6 below).



Figure 6 – Alexandra

196. The submitter notes that some sections in this area have already been subdivided, resulting in a mixed density in this area, and considers it would be “fairer and more visually appealing to work towards a similar density”, and consistent with the intent to have higher density closer to the centre of town.

### **Panel Findings**

197. The Panel is of the view that the decision to reduce the density in LRZ to 400m<sup>2</sup> as indicated earlier in this decision will go some way to addressing the concern of the submitter by allowing for infill of 800-1000m<sup>2</sup> sections.

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<sup>50</sup> Submitter #42

198. The Panel decision is that the LRZ zoning of the block located between Centennial Ave / Clutha Street / Ashworth Street is retained as notified. The Panel does not consider rezoning a MRZ to be appropriate or necessary.

#### 5.6.2 Alexandra Supermarket

199. Foodstuffs<sup>51</sup> seeks that 32 and 34 Kenmare Street are zoned Business Resource Area (BRA) rather than LRZ, to reflect the same zoning at the rest of the New World Alexandra site, and the current commercial use of the site.

200. The Panel understands that these sites are currently used for commercial purposes, established through a resource consent process, assessed under the current residential zoning applying to this part of the overall site.

201. As Ms White indicated in her section 42A (Stage 2) report rezoning this part of the site could allow for changes to the activities undertaken in this part of the site that extend beyond those assessed through the resource consent process and could have a greater impact on the surrounding residential properties.

202. No assessment was provided in the submission of the difference between what is authorised through the resource consent and what would be authorised through a change in zoning.

203. Following the hearing of evidence on behalf of Foodstuffs from Mr Allan who noted the BRA rules applying to the site, that were imposed by conditions of consent, and that any expansion to the current operation would trigger resource consent and that any changes would also likely trigger the need for a variation to the existing consents to be sought, regardless of zoning. Based on this assessment Ms White changed her recommendation in her reply indicating the BRA zoning would be more appropriate to achieve the objectives of the Plan.

#### ***Panel Findings***

204. The Panel agrees with Ms White's recommendation that 32 and 34 Kenmare Street be re-zoned as BRA.

205. In terms of s32AA of the RMA, the Panel considers this better reflects the surrounding environment and does not result in an isolated parcel of land zoned LRZ.

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<sup>51</sup> Submitter #61



### 5.6.3 MRZ in north-west of Alexandra

206. LandPro <sup>52</sup>questioned whether it is appropriate to apply the MRZ to areas in the north-west of Alexandra, given there are no associated commercial or mixed-use areas near this area at present and consider LRZ may be more appropriate if not progressed alongside commercial development.
207. NTP Development Holdings Ltd<sup>53</sup>, who owns another greenfield site proposed to be zoned MRZ, supports the application of MRZ to their property.
208. Both of these areas have been identified in the Vincent Spatial Plan as providing an opportunity for *“A comprehensive, mixed-use approach to greenfield growth with a new neighbourhood centre, green corridors and small industrial area to support greenfield medium density residential expansion.”*
209. While there is no commercial area located near this area at present, one is anticipated as part of implementation of the Spatial Plan.
210. Because of existing development, no such opportunity exists in a more central location. Ms White indicated that she had seen this approach to greenfield medium density development undertaken successfully in areas outside Central Otago, and she does not consider the location of the proposed MRZ to be inappropriate.
211. The zoning is also staged, through part of the area being within a FGO, and therefore not anticipated to be developed in the short term.

#### **Panel Findings**

212. The Panel agrees with Ms White in her recommendation for the reasons outlined and considers that the MRZ zoning in north-west Alexandra should be retained as notified.

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<sup>52</sup> Submitter #150

<sup>53</sup> Submitter #96

#### 5.6.4 155-157 Dunstan Road, and part of 129 Gilligans Gully Road

213. Original submissions from Shanon Garden<sup>54</sup> and Chris Cameron & Carolyn Patchett<sup>55</sup> sought that area shown in Figure 7 below, be rezoned to LRZ, or LLRZ Precinct 1.
214. Aidan & Philippa Helm<sup>56</sup> owners of 129 Gilligans Gully Road, also seek that the rezoning of that part of 129 Gilligans Gully Road as identified in red in figure 7 below, that is to be amalgamated with 155 Dunstan Road.



Figure 7 – 155-157 Dunstan Road and part 129 Gilligans Gully Road

215. The reasons for this request include:
- The zoning is incongruous with the MRZ proposed opposite to the south of Dunstan Road, and LRZ further to the east along Dunstan Road.
  - The industrial zoning and potential reverse sensitivity should not be used as the boundary/reason for the change between LRZ and LLRZ.
  - The proposed zoning is not an efficient use of the land and is not considered to be an 'outer' residential area as described in the LLRZ chapter.
  - The area is well-served by public open spaces, so private open space is not required and the landscape context within which the site sits supports higher density.
  - The site is within walking and biking distance to services and amenities.
  - Inclusion of part of 129 Gilligan's Gully Road will create a boundary at the bottom of the existing treed face and allow for development of the flatter portion of the site which is physically separated from the balance of the site, and which would be consistent with development that has occurred to the south.

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<sup>54</sup> Submitter #139

<sup>55</sup> Submitter #141

<sup>56</sup> Submitter #130

- g) That while there are infrastructure issues including roading and wastewater, there are viable options to address these issues.
216. In terms of zoning in PC 19, LLRZ (Precinct 1) has been applied to areas where this is generally consistent with the current zoning applied (RRA 3 and 10), to maintain the existing amenity and character. This does not apply to this area, where the proposed LLRZ is a change to the current Rural Residential zoning and therefore application of the lower density would not align with the objective (LLRZ-O3) which seeks to recognise and provide for maintenance of the amenity and character resulting from existing or anticipated development in the precinct areas.
217. With respect to application of LRZ, in the Stage 2 s42A report, Ms White did not support this, due to servicing constraints raised by Ms Muir, and that the industrial activity to the south of these sites provided an appropriate 'break' between the transition from LLRZ to LRZ.
218. Mr Barr has suggested a rule limiting the number of lots that can be created to that which is anticipated under the notified LLRZ. This suggestion was accepted by Ms White in her reply<sup>57</sup>.
219. In terms of the appropriateness of LRZ in this location, the advice of Mr Moore, is that while the change in character from LRZ will be more significant, than that arising from the LLRZ zoning, it will remain similar in character to much of Alexandra's urban area and in this context "will not appear at all incongruous or inappropriately dense" in this location (paragraph 29(b)).
220. The Panel understands Mr Moore's evidence to essentially support either LLRZ or LRZ from a landscape and visual effects perspective.

### ***Panel Findings***

221. The s 32 report identifies the Vincent Spatial Plan as being the driver for the zoning of and under PC 19. The Spatial Plan, was a comprehensive community engagement process, spanning two years and represents the outcome of that engagement with the community.
222. The Spatial Plan was developed to assist Council in planning for future growth in term of zoning, urban form and infrastructure investment. While the Panel acknowledges it is not a document that is required to be given effect to under the provisions of the Resource Management Act, it was the engagement process chosen by Council to plan for future urban growth and a "management plan prepared under other Acts", to which a local authority shall have regard to, pursuant to s 74(2)(b) of the Act.
223. The Vincent Spatial Plan was developed with the assistance of expert urban design input from Boffa Miskell and provides a variety of typologies to meet growth demand.

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<sup>57</sup> Officers reply p53



224. PC 19 proposes a change in zoning from Rural Residential (requiring a 2ha average) to LLRZ (1500m<sup>2</sup>) providing for a tenfold increase in density, which the Panel considers to be appropriate in this location.
225. The requested LLRZ zoning on Dunstan Road is a typology that was not provided for in the Alexandra prior to the Vincent Spatial Plan. The Vincent Spatial Plan zoning on Dunstan Road intentionally provides a transition between the commercial/industrial activities associated with the Fulton Hogan main yard and the Otago Bees Site and the Rural Lifestyle further down Dunstan Road.
226. Ms Muir identifies that the requested increase in intensification LRZ or LLRZ (Precinct 1), can be serviced for water, but cannot be serviced by wastewater at this time, and even if reticulation was to be provided by the developer, this could not proceed until the wastewater treatment upgrades identified in her report are completed. As such, rezoning of the site at this time is not able to be appropriately serviced in terms of wastewater.
227. Mr Barr on behalf of the submitter has suggested introducing a site-specific servicing threshold in LRZ density with a limitation on number allotments for this particular site. The suggestion will establish a pattern of development that is not consistent the Vincent Spatial Plan in terms of planning for future growth development.
228. The Panel does not accept the recommendation in Ms Whites reply that the zoning of 155 -157 Dunstan Road be changed to LRZ that limits the number of allotments that can be served, as it will effect a change in the character and typologies anticipated for this area through the Vincent Spatial Plan process.
229. The Panel notes that the Fulton Hogan site is currently zoned rural with a Scheduled Activity of "Contractors Yard". The site supports the largest employer in the District, generating a range of effects through the existing activities.
230. The Panel considers that the Fulton Hogan/Otago Bees site is the most appropriate "split" between the existing LRZ and LLRZ areas providing a logical separation between the LLRZ and the LRZ, noting the extensive reserve area southeast of the Fulton Hogan site that creates a buffer to the existing LRZ.
231. The Panel considers the proximity to the MRZ across Dunstan Road, is not sufficient to justify the rezoning, and that the industrial activity to the south of these sites provides an appropriate 'break' or transition from LRZ to LLRZ to Rural Lifestyle.
232. The Panel considers that there is a natural separation between the MRZ and Dunstan Road created by the Rail Trail immediately adjacent to Dunstan Road.
233. Overall, the Panel prefers Ms Whites original recommendation and reasons outlined in her Stage 2 section 42A report that the LLRZ be retained.
234. The zoning of 155-157 Dunstan Road is to retain the LLRZ as notified in Plan Change 19 and that portion of 129 Gilligans Gully Road as shown in Figure 7 above is to be rezoned LLRZ.

235. With respect to rezoning part of 129 Gilligans Gully Road shown in figure 7 above, the panel agrees with Ms White that including this in the LLRZ will result in a more logical boundary between the residential and rural residential zones which reflects the topography of the site, and which is consistent with the surrounding properties. This would allow for development of 4 or 5 lots and reflecting more of a boundary adjustment than an extension to the zone which would otherwise result in the servicing constraints identified above.

#### 5.6.5 Alexandra-Fruitlands Road and McGregor Road

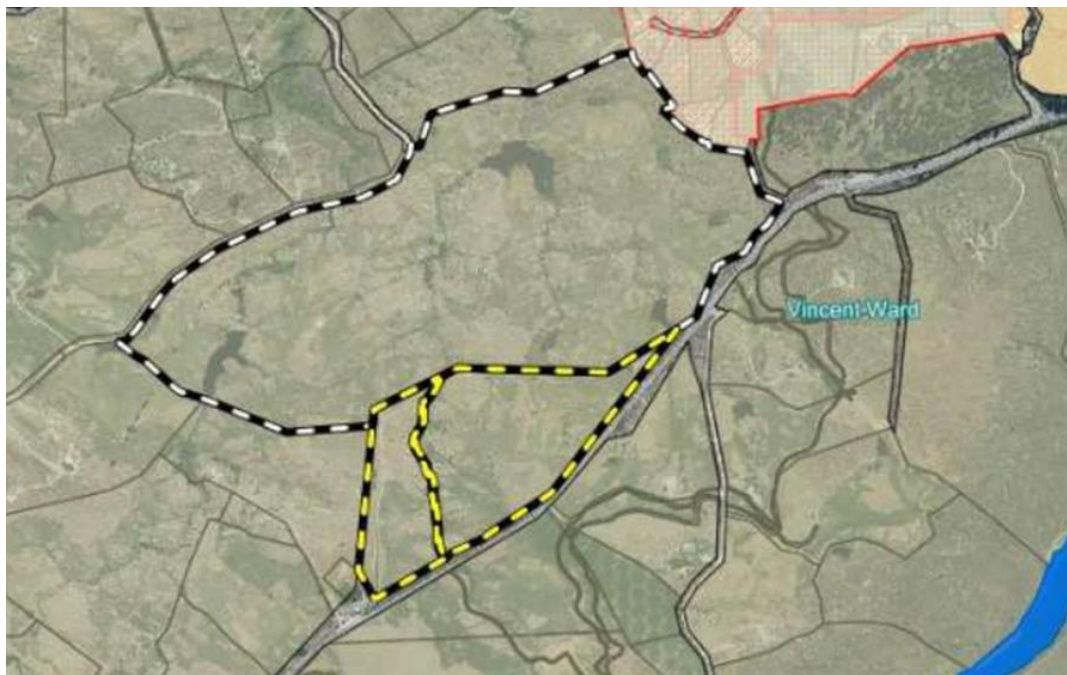


Figure 8

236. Rocky Glen Ltd<sup>58</sup> seek that a 105ha site be re-zoned LLRZ as shown in figure 8. The site is currently zoned Rural Resource Area and was not proposed to be rezoned through PC19. The submitter considers that the extension of residential zoning is a logical expansion to the “Old Golf Course Road” subdivision to the east to accommodate future growth, offering a good north aspect and unique landscape for development.

237. The Panel notes that the property was not identified as a growth area suitable for growth in the Vincent Spatial Plan.

238. In terms of servicing Ms Muir indicates that the site cannot be serviced for wastewater and there is no capacity in planned wastewater treatment upgrades to service this area. She also notes that the site is above existing reservoir levels and water would need to be pumped which would result in higher operating costs. The rezoning would therefore not be integrated with infrastructure and as pointed out by Ms White in her section 42A (Stage 2) report would be inconsistent with Objective 6.3.4 of the operative plan.

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<sup>58</sup> Submitter #159

239. The Panel also notes that yield assessment undertaken as part of the Vincent Spatial Plan demonstrated that the anticipated demand in Alexandra can be met through the supply provided in the Spatial Plan, without further land being required. Rezoning of this site is therefore not necessary to provide for demand.

240. While the submitter states that new development would be able to be incorporated into the landscape so as not to obscure views from the State Highway, no landscape assessment has been provided with the submission to support this.

### **Panel Findings**

241. Given the property is unable to be serviced and the panel has not been presented with any evidence supporting the appropriateness of the proposed zoning, the Panel rejects the request that the land be re-zoned as LLRZ and finds that the Rural Resource Area zoning of the Alexandra-Fruitlands Road and McGregor Road sites should be retained.

## 5.7 Zoning Requests – Cromwell

### 5.7.1 Keyrouz Holdings Limited (#125)

242. The submitters are seeking a change to the zoning of the area located on the south-eastern corner of Barry Avenue and State Highway 8, from MRZ and LRZ, to Business Resource Area. The zoning proposed under PC19 is shown figure 9.



Figure 9

243. The site was identified in the Cromwell Spatial Plan as Medium Density zoning.
244. The site is currently identified as a Scheduled Activity (SA100) for travellers accommodation (the “Golden Gate Lodge”) and the main part of the site currently contains a bar and restaurant, a hotel, a liquor store, and associated areas of car parking, along with a residential dwelling.
245. The parcel fronting the State Highway is currently zoned BRA(1), and subject to a designation for amenity planting and not identified in the Spatial Plan for residential development. The submitter states that the current investment in the existing buildings mean it is unrealistic that they would be removed to allow for residential development.
246. The submitter considers that applying residential zoning to these sites *“will apply an inappropriate objective, policy and rule framework to future activities associated with the maintenance and development of existing assets”*.

### **Panel Findings**

247. The Panel agrees with the recommendation of Ms White in her s42A (Stage 2) report that the site be re-zoned as BRA for the reasons outlined in her report.
248. In terms of s32AA the Panel agrees with Ms Whites evaluation that it is more efficient to apply the Business zoning to that part of the site which has established commercial uses and that the current use of the site aligns better with the outcomes sought for the BRA than with those of the MRZ and therefore applying the BRA to this area better assists in achieving the outcomes sought by the Plan; applying the Business zoning to the wider site, while reducing the potential for some additional residential development, is more appropriate as it provides for a more consolidated business area and is consistent with the current use, character and amenity of the surrounding area; the loss of potential development is not of such a scale that it would undermine provision of sufficient supply and that the adverse effects arising from potential future development of this area under the BRA framework are adequately managed through the BRA framework and through the buffer that exists between these sites and surrounding residential areas.

## 5.8 Zoning Requests - Bannockburn

249. The Panel heard from multiple parties seeking to extend the urban/residential boundary of Bannockburn to the south and amend to change the density of development in the township. We also heard from Ms Muir that there are significant constraints in terms of extension of existing or planned water or wastewater infrastructure.
250. In considering the requests below the Panel acknowledges that additional residential zoning and provision for growth Bannockburn was not included in the Cromwell Spatial Plan and therefore has not been considered as part of a wider community discussion on whether Bannockburn should grow, where that growth should occur and what an appropriate density might be.

251. In terms of whether the zoning is appropriate to include in PC19, the Panel is mindful of consideration of whether the identified shortfall in capacity specifically in Bannockburn “must” be met by rezoning land within Bannockburn in order to give effect to the NPS-UD, or whether the NPS-UD requirements are met through a focus on consolidating growth in Cromwell.
252. As indicated earlier in this decision the Panel does not agree that the NPS-UD requires that variety and supply must be met at each township, when the township itself is part of a wider urban environment and the direction in the NPS-UD relates to the “urban environment” not every component part of it.
253. We are of the view that the NPS-UD provides discretion to the Council to determine where best to provide capacity and variety and does not agree that the Council “must” establish a particular zone in Bannockburn to meet a shortfall, nor that different densities must be applied in each township.
254. The Panel agrees with Ms White that it is broadly appropriate to provide for additional growth in Bannockburn, however the development that has occurred to date has given it a particular character and amenity that appears to be distinct from other urban areas, and which, as evidenced by submissions, is highly valued by the community, and is part of the ‘variety’ of housing across the district. Any additional supply would help to continue providing for this variety, however, where and how this growth should be provided needs to be considered in the context of the whole, rather than on a site-by-site basis.
255. There are infrastructure constraints Ms Muir considers infrastructure servicing will have greater ongoing operational costs, which will fall to other ratepayers, not just the developer. The Panel considers this to be a relevant factor to consider when assessing different growth options.
256. The Panel is also of the view that some of the future growth options in Bannockburn are better dealt with through a township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn in relation to some requests.

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

257. This submission relates to properties at 88 Terrace Street, on the eastern side of Bannockburn Road as shown in figure 10.



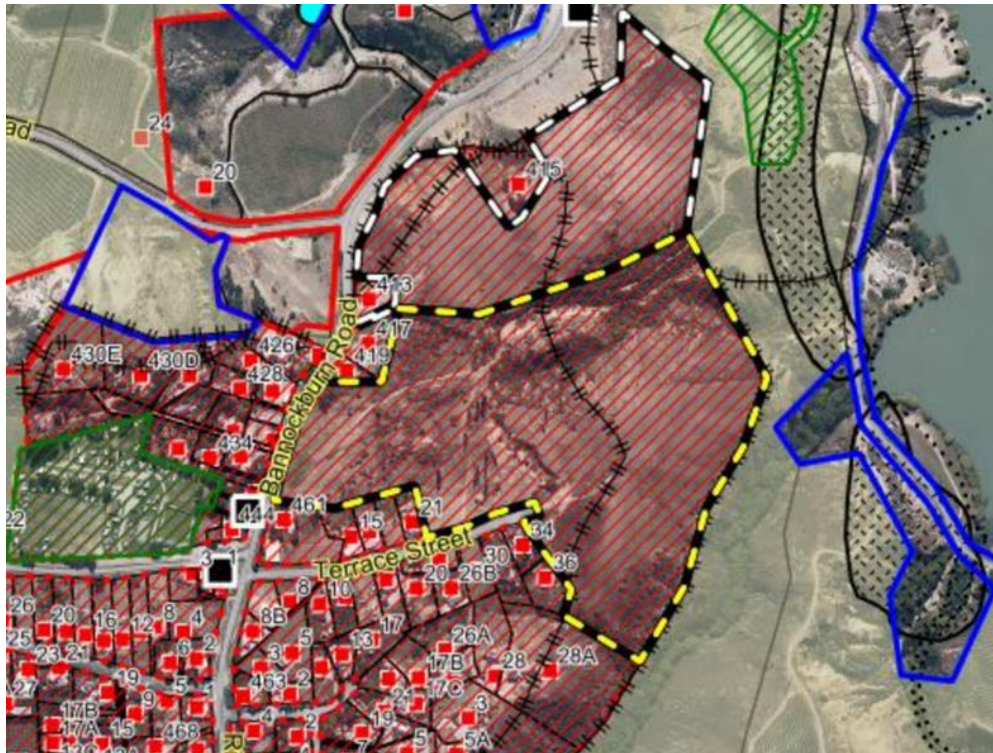


Figure 10 – Bannockburn

258. Through evidence, the relief sought was refined the application of MRZ within a 1.8ha area, subject to a reduced building height of 8.5; application of a commercial precinct within this MRZ area to a 30m strip along Bannockburn Road and related set off provisions; and retaining LLRZ over the balance of the site, but with a minimum and average allotment size of 1,000m<sup>2</sup> and 1,500m<sup>2</sup> respectively applying.
259. Mr Fowler suggested that PC19 lowers the density in Bannockburn. It is important to note that while the minimum site area is raised from 1500m<sup>2</sup> to 2000m<sup>2</sup>, an average of 2000m<sup>2</sup> currently applies, and as pointed out by Ms White this means under current zoning a minimum site area of 4000m<sup>2</sup> would be required to realise any additional allotments.
260. The submitter has provided a range of supporting evidence, including a landscape assessment from Mr Milne. Aspects of this are set out and discussed above in relation to the comprehensive development pathway. In addition to this he considers that:
- a) The proposed MRZ and commercial precinct areas will establish an urban village centre which will enhance amenity of township, and while the character of this area will change to an urban one, such development will complement existing commercial activity on east side of road and therefore not be unexpected in the context.<sup>59</sup>
  - b) The 8.5m / 2 storey limit for the proposed MRZ and commercial precinct areas is appropriate in context of wider landscape and scale of existing built form.<sup>60</sup>

<sup>59</sup> Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), paras 17 & 77

<sup>60</sup> Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), para 86

- c) While the proposal will result in a change in the character to that which exists now, the key landscape values of the wider environment will be maintained.<sup>61</sup>
- d) There is capacity for higher density development in the context (near the existing village centre and flat eastern part of the site,<sup>62</sup> with lower density appropriate within eastern flat part of site beyond MRZ and on hills and terraces.

261. In his planning evidence, Mr Barr considered that the proposal is more appropriate than LLRZ as notified, as it provides benefits in the form of a modest variety in housing and increased potential for affordability through such variety, as well as benefits of providing consolidated commercial area.

262. In relation to the MRZ, Mr Barr notes that Clyde has MRZ, with Clyde Township being 185ha in area and Bannockburn 130ha, and that Clyde is a comparable distance from Alexandra as Bannockburn is from Cromwell. However, he also acknowledges that Clyde is predominately zoned LRZ where Bannockburn is zoned LLRZ. There is also a difference in terms population base indicated that at the time of the 2018 census, Bannockburn's population was 477, compared with 1,161 in Clyde.

263. In relation to the application of a commercial precinct Mr Barr states that the design of the proposed Commercial Precinct provisions are not those of a dedicated commercial zone, but an overlay that sits within the MRZ framework,<sup>63</sup>

264. Mr Barr seeks the inclusion of a new objective which seeks that *“Commercial activities and community facilities are provided for within the Commercial Precincts, are limited in scale and maintain or enhance residential amenity, provide for local convenience and services, and support the local economy.”*

265. Ms Muir in her section 42A evidence indicated that to service this site would require significant upgrading to existing water reticulation and storage capacity. Water would need to be pumped to this area which would result in higher operating costs. It would also require capacity increases in wastewater treatment. Concluding that these upgrades *“exceed current infrastructure planning provisions for level of service and growth”*.

266. Ms Muir also notes that the capacity constraints for wastewater relate to the Cromwell wastewater treatment plant, and therefore the evidence regarding wastewater reticulation to the site does not change staff advice regarding these capacity constraints at the treatment plant. With respect to water, she notes that capacity constraints relate to the volume of water that can be delivered through the main Bannockburn pipeline to the Bannockburn reservoir.

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<sup>61</sup> Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), para 19

<sup>62</sup> Stage 2 Evidence of Tony Milne (#82 - D J Jones Family Trust and N R Searell Family Trust), para 99

<sup>63</sup> Stage 2 Evidence of Criag Barr (#82 - D J Jones Family Trust and N R Searell Family Trust), para 6.47

## **Panel Findings**

267. The Panel agrees with Ms White that Clyde and Bannockburn are not as comparable as Mr Barr suggests, and that the appropriateness of applying the MRZ to this area is best considered as part of a wider consideration about how demand in Bannockburn should be provided for.
268. The Panel does not necessarily agree that PC19 reduces the current development opportunities, however as noted earlier in this decision the Panel has determined that it would be appropriate to reduce the density to a minimum density of 1500m<sup>2</sup> in LLRZ.
269. The Cromwell Spatial Plan stated support for growth of housing but noted that this was to be balanced with the current section sizes and retaining character of local streets.<sup>64</sup> The Panel is of the view that the proposal for MRZ is inconsistent with this outcome.
270. The Panel notes that PC19 is limited in scale to the zoning and management of residential areas, and the area for commercial development, is considered to be outside the scope of PC19. The appropriateness of a commercial zoning/precinct should be considered when the Business Resource Area section is reviewed.
271. The Panel agrees with the recommendation from Ms White that no further changes in relation to this particular site be made.
272. Decisions in relation to providing a pathway for Comprehensive Residential Development in LLRZ and the minimum lot size for LLRZ that are relevant to this site, provides some relief but in a more appropriate manner and that future growth options in Bannockburn are better dealt with through a township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn.

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<sup>64</sup> Page 44.



## 5.8.2 Stephen Davies (#147)

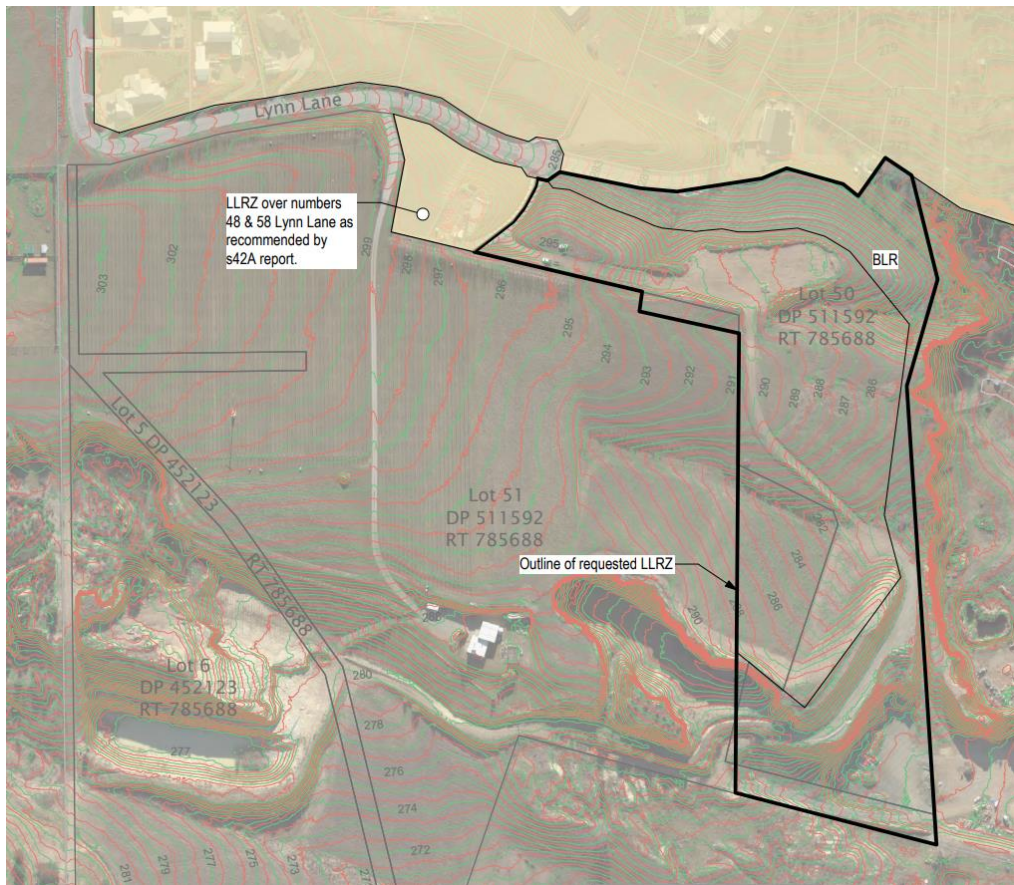


Figure 11

273. Mr Davies<sup>65</sup> is seeking that a portion of 69 Hall Road be rezoned LLRZ (figure 11), and that the western vineyard area currently zoned RRA4 be re-zoned Rural Resource Area. This includes land that is subject to a four-lot subdivision consent, as well as an additional 2ha of unproductive land, as a comparable exchange for the vineyard land. The Doctors Flat Vineyard is located on the RRA (4) land south of Lynn Lane. The Proposal is to re-zone the vineyard as Rural Resource Area and the area identified in figure 10 (including the existing dwellings at 48 & 50 Lynn Lane) as LLRZ.
274. The submitter presented a range of evidence at the hearing, including legal submissions, soil analysis, a landscape assessment, and a planning assessment, further clarifying the relief sought and background to the site. Based on soil analysis taken from the site the submitter asserted through evidence that the provisions of the NPS-HPL did not therefore apply to the site.

<sup>65</sup> Submitter #147

275. The evidence of Dr Hill<sup>66</sup> addressed the applicability of the NPS-HPL and he was satisfied that the site is not LUC 1-3, and therefore that the NPS-HPL does not apply, on the basis that:
- a) Clause 3.5(7) of the NPS-HPL states that until mapping is undertaken by the regional council, the NPS is to be applied to land that, at the commencement date of the NPS, was zoned general rural or rural production; and is LUC 1, 2, or 3 land.
  - b) The definition of “LUC 1, 2, or 3 land” in turn, is defined as land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification; and
  - c) Dr Hill has undertaken an assessment, based on the Land Use Capability classification and determined that the site does not contain any land which meets the classification of Land Use Capability Class 1, 2, or 3.
276. The methodology used by Mr Hill to determine soil classification has been confirmed as appropriate by the peer review by commissioned in response to Minute 4.
277. In Minute 4 the Panel sought advice from Jayne Macdonald of MacTodd regarding whether the classification of land under the NPS-HPL could be changed.
278. Ms Macdonald advised that the transitional clause is deliberate in its wording - at the commencement date. In the transitional period therefore, highly productive land will be land that is mapped as LUC 1, 2 or 3 (whether by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability) at the commencement date. More detailed mapping undertaken after the commencement date (whether by a territorial authority or a landowner) will be a matter for the mapping and subsequent Schedule 1 process to which clause 3.4 relates.
279. The Panel notes Ms White in her reply accepted the interpretation of offered by Ms Wolt and Mr Woodward.
280. In Environment Court Decision No. [2024] NZEnvC 83, dated 18 April 2024 Judge Steven considered the following legal issue: “...can more detailed mapping undertaken since 17 October 2022 using the Land Use Capability (LUC) classification prevail over the identification of land as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory (NZLRI) and determine for the purposes of cl 3.5(7) of the NPS-HPL whether land is highly productive land (HPL)”<sup>67</sup>.
281. Judge Steven found that “...the definition of LUC 1, 2 or 3 land in cl 1.3 of the NPS-HPL applies to all references to LUC 1, 2 or 3 land in the NPS-HPL. It does not apply only to the transitional period meaning of HPL in cl 3.5(7). “More detailed mapping” after the commencement date might reveal that the land is or is not LUC 1, 2 or 3 land. However, the purpose of the NPS-HPL and in particular the transitional period, is that any new

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<sup>66</sup> Stage 2 Evidence of Dr Reece Hill (#147 – Stephen Davies)

<sup>67</sup> Environment Court Decision No. [2024] NZEnvC 83, para [2]

information concerning LUC classification is to be fed into the Schedule 1 mapping process to be undertaken by regional councils.”

282. This finding specifically addresses the concept of a site-specific assessment undertaken by an individual, and the planning and legal submissions on behalf of the submitter.
283. The Panel is aware that interpretation and/or application of the provisions of NPS-HPL is at an early stage, and at the time of the hearing, the ability to undertake site-specific assessment had yet to be tested. Minute 5 was issued by the Panel inviting those parties who had suggested that a site-specific assessment can alter the soil classification of a site to provide further comment, resulting in the land no longer being captured by the NPS-HPL.
284. In response to Minute 5 supplementary planning evidence has been received from Ms White and Mr Woodward, and supplementary legal submissions from Ms Rebecca Wolt on behalf of Mr Davies.
285. Ms Wolt<sup>68</sup> in her supplementary legal submissions acknowledges the Court decision and focuses the Panel’s attention towards consideration of the requested re-zoning under Clause 3.6 (4) of the NPS-HPL and noting the assessment undertaken on behalf of the submitter by Mr Woodward in his evidence dated 16 May 2023 and legal submissions from Ms Wolt dated 19 May 2023.
286. Clause 3.6 (4) requires Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:
- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
  - (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
  - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*
287. Ms Wolt provides an additional assessment of the NPS-UD and its applicability to the Central Otago District which she considers relevant to the consideration of the requested zoning under Clause 3.6 (4). The Panel has considered the applicability of the NPS-UD and whether or not Central Otago District is a Tier 3 urban environment in section 4.1 of this decision. The Panel acknowledges its applicability to an interpretation of Clause 3.6 (4) and in particular the requirement for ‘sufficient development capacity to meet expected demand’.

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<sup>68</sup> Supplementary legal submissions in response to Minute 5, 13 May – Rebecca Wolt (#147/#123)

288. The Panel notes Ms Wolt’s acknowledgement that development capacity must be plan enabled, infrastructure ready and reasonably expected<sup>69</sup>. Ms Wolt references the additional evidence provided by Mr Woodward<sup>70</sup> that considers the residential zoning of the submitters land is necessary to ensure sufficient development capacity is provided in terms of ‘*variety (housing type and location)*’.
289. The evidence provided by Mr Woodward relies on the evidence presented by Ms Muir<sup>71</sup> in relation to servicing. Ms Muir has confirmed if the proposed zoning “swap” does not result in any net increases to the number of connections to the Council water and wastewater networks than has currently been consented, then this is able to be accommodated.
290. Ms White in her response to Minute 5 confirmed her view that the rezoning of this site is not precluded, because the tests set out in Clause 3.6(4) of the NPS-HPL are likely met, if the requirement for development capacity is considered on a township basis. This is because PC19 is anticipated to provide sufficient development capacity to meet demand for housing across the district as a whole, but at a more localised level, there is an identified shortfall to meet the specific demand anticipated within Bannockburn as identified in the Rationale yield assessment.

### **Panel Findings**

291. The Panel agrees with Ms White, Ms Wolt and Mr Woodward in their responses to Minute 5, that in relation to the submitters site that the criteria outlined in Clause 3.6 (4) has been met.
292. The requested zoning reflects the actual land use and the servicing constraints identified in relation to the wider Bannockburn township do not arise in relation to this site as the additional land sought to be zoned LLRZ is either already consented for development at the density anticipated under an LLRZ, or results in the same development opportunities as currently exist.<sup>72</sup>
293. The Panel considers that the potential effects of the LLRZ being applied to a broader area can be appropriately addressed through application of a Building Line Restriction promoted by the submitters expert landscape architect.<sup>73</sup>
294. The Panel agrees with Ms White in her reply that the request amounts to a zone ‘swap’ between similar sized areas and can be considered in isolation of other expansions sought

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<sup>69</sup> Supplementary legal submissions in response to Minute 5, 13 May – Rebecca Wolt (#147/#123), para 43

<sup>70</sup> Supplementary evidence in response to Minute 5, 13 May – Jake Woodward (#147)

<sup>71</sup> Evidence of Ms Julie Muir in response to Minute 4, date 25 August 2023.

<sup>72</sup> Stage 2 Evidence of Richard Ford (#147 – Stephen Davies)

<sup>73</sup> Stage 2 Evidence of Benjamin Espie (#147 – Stephen Davies)

to the urban boundary and recommend that the land is rezoned now, through PC19, rather than deferring this to consideration through a township-specific Spatial Planning exercise looking at other growth options in Bannockburn, as follows:

- a) That those parts of 69 Hall Road shown as “Outline of requested LLRZ” in Appendix B of Mr Espie’s evidence<sup>74</sup> is zoned LLRZ.
- b) That a Building Line Restriction as shown in Appendix B of Mr Espie’s evidence<sup>75</sup> is added to the planning maps.
- c) That those parts of 69 Hall Road currently zoned Residential Resource Area 4 and shown as “Rezone to Rural” in Figure 4 of Mr Woodward’s evidence<sup>76</sup> be zoned Rural Resource Area.

295. Ms White in her reply has also recommended in relation to another submission regarding potential reverse sensitivity effects can be addressed in the PC19 provisions through the addition of a matter of discretion relating to subdivisions to SUB-R4.<sup>77</sup> The Panel agrees it would be appropriate to assist in managing such potential effects in relation to the vineyard activities. The Panel considers it appropriate to add the following matter of discretion to SUB-R4:

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

296. In terms of s32AA, the Panel notes that an extensive evaluation is undertaken in Mr Woodward’s evidence. Councils reporting officer, Ms White agrees with Mr Woodward’s assessment that the changes in zoning sought are more appropriate to assist in achieving the purpose of the plan change, because this is a more efficient way to achieve the outcomes sought and will still be effective at achieving the Plan’s objectives.

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<sup>74</sup> Stage 2 Evidence of Benjamin Espie (#147 – Stephen Davies)

<sup>75</sup> Stage 2 Evidence of Benjamin Espie (#147 – Stephen Davies)

<sup>76</sup> Stage 2 Evidence of Jake Woodward (#147 – Stephen Davies)

<sup>77</sup> Officer reply report para 186

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

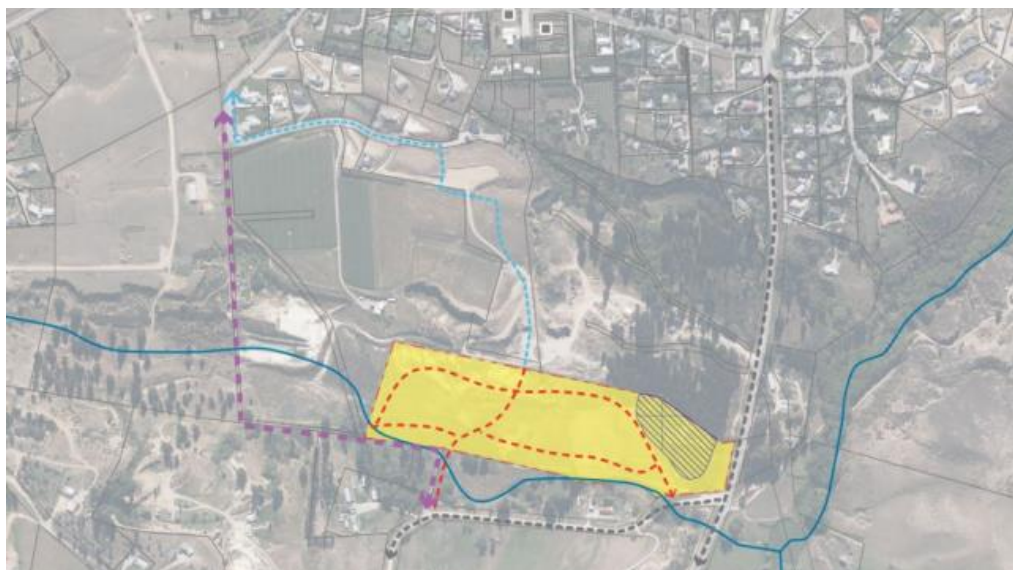


Figure 12

297. J Klevstul and R Klevstul and Rubicon Hall Road Limited<sup>78</sup> seek the re-zoning of approximately 22.2ha of land to the south of Bannockburn be rezoned from Rural Resource Area to LLRZ, with a precinct applied to allow for an average allotment size of 1000m<sup>2</sup>, or lower where the urban design principles outlined in a “Rural Hamlet Vision”.
298. This submission relates to a site to the south of the current Bannockburn Township, fronting Bannockburn and Schoolhouse roads. The submitter is requesting the development of a Hamlet Style development that would provide for allotments with a minimum 400m<sup>2</sup> and an average of 1000m<sup>2</sup>.
299. Through the hearing process, the submitter provided a range of evidence to support the rezoning request, as follows:
- a) That the site is not subject to the NPS-HPL because it is not identified as having LUC Class 1, 2 or 3 soils and therefore while the NPS is relevant in terms of the wider context of PC19, it is not a constraint to this particular zoning request.
  - b) The existing road network can accommodate the additional traffic that the rezoning would likely result in without adverse effects on capacity or road safety.
  - c) There are no natural hazard risks which preclude the rezoning.
  - d) From a landscape perspective, the site has capacity to absorb development and this development would be compatible with the surrounding environment, tying in with existing patterns in a logical way, with boundaries that relate to existing landform, development and roading patterns.
  - e) It would also provide a logical and coherent southern edge to the township. The topography limits the visual catchment from which the site can be seen, and the site’s development will generally visually “read” as a part of the township, and logically and

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<sup>78</sup> Submitter #163

coherently align with the landform and current character of the township. The reduction in visual amenity from the reduction in open and rural nature would be low and the development of the site will not give rise to development that is visually prominent or out-of-place.

- f) From an urban form perspective, growth of the Township into this site can be supported when considering the constraints to expansions elsewhere. Higher density development of this site could be undertaken in a form that responds to the character of Bannockburn.
  - g) If necessary, wastewater constraints could be addressed by a communal wastewater system.
300. Mr Giddens suggests application of a much lower minimum site size (of 400m<sup>2</sup> and at an average of 1000m<sup>2</sup>), but this would appear to provide for greater than the 35 lots relied on in the technical assessments.
301. The Panel agrees with Ms White's assessment that the proposed planning provisions could lead to potentially double the number of houses, which is greater than the assessments undertaken, noting that the 2019 ORPS seeks, through Objective 4.5, that urban growth and development is well designed, occurs in a strategic and coordinated way. Policy 4.5.1 also directs that the extension of urban areas is coordinated with infrastructure development programmes, to provide infrastructure in an efficient and effective way, and Policy 4.5.2 directs the strategic integration of infrastructure, including coordinating the design and development on infrastructure with growth and redevelopment planning.
302. The Panel agrees that in the context of Bannockburn, infrastructure provision is something that should be considered and fed into consideration of what are the most appropriate growth options for Bannockburn.
303. Ms Muir in her section 42A evidence indicated that to service this site would require significant upgrading to existing water reticulation and storage capacity. Water would need to be pumped to this area which would result in higher operating costs. It would also require capacity increases in wastewater treatment. Concluding that these upgrades "*exceed current infrastructure planning provisions for level of service and growth*".
304. Ms Muir has also provided comments on the servicing evidence presented by Mr Ford on behalf of the submitter. She notes that his evidence focusses on the servicing of this individual development, and not the implications the demand from this development would have on the level of service on the wider existing Bannockburn and Cromwell networks.
305. Ms Muir also reiterates that the capacity constraints for wastewater relate to the Cromwell wastewater treatment plant, and therefore the evidence regarding wastewater reticulation to the site does not change staff advice regarding these capacity constraints at the treatment plant. With respect to water, she notes that capacity constraints relate to the volume of water that can be delivered through the main Bannockburn pipeline to the Bannockburn reservoir.



306. Ms Muir has not changed her previous evidence regarding capacity constraint that exists in the Bannockburn water main and that servicing this site would have implications in terms of the increased ongoing operational costs.
307. In relation to the option put forward by Mr Ford for on-site wastewater discharge, Ms Muir strongly advises against a communal onsite wastewater system. She notes that this would require a land disposal consent from the Regional Council and considers that does not align with the direction being taken on the new Land and Water Plan.
308. In response to Minute 4 of the Hearing Panel, a peer review has also been undertaken of Mr Lunday's urban design evidence by Tim Church.<sup>79</sup> His view is that if growth is to be provided for in Bannockburn, it would be most appropriate to focus initially on more intensive residential infill before extending LLRZ further into greenfield areas, such as the submitter's land.
309. Mr Church notes that if the Hearing Panel considers expansion is appropriate, he considers the range of alternative urban form options should be considered, along with wider community input on these, indicating that it would be more appropriate to go through a more rigorous spatial planning process to identify optimal outcomes for Bannockburn. Mr Church also considers that while the site could be developed to be either a well-integrated part of a southern expansion to the Bannockburn, or a more sustainable, self-contained hamlet more independent from the settlement, the plans presented within the submission or Mr Lunday's evidence are not likely to achieve either of these.

### ***Panel Findings***

310. The Panel accepts the evidence of Ms Muir that the site is unable to be serviced at this time.
311. The Panel agrees with Ms White that the site should not be rezoned at this time, but instead considered as part of a wider spatial planning process encompassing a range of options for the growth of the Township, and allowing the community the opportunity to consider the various options for future growth in Bannockburn that considers where and how growth will occur in Bannockburn.
312. The Panel agrees with Mr Church's urban design review of Mr Lunday's evidence that considers if growth is to be provided for in Bannockburn it would be more appropriate for it to be focussed initially on infill rather than extending to alternative greenfields sites.

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<sup>79</sup> Response to Minute 4 – Tim Church, Boffa Miskell

#### 5.8.4 Carine Macleod (#135)

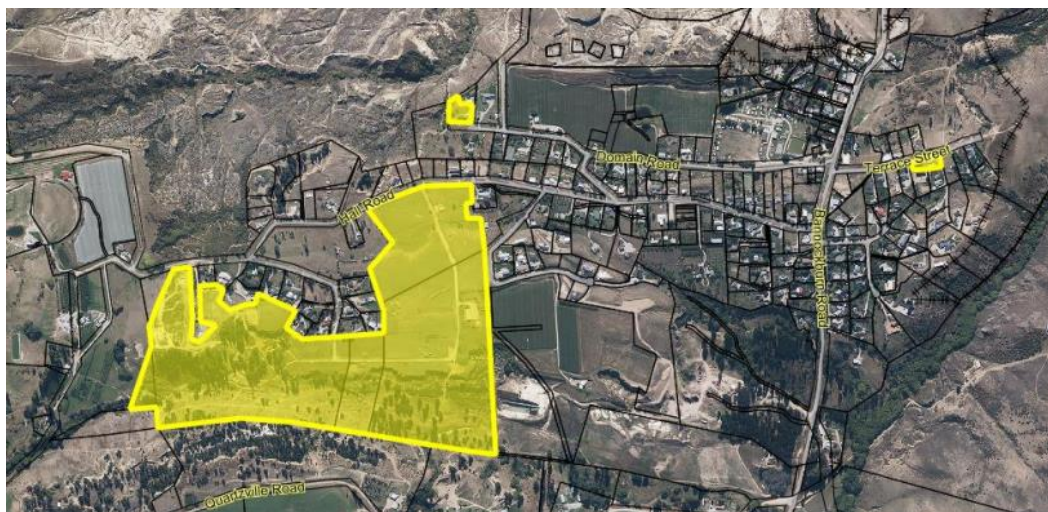


Figure 13

313. Ms Macleod submits that the LLRZ at 97 Hall Road should be extended further to include an additional 3.5ha portion of her site. Mr Barr notes that (at this preferred density) this would provide for the development of a further 12 allotments, and in his view the rezoning would assist in providing additional housing capacity, while retaining the overall scale and character of Bannockburn, noting the extension would square up the current zoning pattern in this area.<sup>80</sup>
314. The NPS-HPL applies to the site and Ms White considers that there is difficulty in undertaking an assessment of whether the rezoning of this site meets clause 3.6(4) of the NPS-HPL in isolation from consideration of other options for the provision of development capacity.
315. Ms Muir in her s42A report (water and wastewater) has indicated that this could be serviced for water after 2026 after the main Bannockburn pipeline is upgraded. This could be serviced for wastewater after 2029 after nitrogen removal and increased treatment capacity has been constructed.
316. Ms White considers that rezoning of the site would be more appropriately considered as part of a more holistic assessment of where and how growth in Bannockburn should be provided for.

<sup>80</sup> Stage 2 Evidence of Craig Barr (#135 – Cairine MacLeod), paras 1.2-1.3

**Panel Findings**

317. The Panel accepts the evidence of Ms Muir that the site is unable to be serviced at this time.
318. The Panel agrees with Ms White and considers that it would be more appropriate for the site to remain rural and future growth options in Bannockburn are better dealt with through a more detailed township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn and the site should remain zoned Rural Resource Area.

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



Figure 14

319. The submitter seeks that land at the end of Hall Road is rezoned LLRZ. Mr Curran indicated in his evidence that despite being highly productive land, the site can be rezoned because it provides for necessary residential development capacity.<sup>81</sup>
320. Mr Curran is of the view that development capacity (in terms of Clause 3.6(4)(a) of the NPS-HPL) should be considered at a township level.
321. Ms White notes that provision for development capacity cannot be determined without consideration of other options which would provide for this capacity. In other words,

<sup>81</sup> Stage 2 Evidence of Matthew Curran (#143 - Harold Kruse Davidson and Koraki Limited and ScottScott Limited), paras 16-22

rezoning this land may not be necessary to provide development capacity if there are other, more appropriate options to provide the necessary capacity.

322. Mr Curran also considers that urban form is not an impediment to the rezoning of this land,<sup>82</sup> but this is not supported by an urban design or landscape assessment.
323. Ms Muir has indicated that to service this site require significant upgrading to existing water reticulation and storage capacity. It would also require capacity increases in wastewater treatment. These upgrades exceed current infrastructure planning provisions for level of service and growth.

### ***Panel Findings***

324. Ms Muir has indicated the site is unable to be serviced at this time.
325. The NPS-HPL applies to the site and there is difficulty in undertaking an assessment of whether the rezoning of this site meets clause 3.6(4) of the NPS-HPL in isolation from consideration of other options for the provision of development capacity.
326. The Panel agrees with Ms White and considers that it would be more appropriate for the site to remain rural and future growth options in Bannockburn are better dealt with through a more detailed township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn and the site should remain zoned Rural Resource Area.

#### 5.8.6 Nakita Smith and Kieran Parsons (#100)

327. Submitters are seeking to provide for LLRZ on Lots 50 DP 511592 and part Lot 51 DP 511592, Lot DP 460583 and Lot 2 DP 460583 on School House Road, Bannockburn, as shown in figure 14. The site has an area of approximately 14ha on Schoolhouse Road and Hall Road currently zoned as Rural Resource Areas, subject to a LUC 3 soil classification.
328. Ms Muir has indicated that to service this site require significant upgrading to existing water reticulation and storage capacity. It would also require capacity increases in wastewater treatment. These upgrades exceed current infrastructure planning provisions for level of service and growth.

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<sup>82</sup> Stage 2 Evidence of Matthew Curran (#143 - Harold Kruse Davidson and Koraki Limited and ScottScott Limited), paras 23-27

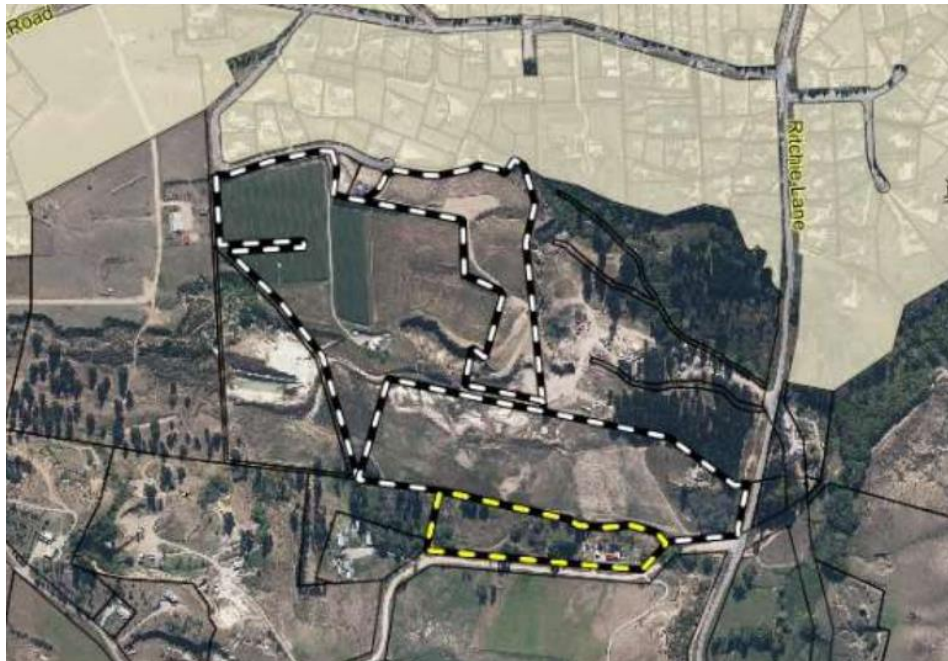


Figure 15

### **Panel Findings**

329. Ms Muir has indicated the site is unable to be serviced at this time.
330. The NPS-HPL applies to the site and there is difficulty in undertaking an assessment of whether the rezoning of this site meets clause 3.6(4) of the NPS-HPL in isolation from consideration of other options for the provision of development capacity.
331. The Panel agrees with Ms White and considers that it would be more appropriate for the site to remain rural and future growth options in Bannockburn are better dealt with through a more detailed township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn and the site should remain zoned Rural Resource Area.



## 5.9 Zoning Requests - Pisa Moorings

### 5.9.1 Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd

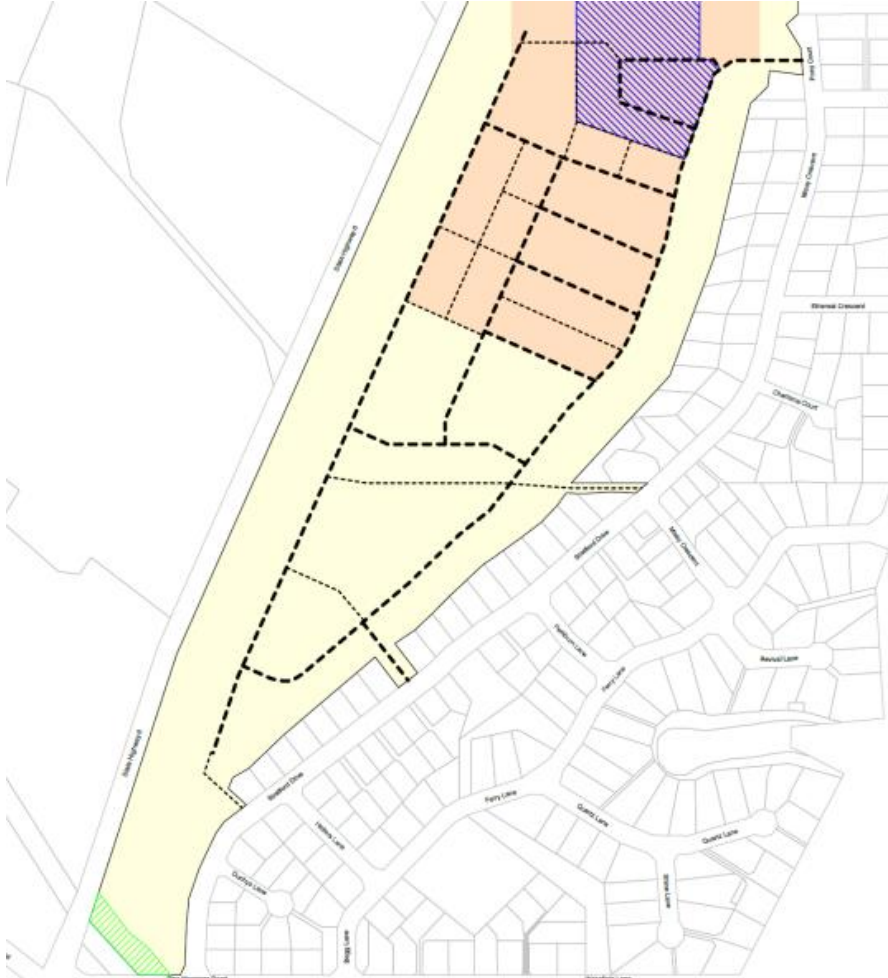


Figure 16 – Proposed Structure Plan

332. Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd<sup>83</sup> seek that a 24.3ha parcel of land, located at 828 Luggate-Cromwell Road (SH6), and located between SH6 and the existing Pisa Moorings residential area, is rezoned to a mixture of LRZ, MRZ and a local convenience retail zone or precinct.
333. In his evidence for Stage 1, Mr Barr noted that the southern portion of this site contains Scheduled Activity 127, and he considers that as PC19 did not propose to remove any scheduled activities located in residential zones from Schedule 19.3, the rules relating to Scheduled Activity 127 should be reinstated.<sup>84</sup>
334. Ms White notes that it was intended that scheduled activities located in residential areas be removed, as management of these types of activities is instead provided through the policy and rule framework. However, as a consequential change, these sites were not removed from Schedule 19.3. Ms White indicates that in her experience, scheduled

<sup>83</sup> Submitter #146

<sup>84</sup> Stage 1 Evidence of Craig Barr (#146 - Pisa Moorings Vineyard Ltd & Pisa Village Developments Ltd), paras 5.1 – 5.10.

activities have been used in older district plans to acknowledge and provide for existing activities located in zones which did not otherwise generally provide for such activities. Scheduled Activity 127 is unusual, in that it provides for the development of new 'Commercial facilities and Shop'.

335. She further considers that it would be preferable for this area to be re-zoned business, however, recommends that the permitted activity rule applying to this site is included in the LRZ chapter, but updated to refer to the revised built form standards noting a consequential change is also required to Section 19 to align with this.

### ***Panel Findings***

336. The Panel acknowledges that the submitter included a range of technical assessments in the original submission. Based on these, the Panel is of the view that the zoning be approved, subject to the following:

- a) To address servicing limitations, a Future Growth Overlay is to be applied in the interim until the servicing matters are resolved; and
- b) The removal of the Commercial Precinct within the site; and
- c) The application of MRZ within part of the site; and
- d) The changes recommended by Ms White, particularly in terms of changes to the Structure Plan proposed by the submitter and the related policy framework, that we note have been accepted by Mr Barr.

337. In relation to the application of a commercial precinct and inclusion of related provisions, the Panel does not agree with the inclusion and accept Ms White's recommendation that the site is zoned LRZ and MRZ, identified as the Pisa West – Zoning Plan attached to the evidence of Campbell Hills<sup>85</sup>, with a Future Growth Overlay also applied (excluding the small portions of the site currently zoned Residential Resource Area (3) and (13)).

338. The Pisa West - Structure Plan attached to the evidence of Campbell Hills is inserted into the District Plan, subject to:

- a) The area marked as "Existing Scheduled Activity 127 (to remain)" being amended to read: "Scheduled Activity 127"; and
- b) The Commercial Precinct being removed as well as the related text in the "Notes" box.

339. The area delineated on the Pisa West - Structure Plan attached to the evidence of Campbell Hills as a "Building Line Restriction (Flood Risk)" should also be identified as such on the planning maps.

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<sup>85</sup> On behalf of submitter #146



340. The following rule is to be added to the LRZ chapter:

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

341. The text in Section 19.3.6 is to be amended as follows:

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

342. In accordance with paragraph 6(d) of Minute 4 issued by the Hearings Panel, Ms White circulated a draft of the changes recommended in relation to the scheduled site to Mr Barr, in order for him to comment on the drafting. We understand that Mr Barr has indicated that he supports the revised drafting set out above.

343. The above recommendations are consistent with the s32AA assessment prepared by Ms White and contained in the Stage 2 s42A report (paras 257-258); and those set out earlier in relation to the amended approach to how the FGO applies. The Panel agrees and adopts the assessment by Ms White.

#### 5.9.2 Parkburn Quarry (Fulton Hogan)

344. The Parkburn Quarry land is subject to PC21 and the Panel notes that Mr Vivian supported application of an FGO over this area through PC19. Ms White did not agree with him that that the identification of FGO over Parkburn land does not guarantee a positive outcome for PC21 (or any future plan change on any FGO land), as an FGO indicates that the zoning is anticipated (appropriate) once specific servicing constraints are addressed, and demand is established.

345. The Panel agrees with Ms White and considers it appropriate for PC 21 to take its course in terms of the merits of any future zoning on the site.

### 5.9.3 Wakefield Estates Limited (#138)

346. Wakefield Estates Limited (#138) seek the extension of LLRZ to land in the vicinity of Clark Road, Pisa Moorings, as shown in figure 17.



Figure 17

347. The submitter states that the land is currently unproductive rural land, and in their view has clear topographical boundaries in the form of steeply rising hills to the north and west and Council owned land to the south.

348. Ms Muir indicates in her evidence that the site could be serviced for water after 2029 when the Cromwell and Pisa Water schemes are combined, and a new water take consent has been approved by the Regional Council. This could be serviced for wastewater after 2029 after nitrogen removal and increased treatment capacity has been constructed.

349. The Panel notes that Waka Kotahi is opposed to the rezoning, as they state the rezoning is not anticipated by PC19 and consider that the effects of multi-lot development has not been accounted for in infrastructure planning. The submitter has not provided any traffic assessments in support of the request.
350. The submitter considers that residential development on the western side of the Highway has already been considered through the granting of the seasonal workers accommodation consent, and in their view this demonstrates that the rezoning would not result in urban sprawl.

**Panel Findings**

351. The Panel agrees with Ms White in her s42A Recommendation (Stage 2) and her reply that the worker accommodation activities existing on the site do not amount to ‘urban development’.
352. No landscape evidence or traffic assessment has been provided by the submitter to support the request and in terms of the latter Waka Kotahi, as State Highway controlling authority, have submitted in opposition to the requested zoning.
353. The Panel agrees with the recommendation of Ms White and finds that the Rural Resource Area zoning should be retained.

5.10 Zoning Requests - Lowburn

5.10.1 A F King and Sons Ltd (#83)



*Figure 18*

354. The submitter seeks the extension of the LLRZ (Precinct 2) zoning to the south of Lowburn to include the full extent of Lots 1 – 4 DP 444910. In the Stage 2 s42A report, Ms White considered the site would appear to provide a logical expansion to the current urban boundary and likely be consistent with the current amenity and character of the township, but that no specific assessment was included with the submission to confirm this.
355. Landscape evidence was subsequently provided by Ms Wilkins<sup>86</sup> in support of the submission, who considers that as the site adjoins the existing urban area, it would appear as an extension of the development pattern and cohesively fit into the area, noting that it will remain at a similar elevation to the existing and anticipated development in this area. She also notes that further expansion is contained by the location to the west of a Significant Amenity Landscape.
356. Traffic evidence was provided by Mr Nick Fuller<sup>87</sup>, confirming that there are satisfactory options for access to this site and that traffic effects resulting from the rezoning are acceptable. Mr Fuller also considered the Lowburn Viticulture and Lakeside Christian Centre submissions in concluding that the overall traffic from all these sites can be accommodated in the surrounding roading environment.
357. The Panel notes that Ms White considered that the evidence from Mr Fuller addresses the further submission of Waka Kotahi and the comments made in their tabled statement in relation to this site. The Panel agrees with this conclusion.
358. The NPS-HPL is not applicable to the site because of its current Rural Residential Resource Area zoning. Mr Dent notes in his planning evidence that the current productive use is becoming less economic and would in any case be removed if the four already consented building platforms are implemented.
359. Ms Muir has indicated that the additional zoning requested in Lowburn is able to be serviced for water now but it is unable to service for wastewater in 2029 following reconfiguration and upgrading of the Lowburn wastewater main and pumpstation and after nitrogen removal and increased treatment capacity has been constructed<sup>88</sup>.

**Panel Findings**

360. With respect to servicing, the Panel agrees that this can be addressed by application of an FGO, noting this appears to align with Mr Dent's comments about the likely timing of any development.
361. The Panel considers that the servicing constraints do not necessarily preclude the rezoning of the site but do preclude its development until servicing matters are addressed and that this can be addressed by the application of an FGO, with the related rule framework

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<sup>86</sup> Evidence of Ann Wilkins, 17 May 2023 in support of Submitter #83

<sup>87</sup> Evidence of Nick Fuller, 16 May 2023 in support of Submitter #83

<sup>88</sup> Section 42A (Stage 2) Evidence of Julie Muir, page 9



restricting subdivision and development until identified network upgrades are undertaken. The Panel notes that this approach for Lowburn is supported by Ms Muir.

362. The Panel accepts that the re-zoning of the site is appropriate and that it is appropriate for the site to be re-zoned as LLRZ (P2) as requested, with a FGO applied. The zoning will be subject to a FGO and the changes outlined in section 5.2 in relation to SUB-R7 requiring infrastructure upgrades to be undertaken prior to development occurring.
363. The Panel considers it necessary to apply an FGO, to achieve the outcomes sought in Objective 6.3.4 and Policy 6.4.2, as well as give effect to Objective 4.5 and Policies 4.5.1 and 4.5.2 of 2019 ORPS.
364. In terms of evaluation under s32AA the Panel concurs with the evaluation contained in Mr Dent's evidence, (and supported by Ms White), which takes into account costs and benefits and concludes that the application of LLRZ Precinct 2 is the most efficient and effective way to achieve the proposed objectives and policies and the purpose of the Act, give effect to the relevant provisions in the partially operative and proposed regional policy statements, as well as aligning with the direction in the Cromwell Spatial Plan.

#### 5.10.2 Lakeside Christian Centre (#142)



Figure 19

365. The original submission seeking rezoning of the Lakeside Christian Centre sought application of LLRZ Precinct 1, and Ms White considered in her Stage 2 section 42A report that this density would be inconsistent with the character of the current township, given the rest of the settlement is proposed to be zoned LLRZ Precinct 2.

366. The Panel acknowledged that evidence presented by Ms Clark on behalf of the submitter supports application of LLRZ Precinct 2 as being consistent with the character of existing development in this area.
367. The site is captured by the NPS-HPL transitional provisions and is currently mapped as LUC 3.
368. Clause 3.6 (4) of the NPS-HPL requires Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:
- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
  - (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
  - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*
369. In the Stage 2 s42A report, Ms White noted that the rezoning of this site would result in urban zoning crossing over to the other side of Lowburn Valley Road, and while it would still be contained between the watercourse, Sugarloaf Drive and the existing community hall and playground, no landscape assessment has been undertaken to assess the appropriateness of this, accepting the site is relatively small. Given the zoning now sought is consistent with the surrounding area and given the site is well-contained, the Panel agrees with Ms Whites view that the zoning would be in keeping the area and not result in unconsolidated development.

### **Panel Findings**

370. In terms of the criteria outlined 3.6(4) of the NPS-HPL the Panel agrees with Ms White that there is no evidence on which to conclude that rezoning of this land meets the criteria and on that basis the Lakeside Christian Centre site should remain zoned as Rural Resource Area.

### 5.10.3 Lowburn Viticulture Ltd (#123)



Figure 20 – Lowburn Viticulture Site (LUC land shown in Green)

371. Lowburn Viticulture Ltd (#123) seek expansion of the LLRZ (P2) zoning to the north, at Lowburn. The submission included a landscape assessment and assessment of how the site could be serviced.
372. The lower part of the site immediately adjacent to Lowburn Valley Road and as shown in figure 20, is identified a with Land Use Classification (LUC) 3 and captured by the provisions of the NPS-HPL. The LUC 3 makes up approximately 1.58ha of the 5.62ha site.
373. The submitter presented a range of evidence at the hearing, including legal submissions, soil analysis, a landscape assessment, and a planning assessment, further clarifying the relief sought and background to the site. Based on soil analysis taken from the site the submitter asserted through evidence that the provisions of the NPS-HPL did not therefore apply to the site.
374. The evidence of Dr Hill<sup>89</sup> addressed the applicability of the NPS-HPL and he was satisfied that the site is not LUC 1-3, and therefore that the NPS-HPL does not apply, on the basis that:
- Clause 3.5(7) of the NPS-HPL states that until mapping is undertaken by the regional council, the NPS is to be applied to land that, at the commencement date of the NPS, was zoned general rural or rural production; and is LUC 1, 2, or 3 land.
  - The definition of “LUC 1, 2, or 3 land” in turn, is defined as land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification; and

<sup>89</sup> Stage 2 Evidence of Dr Reece Hill (#123 – Lowburn Viticulture Limited)



- c) Dr Hill has undertaken an assessment, based on the Land Use Capability classification and determined that the site does not contain any land which meets the classification of Land Use Capability Class 1, 2, or 3.
  - c) The methodology used by Mr Hill to determine soil classification has been confirmed as appropriate by the peer review by commissioned in response to Minute 4.
375. In Minute 4 the Panel sought advice from Jayne Macdonald of MacTodd regarding whether the classification of land under the NPS-HPL could be changed in the manner suggested by the submitters evidence.
376. Ms Macdonald advised that the transitional clause is deliberate in its wording - at the commencement date. In the transitional period therefore, highly productive land will be land that is mapped as LUC 1, 2 or 3 (whether by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability) at the commencement date. More detailed mapping undertaken after the commencement date (whether by a territorial authority or a landowner) will be a matter for the mapping and subsequent Schedule 1 process to which clause 3.4 relates.
377. The Panel notes Ms White in her reply accepted the interpretation of offered by Ms Wolt and Mr Woodward.
378. In Environment Court Decision No. [2024] NZEnvC 83, dated 18 April 2024 Judge Steven considered the following legal issue: "...can more detailed mapping undertaken since 17 October 2022 using the Land Use Capability (LUC) classification prevail over the identification of land as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory (NZLRI) and determine for the purposes of cl 3.5(7) of the NPS-HPL whether land is highly productive land (HPL)"<sup>90</sup>.
379. Judge Steven found that "...the definition of LUC 1, 2 or 3 land in cl 1.3 of the NPS-HPL applies to all references to LUC 1, 2 or 3 land in the NPS-HPL. It does not apply only to the transitional period meaning of HPL in cl 3.5(7). "More detailed mapping" after the commencement date might reveal that the land is or is not LUC 1, 2 or 3 land. However, the purpose of the NPS-HPL and in particular the transitional period, is that any new information concerning LUC classification is to be fed into the Schedule 1 mapping process to be undertaken by regional councils."
380. This finding specifically addresses the concept of a site-specific assessment undertaken by an individual, and the planning and legal submissions on behalf of the submitter.
381. The Panel is aware that interpretation and/or application of the provisions of NPS-HPL is at an early stage, and at the time of the hearing, the ability to undertake site-specific assessment had yet to be tested. Minute 5 was issued by the Panel inviting those parties who had suggested that a site-specific assessment can alter the soil classification of a site

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<sup>90</sup> Environment Court Decision No. [2024] NZEnvC 83, para [2]

to provide further comment, resulting in the land no longer being captured by the NPS-HPL.

382. In response to Minute 5 supplementary planning evidence has been received from Ms White and Mr Woodward, and supplementary legal submissions from Ms Rebecca Wolt on behalf of Mr Davies.

383. Ms Wolt<sup>91</sup> in her supplementary legal submissions acknowledges the Court decision and focuses the Panel's attention towards consideration of the requested re-zoning under Clause 3.6 (4) of the NPS-HPL and noting the assessment undertaken on behalf of the submitter by Mr Woodward in his evidence dated 16 May 2023 and legal submissions from Ms Wolt dated 19 May 2023. The conclusion reached by both Mr Woodward and Ms Wolt being the criteria in Clause 3.6 (4) are met and the NPS-HPL does not preclude the requested re-zoning.

384. Clause 3.6 (4) requires Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:

*(a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*

*(b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*

*(c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

353. In terms of clause 3.6(4)(b), "development capacity" is defined in the NPS-UD as : "the capacity of land to be developed for housing or for business use, based on:

*(a) the zoning, objectives, policies, rules and overlays that apply in the relevant proposed and operative RMA planning documents; and*

*(b) the provision of adequate development infrastructure to support the development of land for housing or business use".*

354. Ms Muir has indicated that the additional zoning requested in Lowburn is able to be serviced for water now but it is unable to be serviced for wastewater until 2029 following reconfiguration and upgrading of the Lowburn wastewater main and pumpstation and after nitrogen removal and increased treatment capacity has been constructed<sup>92</sup>.

355. Ms Wolt provides an additional assessment of the NPS-UD and its applicability to the Central Otago District which she considers relevant to the consideration of the requested

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<sup>91</sup> Supplementary legal submissions in response to Minute 5, 13 May – Rebecca Wolt (#147/#123)

<sup>92</sup> Section 42A (Stage 2) Evidence of Julie Muir, page 9

zoning under Clause 3.6 (4). The Panel has considered the applicability of the NPS-UD and whether or not Central Otago District is a Tier 3 urban environment in section 4.1 of this decision.

356. The Panel notes Ms Wolt's acknowledgement that development capacity must be plan enabled, infrastructure ready and reasonably expected<sup>93</sup>. Ms Wolt references the additional evidence provided by Mr Woodward<sup>94</sup> that considers the residential zoning of the submitters land is necessary to ensure sufficient development capacity is provided in terms of '*variety (housing type and location)*'.
357. In terms of the definition of development capacity in the NPS-UD, enabling the development capacity of the site in Lowburn has been identified as having some infrastructure constraints.
358. Both Mr Woodward and Ms Wolt outline in their supplementary evidence (response to Minute 5) that they believe the criteria in clause 3.6 (4) of the NPS-HPL has been met and the Council is able to consider the re-zoning of the site.
359. Ms White, in her response to Minute 5, notes the recommendation in her Stage 2 s42 report that outlined in absence of evidence demonstrating that the rezoning would meet clause 3.6(4) of the NPS-HPL, on the basis that rezoning of at least part of the site was precluded.
360. She considered that following the evidence submitted by Mr Woodward, Mr Hill and Ms Wolt and Mr Van Der Velden, that the criteria in clause 3.6 (4) has been met. Ms also White considers that given the topographical and other constraints in this area that there aren't any other reasonably practicable and feasible options for providing additional development capacity in Lowburn.

### **Panel Findings**

361. Given the above the Panel is of the view that the criteria in Clause 3.6 (4) of the NPS-HPL can be met and Council is able to consider the re-zoning of the site. In particular that it has be demonstrated that the re-zoning of the site is likely to be required to meet expected demand for housing in Lowburn and there are no reasonably practicable and feasible alternative options available.
362. The site is only partially mapped as LUC 3 with a majority of the site not captured by the provisions of the NPS-HPL.
363. The Panel considers that the servicing constraints do not necessarily preclude the rezoning of the site but do preclude its development until servicing matters are addressed and that

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<sup>93</sup> Supplementary legal submissions in response to Minute 5, 13 May – Rebecca Wolt (#147/#123), para 43

<sup>94</sup> Supplementary evidence in response to Minute 5, 13 May – Jake Woodward (#123)

this can be addressed by the application of an FGO, with the related rule framework restricting subdivision and development until identified network upgrades are undertaken. The Panel notes that this approach for Lowburn is supported by Ms Muir.

364. The Panel accepts that the re-zoning of the site is appropriate and that it is appropriate for the site to be re-zoned as requested. The zoning will be subject to a FGO and the changes outlined in section 5.2 in relation to SUB-R7 requiring infrastructure upgrades to be undertaken prior to development occurring.

365. In terms of s32AA, the Panel notes that an extensive evaluation is undertaken in Mr Woodward’s evidence. Councils reporting officer, Ms White agrees with Mr Woodward’s assessment that the changes in zoning sought are more appropriate to assist in achieving the purpose of the plan change, because this is a more efficient way to achieve the outcomes sought and will still be effective at achieving the Plan’s objectives.

## 5.11 Zoning Requests – Ranfurly

### 5.11.1 John Elliot (#81)

366. Mr Elliot is seeking to re-zone approximately 19 hectares of land north of the current Ranfurly township as identified in figure 19 from Rural Resource Area to LRZ.



Figure 21

367. The submitter considers that the site is centrally located and within walking distance to commercial and community facilities, noting that Council services are located in front of the site.
368. The site is considered by the submitter difficult to use land for productive purposes due to the close proximity to existing urban areas and limited infrastructure, noting that unformed legal roads located within the site also affect how the land can be used.
369. The submitter states that the existing boundary does not follow any logical pattern, and the expansions would fit generally within the limits of the current Township.
370. Ms White in her s42A (Stage 2) report agrees with the submitter that the current boundary between the residential and rural area appears arbitrary, and the current boundary is further south than on the eastern and western sides. I consider that there is merit in rezoning the full area north of Caulfield Street until at least the unformed portion of Welles Street as this results in a more consistent urban/rural boundary.
371. Ms Muir has indicated that the Ranfurly wastewater scheme has capacity to accommodate further growth, but that there are limitations on the ability to provide water supply to more properties in Ranfurly. She states that the area up to Welles Street could be supplied water, but capacity to supply water beyond Welles Street is uncertain.

#### ***Panel Findings***

372. The Panel agrees with Ms White that it would be appropriate for the area to the north of Caulfield Street, up to the unformed portion of Welles Street is zoned LRZ. This is supported by Ms Muir's evidence indicating that this area can be serviced in terms of the current capacity of water and wastewater reticulation in Ranfurly.
373. The remaining area to which the submission relates is to be retained as Rural Residential Resource Area at this time.
374. In terms of s32AA of the RMA, the Panel agrees with Ms Whites assessment that zoning additional land has benefits in providing a modest amount of additional land for residential development, in an area where such expansion is consistent with the surrounding area. I consider the costs associated with the impacts of increased development are outweighed by the benefits.

## 6 Decisions on Other Submission Points Raised in Evidence

375. The Ministry of Education <sup>95</sup> requested that educational facilities be considered as a restricted discretionary activity in the same way as other community facilities. The panel agrees with the recommendation in the reply report by Ms White that it is appropriate for educational facilities to be included in LRZ-R13 and MRZ-R14 as follows:

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<sup>95</sup> Submitter #60

*“...Community facilities and Educational Facilities..”*

376. Mr John Lister<sup>96</sup> considers that the minimum allotment size in MRZ should vary depending on the size of the adjoining allotments. The Panel agrees with Ms Whites recommendation in her s42A report (Stage 1)<sup>97</sup> that this is not appropriate vary lot sizes depending on the size of the adjoining allotments. Mr Lister also sought an increase in the standard for road widths which as indicated by Ms White is outside the scope of PC19.
377. Mr Werner Murray<sup>98</sup> considers that some development everywhere is appropriate and that small increases in density within all zones will not affect the character of that zone. The Panel agrees with Ms White in her reply that it is not appropriate to allow for an increase density without consideration of a change in character and whether there is an ability to service increased density.
378. Mr Murray also seeks and re-instatement of the multi-unit rule in the operative Plan in the LRZ and LLRZ provisions. The Panel notes that the proposed provisions in both zones allow for multi-unit for two allotments and the construction of a minor unit as a permitted activity in LRZ and LLRZ (effectively three units) subject to meeting density standards. The Panel agrees with Ms White’s recommendation in her reply that providing a rule that would allow a density beyond this will not align with the objectives of the respective zones and is not the most appropriate way to implement policies.
379. Mr Wally Sanford<sup>99</sup> sought several infrastructure and development standards amended as addressed below:
- a) That ROW’s are vested with Council as roads when further development occurs. The panel note that Councils engineering standards require that ROW’s that serve more than 6 allotments that the Panel is of a view adequately addresses the matter of vesting of Rows as roads beyond a certain threshold. Submission point not accepted.
  - b) That a vibration construction standard should be introduced in relation to residential zoning. The Panel agrees with Ms White’s reply that such a standard would be better considered as a district-wide provisions for earthworks/subdivision standards rather than in relation to the residential chapter review. Submission point not accepted.
  - c) Minor residential units should have compliant accesses. The provision for minor residential units requires the unit to share the existing access with the principal residential unit, a breach of these standards requires a resource consent. The Panel does not consider it necessary to make any changes to the standards applicable to minor units. Submission point not accepted.
  - d) The requirement for a 30m setback from State Highways is not necessary for noise and should be removed on the basis that it is not required for noise. This standard

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<sup>96</sup> Submitter #75

<sup>97</sup> Stage 1 s42A report paras 156-157

<sup>98</sup> Submitter #156

<sup>99</sup> Submitter # 144

relates to properties where a building line restriction exists and does not apply to all properties in residential zones adjacent to a State Highway. The building line restriction relates to a district-wide provision in section 12 of the Plan that is outside the scope of PC19. Mr Sanford has not provided any technical advice to support the assertion that the standard is not required. The Panel agrees with the recommendation of Ms White in her s42A Recommendation (Stage 2) that Rule 12.7.7 is outside the scope PC 19. Removal for the requirement would effectively render the rule redundant. The Panel is of the view that any consideration of the Building Line Restriction would be better addressed through a review of the district-wide provisions in section 12.

380. Mr Craig Barr<sup>100</sup> requested that the excavation rules also be extended to include provision for fill. The Panel agrees with Mr Barr that the placement of fill that would alter ground levels should also be included in excavation rules. The Panel considers it is appropriate that LLRZ-R10, LRZ-R10 and MRZ-R11 are amended as follows:

<i>Excavation <u>and Fill</u></i>
<i>Activity Status: PER</i>
<i>Where: 1. Any extraction <u>or fill</u> of material shall not exceed 1m in depth within 2m of any site boundary; and...</i>

381. Mr Barr<sup>101</sup> sought an amendment to the introductions as they relate to FGO areas identified in the Vincent Spatial Plan. The Panel considers this appropriate given decisions on zoning requests that utilise the FGO mechanisms beyond those identified in the Vincent Spatial Plan. The Panel agrees with the recommendation of Ms White in her reply that the introduction be amended as follows:

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

382. Foodstuffs (South Island) Properties Limited<sup>102</sup> sought an additional policy be included in the MRZ provisions that disregards the effects of commercial activities in close proximity to residential activity established in the MRZ. The Panel agrees with Ms White in her reply that the requested policy changes is not related to achieving the MRZ objectives. Given changes are not proposed to the rule framework, it is not clear how the policy would be implemented, and that the additional policy is not necessary to achieve the outcomes sought.

<sup>100</sup> On behalf of submitters #82, #135, #139, #146 and #163

<sup>101</sup> On behalf of submitter #164

<sup>102</sup> Submitter #61



383. Mr John Duthie<sup>103</sup> sought a zero-lot line development. The meaning of the term was clarified by Mr Duthie in his evidence as a concept that requires each dwelling in the MRZ to be setback a minimum amount from each side boundary (i.e. 1m each), the 'total' setback— being 2m - could be provided on one side only, with the dwelling on one side of the boundary built up to the boundary, but still setback 2m from the adjoining dwelling.

384. The Panel considers this type of exception is appropriate in MRZ-S6 and has determined it is appropriate to amend MRZ-S6 as follows:

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

1. *1m from any internal boundary (except that this does not apply to common walls along a site boundary, or to an uncovered deck less than 1m in height); and*
2. ....

*MRZ-S6.1 does not apply to:*

- *Uncovered decks of less than 1m in height.*
- *Internal boundaries within a retirement village.*
- *Two or more residential units connected horizontally and/or vertically by a common wall or floor.*
- *'Zero-lot line' development, where no setback applies on the internal boundary of one side of a building, provided the building is setback 2m from the boundary on the other side of the building, and an appropriate legal mechanism allows for maintenance access to the building.*

385. Mr Duthie on behalf of Wooing Tree Developments sought an activity status of restricted discretionary rather than discretionary when located within 500m of a town centre. The Panel agrees Ms White in her reply that having a rule simply saying "within 500m of the town centre" would work, without defining or mapping what is considered to be the town centre. Ultimately the Panel also agrees with Ms White that it is not necessary to limit where visitor accommodation is located to achieve the outcomes sought in the MRZ.

386. Lynette Wharfe<sup>104</sup> sought an increase in the setback in LLRZ to 25m where adjacent to the Rural Resource Area along with the addition of a matter of discretion for potential reverse sensitivity effects on adjacent rural activities. The Panel agrees with Ms Whites recommendation in her Stage 1 section 42A report and that it is unreasonable to require such a large setback in an urban zone and again note that there are other zones within urban areas that adjoin rural areas, so applying the setback to LLRZ would result in an inconsistent approach.

387. Ms Wharfe also sought an amendment to the definition of noxious activity, to exclude reference to plants in residential zones. The Panel agrees that plants in a domestic context, and associated with a residential activity on a site should be excluded from the definition. This would allow for activity at a scale appropriate in a residential zone.

388. The Panel considers it appropriate to amend the definition of noxious activity as follows:

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<sup>103</sup> On behalf of submitter #79

<sup>104</sup> On behalf of submitter #89

**Noxious Activity**

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

1. ...

2. *The intensive confinement of animals (excluding the keeping of domestic animals associated with residential activities);*

3. *The growing of plants or fungi other than as associated with residential activity on a site (excluding domestic glasshouses)...*

389. Matt and Sonia Conway<sup>105</sup> are seeking to ensure that access to back land is facilitated through provisions to avoid a situation where proposed zoning cannot be realised due to a lack of appropriate access and to ensure adequate access to services. The submitters property is located in the area on Dunstan Road, Alexandra identified as LLRZ. The Panel notes that access to back land is provided as a matter of discretion requiring facilitation of access. The Panel agrees with Ms White in her Stage 1 section 42A report and reply that the provisions as notified provide an appropriate mechanism to provide for access to back land.
390. Similarly to Panel are also of view that the matters of discretion associate with subdivision rules adequately provide for the location design and construction of services.
391. Paul and Angela Jacobson<sup>106</sup> questioned the rationale for the size of allotments. The panel agrees with Ms White that the zoning notified appropriately reflects the outcome of the Vincent Spatial Plan.
392. Nicola Williams<sup>107</sup> sought the addition of a new objective specifically providing for aged care and a permitted activity status in the LRZ and MRZ for retirement villages. The Panel agrees with Ms White that the proposed objective suggested is not appropriate. The evidence submitted by Ms Williams suggests that retirement villages are essentially residential activities. Given this the panel agrees with Ms White that a retirement village can be adequately managed through the residential provisions and specific provisions are not necessary.
393. Ryman Healthcare Limited<sup>108</sup> requested the inclusion of three new policies and a matter of discretion that specifically relates to retirement villages. The Panel agrees with Ms White's recommendation in her Stage 1 section 42A report and her reply following the hearing of evidence, that the proposed policies need to be considered in the context of the achievement of the objectives in PC 19 and not alignment with the Enabling Housing Act.

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<sup>105</sup> Submitter #80

<sup>106</sup> Submitter #14

<sup>107</sup> On behalf of submitter #158

<sup>108</sup> On behalf of submitter #160

394. Brodie Costello<sup>109</sup> sought a reduction in the provision for landscaping in the MRZ from 30% to 25%. The Panel agrees with the evidence submitted by Mr Costello and supported by Ms White in her reply, and has determined that MRZ-S8 be amended as follows:

*At least ~~30~~25% of the net site area of any site shall be planted in grass, trees, shrubs or other vegetation.*

395. Joanne Skuse<sup>110</sup> sought re-instatement of the multi-unit rule from the operative District Plan. The Panel agrees with Ms White in her reply that the test for the appropriateness of a rule is implementation of policies and achieving objectives and that allowing for development at this scale does not align with the objective of LRZ and LLRZ.

396. Ms Skuse<sup>111</sup> questioned performance standard MRZ-S10 and requested that MRZ-S12 be deleted. The provisions in the MRZ and Medium Density Guidelines have been developed by Urban Design experts and represents industry practice for Medium Density Zones. The Panel agrees with Ms White in her recommendation<sup>112</sup> the standards should be retained.

397. Ms Skuse<sup>113</sup> sought the deletion of LRZ-R1 and LLRZ-L2 both of which limit residential activity to one per site on the basis that the rule is subject to density requirements that limit development based on the size of the allotment. The Panel agrees with Ms White's recommendation that LLRZ- R1 and LRZ-R1 be amended as follows:

**LLRZ-R1:**

**Activity Status: PER**

~~Where:~~

~~1. There is no more than one residential unit per site.~~

~~And Where~~ the activity complies with the following rule requirements:

LLRZ-S1 to LLRZ-S6

LRZ-R1:

Activity Status: PER

~~Where:~~

~~1. There are no more than two residential units per site.~~

~~And Where~~ the activity complies with the following rule requirements:

LRZ-S1 to LRZ-S7

398. Ms Skuse<sup>114</sup> sought an increase in the volume of LLRZ-R10 to 300m<sup>2</sup>, on the basis that it was consistent with the level applied in the Queenstown Lakes District (QLDC) and inefficient to need consent for earthworks when building dwellings. Based on advice from Ms White that the QLDC volume is one of the highest found, the Panel does not consider it necessary to make any further changes, noting that the earthworks provision has been amended by decisions to exclude excavation associated with the construction of a dwelling.

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<sup>109</sup> On behalf of submitter #148

<sup>110</sup> On behalf of submitters #161 and #162

<sup>111</sup> On behalf of submitters #161 and #162

<sup>112</sup> Stage 1 Section 42A Report

<sup>113</sup> On behalf of submitters #161 and #162

<sup>114</sup> On behalf of submitters #161 and #162

399. Mr Derek Shaw<sup>115</sup> and Stuart and Mary Fletcher<sup>116</sup> have requested that LLRZ (P3) be reduced to 4000m2 to provide an opportunity for development of those allotments equal to or less than 1ha. The Panel has considered the request and is of the view that it would be appropriate as suggested by Ms White in her reply that the density be amended to 5000m2 to provide for infill development opportunities that maintains the overall character of the zone.

400. LLRZ-S1 density for Precinct 3 is to be amended as follows:

...

7. *The minimum site area per residential unit is ~~65000m<sup>2</sup>~~<sup>117</sup>, or*

8. *On any site less than 65000m<sup>2</sup><sup>118</sup>, one residential unit per site.<sup>119</sup> ...*

401. Stuart and Mary Fletcher<sup>120</sup> have also asked to increase the site coverage for LLRZ(P3) from 10% to 20%. The current zoning would allow for 600m2 of built form on a site and the panel agrees with Ms White that this is an appropriate coverage to ensure a predominance of open space over built form consistent with LLRZ-O2.2 and with the approach across Precincts (1) and (2).

402. Mr Dent<sup>121</sup> requested clarity about the term 'ancillary' in the context of LRZ-R6 (visitor accommodation). Ms White has suggested an amendment in her reply that the Panel agrees is appropriate would be appropriate to clarify the intent of the rule.

403. Rule LRZ-R6 is to be amended as follows:

...

*~~2. is ancillary to a residential activity~~ In addition to the visitor accommodation activity, at least one person resides permanently on the site; and-*

*~~23. The maximum occupancy is 6 guests per night.~~*

404. Mr Dent<sup>122</sup> also submitted that the recommendation in the s42A report (Stage 1) regarding rule SUB-R5 has the potential to disincentivise the creation of lots less than 400m2 in the MRZ. The Panel agrees with Ms White in her reply that given the inclusion of an additional controlled activity rule as recommended in the section 42A will help incentivise integrated land use and subdivision development for multi-unit, relying on SUB-R4. SUB-R5 is to be deleted.

405. Ms Rachel Law on behalf of a number of submitters<sup>123</sup>, submitted on a number of policies, rules and performance standards, as outlined and considered below:

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<sup>115</sup> Submitter #77

<sup>116</sup> Submitter #98

<sup>117</sup> Submitter #77

<sup>118</sup> Submitter #77

<sup>119</sup> Evidence of Craig Barr (#82 and #135)

<sup>120</sup> Submitter #98

<sup>121</sup> On behalf of submitter #93, #94 and #95

<sup>122</sup> On behalf of submitter # 96

<sup>123</sup> On behalf of submitters #165, #21, #145, #30, #31, #32, #33, #51

- a) In relation to submission points associated with relocated dwellings and LLRZ-P1; LRZ-P1; MRZ-P1; LRZ-R3; MRZ-R4 and LRZ-R3, the Panel agrees with Ms White's recommendation in her section 42A report (Stage 1) that amendments be made to LLRZ- R3, LRZ-L3 and MRZ-R4 changing the activity status to permitted, including a suite of conditions agreed by NZ Heavy Haulage<sup>124</sup> and making a breach of conditions a restricted discretionary activity. The Panel agrees with Ms Whites recommendation for the reasons identified in her report and adopts her assessment under section 32AA of the RMA.
- b) The submitters represented by Ms Law also sought amendments to LLRZ-S4 seeking 30% and 20% site coverage in LLRZ (P2) and LLRZ (P3) and an amendment of LRZ-S4 to provide for a 50% site coverage. The Panel agrees with the recommendation of MS White in her section 42A report (Stage 1) that the site coverage in LLRZ-S4, LRZ-S4 should remain as notified.
- c) Several changes to MRZ-P6, LLRZ-R10, LRZ-R10, LRZ-R12, MRZ-R11 and MRZ-13. The Panel agrees with the recommendations of Ms White in her section 42A report (Stage 1) regarding these submission points.
- d) The submitters represented by Ms Law also requested changes to the activity status associated with a breach of performance standards LLRZ-S1, LRZ-S1 and MRZ-S1 from non-complying to discretionary. The submitters considered that given the Resource Management Act reform replacement legislation was in the process of being introduced with indications that the non-complying activity status would be removed, it was appropriate to pre-empt this change by removing the status ahead of any legislative requirement to do so. The Panel agrees with Ms White<sup>125</sup> that this is inappropriate. The Panel also agrees with Ms Law in her reply report that the application of a non-complying status for a breach of standards creates a "bottom line" that is clear to users of the plan.
- e) Ms Law sought a consequential change to MRZ-R7 resulting from the removal of MRZ-7.3. The Panel agrees with the request and the recommendation of Ms White in her reply including that the same change should also apply to LLRZ-R6 and LRZ-R6. The resulting change being the deletion of reference to R6.3/R6.7 from the matters of discretion associated with LLRZ-R6, LRZ-R6 and MRZ-R7.
- f) Submitters sought amendments to MRZ-S2, MRZ-S7-S10 . The Panel agrees with the recommendation by the s42A (Stage 1 ) report writer for the reasons outline in the report and as indicated in Ms Whites reply.
- g) In relation to MRZ-S11 the submitters requested an increase in the minimum height of a fence from 1.0m to 1.2m and to remove the requirement for transparency. The Panel accepts that the height can be increased to 1.2m but agrees with the recommendation of Ms White that the height that the requirement for transparency

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<sup>124</sup> Submitter #151

<sup>125</sup> S42a Report writers reply Appendix 1.

should remain, noting that the requirement aligns with MRZ-P1 and is based on expert urban design advice.

- h) The submitters are seeking a definition of margin of the lake in MRZ-S6 which requires a 15m lake setback. The Panel notes that this standard exists in the Operative District Plan. The Panel has considered the evidence presented by Ms Law and the reply by Ms White and agree that the provision could be clearer, and agree with Ms Whites recommendation that the following amendments be made to LLRZ-S6, LRZ-S6 and MRZ-S6:

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

...

- 2. 15m from any property boundary which is adjacent to the margin of any lake.

- i) In relation to SUB-R2 the submitter considers there is a gap where an allotment could be created as part of subdivision for a public utility that potentially creates a balance . The Panel accepts this point and the recommendation by Ms White in her reply that the provision in SUB-R2 be amended as follows:

<b>SUB-R2</b>	<b>Subdivision to create a <u>new allotment for a network or public utility or a reserve</u></b>	
<b>All Residential Zones</b>	<b>Activity Status: CON</b>  <u><b>Where:</b></u> 1. <u>Any balance allotment complies with SUB-S1.</u>  <b>Matters of control are restricted to:</b> ...	<u><b>Activity Status when compliance is not achieved with R2.1: DIS</b></u>

- j. The submitters request the new controlled activity SUB rule, recommended in Ms Whites s42A report (Stage 1) should have fewer ‘matters of control’ than a restricted discretionary activity. The Panel agrees with Ms White in her reply that it does not necessarily follow that a controlled activity should have fewer controls as the difference between the two activity status’ is a consent should be granted for a controlled activity whereas there is an ability to decline consent with a restricted discretionary activity.
- k. Ms Law on behalf of the submitters is seeking to remove the non-complying activity status for SUB-R5. As indicated in (d.) the Panel also agrees with Ms Law in her reply report that the application of a non-complying status for a breach of standards creates a “bottom line” that is clear to users of the plan.

369. Residents for Responsible Development Cromwell<sup>126</sup> raised concerns regarding performance standards associated car parking and road widths. The Panel agrees with Ms White in her s42A report (Stage 1) regarding these points.
370. Ms Law on behalf of Thyme Care Properties Ltd<sup>127</sup> is seeking MRZ for the property at 84 and 94 Kawarau Road. The Panel understands from evidence from Mr Woodward<sup>128</sup> that the hospital on the site was established some time ago, with additional units added in around 2003, but that a designation may have previously applied to the site that enabled the establishment of the hospital. Ms Law has suggested that the existing built form sets a precedent *“that development of this type is suitable on the west side of state highway 6.”* The Panel does not agree with this assertion, and agrees with Ms White in her reply that given the history of the site this cannot be used to establish that further development on the western side of the State Highway is suitable, noting that the Spatial Plan explicitly rejects this.
371. The submission from Mr John Duthie on behalf Wooing Tree<sup>129</sup> is seeking the inclusion of an area of Business Resource Area (BRA) that reflects the commercial activities provided for under the provisions of a resource consent obtained by Wooing Tree under Covid-19 Recovery (Fast-Track Consenting) Act 2020.
372. The PC 19 zoning for the Wooing Tree site reflects the outcome of the Cromwell Spatial Plan by re-zoning the entire site as MRZ. The operative District Plan provides for a mixture of RRA (6), RRA (1) and Business Resource Area. The Business Resource Area is located under the residential development authorised by the resource consent issued under the Fast-Track Consenting Act. The consent provides as Masterplan that includes two areas identified as ‘commercial’.
373. The resource consent allows for a restricted level of commercial activity on the areas identified in the Masterplan as ‘commercial’ and the submitter is able to undertake a scale of commercial development the EPA felt appropriate.
374. The Panel agrees with Ms White that considering re-zoning as Business Resource Area is more appropriately left until the review of the business zone.
375. Mr Duffie is also seeking a reduced building line restriction for the State Highway 8B and State Highway 6 boundaries to the same level as permitted by their Fast-Track consent allows (18m). The Panel consider this to be appropriate.
376. Ms Kathryn Adams<sup>130</sup> has requested that the Zoning of the Cromwell Golf Course be changed to give effect to the outcome of the Cromwell Spatial Plan and re-zone the site MRZ. The Panel agrees with Ms White in her recommendation that given lease arrangement in place the provision for growth is unlikely to be able to be given effect to within lifespan of the District Plan and the outcomes sought by the MRZ objectives would not be achieved.
377. Billie Marsh<sup>131</sup> notes in their submission that PC19 does not propose to alter the current Rural Settlement zoning but asks that Tarras be considered for residential zoning in the future. The

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<sup>126</sup> Submitter #75

<sup>127</sup> Submitter #145

<sup>128</sup> Further Submitter #263 – Van Der Velden Family Trust

<sup>129</sup> Submitter #79

<sup>130</sup> Submitter #149

<sup>131</sup> Submitter #116



Panel agrees with the recommendation from Ms White that PC 19 does not propose to amend any Rural Settlement zones and future growth in Tarras would be better considered as part of a review of the Rural Settlement provisions at a later date.

378. Mr John Sutton<sup>132</sup> has requested a LRZ FGO be applied to his property at 475 Clyde-Alexandra Road, in particular the top of the terrace adjacent to FGO (LRZ) on Muttontown Road.
379. Ms Muir states that this area could be serviced for water but cannot be serviced for wastewater, and notes that there is no plan for reticulation of this area in the future.
380. The Panel agrees with the recommendation of Ms White in her s42A report (Stage 2) that the gully provides a clear and appropriate break between the FGO (LRZ) and the remaining rural area. The Vincent Spatial Plan identified the land as suitable for Rural Residential Development, consistent with the land to the east and south.
381. Following the hearing Ms White in her reply considered the request of behalf of the submitter that the area on the terrace above the gully, as shown in figure 20 and immediately adjacent to the FGO (LRZ) be re-zoned FGO (LRZ) to be appropriate.
382. Ms White notes that the effect of PC19 being that this wider site remains a rural zone, resulting in strip of rural land remaining between LRZ (FGO)/LLRZ (FGO) to the west and Rural-Residential zoning to the east.



*Figure 22 – Terrace Area shown in orange*

383. Given this and the fact that the site is unable to be serviced the Panel is of the view that the site should retain its current Rural Resource Area zoning, other than the terrace area identified in figure 22, which is to be re-zoned as FGO (LRZ).

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<sup>132</sup> Submitter #76

384. The submission received from Annetta and Ross Cowie<sup>133</sup> opposes the inclusion of a MRZ in Clyde. The Panel agrees with the recommendation of Ms White in her section 42A (Stage 2) report and her reply report, that the zoning is appropriate and the concerns raised about impacts on heritage properties have been carefully considered by both urban design and heritage experts. These will also be supported by the changes proposed through PC20 and the related heritage guidelines.

385. MA & JM Bird<sup>134</sup> have requested that 41 Manuherikia Road, which is identified in an FGO is rezoned to Large Lot Residential (Precinct 1) now. The Panel considers changes made to the framework for FGO earlier in this decision in part addresses the submitters request, in an appropriate way given the infrastructure constraints.

## 7 Statutory Considerations

372. The relevant statutory considerations are outlined in Section 3 of this decision.

373. Overall, the Panel is satisfied that the provisions of the plan change, as recommended to be amended, are the most appropriate way to achieve the objectives of the District Plan, are in accordance with Part 2 of the RMA, and meet all other relevant statutory tests.

374. The panel also adopts the s32AA evaluations provided by or accepted by Ms White in her section 42A and her Reply report, in support of the amendments recommended to be made to the PC19 provisions after notification.

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# Central Otago District Plan

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## Plan Change 19 – Residential Chapter Provisions as amended by Decisions

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## GLOSSARY OF ABBREVIATIONS

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

## LARGE LOT RESIDENTIAL ZONE

### Introduction

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

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

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

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

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

### Objectives and Policies

Objectives	
<b>LLRZ-O1</b>	<b>Purpose of the Large Lot Residential Zone</b>
The Large Lot Residential Zone provides primarily for residential living opportunities.	
<b>LLRZ-O2</b>	<b>Character and amenity values of the Large Lot Residential Zone</b>
The Large Lot Residential Zone is a pleasant, low-density living environment, which: <ol style="list-style-type: none"> <li>1. contains predominantly low-rise and detached residential units on large lots;</li> <li>2. maintains a predominance of open space over built form;</li> <li>3. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and</li> <li>4. is well-designed and well-connected into the surrounding area.</li> </ol>	
<b>LLRZ-O3</b>	<b>Precincts 1, 2 &amp; 3</b>
The density of development in the Large Lot Residential Precincts recognises and provides for maintenance of the amenity and character resulting from existing or anticipated development in these areas.	

Policies	
<b>LLRZ-P1</b>	<b>Built Form</b>
Ensure that development within the Large Lot Residential Zone:	



	<ol style="list-style-type: none"> <li>1. provides reasonable levels of privacy, outlook and adequate access to sunlight;</li> <li>2. provides safe and appropriate access and on-site parking;</li> <li>3. maintains a high level of spaciousness around buildings and a modest scale and intensity of built form that does not unreasonably dominate adjoining sites;</li> <li>4. is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe;</li> <li>5. provides generous usable outdoor living space for residents and for tree and garden planting;</li> <li>6. maintains the safe and efficient operation of <u>the road network</u>;</li> <li>7. mitigates visual effects through screening of storage areas and provision of landscaping; and</li> <li>8. encourages water efficiency measures.</li> </ol>
<b>LLRZ-P2</b>	<b>Residential activities</b>
	<u>Provide for Enable residential activities within a range of residential unit types and sizes to meet the diverse and changing residential demands of communities.</u>
<b>LLRZ-P3</b>	<b>Home business</b>
	<p>Provide for home businesses where:</p> <ol style="list-style-type: none"> <li><del>1. they are ancillary to a residential activity;</del></li> <li>2. they are consistent the anticipated character, amenity values and purpose of the zone; and</li> <li>3. the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring <del>are compatible with /do not compromise the amenity of adjoining sites.</del></li> </ol>
<b>LLRZ-P4</b>	<b>Retirement Living</b>
	<p>Provide for a range of retirement living options, including retirement villages, where they are comprehensively planned and:</p> <ol style="list-style-type: none"> <li><del>1. any adverse effects on the residential amenity values of adjoining residential properties and the surrounding area are avoided or mitigated; and</del></li> <li>2. the scale, form, composition and design of the village <u>responds to maintains the anticipated character and amenity values of the surrounding area, while recognising the functional and operational needs of retirement villages;</u> and</li> <li><del>3. they are designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents, with good on-site amenity and facilities; and</del></li> <li>4. any parking and vehicle manoeuvring provided on-site is appropriately designed; and</li> <li><del>5. road the safety and efficiency of the road network is maintained; and</del></li> <li>6. <u>they are well-connected to commercial areas and community facilities.</u></li> </ol>
<b>LLRZ-P5</b>	<b>Other non-residential activities</b>
	<p><del>Avoid Only allow other non-residential activities and buildings, including the expansion of existing non-residential activities and buildings, unless where:</del></p> <ol style="list-style-type: none"> <li>1. any adverse effects of the activity, including noise, do not compromise the anticipated amenity of the surrounding area; and</li> <li>2. the nature, scale and intensity of the activity is compatible with the anticipated character and <u>amenity values qualities</u> of the zone and surrounding area; and</li> <li>3. the activity is of a nature and scale that <del>meet</del> <u>serve</u> the needs of the local community and does not undermine the viability of the Business Resource Areas; and</li> <li>4. the surrounding area retains a predominance of residential activities, and for adjoining <u>residential properties sites</u>, a sense of amenity, security and companionship is maintained;</li> <li>5. any parking and vehicle manoeuvring provided on-site is appropriately designed; and</li> <li>6. <u>the road safety and efficiency of the road network is maintained; or</u></li> <li>7. <u>the activity is an expansion of an existing non-residential activity or building, and the expansion does not result in any significant increase of any existing tension with (1)-(6) above.</u></li> </ol>

<b>LLRZ-P6</b>	<b>Precinct 1</b>
Provide for development within Precinct 1 at a density consistent with the existing character of the area <u>precinct</u> .	
<b>LLRZ-P7</b>	<b>Precincts 2 &amp; 3</b>
Ensure that development within Precincts 2 & 3 maintains a higher level of open space, consistent with the existing character of <u>the area each precinct</u> .	
<b>LLRZ-P8</b>	<b>Future Growth Overlay</b>
Recognise and <del>provide for rezoning</del> <u>Restrict development</u> of land within the Future Growth Overlay <u>for residential purposes, where until :</u> <ol style="list-style-type: none"> <li>1. <del>It is demonstrated as necessary to meet anticipated demand; and</del></li> <li>2. <del>it is able to be serviced by reticulated water and wastewater networks and transport infrastructure.</del></li> </ol>	
<b>LLRZ-P9</b>	<b>Comprehensive Development</b>
Provide for a higher density of development on larger sites, where development is undertaken in a <u>comprehensive manner and:</u> <ol style="list-style-type: none"> <li>1. <u>the overall layout provides for a variety of lot sizes and opportunities for a diversity of housing types while still being designed to achieve the built form outcomes in LLRZ-P1;</u></li> <li>2. <u>the design responds positively to the specific context, features and characteristics of the site;</u></li> <li>3. <u>areas of higher density development are located or designed so that the overall character of the surrounding area is retained; and</u></li> <li>4. <u>the development delivers a public benefit, such as public access, reserves or infrastructure improvements.</u></li> </ol>	

## Rules

<b>LLRZ-R1</b>	<b>Residential units</b>
<b>Large Lot Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <del>There is no more than one residential unit per site.</del></li> </ol> <p><b>And Where the activity complies with the following <del>rule requirements</del> standards:</b></p> <p><u>LLRZ-S1 to LLRZ-S6, except where the residential units are within an area for which a Comprehensive Residential Development has been approved, and non-compliance with any standard has been considered through that resource consent.</u></p>
	<p><b>Activity status when compliance is not achieved with R1.1: RDIS</b></p> <p><b>And the activity complies with the following rule requirements standards:</b></p> <p>LLRZ-S1 to LLRZ-S6</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The bulk, location, design and density of buildings.</li> <li>2. The extent to which landscaping enhances residential amenity.</li> <li>3. The safety and efficiency of accesses and car parking areas.</li> <li>4. Amenity effects on neighbouring properties and streetscape.</li> <li>5. Provision for privacy between residential units and between sites.</li> </ol> <p><b>Activity status when compliance with rule requirement <u>standard (s)</u> is not achieved:</b> Refer to Rule Requirement Standards Table.</p>

LLRZ-R2	<b>Minor Residential Unit</b>	
Large Lot Residential Zone	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. There is a maximum of one minor residential unit per <u>principal residential unit on any site.</u></li> <li>2. The maximum floor area of the minor residential unit is 70m<sup>2</sup> or 90m<sup>2</sup> including a garage.</li> <li>3. The minor residential unit shall use the same servicing connections and accessway as the principal residential unit.</li> </ol> <p><b>And the activity complies with the following <del>rule requirements</del> standards:</b> LLRZ-S2 to LLRZ-S7.</p>	<p><b>Activity status when compliance is not achieved with R2.1, <del>NC</del></b></p> <p><del><b>Activity status when compliance is not achieved with R2.2 or R2.3: DIS</b></del></p> <p><b>Activity status when compliance with <del>rule requirement standard (s)</del> is not achieved:</b> Refer to <u>Rule Requirement Standards Table.</u></p>
LLRZ-R3	<b>Relocated buildings</b>	
Large Lot Residential Zone	<p><b>Activity Status: <del>CON</del>PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling;</li> <li>2. A building <u>pre-inspection report shall be provided with the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building and shall include certification from the owner of the relocated building that the reinstatement work will be completed within a 12 month period;</u></li> <li>3. <u>The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and</u></li> <li>4. All <u>other</u> reinstatement work required by the building <u>pre-inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within <del>six</del> 12 months of the building being delivered to the site. Reinstatement work is to</u></li> </ol>	<p><b>Activity status when compliance is not achieved with R3.1 <del>to R3.4</del>: DIS</b></p> <p><b>Activity status when compliance is not achieved with R3.2-R3.4: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. <u>The works required to reinstate the dwelling to an appropriate state of repair.</u></li> <li>b. <u>The appropriateness of any alternate time period.</u></li> <li>c. <u>Provision of servicing.</u></li> <li>d. <u>Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.</u></li> </ol> <p><b>Activity status when compliance with <del>rule requirement standard (s)</del> is not achieved:</b> Refer to <u>Rule Requirement Standards Table.</u></p>

	<p>include connections to all infrastructure services and closing in and ventilation of the foundations; and</p> <p><del>5. The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six-month period.</del></p> <p><b>And the activity complies with the following <u>rule requirements standards</u>:</b> LLRZ-S1 to LLRZ-S7</p> <p><b><del>Matters of control are restricted to:</del></b></p> <p><del>a. The time period within which the building will be placed on its foundations.</del></p> <p><del>b. Identification of, and the time period to complete reinstatement works to the exterior of the building.</del></p> <p><del>c. Provision of servicing.</del></p> <p><del>d. Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.</del></p>	
<b>LLRZ-R4</b>	<b>Accessory buildings and structures</b>	
<b>Large Lot Residential Zone</b>	<p><b>Activity Status:</b> PER</p> <p><b>Where:</b></p> <p>1. The building is ancillary to a permitted activity <u>or other lawfully established activity.</u></p> <p><b>And the activity complies with the following <u>rule requirements standards</u>:</b> LLRZ-S2 to LLRZ-S6.</p>	<p><b>Activity status when compliance is not achieved with R4.1:</b> DIS</p>
<b>LLRZ-R5</b>	<b>Additions and alterations to existing non-residential buildings</b>	
<b>Large Lot Residential Zone</b>	<p><b>Activity Status:</b> PER</p> <p><b>Where:</b></p> <p>1. <u>The additions or alterations do not increase the existing gross floor area by more than 30%.</u></p> <p><b>And where the activity complies with the following <u>rule requirements standards</u>:</b> <u>LLRZ-S2 to LLRZ-S6.</u></p>	<p><b>Activity status when compliance is not achieved with R5.1:</b> DIS</p> <p><b>Activity status when compliance with <u>rule requirement standard (s) is not achieved:</u></b> Refer to <u>Rule Requirement Standards Table.</u></p>

LLRZ-R6	<b>Residential Activity</b>	
Large Lot Residential Zone	Activity Status: PER	
LLRZ-R7	<b>Visitor accommodation</b>	
Large Lot Residential Zone	<p>Activity Status: PER</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The visitor accommodation is undertaken within a residential unit or minor residential unit; and</li> <li>2. <del>is ancillary to a residential activity.</del> <u>In addition to the visitor accommodation activity, at least one person resides permanently on the site; and-</u></li> <li>3. The maximum occupancy is 6 guests per night; <del>and</del></li> <li>4. <del>The access to the site is not shared with another site.</del></li> </ol>	<p>Activity status when compliance is not achieved with R7.1, <del>or R7.2 or R7.3:</del> <b>Discretionary</b></p> <p><del>Activity status when compliance is not achieved with R6.3: Restricted</del> <b>Discretionary</b></p> <p><del>Matters of discretion are restricted to:</del></p> <ol style="list-style-type: none"> <li>a. <del>the effects of the activity on the amenity and safety of on any sites sharing access of the use of the access on:</del> <ol style="list-style-type: none"> <li>i. <del>amenity; and</del></li> <li>ii. <del>safety and efficient access.</del></li> </ol> </li> </ol>
LLRZ-R8	<b>Home business (unless otherwise specified in LLRZ-R9 or LLRZ-R14)</b>	
Large Lot Residential Zone	<p>Activity Status: PER</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <del>The home business is undertaken within a residential unit and is ancillary to a residential activity;</del></li> <li>2. The maximum floor area occupied by the home business is no more than 30m<sup>2</sup>;</li> <li>3. <del>Any</del> <u>no more than one</u> employee engaged in the home business resides <u>off</u> <del>on</del> site;</li> <li>4. the home business, including any storage of goods, materials, or equipment takes place entirely within a building; and</li> <li>5. The maximum number of vehicle trips for a home business per site must not exceed 32 per day.</li> </ol> <p><b>And where the activity complies with the following rule requirements standards:</b> LLRZ-S7</p>	<p>Activity status when compliance is not achieved with R8.1 to R8.5: <b>Discretionary</b></p> <p><del>Activity status when compliance with rule requirement standard (s) is not achieved:</del> Refer to Rule Requirement Standards Table.</p>

<b>LLRZ-R9</b>	<b>Childcare Services</b>	
<b>Large Lot Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The childcare service is undertaken within a residential unit and is <del>ancillary</del> <u>incidental</u> to a residential activity.</li> <li>2. The maximum number of children in attendance at any one time is 6, excluding any children who live on-site.</li> </ol>	<p><b>Activity status when compliance is not achieved with R9.1 or R9.2:</b></p> <p><b>Discretionary</b></p>
<b>LLRZ-R10</b>	<b>Signs</b>	
<b>Large Lot Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. There is a maximum of one sign per site;</li> <li>2. The sign relates to the site on which it is located;</li> <li>3. The sign does not exceed 0.5m<sup>2</sup> in area;</li> <li>4. The sign is not illuminated and does not use reflective materials;</li> <li>5. The sign is fixed and does not move; and</li> <li>6. The sign does not obscure driver visibility to and from access ways.</li> </ol> <p><i>Note: This rule applies in addition to the controls on signage contained in Section 12 – District Wide Rules and Performance Standards.</i></p>	<p><b>Activity status when compliance is not achieved with R10.1 – R10.6: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The effect on amenity values of neighbouring properties.</li> <li>2. The effect on amenity values of the neighbourhood, and in particular on the character of the streetscape.</li> <li>3. The effect on the safe and efficient operation of the roading network.</li> </ol>
<b>LLRZ-R11</b>	<b>Excavation and Fill</b>	
<b>Large Lot Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Any extraction <u>or fill</u> of material shall not exceed 1m in depth within 2m of any site boundary; and</li> <li>2. The maximum volume <del>or area</del> of land excavated within any site in any 12-month period does not exceed 200m<sup>3</sup> per site, <u>excluding excavation required for construction of a building for which a building consent has been issued.</u></li> </ol>	<p><b>Activity status when compliance is not achieved with R11.1 – R11.2: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The location, volume and area of <u>excavation earthworks</u>.</li> <li>2. The effect on amenity values or safety of neighbouring <u>sites properties</u>.</li> <li>3. The effect on water bodies and their margins.</li> <li>4. The impact on visual amenity and landscape character.</li> <li>5. Any effects on the road network arising from the excavation.</li> <li>6. Any effects on archaeological, heritage or cultural values.</li> </ol>

	<i>Note: Any excavation that will or may modify or destroy the whole or part of an archaeological site requires an authority to be obtained from Heritage New Zealand Pouhere Taonga.</i>	7. Any mitigation measures proposed.
<b>LLRZ-R12</b>	<b>Comprehensive Residential Development</b>	
<b>Large Lot Residential Zone</b>	<p><b>Activity Status: RDIS</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <u>The density across the site is no greater than 1 dwelling per:</u> <ol style="list-style-type: none"> <li>a. <u>2000m<sup>2</sup> gross site area in Precinct 2 or 3; or</u></li> <li>b. <u>1500m<sup>2</sup> elsewhere.</u></li> </ol> </li> </ol> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. <u>Provision for housing diversity and choice.</u></li> <li>b. <u>How the development responds to the context, features and characteristics of the site.</u></li> <li>c. <u>The extent to which the proposal provides wider community benefits, such as through protection or restoration of important features or areas, increased opportunities for connectivity or community facilities.</u></li> <li>d. <u>Measures proposed to ensure higher density areas do not detract from the character and amenity of the wider surrounding area.</u></li> <li>e. <u>Integration with transport networks, including walking and cycling.</u></li> <li>f. <u>The location, extent and quality of public areas and streetscapes, taking into account servicing and maintenance requirements.</u></li> <li>g. <u>How the configuration of lots will allow for development that can readily achieve the outcomes sought in LLRZ-P1.</u></li> <li>h. <u>Where the application also seeks provision for future built development to breach any of the standards, discretion is also restricted to those matters specified in the relevant standard.</u></li> </ol>	<p><b>Activity status when compliance is not achieved with R12.1.a: DIS</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>2. <u>The overall density across the site is no greater than 1 dwelling per 1500m<sup>2</sup> gross site area; and</u></li> <li>3. <u>Either 1500m<sup>2</sup>, or 50m<sup>2</sup> per unit, whichever is the greater, is provided for public use as an area of open space.</u></li> </ol> <p><b>Activity status when compliance is not achieved with R12.1.b, R12.2 or R12.3: NC</b></p>



LLRZ-R13	<b>Retirement Villages</b>	
Large Lot Residential Zone	<p><b>Activity Status: RDIS</b></p> <p><b>Where the activity complies with the following <del>rule requirements</del> standards:</b> LLRZ-S1 to LLRZ-S6</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Integration of vehicle, cycle and pedestrian access with the adjoining road network.</li> <li>Provision of landscaping, <del>or use of open space to integrate the proposal into the surrounding area,</del> <u>on-site amenity for residents, recreational facilities and</u></li> <li><u>Adequacy of stormwater systems and wastewater capacity.</u></li> <li><del>Design and layout of pedestrian circulation.</del></li> <li>Parking and <u>manoeuvring access.</u></li> <li>Traffic generation, including impacts on the <u>safety and efficiency of the wider transport road network.</u></li> <li><del>Residential amenity for neighbours in respect of outlook and privacy.</del></li> <li><u>Visual quality and interest in the The design, form and layout of the retirement village, including buildings, fencing, location and scale of utility areas, parking areas and external storage areas.</u></li> <li><u>Any functional or operational requirements.</u></li> </ol>	<p><b>Activity status when compliance with <del>rule requirement standard (s)</del> is not achieved:</b> Refer to <u>Rule Requirement Standards Table.</u></p>
LLRZ-R14	<b>Any activity not otherwise listed in <del>LLRZ R1 to LLRZ R10 or LLRZ R12 to LLRZ R15</del></b>	
Large Lot Residential Zone	Activity Status: DIS	
LLRZ-R15	<b>Industrial Activities</b>	
Large Lot Residential Zone	Activity Status: NC	
LLRZ-R16	<b>Large format retailing</b>	
Large Lot Residential Zone	Activity Status: NC	
LLRZ-R17	<b>Noxious Activities</b>	

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

## Standards

LLRZ-S1	Density	Activity Status where compliance not achieved:
Large Lot Residential Zone (Excluding Precincts 1, 2 & 3)	<p>1. The minimum site area per residential unit is <del>2000</del>1500m<sup>2</sup>, or</p> <p>2. <u>On any site less than 1500m<sup>2</sup>, one residential unit per site.</u></p>	NC
Precinct 1	<p>3. The minimum site area per residential unit is 1000m<sup>2</sup>, or</p> <p>4. <u>On any site less than 1000m<sup>2</sup>, one residential unit per site.</u></p>	NC
Precinct 2	<p>5. The minimum site area per residential unit is 3000m<sup>2</sup>, or</p> <p>6. <u>On any site less than 3000m<sup>2</sup>, one residential unit per site.</u></p>	NC
Precinct 3	<p>7. The minimum site area per residential unit is <del>€</del>5000m<sup>2</sup>, or</p> <p>8. <u>On any site less than €5000m<sup>2</sup>, one residential unit per site.</u></p>	NC
LLRZ-S2	Height	Activity Status where compliance not achieved:
Large Lot Residential Zone	<p>1. The maximum height of buildings and structures must not exceed 7.5m measured from ground level to the highest part of the building or structure.</p> <p><u>LLRZ-S2.1 does not apply to:</u></p> <ul style="list-style-type: none"> <li><u>Antennas, aerials, satellite dishes (less than 1m in diameter).</u></li> </ul>	<p>Where:</p> <p>LLRZ-S2 is not met, but the height of the building or structure does not exceed 8.5m: <b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. Dominance of built form in the surrounding area.</p>

	<ul style="list-style-type: none"> <li>• <u>Solar panels which do not project beyond the building envelope by more than 0.5m.</u></li> <li>• <u>Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</u></li> <li>• <u>Hose drying towers which do not exceed 15m in height.</u></li> </ul>	<ul style="list-style-type: none"> <li>b. Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties.</li> <li>c. Any mitigation measures <del>proposed</del> which reduce the adverse effects of the increased height.</li> <li>d. <u>Any constraints which make compliance impractical.</u></li> <li>e. <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u></li> </ul> <p><b>Where:</b> LLRZ-S2 is not met, and the height of the building or structure exceeds 8.5m: <b>NC</b></p>
<b>LLRZ-S3</b>	<b>Height in relation to boundary</b>	<b><u>Activity Status where compliance not achieved:</u></b>
<b>Large Lot Residential Zone</b>	<ol style="list-style-type: none"> <li>1. Buildings must be contained within a building envelope defined by the recession plane angles set out in Schedule 1 to the Residential Zone chapter, from points 2.5m above ground level at the boundaries of the site.</li> <li>2- LLRZ-S3.1 does not apply to: <ul style="list-style-type: none"> <li>• A boundary with a road <u>or a shared access more than 3m in width.</u></li> <li>• Common walls along a site boundary.</li> <li>• Eaves inclusive of gutters with a maximum depth of 20cm measured vertically.</li> <li>• Antennas, aerials, satellite dishes (less than 1m in diameter).</li> <li>• Solar panels which do not project beyond the building envelope by more than 0.5m.</li> <li>• Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</li> <li>• A gable end, dormer or roof where that portion projecting beyond the building envelope is no greater than 1.5m<sup>2</sup> in</li> </ul> </li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Dominance of built form in the surrounding area.</li> <li>b. Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties.</li> <li>c. Any mitigation measures <del>proposed</del> which reduce the adverse effects of the breach.</li> <li>d. <u>Any constraints which make compliance impractical.</u></li> <li>e. <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u></li> </ul>

	<p>area and no greater than 1m in height.</p> <ul style="list-style-type: none"> <li>• <u>Internal boundaries within a retirement village.</u></li> <li>• <u>Hose drying towers.</u></li> </ul>	
<b>LLRZ-S4</b>	<b>Building Coverage</b>	<b>Activity Status where compliance not achieved:</b>
<b>Large Lot Residential Zone (Excluding Precincts 1 2 &amp; 3)</b>	The building coverage of the net area of any site must not exceed 30%.	<b>RDIS</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>Compatibility of the built form with the existing or anticipated character of the area.</li> <li>Dominance of built form in the surrounding area.</li> <li>The extent to which a level of openness around and between buildings is retained.</li> <li>Any mitigation measures proposed which reduce the adverse effects of the breach.</li> </ol>
<b>Precinct 1</b>	The building coverage of the net area of any site must not exceed 40%.	
<b>Precinct 2</b>	The building coverage of the net area of any site must not exceed 15%.	
<b>Precinct 3</b>	The building coverage of the net area of any site must not exceed 10%.	
<b>LLRZ-S5</b>	<b>Setback from road boundary</b>	<b>Activity Status where compliance not achieved:</b>
<b>Large Lot Residential Zone</b>	<ol style="list-style-type: none"> <li>Any building or structure shall be setback a minimum of <u>7.5m</u> from a boundary with a road, except that this shall not apply to an uncovered deck less than 1m in height.</li> </ol>	<b>RDIS</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>Any adverse effects on the safety and efficiency of the road network.</li> <li>The extent to which the breach will have adverse effects on visual amenity values, including dominance.</li> <li>compatibility of the building or structure with the surrounding built environment.</li> <li><u>Any constraints which make compliance impractical.</u></li> </ol>
<b>Large Lot Residential Zone - Within 80m of the seal edge of a State Highway</b>	<ol style="list-style-type: none"> <li>New residential buildings shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq (24hr) in bedrooms and 40dBA Leq (24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels</li> </ol>	

	and reverberation times for building interiors. This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.	
<b>LLRZ-S6</b>	<b>Setback from internal boundary</b>	<b><u>Activity Status where compliance not achieved:</u></b>
<b>Large Lot Residential Zone</b>	<p>Any building or structure shall be setback a minimum of:</p> <ol style="list-style-type: none"> <li>3m from any internal boundary <del>(except that this does not apply to an uncovered deck less than 1m in height);</del> and</li> <li>15m from <u>any property boundary which is adjacent to the margin of any lake.</u></li> </ol> <p><u>LLRZ-S6.1 does not apply to:</u></p> <ul style="list-style-type: none"> <li><u>Uncovered decks of less than 1m in height.</u></li> <li><u>Internal boundaries within a retirement village.</u></li> </ul>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Adverse effects on privacy, outlook, or shading on the affected property.</li> <li>The extent to which the breach will have adverse effects on visual amenity values, including dominance.</li> <li>The compatibility of the building or structure with the surrounding built environment.</li> <li>Any adverse effects on accessibility to the lake.</li> </ol>
<b>LLRZ-S7</b>	<b>Car parking</b>	<b><u>Activity Status where compliance not achieved:</u></b>
<b>Large Lot Residential Zone</b>	<p>The following minimum carpark spaces shall be provided on the site:</p> <ol style="list-style-type: none"> <li>One carpark space per residential unit; and</li> <li>One additional carpark space per home business.</li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Any adverse effects on the safety and efficiency of the road network.</li> <li>Effects on amenity values of neighbouring properties.</li> </ol>

## LOW DENSITY RESIDENTIAL ZONE

### Introduction

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

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

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

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

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

### Objectives and Policies

<b>Objectives</b>	
<b>LRZ-O1</b>	<b>Purpose of the Low Density Residential Zone</b>
The Low Density Residential Zone provides primarily for residential living opportunities, as well as activities that support, and are compatible with the character of, the zone's residential focus.	
<b>LRZ-O2</b>	<b>Character and amenity values of the Low Density Residential Zone</b>
The Low Density Residential Zone is a pleasant, low-density suburban living environment, which: <ol style="list-style-type: none"> <li>1. contains predominantly low-rise and detached residential units;</li> <li>2. maintains a good level of openness around buildings;</li> <li>3. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and</li> <li>4. is well-designed and well-connected into surrounding area.</li> </ol>	

<b>Policies</b>	
<b>LRZ-P1</b>	<b>Built Form</b>
Ensure that development within the Low Density Residential Zone: <ol style="list-style-type: none"> <li>1. provides reasonable levels of privacy, outlook and adequate access to sunlight;</li> <li>2. provides safe and appropriate access and on-site parking;</li> <li>3. maintains spaciousness around buildings and a modest scale and intensity of built form that does not unreasonably dominate adjoining sites;</li> </ol>	

	<ol style="list-style-type: none"> <li>4. is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe; and</li> <li>5. provides sufficient usable outdoor living space for residents and for tree and garden planting;</li> <li>6. maintains the safe and efficient operation of <u>the roads network</u>;</li> <li>7. mitigates visual effects through screening of storage areas and provision of landscaping; and</li> <li>8. encourages water efficiency measures.</li> </ol>
<b>LRZ-P2</b>	<b>Residential activities</b>
	Provide for <del>Enable residential activities within</del> a range of residential unit types and sizes <u>to meet the diverse and changing residential demands of communities.</u>
<b>LRZ-P3</b>	<b>Home businesses</b>
	Provide for home businesses where: <ol style="list-style-type: none"> <li><del>1. they are ancillary to a residential activity;</del></li> <li>2. they are consistent the anticipated character, amenity values and purpose of the zone; and</li> <li>3. the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring <del>are compatible with /do not compromise the amenity of adjoining sites.</del></li> </ol>
<b>LRZ-P4</b>	<b>Retirement Living</b>
	Provide for a range of retirement living options, including retirement villages, where they are comprehensively planned and: <ol style="list-style-type: none"> <li><del>1. any adverse effects on the residential amenity values of adjoining residential properties and the surrounding area are avoided or mitigated; and</del></li> <li>2. the scale, form, composition and design of the village <u>responds to maintains the anticipated character and amenity values of the surrounding area, while recognising the functional and operational needs of retirement villages;</u> and</li> <li><del>3. they are designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents, with good on-site amenity and facilities; and</del></li> <li>4. any parking and vehicle manoeuvring provided on-site is appropriately designed; and</li> <li><del>5. road <u>the safety and efficiency of the road network</u> is maintained; and</del></li> <li><del>6. they are well-connected to commercial areas and community facilities.</del></li> </ol>
<b>LRZ-P5</b>	<b>Other non-residential activities</b>
	<del>Avoid</del> <u>Only allow other non-residential activities and buildings, including the expansion of existing non-residential activities and buildings, unless where:</u> <ol style="list-style-type: none"> <li>1. any adverse effects of the activity, including noise, do not compromise the anticipated amenity of the surrounding area; and</li> <li>2. the nature, scale and intensity of the activity is compatible with the anticipated character and <u>amenity values qualities</u> of the zone and surrounding area; and</li> <li>3. the activity is of a nature and scale that <del>meet</del> <u>serves</u> the needs of the local community and does not undermine the viability of the Business Resource Areas; and</li> <li>4. the surrounding area retains a predominance of residential activities, and for adjoining <u>residential properties-sites</u>, a sense of amenity, security and companionship is maintained;</li> <li>5. any parking and vehicle manoeuvring provided on-site is appropriately designed; and</li> <li>6. <u>the road safety and efficiency of the road network is maintained; or</u></li> <li>7. <u>the activity is an expansion of an existing non-residential activity or building, and the expansion does not result in any significant increase of any existing tension with (1)-(6) above.</u></li> </ol>



<b>LRZ-P6</b>	<b>Future Growth Overlay</b>
<p>Recognise and provide for rezoning Restrict development of land within the Future Growth Overlay for residential purposes, where until:</p> <ol style="list-style-type: none"> <li>1. <del>It is demonstrated as necessary to meet anticipated demand; and</del></li> <li>2. <del>it is able to be serviced by reticulated water and wastewater networks and transport infrastructure.</del></li> </ol>	
<b>LRZ-P7</b>	<b>Comprehensive Development</b>
<p>Provide for a higher density of development on larger sites, where development is undertaken in a comprehensive manner and:</p> <ol style="list-style-type: none"> <li>1. <u>the overall layout provides for a variety of lot sizes and opportunities for a diversity of housing types while still being designed to achieve the built form outcomes in LRZ-P1;</u></li> <li>2. <u>the design responds positively to the specific context, features and characteristics of the site;</u></li> <li>3. <u>areas of higher density development are located or designed so that the overall character of the surrounding area is retained; and</u></li> <li>4. <u>the development delivers a public benefit, such as public access, reserves or infrastructure improvements.</u></li> </ol>	

## Rules

<b>LRZ-R1</b>	<b>Residential units</b>	
<b>Low Density Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <del>There are no more than two residential units per site.</del></li> </ol> <p><b>And Where the activity complies with the following rule requirements standards:</b></p> <p><u>LRZ-S1 to LRZ-S7, except where the residential units are within an area for which a Comprehensive Residential Development has been approved, and non-compliance with any standard has been considered through that resource consent.</u></p>	<p><b>Activity status when compliance is not achieved with R1.1: RDIS</b></p> <p><b>And the activity complies with the following rule requirements standards:</b></p> <p>LRZ-S1 to LRZ-S7</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The bulk, location, design and density of buildings.</li> <li>2. The extent to which landscaping enhances residential amenity.</li> <li>3. The safety and efficiency of accesses and car parking areas.</li> <li>4. Amenity effects on neighbouring properties and streetscape.</li> <li>5. Provision for privacy between residential units and between sites.</li> </ol> <p><b>Activity status when compliance with rule requirement standard (s) is not achieved:</b> Refer to Rule Requirement Standards Table.</p>
<b>LRZ-R2</b>	<b>Minor Residential Unit</b>	
<b>Low Density Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. There is a maximum of one minor residential unit per <u>principal residential unit on any site;</u></li> </ol>	<p><b>Activity status when compliance is not achieved with R2.1, ÷NG</b></p> <p><del>Activity status when compliance is not achieved with R2.2 or R2.3: DIS</del></p>

	<p>2. The maximum floor area of the minor residential unit is 70m<sup>2</sup> or 90m<sup>2</sup> including a garage; and</p> <p>3. The minor residential unit shall use the same servicing connections and accessway as the principal residential unit.</p> <p><b>And the activity complies with the following <del>rule requirements</del> standards:</b> LRZ-S2 to LRZ-S7.</p>	<p><b>Activity status when compliance with <del>rule requirement standard (s)</del> is not achieved:</b> Refer to Rule Requirement Standards Table.</p>
<p><b>LRZ-R3</b></p>	<p><b>Relocated buildings</b></p>	
<p><b>Low Density Residential Zone</b></p>	<p><b>Activity Status: <del>CON</del>-PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling.</li> <li>2. <u>A building pre-inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building and shall include certification from the owner of the relocated building that the reinstatement work will be completed within a 12 month period;</u></li> <li>3. <u>The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and</u></li> <li>4. <u>All other reinstatement work required by the building pre-inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u></li> </ol>	<p><b>Activity status when compliance is not achieved with R3.1: DIS</b></p> <p><b><u>Activity status when compliance is not achieved with R3.2-R3.4: RDIS</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>a. <u>The works required to reinstate the dwelling to an appropriate state of repair.</u></li> <li>b. <u>The appropriateness of any alternate time period.</u></li> <li>c. <u>Provision of servicing.</u></li> <li>d. <u>Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.</u></li> </ol> <p><b>Activity status when compliance with <del>rule requirement standard (s)</del> is not achieved:</b> Refer to Rule Requirement Standards Table.</p>

	<p><b>And the activity complies with the following <u>rule requirements standards</u>:</b> LRZ-S1 to LRZ-S7.</p> <p><b><del>Matters of control are restricted to:</del></b></p> <ol style="list-style-type: none"> <li><del>1. The time period within which the building will be placed on its foundations.</del></li> <li><del>2. Identification of, and the time period to complete reinstatement works to the exterior of the building.</del></li> <li><del>3. Provision of servicing.</del></li> <li><del>4. Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.</del></li> </ol>	
<b>LRZ-R4</b>	<b>Accessory buildings and structures</b>	
<b>Low Density Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The building is ancillary to a permitted activity <u>or other lawfully established activity</u>.</li> </ol> <p><b>And the activity complies with the following <u>rule requirements standards</u>:</b></p> <ol style="list-style-type: none"> <li>2. For buildings or structures of more than 10m<sup>2</sup>, LRZ-S2 to LRZ-S6; or</li> <li>3. For buildings or structures of 10m<sup>2</sup> or less, LRZ-S2 - LRZ-S5.</li> </ol>	<p><b>Activity status when compliance is not achieved with R4.1: DIS</b></p>
<b>LRZ-R5</b>	<b>Additions and alterations to existing non-residential buildings</b>	
<b>Low Density Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <u>The additions or alterations do not increase the existing gross floor area by more than 30%.</u></li> </ol> <p><b>And where the activity complies with the following <u>rule requirements standards</u>:</b> <u>LRZ-S2 to LRZ-S6.</u></p>	<p><b>Activity status when compliance is not achieved with R5.1: DIS</b></p> <p><b>Activity status when compliance with <u>rule requirement standard (s) is not achieved:</u> Refer to <u>Rule Requirement Standards Table</u>.</b></p>
<b>LRZ-R6</b>	<b>Residential Activity</b>	
<b>Low Density Residential Zone</b>	<p><b>Activity Status: PER</b></p>	

LRZ-R7	<b>Visitor accommodation</b>	
Low Density Residential Zone	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The visitor accommodation is undertaken within a residential unit or minor residential unit; and</li> <li>2. <del>is ancillary to a residential activity.</del> <u>In addition to the visitor accommodation activity, at least one person resides permanently on the site; and-</u></li> <li>3. The maximum occupancy is 6 guests per night; <del>and</del></li> <li>4. <del>The access to the site is not shared with another site.</del></li> </ol> <p><b>And where the activity complies with the following rule requirements standards:</b> LRZ-S7</p>	<p><b>Activity status when compliance is not achieved with R7.1, <del>or R7.2 or R7.3:</del></b> Discretionary</p> <p><del><b>Activity status when compliance is not achieved with R6.3: Restricted</b></del> <del>Discretionary</del></p> <p><del><b>Matters of discretion are restricted to:</b></del></p> <ol style="list-style-type: none"> <li>a. <del>the effects of the activity on the amenity and safety of on any sites sharing access of the use of the access on:</del> <ol style="list-style-type: none"> <li>i. <del>amenity; and</del></li> <li>ii. <del>safety and efficient access.</del></li> </ol> </li> </ol>
LRZ-R8	<b>Home business (unless otherwise specified in LRZ-R9 or LRZ-R14)</b>	
Low Density Residential Zone	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <del>The home business is undertaken within a residential unit;</del></li> <li>2. The maximum floor area occupied by the home business is no more than 30m<sup>2</sup>;</li> <li>3. <del>Any</del> <u>No more than one</u> employee engaged in the home business resides <del>off</del> on-site;</li> <li>4. The home business, including any storage of goods, materials, or equipment takes place entirely within a building; and</li> <li>5. The maximum number of vehicle trips for a home business per site must not exceed 32 per day.</li> </ol> <p><b>And where the activity complies with the following rule requirements standards:</b> LRZ-S7</p>	<p><b>Activity status when compliance is not achieved with R8.1 to R8.5:</b> Discretionary</p> <p><b>Activity status when compliance with rule requirement standard (s) is not achieved:</b> Refer to Rule Requirement Standards Table.</p>
LRZ-R9	<b>Childcare Services</b>	
Low Density Residential Zone	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p>	<p><b>Activity status when compliance is not achieved with R9.1 or R9.2:</b> Discretionary</p>

	<ol style="list-style-type: none"> <li>1. The childcare service is undertaken within a residential unit and is <del>ancillary</del> <u>incidental</u> to a residential activity.</li> <li>2. The maximum number of children in attendance at any one time is 6, excluding any children who live on-site.</li> </ol> <p><b>And where the activity complies with the following rule requirements standards:</b> LRZ-S7</p>	
<b>LRZ-R10</b>	<b>Signs</b>	
<b>Low Density Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. There is a maximum of one sign per site;</li> <li>2. The sign relates to the site on which it is located;</li> <li>3. The sign does not exceed 0.5m<sup>2</sup> in area;</li> <li>4. The sign is not illuminated and does not use reflective materials;</li> <li>5. The sign is fixed and does not move; and</li> <li>6. The sign does not obscure driver visibility to and from access ways.</li> </ol> <p><i>Note: This rule applies in addition to the controls on signage contained in Section 12 – District Wide Rules and Performance Standards.</i></p>	<p><b>Activity status when compliance is not achieved with R10.1 – R10.6: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. The effect on amenity values of neighbouring properties.</li> <li>b. The effect on amenity values of the neighbourhood, and in particular on the character of the streetscape.</li> <li>c. The effect on the safe and efficient operation of the roading network.</li> </ol>
<b>LRZ-R11</b>	<b>Excavation and Fill</b>	
<b>Low Density Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Any extraction <u>or fill</u> of material shall not exceed 1m in depth within 2m of any site boundary; and</li> <li>2. The maximum volume <del>or area</del> of land excavated within any site in any 12-month period does not exceed 200m<sup>23</sup> per site, <u>excluding excavation required for construction of a building for which a building consent has been issued.</u></li> </ol>	<p><b>Activity status when compliance is not achieved with R11.1 – R11.2: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The location, volume and area of <u>excavation earthworks.</u></li> <li>2. The effect on amenity values or safety of neighbouring <u>sites properties.</u></li> <li>3. The effect on water bodies and their margins.</li> <li>4. The impact on visual amenity and landscape character.</li> <li>5. Any effects on the road network arising from the excavation.</li> </ol>

	<i>Note: Any excavation that will or may modify or destroy the whole or part of an archaeological site requires an authority to be obtained from Heritage New Zealand Pouhere Taonga.</i>	6. Any effects on archaeological, heritage or cultural values. 7. Any mitigation measures proposed.
<b>LRZ-R12</b>	<b>Community facilities and shop</b>	
<b>Scheduled Activity No. 127 in Schedule 19.3.6</b>	<b>Activity Status: PER</b>  <b>Where:</b> 1. <u>No vehicular access is provided direct to Pisa Moorings Road.</u>  <b>Where the activity complies with the following standards:</b> <u>LRZ-S2, LRZ-S3, LRZ-S5 and LRZ-S6.</u>	<b>Activity status when compliance is not achieved with R12.1: DIS</b>  <b>Activity status when compliance with standard(s) is not achieved: Refer to Standards Table.</b>
<b>LRZ-R13</b>	<b>Convenience Retail activities</b>	
<b>Low Density Residential Zone</b>	<b>Activity Status: RDIS</b>  <b>Where the activity complies with the following <del>rule requirements</del> standards:</b> LRZ-S2 to LRZ-S4 and LRZ-S6.  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>Whether the proposed activity will primarily service the surrounding residential area.</li> <li>Hours of operation.</li> <li>amenity effects on neighbouring properties, including noise, disturbance and privacy.</li> <li>outdoor storage, including rubbish collection areas.</li> <li>the location and design of car parking and loading areas and access.</li> </ol>	
<b>LRZ-R14</b>	<b>Retirement Villages</b>	
<b>Low Density Residential Zone</b>	<b>Activity Status: RDIS</b>  <b>Where the activity complies with the following <del>rule requirements</del> standards:</b> LRZ-S2 to LRZ-S6.  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>Integration of vehicle, cycle and pedestrian access with the adjoining road network.</li> <li>Provision of landscaping, <u>or use of open space to integrate the proposal into the surrounding area,</u> <del>on-site amenity for residents, recreational facilities and</del> </li> </ol>	

	<ul style="list-style-type: none"> <li>c. <u>Adequacy of stormwater systems and wastewater capacity.</u></li> <li><del>d. Design and layout of pedestrian circulation.</del></li> <li>e. Parking and <u>manoeuvring access.</u></li> <li>f. Traffic generation, including impacts on the <u>safety and efficiency of the wider transport road network.</u></li> <li><del>g. Residential amenity for neighbours in respect of outlook and privacy.</del></li> <li>h. <u>Visual quality and interest in the The design, form and layout of the retirement village, including buildings, fencing, location and scale of utility areas, parking areas and external storage areas.</u></li> <li>i. <u>Any functional or operational requirements.</u></li> </ul>	
<b>LRZ-R15</b>	<b><u>Community facilities and Educational Facilities</u></b>	
<b>Low Density Residential Zone</b>	<p><b>Activity Status: RDIS</b></p> <p><b>Where the activity complies with the following <u>rule requirements standards</u>:</b> LRZ-S2 to LRZ-S6.</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. The location and design of car parking and loading areas and access.</li> <li>b. Design and layout of on-site pedestrian and cycling connections.</li> <li>c. Hours of operation.</li> <li>d. Noise, disturbance and loss of privacy of neighbours.</li> <li>e. Location, size and numbers of signs.</li> <li>f. Traffic generation and impact on the <u>transport road network.</u></li> <li>g. Landscaping.</li> <li>h. Site layout.</li> <li>i. The scale of activity.</li> <li>j. Scale, form and design of buildings.</li> </ul>	
<b>LRZ-R16</b>	<b><u>Comprehensive Residential Development</u></b>	
<b>Low Density Residential Zone</b>	<p><b>Activity Status: RDIS</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>1. <u>The density across the site is no greater than 1 dwelling per 600m<sup>2</sup> gross site area.</u></li> </ul> <p><b>Matters of discretion are restricted to:</b></p>	<b><u>Activity status when compliance is not achieved with R16.1: NC</u></b>



	<ul style="list-style-type: none"> <li>a. <u>Provision for housing diversity and choice.</u></li> <li>b. <u>How the development responds to the context, features and characteristics of the site.</u></li> <li>c. <u>The extent to which the proposal provides wider community benefits, such as through protection or restoration of important features or areas, increased opportunities for connectivity or community facilities.</u></li> <li>d. <u>Measures proposed to ensure higher density areas do not detract from the character and amenity of the wider surrounding area.</u></li> <li>e. <u>Integration with transport networks, including walking and cycling.</u></li> <li>f. <u>The location, extent and quality of public areas and streetscapes, taking into account servicing and maintenance requirements.</u></li> <li>g. <u>How the configuration of lots will allow for development that can readily achieve the outcomes sought in LRZ-P1.</u></li> <li>h. <u>Where the application also seeks provision for future built development to breach any of the standards, discretion is also restricted to those matters specified in the relevant standard.</u></li> </ul>	
<b>LRZ-R17</b>	<b>Any activity not otherwise listed in LRZ-R1 to LRZ-R12 or LRZ-R14 to LRZ-R17</b>	
<b>Low Density Residential Zone</b>	<b>Activity Status: DIS</b>	
<b>LRZ-R18</b>	<b>Industrial Activities</b>	
<b>Low Density Residential Zone</b>	<b>Activity Status: NC</b>	
<b>LRZ-R16</b>	<b>Large format retailing</b>	
<b>Low Density Residential Zone</b>	<b>Activity Status: NC</b>	
<b>LRZ-R18</b>	<b>Noxious Activities</b>	
<b>Low Density Residential Zone</b>	<b>Activity Status: NC</b>	

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

### Standards

<b>LRZ-S1</b>	<b>Density</b>	<b>Activity Status where compliance not achieved:</b>
<b>Low Density Residential Zone</b>	<p>1. Where the residential unit is connected to a reticulated sewerage system:</p> <ol style="list-style-type: none"> <li><del>the minimum site area</del> <u>no more than one residential unit is provided per unit is 5400m<sup>2</sup>,</u></li> <li><u>or</u></li> <li><u>on any site less than 400m<sup>2</sup>, one residential unit per site.</u></li> </ol> <p>2. Where the residential unit is not connected to a reticulated sewerage system, no more than one residential unit <del>dwelling</del> is provided per 800m<sup>2</sup>.</p>	<b>NC</b>
<b>LRZ-S2</b>	<b>Height</b>	<b>Activity Status where compliance not achieved:</b>
<b>Low Density Residential Zone</b>	<p>1. The maximum height of buildings and structures must not exceed 7.5m measured from ground level to the highest part of the building or structure.</p> <p><u>LRZ-S2.1 does not apply to:</u></p> <ul style="list-style-type: none"> <li><u>Antennas, aerials, satellite dishes (less than 1m in diameter).</u></li> <li><u>Solar panels which do not project beyond the building envelope by more than 0.5m.</u></li> <li><u>Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</u></li> </ul>	<p><b>Where:</b></p> <p>LRZ-S2 is not met, but the height of the building or structure does not exceed 8.5m: <b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Dominance of built form in the surrounding area.</li> <li>Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties.</li> <li>Any mitigation measures <del>proposed</del> which reduce the adverse effects of the increased height.</li> </ol>

	<ul style="list-style-type: none"> <li>• <u>Hose drying towers which do not exceed 15m in height.</u></li> </ul>	<p>d. <u>Any constraints which make compliance impractical.</u></p> <p>e. <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u></p> <p><b>Where:</b> LRZ-S2 is not met, and the height of the building or structure exceeds 8.5m: <b>NC</b></p>
<b>LRZ-S3</b>	<b>Height in relation to boundary</b>	<b><u>Activity Status where compliance not achieved:</u></b>
<b>Low Density Residential Zone</b>	<p>1. Buildings must be contained within a building envelope defined by the recession plane angles set out in Schedule 1 to the Residential Zone chapter, from points 2.5m above ground level at the boundaries of the site.</p> <p>2. LRZ-S3.1 does not apply to:</p> <ul style="list-style-type: none"> <li>• A boundary with a road <u>or a shared access more than 3m in width.</u></li> <li>• Common walls along a site boundary.</li> <li>• Eaves inclusive of gutters with a maximum depth of 20cm measured vertically.</li> <li>• Antennas, aerials, satellite dishes (less than 1m in diameter).</li> <li>• Solar panels which do not project beyond the building envelope by more than 0.5m.</li> <li>• Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</li> <li>• A gable end, dormer or roof where that portion projecting beyond the building envelope is no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height.</li> <li>• <u>Internal boundaries within a retirement village.</u></li> <li>• <u>Hose drying towers.</u></li> </ul>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. Dominance of built form in the surrounding area.</p> <p>b. Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties.</p> <p>c. Any mitigation measures <del>proposed</del> which reduce the adverse effects of the breach.</p> <p>d. <u>Any constraints which make compliance impractical.</u></p> <p>e. <u>Whether the increase in height is necessary to mitigate natural hazard risk.</u></p>
<b>LRZ-S4</b>	<b>Building Coverage</b>	<b>Activity Status where compliance not achieved:</b>

<p><b>Low Density Residential Zone</b></p>	<p>The building coverage of the net area of any site must not exceed 40%.</p>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Compatibility of the built form with the existing or anticipated character of the area.</li> <li>b. Dominance of built form in the surrounding area.</li> <li>c. The extent to which a level of openness around and between buildings is retained.</li> <li>d. Any mitigation measures proposed which reduce the adverse effects of the breach.</li> </ul>
<p><b>LRZ-S5</b></p>	<p><b>Setback from road boundary</b></p>	<p><b>Activity Status where compliance not achieved:</b></p>
<p><b>Low Density Residential Zone</b></p>	<p><u>1.</u> Any building or structure shall be setback a minimum of 4.5m from a boundary with a road, except that this shall not apply to an uncovered deck less than 1m in height.</p>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Any adverse effects on the safety and efficiency of the road network.</li> <li>b. The extent to which the breach will have adverse effects on visual amenity values, including dominance.</li> <li>c. Compatibility of the building or structure with the surrounding built environment.</li> <li>d. <u>Any constraints which make compliance impractical.</u></li> </ul>
<p><b><u>Medium Low Density Residential Zone - Within 80m of the seal edge of a State Highway</u></b></p>	<p><u>2.</u> New residential buildings shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq (24hr) in bedrooms and 40dBA Leq (24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors. This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.</p>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li><u>a. The effect on the safe and efficient operation of the roading network.</u></li> <li><u>b. The effect on the amenity of persons nearby as a consequence of noise generated by activities on the State highway network.</u></li> </ul>
<p><b>LRZ-S6</b></p>	<p><b>Setback from internal boundary</b></p>	<p><b>Activity Status where compliance not achieved:</b></p>

<p><b>Low Density Residential Zone</b></p>	<p>Any building or structure shall be setback a minimum of:</p> <ol style="list-style-type: none"> <li>1. 1.8m from any internal boundary <del>(except that this does not apply to an uncovered deck less than 1m in height)</del>; and</li> <li>2. 15m from <u>any property boundary which is adjacent to</u> the margin of any lake.</li> </ol> <p><u>LRZ-S6.1 does not apply to:</u></p> <ul style="list-style-type: none"> <li>• <u>Uncovered decks of less than 1m in height.</u></li> <li>• <u>Internal boundaries within a retirement village.</u></li> <li>• <u>Two or more residential units connected horizontally and/or vertically by a common wall or floor.</u></li> </ul>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Adverse effects on privacy, outlook, or shading on the affected property.</li> <li>b. The extent to which the breach will have adverse effects on visual amenity values, including dominance.</li> <li>c. The compatibility of the building or structure with the surrounding built environment.</li> <li>d. Any adverse effects on accessibility to the lake.</li> </ol>
<p><b>LRZ-S7</b></p>	<p><b>Car parking</b></p>	<p><b>Activity Status where compliance not achieved:</b></p>
<p><b>Low Density Residential Zone</b></p>	<p>The following minimum carpark spaces shall be provided on the site:</p> <ol style="list-style-type: none"> <li>1. One carpark space per residential unit; and</li> <li>2. Where the activity is a home business, one additional carpark space; and</li> <li>3. Where the activity is visitor accommodation, one additional carpark space; and</li> <li>4. Where the activity is a childcare service, one additional carpark space.</li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Any adverse effects on the safety and efficiency of the road network.</li> <li>b. Effects on amenity values of neighbouring properties.</li> </ol>

## MEDIUM DENSITY RESIDENTIAL ZONE

### Introduction

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

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

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

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

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

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

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

### Objectives and Policies

Objectives	
<b>MRZ-O1</b>	<b>Purpose of the Medium Density Residential Zone</b>
The Medium Density Residential Zone provides primarily for more intensive residential living opportunities, as well as activities that support, and are compatible with, the zone's residential focus.	

<b>MRZ-O2</b>	<b>Character and amenity values of the Medium Density Residential Zone</b>
<p>The Medium Density Residential Zone is a good quality living environment, which:</p> <ol style="list-style-type: none"> <li>1. positively responds to the natural, heritage and cultural context and site features;</li> <li>2. <del>changes over time to</del> 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;</li> <li>3. is responsive to and well-connected into the surrounding area;</li> <li>4. is well-designed, balancing affordability with good urban design outcomes; and</li> <li>5. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites.</li> </ol>	

<b>Policies</b>	
<b>MRZ-P1</b>	<b>Built Form</b>
<p>Ensure that development within the Medium Density Residential Zone:</p> <ol style="list-style-type: none"> <li>1. actively and safely addresses road frontages and public open spaces;</li> <li>2. provides reasonable levels of privacy, outlook and adequate access to sunlight;</li> <li>3. provides safe and appropriate access and on-site parking that is discretely integrated;</li> <li>4. maintains a level of openness around and between buildings that reflect a moderate scale and intensity of built form that does not unreasonably dominate adjoining sites;</li> <li>5. provides visual interest;</li> <li>6. is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe;</li> <li>7. provides sufficient and usable common and private open space and storage space for residents;</li> <li>8. maintains the safe and efficient operation of accessways and <u>the roads network</u>;</li> <li>9. mitigates visual effects through screening of storage areas and provision of landscaping;</li> <li>10. incorporates Crime Prevention Through Environmental Design (CPTED) principles to achieve a safe and secure environment;</li> <li>11. encourages water efficiency measures; and</li> <li>12. within Precinct 1, does not detract from the <u>heritage values and</u> character of the Clyde Heritage Precinct.</li> </ol>	
<b>MRZ-P2</b>	<b>Comprehensive Development</b>
<p>Provide for comprehensively designed, medium density residential development on larger sites, at higher densities, where it:</p> <ol style="list-style-type: none"> <li>1. provides <u>opportunities for a diversity of housing types choice</u>;</li> <li>2. is designed to respond positively to its context and the features of the site;</li> <li>3. is <u>compatible connected with the urban of to nearby centres and community facilities areas</u>;</li> <li>4. provides a well-connected <del>movement</del> <u>transport</u> network and usable public open spaces and streetscapes; and</li> <li>5. achieves the built form outcomes in MRZ-P1.</li> </ol>	
<b>MRZ-P3</b>	<b>Residential activities</b>
<p><del>Provide for Enable residential activities within</del> a range of residential unit types and sizes <u>to meet the diverse and changing residential demands of communities.</u></p>	
<b>MRZ-P4</b>	<b>Home businesses</b>
<p>Provide for home businesses where:</p> <ol style="list-style-type: none"> <li>1. <del>they are ancillary to a residential activity;</del></li> <li>2. they are consistent the anticipated character, amenity values and purpose of the zone; and</li> </ol>	

3. the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring <del>are compatible with /</del> do not compromise the amenity of adjoining sites.	
<b>MRZ-P5</b>	<b>Retirement Living</b>
Provide for a range of retirement living options, including retirement villages, where they are comprehensively planned and: <ol style="list-style-type: none"> <li><del>1. any adverse effects on the residential amenity values of adjoining residential properties and the surrounding area are avoided or mitigated; and</del></li> <li>2. the scale, form, composition and design of the village <u>responds to</u> <del>maintains</del> the <u>anticipated</u> character and amenity values of the surrounding area, <u>while recognising the functional and operational needs of retirement villages</u>; and</li> <li><del>3. they are designed to provide safe, secure, attractive, convenient, and comfortable living conditions for residents, with good on-site amenity and facilities; and</del></li> <li>4. any parking and vehicle manoeuvring provided on-site is appropriately designed; and</li> <li><del>5. road</del> <u>the safety and efficiency of the road network is maintained</u>; and</li> <li><del>6. they are well-connected to commercial areas and community facilities.</del></li> </ol>	
<b>MRZ-P6</b>	<b>Other non-residential activities</b>
Only allow other non-residential activities and buildings, <del>including the expansion of existing non-residential activities and buildings</del> , where: <ol style="list-style-type: none"> <li>1. any adverse effects of the activity, including noise, do not compromise the anticipated amenity of the surrounding area; and</li> <li>2. the nature, scale and intensity of the activity is compatible with the anticipated character and <u>amenity values</u> <del>qualities</del> of the zone and surrounding area; and</li> <li>3. the activity is of a nature and scale that <del>meet</del> <u>serve</u> the needs of the local community and does not undermine the viability of the Business Resource Areas; and</li> <li>4. the surrounding area retains a predominance of residential activities, and for adjoining <u>residential properties/sites</u>, a sense of amenity, security and companionship is maintained; <u>and</u></li> <li>5. any parking and vehicle manoeuvring provided on-site is appropriately designed; and</li> <li>6. <del>the road</del> <u>the safety and efficiency of the road network is maintained</u>; or</li> <li>7. <u>the activity is an expansion of an existing non-residential activity or building, and the expansion does not result in any significant increase of any existing tension with (1)-(6) above.</u></li> </ol>	
<b>MRZ-P7</b>	<b>Future Growth Overlay</b>
Recognise and <del>provide for rezoning</del> <u>Restrict development</u> of land within the Future Growth Overlay for medium density development, <del>where until</del> : <ol style="list-style-type: none"> <li><del>1. It is demonstrated as necessary to meet anticipated demand; and</del></li> <li><del>2. it is able to be serviced by reticulated water and wastewater networks</del> <u>and transport infrastructure.</u></li> </ol>	

## Rules

<b>MRZ-R1</b>	<b>Residential units</b>	
<b>Medium Density Residential Zone</b>	<b>Activity Status: PER</b>  <b>Where:</b> <ol style="list-style-type: none"> <li>1. There are no more than two residential units per site.</li> </ol> <b>And the activity complies with the following rule requirements standards:</b> MRZ-S1 to MRZ-S13, except where the residential units are within an area for	<b>Activity status when compliance is not achieved with R1.1: RDIS</b>  <b>And the activity complies with the following rule requirements standards:</b> MRZ-S1 to MRZ-S13, except where the residential units are within an area for which a Comprehensive Residential Development Master Plan has been approved, and non-compliance with any



	<p>which a Comprehensive Residential Development <del>Master Plan</del> has been approved, and non-compliance with any <del>rule requirement standards</del> has been considered through that resource consent.</p>	<p><del>rule requirement standard(s)</del> has been considered through that resource consent.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. How the development responds to its context and site features, including any retained buildings, existing trees and, within Precinct 1, the Clyde Heritage Precinct.</li> <li>b. The design of road frontages and frontages to public open spaces in relation to public safety (including CPTED principles), activation, entrance recognition, access and servicing.</li> <li>c. Management of privacy, views and sunlight access for neighbours, including those on-site.</li> <li>d. The location, safety and landscape treatment of shared access and parking areas, including garages.</li> <li>e. Configuration of building / roof forms, façade design and material use.</li> <li>f. The balance between hard and soft landscaping and the extent to which landscaping enhances residential amenity.</li> <li>g. The location, size and quality of private and common open spaces, including orientation, privacy, and access to internal areas.</li> <li>h. The location, useability and screening of service, storage and waste management areas.</li> <li>i. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></li> </ol> <p><b>Activity status when compliance with <del>rule requirement standard</del> (s) is not achieved:</b> Refer to <u>Rule Requirement Standards Table</u>.</p>
<b>MRZ-R2</b>	<b>Comprehensive Residential Development <del>Master Plan</del></b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p>	

	<ul style="list-style-type: none"> <li>a. Provision for housing diversity and choice,<del>relative to other residential areas.</del></li> <li>b. How the development responds to its context and site features, including solar orientation, views, existing buildings and vegetation, and, within Precinct 1, the Clyde Heritage Precinct.</li> <li>c. <del>Whether the urban form is compatible with the nearby land use mix, including providing</del> <u>Provision of</u> convenient access to commercial centres and community facilities.</li> <li>d. <del>The extent to which the development provides</del> <u>Provision of</u> well-connected and legible <del>movement transport networks,</del> integrating all access modes, with priority for walking and cycling.</li> <li>e. The location, extent and quality of public open space and streetscapes, taking into account servicing and maintenance requirements.</li> <li>f. The Incorporation of Crime Prevention Through Environmental Design (CPTED) principles to achieve a safe and secure environment.</li> <li>g. Whether the configuration of blocks and lots will allow for development that can readily achieve the outcomes sought in MRZ-P1.</li> <li>h. Where the application also seeks provision for future built development to breach any of the <del>rule requirements standards,</del> discretion is also restricted to those matters specified in the relevant <del>rule requirement standard.</del></li> <li>i. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></li> </ul>	
<b>MRZ-R3</b>	<b>Minor Residential Unit</b>	
<b>Medium Density Residential Zone</b>	<b>Activity Status: PER</b>  <b>Where:</b> <ol style="list-style-type: none"> <li>1. There is a maximum of one minor residential unit per <u>principal residential unit on any site;</u></li> </ol>	<b>Activity status when compliance is not achieved with R3.1,:-NC</b>  <del><b>Activity status when compliance is not achieved with R23.2 or R23.3: DIS</b></del>

	<p>2. The maximum floor area of the minor residential unit is 70m<sup>2</sup> or 90m<sup>2</sup> including a garage; and</p> <p>3. The minor residential unit shall use the same servicing connections and accessway as the principal residential unit.</p> <p><b>And the activity complies with the following <del>rule requirements</del> standards:</b> MRZ-S2 to MRZ-S6 and MRZ-S8.</p>	<p><b>Activity status when compliance with <del>rule requirement standard</del> (s) is not achieved:</b> Refer to Rule Requirement Standards Table.</p>
<p><b>MRZ-R4</b></p>	<p><b>Relocated buildings</b></p>	
<p><b>Medium Density Residential Zone</b></p>	<p><b>Activity Status:</b> <del>CONPER</del></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Any relocated building intended for use as a dwelling (excluding previously used garages and accessory buildings) must have previously been designed, built and used as a dwelling;</li> <li>2. <u>A building pre-inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building and shall include certification from the owner of the relocated building that the reinstatement work will be completed within a 12 month period;</u></li> <li>3. <u>The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and</u></li> <li>4. <u>All other reinstatement work required by the building pre-inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.</u></li> </ol>	<p><b>Activity status when compliance is not achieved with R4.1: DIS</b></p> <p><b><u>Activity status when compliance is not achieved with R4.2-R4.4: RDIS</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>a. <u>The works required to reinstate the dwelling to an appropriate state of repair.</u></li> <li>b. <u>The appropriateness of any alternate time period.</u></li> <li>c. <u>Provision of servicing.</u></li> <li>d. <u>Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.</u></li> </ol> <p><b>Activity status when compliance with <del>rule requirement standard</del> (s) is not achieved:</b> Refer to Rule Requirement Standards Table.</p>

	<p><b>And the activity complies with the following <u>rule requirements standards</u>:</b> MRZ-S1 to MRZ-S13.</p> <p><b><del>Matters of control are restricted to:</del></b></p> <p><del>a. The time period within which the building will be placed on its foundations.</del></p> <p><del>b. Identification of, and the time period to complete reinstatement works to the exterior of the building.</del></p> <p><del>c. Provision of servicing.</del></p> <p><del>d. Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond.</del></p>	
<b>MRZ-R5</b>	<b>Accessory buildings and structures</b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <p>1. The building is ancillary to a permitted activity <u>or other lawfully established activity</u>.</p> <p><b>And the activity complies with the following <u>rule requirements standards</u>:</b></p> <p>1. For buildings or structures of more than 10m<sup>2</sup>, MRZ-S2 to MRZ-S6; or</p> <p>2. For buildings or structures of 10m<sup>2</sup> or less, MRZ-S2 – MRZ-S5.</p>	<p><b>Activity status when compliance is not achieved with R5.1: DIS</b></p> <p><b>Activity status when compliance with <u>rule requirement standard (s)</u> is not achieved:</b> Refer to <u>Rule Requirement Standards Table</u>.</p>
<b>LLRZ-R6</b>	<b>Additions and alterations to existing non-residential buildings</b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <p>1. <u>The additions or alterations do not increase the existing gross floor area by more than 30%.</u></p> <p><b>And where the activity complies with the following <u>rule requirements standards</u>:</b> <u>MRZ-S2 to MRZ-S6.</u></p>	<p><b>Activity status when compliance is not achieved with R6.1: DIS</b></p> <p><b>Activity status when compliance with <u>rule requirement standard (s)</u> is not achieved:</b> Refer to <u>Rule Requirement Standards Table</u>.</p>
<b>MRZ-R7</b>	<b>Residential Activity</b>	
<b>Medium Density Residential Zone</b>	<b>Activity Status: PER</b>	
<b>MRZ-R8</b>	<b>Visitor accommodation</b>	

<p><b>Medium Density Residential Zone</b></p>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The visitor accommodation is undertaken within a residential unit or minor residential unit; and</li> <li>2. is ancillary to a residential activity <u>In addition to the visitor accommodation activity, at least one person resides permanently on the site; and-</u></li> <li>3. The maximum occupancy is 6 guests per night; <del>and</del></li> <li>4. <del>The access to the site is not shared with another site.</del></li> </ol> <p><b>And the activity complies with the following <del>rule requirements</del> standards:</b> MRZ-S13</p>	<p><b>Activity status when compliance is not achieved with R8.1, <del>or R8.2 or R8.3:</del></b> <b>Discretionary</b></p> <p><del><b>Activity status when compliance is not achieved with R6.3: Restricted Discretionary</b></del></p> <p><del><b>Matters of discretion are restricted to:</b></del></p> <p><del>a. the effects of the activity on the amenity and safety of <u>on any sites sharing access of the use of the access on:</u></del></p> <p><del>i. <u>amenity; and</u></del></p> <p><del>ii. <u>safety and efficient access.</u></del></p> <p><b>Activity status when compliance with <del>rule requirement standard (s) is not achieved:</del></b> Refer to Rule Requirement Standards Table.</p>
<p><b>MRZ-R9</b></p>	<p><b>Home Business (unless otherwise specified in MRZ-R10 <del>or MRZ-R15)</del></b></p>	
<p><b>Medium Density Residential Zone</b></p>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <del>The home business is undertaken within a residential unit;</del></li> <li>2. The maximum floor area occupied by the home business is no more than 30m<sup>2</sup>;</li> <li>3. <del>Any</del> <u>No more than one</u> employee engaged in the home business resides <u>off</u> <del>on</del>-site;</li> <li>4. the home business, including any storage of goods, materials, or equipment takes place entirely within a building; and</li> <li>5. The maximum number of vehicle trips for a home business per site must not exceed 32 per day.</li> </ol> <p><b>And where the activity complies with the following <del>rule requirements</del> standards:</b> MRZ-S13</p>	<p><b>Activity status when compliance is not achieved with R9.1 to R9.6:</b> <b>Discretionary</b></p> <p><b>Activity status when compliance with <del>rule requirement standard (s) is not achieved:</del></b> Refer to Rule Requirement Standards Table.</p>
<p><b>MRZ-R10</b></p>	<p><b>Childcare Services</b></p>	
<p><b>Medium Density Residential Zone</b></p>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The childcare service is undertaken within a residential unit and is</li> </ol>	<p><b>Activity status when compliance is not achieved with R10.1 or R10.2:</b> <b>Discretionary</b></p> <p><b>Activity status when compliance with <del>rule requirement standard (s) is not</del></b></p>

	<p><u>ancillary incidental</u> to a residential activity; and</p> <p>2. The maximum number of children in attendance at any one time is 6, excluding any children who live on-site.</p> <p><b>And the activity complies with the following <del>rule requirements</del> standards:</b> MRZ-S13</p>	<p><b>achieved:</b> Refer to <del>Rule Requirement Standards</del> Table.</p>
<b>MRZ-R11</b>	<b>Signs</b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status:</b> PER</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. There is a maximum of one sign per site;</li> <li>2. The sign relates to the site on which it is located;</li> <li>3. The sign does not exceed 0.5m<sup>2</sup> in area;</li> <li>4. The sign is not illuminated and does not use reflective materials;</li> <li>5. The sign is fixed and does not move; and</li> <li>6. The sign does not obscure driver visibility to and from access ways.</li> </ol> <p><i>Note: This rule applies in addition to the controls on signage contained in Section 12 – District Wide Rules and Performance Standards.</i></p>	<p><b>Activity status when compliance is not achieved with R11.1 – R11.6:</b> RDIS</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The effect on amenity values of neighbouring properties.</li> <li>2. The effect on amenity values of the neighbourhood, and in particular on the character of the streetscape.</li> <li>3. The effect on the safe and efficient operation of the roading network.</li> </ol>
<b>MRZ-R12</b>	<b>Excavation and Fill</b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status:</b> PER</p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Any extraction <u>or fill</u> of material shall not exceed 1m in depth within 2m of any site boundary; and</li> <li>2. The maximum volume <del>or area</del> of land excavated within any site in any 12-month period does not exceed 200m<sup>3</sup> per site, <u>excluding excavation required for construction of a building for which a building consent has been issued.</u></li> </ol> <p><i>Note: Any excavation that will or may modify or destroy the whole or part of an archaeological site requires an authority</i></p>	<p><b>Activity status when compliance is not achieved with R12.1 – R12.2:</b> RDIS</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. The location, volume and area of <u>excavation earthworks</u>.</li> <li>b. The effect on amenity values or safety of neighbouring <u>sites</u> <del>properties</del>.</li> <li>c. The effect on water bodies and their margins.</li> <li>d. The impact on visual amenity and landscape character.</li> <li>e. Any effects on the road network arising from the excavation.</li> <li>f. Any effects on archaeological, heritage or cultural values.</li> <li>g. Any mitigation measures proposed.</li> </ol>

	<i>to be obtained from Heritage New Zealand Pouhere Taonga.</i>	
<b>MRZ-R13</b>	<b>Convenience Retail activities</b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status: RDIS</b></p> <p><b>Where the activity complies with the following <del>rule requirements</del> standards:</b> MRZ-S2 to MRZ-S5.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Whether the proposed activity will primarily service the surrounding residential area.</li> <li>Hours of operation.</li> <li>Amenity effects on neighbouring properties, including noise, disturbance and privacy.</li> <li>Outdoor storage, including rubbish collection areas.</li> <li>The location and design of car parking and loading areas and access.</li> </ol>	<p><b>Activity status when compliance with <del>rule requirement standard</del> (s) is not achieved:</b> Refer to <u>Rule Requirement Standards Table</u>.</p>
<b>MRZ-R14</b>	<b>Retirement Villages</b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status: RDIS</b></p> <p><b>Where the activity complies with the following <del>rule requirements</del> standards:</b> MRZ-S2 to MRZ-S6.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Integration of vehicle, cycle and pedestrian access with the adjoining road network.</li> <li>Provision of landscaping, <u>or use of open space to integrate the proposal into the surrounding area,</u> <del>on-site amenity for residents, recreational facilities and</del></li> <li><u>Adequacy of stormwater systems and wastewater capacity.</u></li> <li><del>Design and layout of pedestrian circulation.</del></li> <li>Parking and <u>manoeuvring access.</u></li> <li>Traffic generation, including impacts on the <u>safety and efficiency of the wider transport road network.</u></li> <li><del>Residential amenity for neighbours in respect of outlook and privacy.</del></li> </ol>	<p><b>Activity status when compliance with <del>rule requirement standard</del> (s) is not achieved:</b> Refer to <u>Rule Requirement Standards Table</u>.</p>

	<p>h. <del>Visual quality and interest in the</del> <u>The design, form and layout of the retirement village, including buildings, fencing, location and scale of utility areas, parking areas and external storage areas.</u></p> <p>i. <u>Any functional or operational requirements.</u></p>	
<b>MRZ-R15</b>	<b>Community facilities and Educational Facilities</b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status: RDIS</b></p> <p><b>Where the activity complies with the following <del>rule requirements</del> standards:</b> MRZ-S2 to MRZ-S6.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>The location and design of car parking and loading areas and access.</li> <li>Design and layout of on-site pedestrian and cycling connections.</li> <li>Hours of operation.</li> <li>Noise, disturbance and loss of privacy of neighbours.</li> <li>Location, size and numbers of signs.</li> <li>Traffic generation and impact on the <del>transport road</del> network.</li> <li>Landscaping.</li> <li>Site layout.</li> <li>The scale of activity.</li> <li>Scale, form and design of buildings.</li> </ol>	<p><b>Activity status when compliance with <del>rule requirement standard</del> (s) is not achieved:</b> Refer to <del>Rule Requirement Standards</del> Table.</p>
<b>MRZ-R16</b>	<b>Any activity not otherwise listed in <del>MRZ R1 to MRZ R13 or MRZ R15 to MRZ R18</del></b>	
<b>Medium Density Residential Zone</b>	<b>Activity Status: DIS</b>	
<b>MRZ-R17</b>	<b>Industrial Activities</b>	
<b>Low Density Residential Zone</b>	<b>Activity Status: NC</b>	
<b>MRZ-R18</b>	<b>Large format retailing</b>	
<b>Low Density Residential Zone</b>	<b>Activity Status: NC</b>	
<b>MRZ-R19</b>	<b>Noxious Activities</b>	
<b>Medium Density Residential Zone</b>	<b>Activity Status: NC</b>	



<b>MRZ-R19</b>	<b>Buildings on Land Subject to Hazards</b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status: NC</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>The erection of any building (excluding buildings and/or structures associated with network utilities) on any part of a site identified on the planning maps as being subject to a hazard or land that is, or is likely to be, subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.</li> </ol>	

### Standards

<b>MRZ-S1</b>	<b>Density</b>	<b>Activity Status where compliance not achieved:</b>
<b>Medium Density Residential Zone</b>	<ol style="list-style-type: none"> <li>Where the residential unit is connected to a reticulated sewerage system, the minimum site area per unit is 200m<sup>2</sup>.</li> <li>Where the residential unit is not connected to a reticulated sewerage system, the minimum site area per unit is 800m<sup>2</sup>.</li> </ol>	<p><b>Where:</b></p> <ol style="list-style-type: none"> <li>MRZ-S1.1 is not met, but the minimum site area per unit is 180m<sup>2</sup>: <b>DIS</b></li> </ol> <p><b>Where:</b></p> <p>MRZ-S1.2 is not met, or MRZ-S1.1 and MRZ-S1.3 are not met: <b>NC</b></p>
<b>MRZ-S2</b>	<b>Height</b>	<b>Activity Status where compliance not achieved:</b>
<b>Medium Density Residential Zone (excluding within Precinct 1)</b>	<ol style="list-style-type: none"> <li>The maximum height of buildings and structures must not exceed: <ol style="list-style-type: none"> <li>11m measured from ground level to the highest part of the building or structure; and</li> <li>3 storeys.</li> </ol> <p><u>MRZ-S2.1 does not apply to:</u></p> <ul style="list-style-type: none"> <li><u>Antennas, aerials, satellite dishes (less than 1m in diameter).</u></li> <li><u>Solar panels which do not project beyond the building envelope by more than 0.5m.</u></li> <li><u>Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</u></li> <li><u>Hose drying towers which do not exceed 15m in height.</u></li> </ul> </li> </ol>	<p><b>Where:</b></p> <p>MRZ-S2.1 is not met, but the height of the building or structure does not exceed 120m: <b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Dominance of built form in the surrounding area.</li> <li>Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties.</li> <li>Any mitigation measures proposed which reduce the adverse effects of the increased height.</li> <li><u>Any constraints which make compliance impractical.</u></li> <li><u>Whether the increase in height is necessary to mitigate natural hazard risk.</u></li> </ol>

		<p>f. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></p> <p><b>Where:</b> MRZ-S2.1 is not met, and the height of the building or structure exceeds 120m: <b>NC</b></p>
<b>Within Precinct 1</b>	<p>2. The maximum height of buildings and structures must not exceed:</p> <ol style="list-style-type: none"> <li>8.5m measured from ground level to the highest part of the building or structure; and</li> <li>2 storeys.</li> </ol> <p><u>MRZ-S2.2 does not apply to:</u></p> <ul style="list-style-type: none"> <li><u>Antennas, aerials, satellite dishes (less than 1m in diameter).</u></li> <li><u>Solar panels which do not project beyond the building envelope by more than 0.5m.</u></li> <li><u>Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</u></li> <li><u>Hose drying towers which do not exceed 15m in height.</u></li> </ul>	<p><b>Where:</b> MRZ-S2.2 is not met: <b>NC</b></p>
<b>MRZ-S3</b>	<b>Height in relation to boundary</b>	<b><u>Activity Status where compliance not achieved:</u></b>
<b>Medium Density Residential Zone</b>	<p>1. Buildings must be contained within a building envelope defined by the recession plane angles set out in Schedule 1 to the Residential Zone chapter, from points 3.5m above ground level at the boundaries of the site; or from points 2.5m above ground level along boundaries that adjoin the Low Density Residential Zone or Large Lot Residential Zone.</p> <p>2. MRZ-S3.1 does not apply to:</p> <ul style="list-style-type: none"> <li><u>A boundary with a road or a shared access more than 3m in width.</u></li> <li>Common walls along a site boundary.</li> </ul>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Dominance of built form in the surrounding area.</li> <li>Effects on visual amenity values, privacy, outlook and sunlight and daylight access for neighbouring properties.</li> <li>Any mitigation measures <del>proposed</del> which reduce the adverse effects of the breach.</li> <li><u>Any constraints which make compliance impractical.</u></li> <li><u>Whether the increase in height is necessary to mitigate natural hazard risk.</u></li> </ol>

	<ul style="list-style-type: none"> <li>• Eaves inclusive of gutters with a maximum depth of 20cm measured vertically.</li> <li>• Antennas, aerials, satellite dishes (less than 1m in diameter).</li> <li>• Solar panels which do not project beyond the building envelope by more than 0.5m.</li> <li>• Chimney structures not exceeding 1.1m in width provided these do not project beyond the building envelope by more than 1m.</li> <li>• A gable end, dormer or roof where that portion projecting beyond the building envelope is no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height.</li> <li>• <u>Internal boundaries within a retirement village.</u></li> <li>• <u>Hose drying towers.</u></li> </ul>	
<b>MRZ-S4</b>	<b>Building Coverage</b>	<b>Activity Status where compliance not achieved:</b>
<b>Medium Density Residential Zone</b>	The building coverage of the net area of any site must not exceed 45%, <u>excluding any area covered only by eaves.</u>	<b>RDIS</b> <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>Compatibility of the built form with the existing or anticipated character of the area.</li> <li>Dominance of built form in the surrounding area.</li> <li>The extent to which a level of openness around and between buildings is retained.</li> <li>Any mitigation measures proposed which reduce the adverse effects of the breach.</li> <li><u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></li> </ol>
<b>MRZ-S5</b>	<b>Setback from road boundary</b>	<b>Activity Status where compliance not achieved:</b>
<b>Medium Density Residential Zone</b>	<u>1.</u> Any building or structure shall be setback a minimum of 2m from a boundary with a road, except that this shall not apply to an uncovered deck less than 1m in height.	<b>RDIS</b> <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>Any adverse effects on the safety and efficiency of the road network.</li> </ol>

		<p>b. The extent to which the breach will have adverse effects on visual amenity values, including dominance.</p> <p>c. Compatibility of the building or structure with the surrounding built environment.</p> <p>d. <u>Any constraints which make compliance impractical.</u></p>
<p><b><u>Medium Density Residential Zone - Within 80m of the seal edge of a State Highway</u></b></p>	<p>2. New residential buildings shall be designed and constructed to meet noise performance standards for noise from traffic on the State Highway that will not exceed 35dBA Leq (24hr) in bedrooms and 40dBA Leq (24hr) for other habitable rooms in accordance with the satisfactory sound levels recommended by Australian and New Zealand Standard AS/NZ2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors. This shall take account of any increases in noise from projected traffic growth during a period of not less than 10 years from the commencement of construction of the development.</p>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p><del>a. Any adverse effects on the operation of the road network, including the potential for reverse sensitivity effects to arise.</del></p> <p>a. <u>The effect on the safe and efficient operation of the roading network.</u></p> <p>b. <u>The effect on the amenity of persons nearby as a consequence of noise generated by activities on the State highway network.</u></p>
<p><b>MRZ-S6</b></p>	<p><b>Setback from internal boundary</b></p>	<p><b><u>Activity Status where compliance not achieved:</u></b></p>
<p><b><u>Medium Density Residential Zone</u></b></p>	<p>Any building or structure shall be setback a minimum of:</p> <ol style="list-style-type: none"> <li>1m from any internal boundary <del>(except that this does not apply to common walls along a site boundary, or to an uncovered deck less than 1m in height);</del> and</li> <li>15m from <u>any property boundary which is adjacent to the margin of any lake.</u></li> </ol> <p><u>MRZ-S6.1 does not apply to:</u></p> <ul style="list-style-type: none"> <li>• <u>Uncovered decks of less than 1m in height.</u></li> <li>• <u>Internal boundaries within a retirement village.</u></li> <li>• <u>Two or more residential units connected horizontally and/or vertically by a common wall or floor.</u></li> </ul>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Adverse effects on privacy, outlook, or shading on the affected property.</li> <li>The extent to which the breach will have adverse effects on visual amenity values, including dominance.</li> <li>The compatibility of the building or structure with the surrounding built environment.</li> <li>Any adverse effects on accessibility to the lake.</li> <li><u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></li> </ol>

	<ul style="list-style-type: none"> <li>• <u>'zero-lot line' development, where no setback applies on the internal boundary of one side of a building, provided the building is setback 2m from the boundary on the other side of the building, and an appropriate legal mechanism allows for maintenance access to the building.</u></li> </ul>	
<b>MRZ-S7</b>	<b>Outdoor Living Space</b>	<b>Activity Status where compliance not achieved:</b>
<b>Medium Density Residential Zone</b>	<p>Each residential unit must have an exclusive outdoor living space:</p> <ol style="list-style-type: none"> <li>1. for units with common living space at ground floor level, of at least 30m<sup>2</sup> with a minimum <del>dimension</del>-width of 4m; and</li> <li>2. for units <u>with a living space</u> located entirely above the ground floor level, that comprises a balcony of at least <del>128</del>m<sup>2</sup>, with a minimum <del>dimension</del> width of 1.5m; and</li> <li>3. located on the north, west or east side of the residential unit and <del>which is accessible from the living space of the residential unit.</del></li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Provision of useable outdoor space; and</li> <li>b. Accessibility and convenience for residents; and</li> <li>c. Whether there is suitable alternative provision of public outdoor space, in close proximity, to meet resident's needs; <u>and</u></li> <li>d. <u>Any topographical or other constraints.</u></li> <li>e. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></li> </ol>
<b>MRZ-S8</b>	<b>Landscaping</b>	<b>Activity Status where compliance not achieved:</b>
<b>Medium Density Residential Zone</b>	At least <del>30</del> 25% of the <u>net site area of any</u> site shall be planted in grass, trees, shrubs or other vegetation.	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Compatibility with the character of the area.</li> <li>b. Balance between built form and open space.</li> <li>c. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></li> </ol>
<b>MRZ-S9</b>	<b><del>Service and</del> Storage Space</b>	<b>Activity Status where compliance not achieved:</b>
<b>Medium Density Residential Zone</b>	<ol style="list-style-type: none"> <li>1. Each residential unit must have an outdoor or indoor <del>service</del> space of at least 2.5m<sup>2</sup> with a minimum <del>dimension</del>-width of 1.5m available for use for the storage of waste and recycling bins-</li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Provision of useable service and storage space.</li> <li>b. Accessibility and convenience for residents.</li> </ol>

	<p>2. <del>The required spaces can be</del>, provided either individually or within a communal space for multiple units.</p> <p>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></p>	<p>c. <u>Within the Clyde Heritage Precinct, compatibility with the heritage values and character of the area.</u></p> <p>d. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></p>
<b>MRZ-S10</b>	<b>Outlook Space</b>	<b>Activity Status where compliance not achieved:</b>
	<p>Each residential unit must provide the following minimum outlook spaces:</p> <ol style="list-style-type: none"> <li>1. <del>for a principal living room, 4m in depth and 4m in width;</del></li> <li>2. <del>for a principal bedroom, 3m in depth and 3m in width;</del> and</li> <li>3. all other habitable rooms, 1m in depth and 1m in width.</li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Visual privacy and outlook between habitable rooms of different buildings on the same or neighbouring sites.</li> <li>b. Visual dominance.</li> <li>c. Provision of a sense of space for residents.</li> <li>d. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></li> </ol>
<b>MRZ-S11</b>	<b>Fencing</b>	<b>Activity Status where compliance not achieved:</b>
	<p>The maximum height of any fence along a road boundary shall be:</p> <ol style="list-style-type: none"> <li>1. <u>1.2m</u>, where less than 50% of the fence structure is visually transparent; or</li> <li>2. 1.8m, where <u>a minimum of 50% or more</u> of the fence structure is visually transparent.</li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Effects on the streetscape.</li> <li>b. Adequacy of sunlight access to open spaces.</li> <li>c. Privacy for residents.</li> <li>d. The need to mitigate traffic noise on high volume roads.</li> <li>e. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></li> </ol>
<b>MRZ-S12</b>	<b>Habitable Rooms</b>	<b>Activity Status where compliance not achieved:</b>
	<p><del>Each</del> <u>Any</u> residential unit must have a habitable room located at ground floor level, <u>unless the unit (excluding access to it) is located entirely above the ground floor level.</u></p>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Activation of frontages.</li> <li>b. Visual interest.</li> <li>c. Access to ground level open spaces.</li> <li>d. <u>Consistency with the Central Otago Medium Density Residential Zone Design Guide 2022, as it relates to the above matters.</u></li> </ol>

<b>MRZ-S13</b>	<b>Car parking</b>	<b>Activity Status where compliance not achieved:</b>
	<p>The following minimum carpark spaces shall be provided on the site:</p> <ol style="list-style-type: none"> <li>1. One carpark space per residential unit; and</li> <li>2. Where the activity is a home business, one additional carpark space; and</li> <li>3. Where the activity is visitor accommodation, one additional carpark space; and</li> <li>4. Where the activity is a childcare service, one additional carpark space.</li> </ol>	<p><b>RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. Any adverse effects on the safety and efficiency of the road network.</li> <li>b. Effects on amenity values of neighbouring properties.</li> </ol>

## RESIDENTIAL ZONES SUBDIVISION

### Introduction

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

### Objectives and Policies

<b>Objectives</b>	
<b>SUB-O1</b>	<b>Subdivision Design</b>
The subdivision of land within residential zones creates sites and patterns of development that are consistent with the purpose, character and amenity values anticipated within that zone.	
<b>Policies</b>	
<b>SUB-P1</b>	<b>Creation of new <u>sites-allotments</u></b>
Provide for subdivision within residential zones where it results in allotments that: <ol style="list-style-type: none"> <li>1. reflect the intended pattern of development and are consistent with the purpose, character and amenity values of the zone; and</li> <li>2. are of a size and dimension that are sufficient to accommodate the intended built form for that zone;</li> <li>3. minimise natural hazard risk to people's lives and properties; and</li> <li>4. are adequately served by public open space that is accessible, useable and well-designed.</li> </ol>	
<b>SUB-P2</b>	<b>Dual Use</b>
Recognise the recreation and amenity benefits of the holistic and integrated use of public spaces, through: <ol style="list-style-type: none"> <li>1. encouraging subdivision designs which provide multiple uses for public spaces, including stormwater management and flood protection areas; and</li> <li>2. integration of walking and cycling connections with waterways, green spaces and other community facilities.</li> </ol>	
<b>SUB-P3</b>	<b>Energy Efficiency</b>
Recognise the benefits of subdivision that encourages energy efficiency through subdivision designs which: <ol style="list-style-type: none"> <li>1. maximise solar gain;</li> <li>2. support the uptake of energy efficient technologies; and</li> <li>3. support multi-modal transport choice.</li> </ol>	
<b>SUB-P4</b>	<b>Heritage Precincts</b>
Within heritage precincts, require consideration of future buildings on the heritage values and character of the precinct, at the time of subdivision.	
<b>SUB-P5</b>	<b>Structure Plans</b>
Ensure that subdivision and development in any area to which a Structure Plan applies is developed in general accordance with the Structure Plan.	



Rules

<b>SUB-R1</b>	<b>Boundary adjustments</b>	
<p><b>All Residential Zones</b></p>	<p><b>Activity Status: CON</b></p> <p><b>Where the activity complies with the following rule requirements standards:</b></p> <ol style="list-style-type: none"> <li>1. The allotments comply with SUB-S1; or</li> <li>2. Any existing allotment that does not meet SUB-S1 does not decrease in area.</li> </ol> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The area of the proposed allotments.</li> <li>2. The location, design and construction of access, and its adequacy for the intended use of the subdivision.</li> <li>3. Public access requirements.</li> <li>4. The provision of services and their adequacy for the intended use of the subdivision.</li> <li><del>5. Any amalgamations and easements that are appropriate.</del></li> <li>6. Any financial contributions necessary for the purposes set out in Section 15 of the Plan.</li> <li><del>7. Any other matters provided for in section 220 of the Act.</del></li> </ol>	<p><b>Activity Status when compliance is not achieved with R1.1 and R1.2: DIS</b></p>
<b>SUB-R2</b>	<b>Subdivision to create a new allotment for a network or public utility or a reserve</b>	
<p><b>All Residential Zones</b></p>	<p><b>Activity Status: CON</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <u>Any balance allotment complies with SUB-S1.</u></li> </ol> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li>a. The area of the proposed allotment taking into consideration the proposed use of the allotment, the amenities of neighbouring <del>properties</del> <u>sites</u> and the site's ability to dispose of waste (if required).</li> <li>b. The location, design and construction of access, and its adequacy for the intended use of the subdivision.</li> <li>c. Public access requirements.</li> </ol>	<p><b>Activity Status when compliance is not achieved with R2.1: DIS</b></p>

	<p>d. The provision of services and their adequacy for the intended use of the subdivision.</p> <p>e. <del>Any amalgamations and easements that are appropriate.</del></p> <p>f. Any financial contributions necessary for the purposes set out in Section 15 of the Plan.</p> <p>g. <del>Any other matters provided for in section 220 of the Act.</del></p>	
<b>SUB-R3</b>	<b>Subdivision where any part of the site is within a Heritage Precinct</b>	
<b>All Residential Zones</b>	<p><b>Activity Status: RDIS</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>The application for subdivision consent is submitted concurrently with an application for land use consent under Section 11.</li> </ol> <p><b>Where the activity complies with the following <u>rule requirements standards</u>:</b> SUB-S1</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Those matters specified in SUB-R4.</li> <li>The impact of the proposed subdivision on the heritage values and character of the Heritage Precinct.</li> </ol>	<p><b>Activity status when compliance is not achieved with R3.1: DIS</b></p> <p><b>And the activity complies with the following <u>rule requirements standards</u>:</b> SUB-S1</p> <p><b>Activity status when compliance with <u>rule requirement standard (s)</u> is not achieved:</b> Refer to <u>Rule Requirement Standards Table</u>.</p>
<b>SUB-R4</b>	<b>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.</b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status: CON</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>The subdivision does not result in <u>any new non-compliance with MRZ-S7, MRZ-S8, MRZ-S8, MRZ-S9 and MRZ-S10.</u></li> </ol> <p><b>Matters of control are restricted to:</b></p> <ol style="list-style-type: none"> <li><u>The provision of adequate network utility services, including the location, design and construction of these services.</u></li> <li><u>The ability to lawfully dispose of wastewater and stormwater.</u></li> <li><u>The location, design and construction of access, and its</u></li> </ol>	<p><b>Activity status when compliance is not achieved with SUB-R4.1: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b> <u>Those matters set out in SUB-R6</u></p>

	<p><u>adequacy for the intended use of the subdivision.</u></p> <p>d. <u>Earthworks necessary to prepare the site for development occupation, and/or use.</u></p> <p>e. <u>Subdivisional design including the shape and arrangement of allotments to:</u></p> <ul style="list-style-type: none"> <li>i. <u>facilitate convenient, safe, efficient and easy access.</u></li> <li>ii. <u>achieve energy efficiency, including access to passive solar energy sources.</u></li> <li>iii. <u>facilitate the safe and efficient operation and the economic provision of roading and network utility services to secure an appropriate and co-ordinated ultimate pattern of development.</u></li> <li>iv. <u>maintain and enhance amenity values.</u></li> <li>v. <u>facilitate adequate access to back land.</u></li> <li>vi. <u>protect existing water races.</u></li> </ul> <p>f. <u>The provision of or contribution to the open space and recreational needs of the community.</u></p> <p>g. <u>Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways.</u></p> <p>h. <u>The provision of esplanade strips or reserves and/or access strips.</u></p> <p>i. <u>The provision of services and their adequacy for the intended use of the subdivision.</u></p> <p>j. <u>Any financial contributions necessary for the purposes set out in Section 15 of the Plan.</u></p>	
<b>SUB-R5</b>	<b><u>Subdivision of land where a land use consent has been obtained, or is applied for concurrently, under LLRZ-R12, LRZ-R16 or MRZ-R2.</u></b>	

<p><b><u>Large Lot Residential Zone</u></b></p>	<p><b><u>Activity Status: RDIS</u></b></p> <p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>1. <u>The density across the site is no greater than 1 dwelling per:</u> <ol style="list-style-type: none"> <li>a. <u>2000m<sup>2</sup> gross site area in Precinct 2 or 3; or</u></li> <li>b. <u>1500m<sup>2</sup> gross site area elsewhere.</u></li> </ol> </li> </ol> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>Those matters set out in SUB-R6.</u></p>	<p><b><u>Activity status when compliance is not achieved with R5.1.a: DIS</u></b></p> <p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>3. <u>The overall density across the site is no greater than 1 allotment per 1500m<sup>2</sup> gross site area; and</u></li> <li>4. <u>Either 1500m<sup>2</sup>, or 50m<sup>2</sup> per allotment, whichever is the greater, is provided for public use as an area of open space.</u></li> </ol> <p><b><u>Activity status when compliance is not achieved with R5.1.b, R5.2, R5.3 or R5.4: NC</u></b></p>
<p><b><u>Low Density Residential Zone</u></b></p>	<p><b><u>Activity Status: RDIS</u></b></p> <p><b><u>Where:</u></b></p> <ol style="list-style-type: none"> <li>2. <u>The density across the site is no greater than 1 allotment per 600m<sup>2</sup> gross site area.</u></li> </ol> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>Those matters set out in SUB-R6.</u></p>	
<p><b><u>Medium Density Residential Zone</u></b></p>	<p><b><u>Activity Status: RDIS</u></b></p> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>Those matters set out in SUB-R6.</u></p>	
<p><b>SUB-R6</b></p>	<p><b>Subdivision not otherwise specified</b></p>	
<p><b>All Residential Zones</b></p>	<p><b><u>Activity Status: RDIS</u></b></p> <p><b><u>Where the activity complies with the following <del>rule requirements</del> standards:</u></b>  <u>SUB-S1 and SUB-S2</u></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li>1. Whether the subdivision creates allotments that can accommodate anticipated land uses and are consistent with the purpose, character, and qualities of the applicable zone.</li> <li>2. The provision of adequate network utility services (given the intended use of the subdivision) including the location, design and construction of these services.</li> <li>3. The ability to lawfully dispose of wastewater and stormwater.</li> <li>4. The location, design and construction of access to public</li> </ol>	<p><b><u>Activity status when compliance with <del>rule requirement standard</del> (s) is Rule Requirement Standards Requirement Table.</u></b></p>

	<p>roads and its adequacy for the intended use of the subdivision.</p> <ol style="list-style-type: none"> <li>5. The provision of landscaping, including road berms.</li> <li>6. Earthworks necessary to prepare the site for development occupation, and/or use.</li> <li>7. Subdivisional design including the shape and arrangement of allotments to: <ol style="list-style-type: none"> <li>i. facilitate convenient, safe, efficient and easy access.</li> <li>ii. achieve energy efficiency, including access to passive solar energy sources.</li> <li>iii. facilitate the safe and efficient operation and the economic provision of roading and network utility services to secure an appropriate and co-ordinated ultimate pattern of development.</li> <li>iv. maintain and enhance amenity values.</li> <li>v. facilitate adequate access to back land.</li> <li>vi. protect existing water races.</li> </ol> </li> <li>8. The provision of or contribution to the open space and recreational needs of the community.</li> <li>9. The provision of buffer zones adjacent to roads, network utilities or natural features.</li> <li>10. The protection of important landscape features, including significant rock outcrops and escarpments.</li> <li>11. Provision for pedestrian and cyclist movement, including the provision of, or connection to, walkways and cycleways.</li> <li>12. The provision of esplanade strips or reserves and/or access strips.</li> <li>13. Any financial contributions necessary for the purposes set out in Section 15 of this Plan.</li> <li>14. <u>Any measures required to address the potential for reverse sensitivity effects to arise in relation to existing activities undertaken on adjoining land.</u></li> </ol>	
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	<p>15. <u>Consistency with any Structure Plan included in this District Plan.</u></p> <p>16. <del>Any amalgamations and easements that are appropriate.</del></p> <p>17. <del>Any other matters provided for in section 220 of the Act.</del></p>	
<b>SUB-R5</b>	<b><u>Subdivision resulting in the creation of three or more allotments of 400m<sup>2</sup> or less in the Medium Density Residential Zone</u></b>	
<b>Medium Density Residential Zone</b>	<p><b>Activity Status: RDIS</b></p> <p><b>Where:</b></p> <p>1. <del>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.</del></p> <p><b>Where the activity complies with the following rule requirements:</b> 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.</p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. <del>Those matters set out in SUB-R4.</del></p>	<p><b>Activity status when compliance is not achieved with R5.1: NC</b></p> <p><b>And the activity complies with the following rule requirements:</b> SUB-S1</p> <p><b>Activity status when compliance with rule requirement(s) is not achieved:</b> Refer to Rule Requirement Table.</p>
<b>SUB-R7</b>	<b><u>Subdivision of Land Subject to Hazards</u></b>	
<b>All Residential Zones</b>	<p><b>Activity Status: DIS</b></p> <p><b>Where:</b></p> <p>1. The subdivision involves land that is subject to or potentially subject to the effects of any hazard as identified on the planning maps; or</p> <p>2. The subdivision involves land that is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.</p>	
<b>SUB-R8</b>	<b><u>Subdivision of Land within a Future Growth Overlay</u></b>	
<b>Future Growth Overlay – Pisa Moorings</b>	<p><b>RDIS</b></p> <p><b>Where:</b></p> <p>1. <u>The Cromwell Wastewater Treatment plant has been upgraded to implement nitrogen removal and increase the</u></p>	<b><u>Activity status when compliance is not achieved with R8.1 or R8.2: NC</u></b>

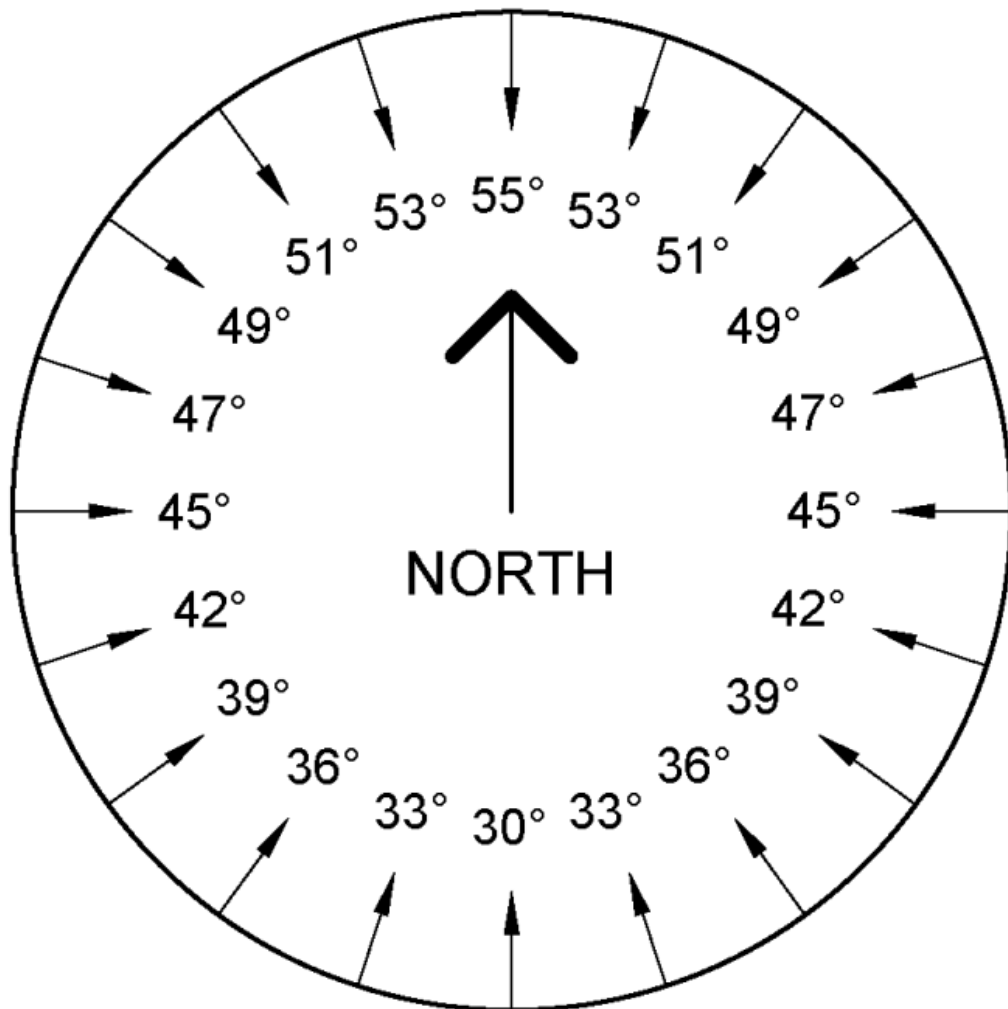
	<p><u>capacity of the membrane treatment plant; and</u></p> <p>2. <u>The Cromwell and Pisa Moorings Water schemes have been combined and a regional council water take consent issued.</u></p> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>Those matters set out in SUB-R6.</u></p>	
<b><u>Future Growth Overlay – Lowburn</u></b>	<p><b><u>RDIS</u></b></p> <p><b><u>Where:</u></b></p> <p>3. <u>The Cromwell Wastewater Treatment plant has been upgraded to implement nitrogen removal and increase the capacity of the membrane treatment plant; and</u></p> <p>4. <u>The Lowburn wastewater main and pumpstation has been reconfigured and upgraded.</u></p> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>Those matters set out in SUB-R6.</u></p>	<b><u>Activity status when compliance is not achieved with R8.3 or R8.4: NC</u></b>
<b><u>Future Growth Overlay – Clyde, Alexandra and Manuherikia</u></b>	<p><b><u>RDIS</u></b></p> <p><b><u>Where:</u></b></p> <p>5. <u>The Alexandra Wastewater Treatment plant has been upgraded and a regional council discharge consent has been issued for treatment of Alexandra and Clyde wastewater.</u></p> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>Those matters set out in SUB-R6.</u></p>	<b><u>Activity status when compliance is not achieved with R8.5: NC</u></b>
<b><u>Future Growth Overlay – Omakau</u></b>	<p><b><u>RDIS</u></b></p> <p><b><u>Where:</u></b></p> <p>6. <u>The Omakau Wastewater Treatment plant has been upgraded and a regional council discharge consent has been issued for treatment of Omakau wastewater.</u></p> <p><b><u>Matters of discretion are restricted to:</u></b>  <u>Those matters set out in SUB-R6.</u></p>	<b><u>Activity status when compliance is not achieved with R8.6: NC</u></b>

Standards

SUB-S1	<del>Density</del> <u>Minimum Allotment Size</u>	Activity Status where compliance not achieved:
<b>Medium Density Residential Zone</b>	<ol style="list-style-type: none"> <li>Where a reticulated sewerage system is available or is installed as part of the subdivision the minimum size of any allotment shall be no less than 200m<sup>2</sup>.</li> <li>Where a reticulated sewerage system is not installed or available, the minimum size of any allotment shall be no less than 800m<sup>2</sup>.</li> </ol>	<b>NC</b>
<b>Low Density Residential Zone</b>	<ol style="list-style-type: none"> <li>Where a reticulated sewerage system is available or is installed as part of the subdivision the minimum size of any allotment shall be no less than 4500m<sup>2</sup>.</li> <li>Where a reticulated sewerage system is not installed or available, the minimum size of any allotment shall be no less than 800m<sup>2</sup>.</li> </ol>	<p><b>Where:</b></p> <ol style="list-style-type: none"> <li><u>SUB-S1.3 is not met, but the minimum size of any allotment is no less than 250m<sup>2</sup>, the minimum average allotment size is no less than 400m<sup>2</sup> and only one additional allotment is created: <b>RDIS</b></u></li> </ol> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Those matters set out in SUB-R6.</li> </ol> <p><b>Where:</b> SUB-S1.4 or SUB-S1.5 is not met: <b>NC</b></p>
<b>Large Lot Residential Zone (excluding Precincts 1, 2 &amp; 3)</b>	<ol style="list-style-type: none"> <li>The minimum size of any allotment shall be no less than <del>2000</del>1500m<sup>2</sup>.</li> </ol>	<p><b>Where:</b></p> <ol style="list-style-type: none"> <li><u>SUB-S1.6 is not met, but the minimum average allotment size is no less than 1500m<sup>2</sup> and only one additional allotment is created: <b>RDIS</b></u></li> </ol> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>Those matters set out in SUB-R6.</li> </ol> <p><b>Where:</b> SUB-S1.4 or SUB-S1.5 is not met: <b>NC</b></p>
<b>Large Lot Residential Zone - Precinct 1</b>	<ol style="list-style-type: none"> <li>The minimum size of any allotment shall be no less than 1000m<sup>2</sup>.</li> </ol>	<b>NC</b>
<b>Large Lot Residential Zone - Precinct 2</b>	<ol style="list-style-type: none"> <li>The minimum size of any allotment shall be no less than 3000m<sup>2</sup>.</li> </ol>	<b>NC</b>
<b>Large Lot Residential Zone - Precinct 3</b>	<ol style="list-style-type: none"> <li>The minimum size of any allotment shall be no less than 5000m<sup>2</sup>.</li> </ol>	<b>NC</b>



## Schedule 1 – Height in Relation to Boundary



*Figure 1*

### **Determining Recession Plane Angles**

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

### **How to use Figure 1**

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

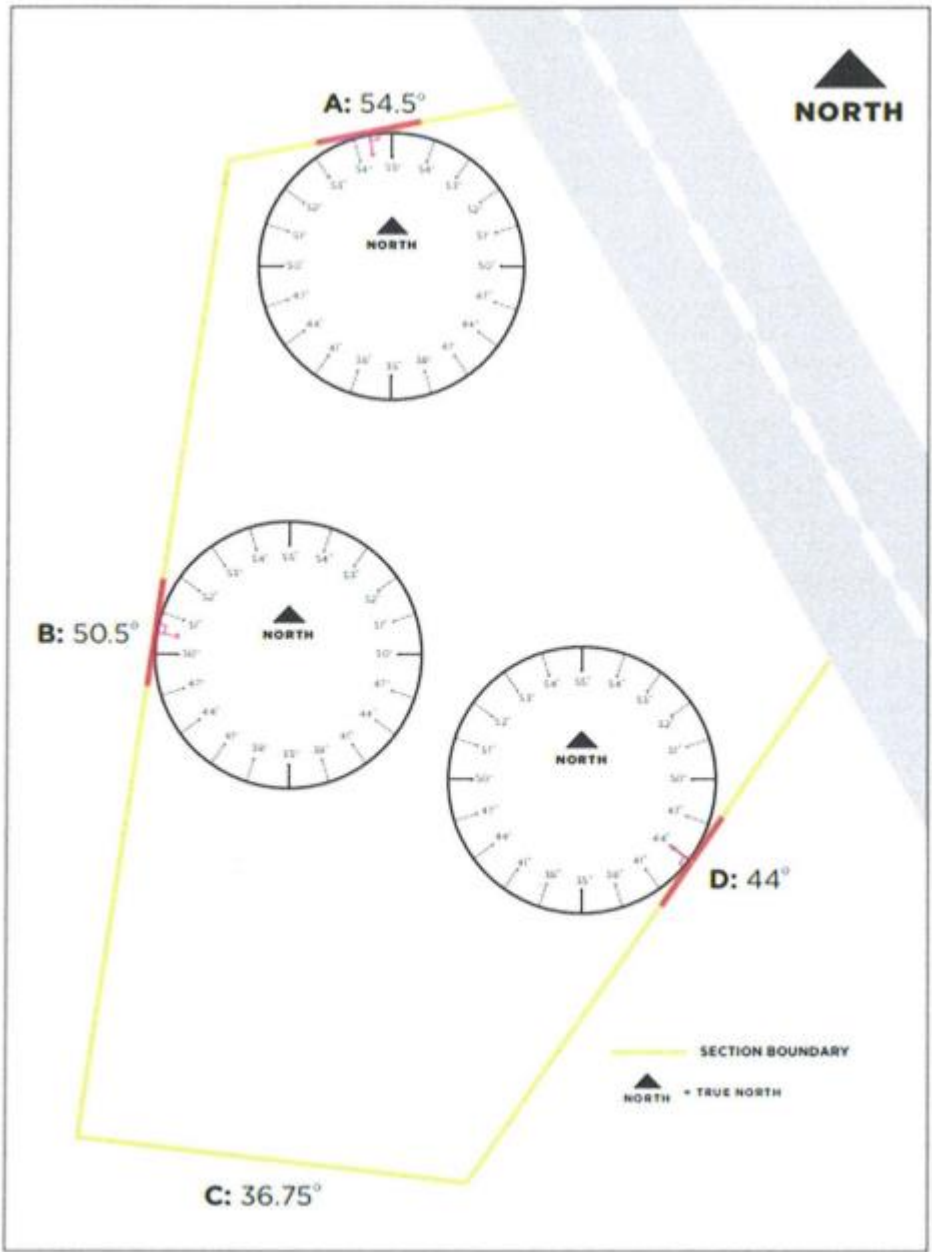


Figure 2

## Definitions

### **Accessory Building**

*in relation to any site within an urban area (but excluding any residential zone) means an ancillary detached building or structure (and includes a carport or garage and excludes a wall [other than a retaining wall] or fence of a height not exceeding 2 metres above the supporting ground) if:*

*(a) The use of the accessory building is clearly incidental to the existing or future use of the land, and*

*(b) The accessory building is located on the same site as the principal building. An accessory building includes a freestanding garage or carport, but not a garage or carport which is structurally part of or attached to the principal building on a site.*

*in relation to any site within a residential zone, means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.*

### **Ancillary activity**

*means an activity that supports and is subsidiary to a primary activity.*

### **Building**

*except in a residential zone, shall have the same meaning as that contained in section 3 of the Building Act 1991 and excludes a wall [other than a retaining wall] or fence of a height not exceeding 2 metres above the supporting ground.*

*in a residential zone, means a temporary or permanent movable or immovable physical construction that is:*

*(a) partially or fully roofed; and*

*(b) fixed or located on or in land;*

*but excludes any motorised vehicle or other mode of transport that could be moved under its own power.*

### **Building Coverage**

*in relation to any site within a residential zone, means the percentage of the net site area covered by the building footprint.*

### **Boundary Adjustment**

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

### **Comprehensive Residential Development Plan:**

*means a comprehensively planned and designed residential development where:*

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

**Community facility**

except in a residential zone, includes educational facilities, (land and/or buildings used for the provision of regular instruction or training, teaching and learning, recreation for students and includes their ancillary administrative, cultural, commercial facilities and carparking and vehicle access), recreation facilities, emergency service activities as defined (see page 18:4), churches and places of worship, community centres and halls, care centres (as defined), and other similar community resources involving the use of buildings and land.

in a residential zone, means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.

**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> in gross floor area.

**Educational facility**

in relation to any site within a residential zone, means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities.

**Ground level**

in relation to any site within a residential zone, means:

- (a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);
- (b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;
- (c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.

**Habitable room**

in relation to any site within a residential zone, means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.

**Height**

except in a residential zone, means the vertical distance measured from any point on the ground to the point directly above it, provided that the following structures are excluded for the purposes of calculating height in all resource areas: aerials and/or antennas, mounting fixtures, mast caps, lightening rods or similar appendages for the purpose of telecommunication and/or radiocommunication, but not including dish antennas and chimneys no greater than 750mm in width or depth.

in a residential zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.

**Height in relation to boundary**

means the height of a structure, building or feature, relative to its distance from either the boundary of:

- (a) a site; or

(b) another specified reference point.

### **~~Home Occupation - Delete~~**

#### **Home business**

Means a commercial activity that is:

- (a) undertaken or operated by at least one resident of the site; and
- (b) incidental to the use of the site for a residential activity.

#### **Industrial activity**

in relation to any site within a residential zone, means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.

#### **Large Format Retailing**

Means a retail activity that exceeds 450m<sup>2</sup> in gross floor area, and includes supermarkets.

#### **Minor residential unit**

means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.

#### **Noxious Activity**

in a residential zone, means any of the following:

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

#### **Outdoor living space**

means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.

#### **Outlook Space**

Outlook space is an area that is clear and unobstructed by buildings. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies. An outlook space must not extend over an outlook space or outdoor living space required by another residential unit, but may be over driveways and footpaths within the site, or over a public street or other public open space, or under or over a balcony and outlook spaces required from different rooms within the same building may overlap.

#### **Relocated building**

means any building that is removed from one site and relocated to another site, in whole or in parts. It excludes any new building which is designed for, or intended to be used on, a site but which is constructed or prefabricated off-site, in whole or in parts, and transported to the site.

**Residential activity**

*except in a residential zone, means a use of land and buildings by people for the purpose of living accommodation in a household unit and includes a dwelling. It includes accessory buildings, sleepouts, leisure activities associated with needs generated principally from living on the site; home occupation as defined; and homestay as defined.*

*in a residential zone, means the use of land and building(s) for people's living accommodation.*

**Residential unit**

*except in a residential zone, means one detached self-contained building used or capable of being used solely or principally for residential purposes and occupied or intended to be occupied exclusively as the home or residence of not more than one household unit.*

*in a residential zone, means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.*

**Retirement Village**

*means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.*

**Site**

*except in a residential zone, means an area of land held in one Certificate of Title, which may be sold or otherwise disposed of separately without reference to the Council, provided that a site may contain one or more certificates of title where a restriction has been registered on the title preventing sale or lease of individual titles except in conjunction with each other. Any land required to be dedicated for road or road widening shall be excluded as a part of any site for the purposes of this plan. Where any land held in one Certificate of Title is crossed by any Resource Area boundary that Resource Area boundary shall be deemed to be a site boundary and there shall be deemed to be more than one site.*

(a) 'Front site' means a site which has frontage to only one road.

(b) 'Rear site' means a site which is situated to the rear of another site, having access to a road by means of an access strip or access lot.

(c) 'Corner site' means a site which has frontage to two or more roads that are contiguous and that have an included angle measured within the site between the frontages of not greater than 135 degrees.

(d) 'Through site' means a site that has frontage to two roads that are not contiguous.

*in a residential zone, means*

*(a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or*  
*(b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*

*(c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or*

(d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

**Visitor Accommodation**

*means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.*

## Section 19.3.6

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

## Consequential Changes

All consequential changes outlined in PC 19 are to be amended as notified.

## Schedules

*The following Schedules are deleted:*

- *Schedule 19.17: Concept Plan – Residential Resource Area (10)*
- *Schedule 19.18: Concept Plan – Residential Resource Area (6) – South of Roxburgh*
- *Schedule 19.19: Concept Plan – Residential Resource Area (3) – North of Cromwell*
- *Schedule 19.22: Concept Plan – Residential Resource Area (13)*

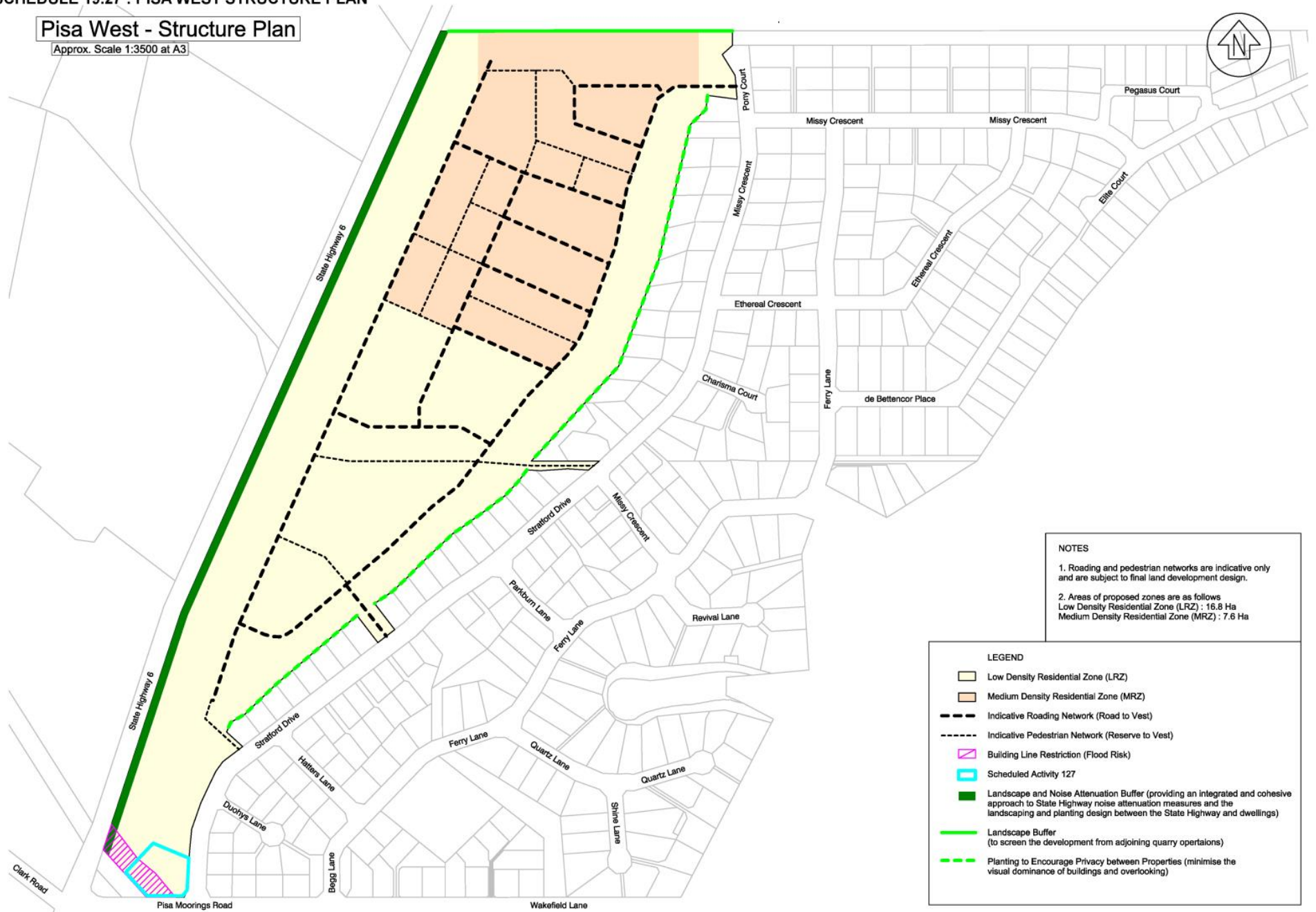
*The following additional Schedule is added:*

- *Schedule 19.27: Pisa West*

SCHEDULE 19.27 : PISA WEST STRUCTURE PLAN

Pisa West - Structure Plan

Approx. Scale 1:3500 at A3



**NOTES**

1. Roding and pedestrian networks are indicative only and are subject to final land development design.
2. Areas of proposed zones are as follows  
 Low Density Residential Zone (LRZ) : 16.8 Ha  
 Medium Density Residential Zone (MRZ) : 7.6 Ha

**LEGEND**

- Low Density Residential Zone (LRZ)
- Medium Density Residential Zone (MRZ)
- Indicative Roding Network (Road to Vest)
- Indicative Pedestrian Network (Reserve to Vest)
- Building Line Restriction (Flood Risk)
- Scheduled Activity 127
- Landscape and Noise Attenuation Buffer (providing an integrated and cohesive approach to State Highway noise attenuation measures and the landscaping and planting design between the State Highway and dwellings)
- Landscape Buffer (to screen the development from adjoining quarry operations)
- Planting to Encourage Privacy between Properties (minimise the visual dominance of buildings and overlooking)







		<p>             1. 2019 年 1 月 1 日起，对符合《财政部 税务总局 海关总署公告 2019 年第 39 号》规定的进口货物，按照货物到岸价格的 10% 征收进口环节增值税。         </p>	<p>             2. 2019 年 1 月 1 日起，对符合《财政部 税务总局公告 2019 年第 39 号》规定的进口货物，按照货物到岸价格的 10% 征收进口环节增值税。         </p>
10	<p>             1. 2019 年 1 月 1 日起，对符合《财政部 税务总局公告 2019 年第 39 号》规定的进口货物，按照货物到岸价格的 10% 征收进口环节增值税。         </p>	<p>             2. 2019 年 1 月 1 日起，对符合《财政部 税务总局公告 2019 年第 39 号》规定的进口货物，按照货物到岸价格的 10% 征收进口环节增值税。         </p>	<p>             3. 2019 年 1 月 1 日起，对符合《财政部 税务总局公告 2019 年第 39 号》规定的进口货物，按照货物到岸价格的 10% 征收进口环节增值税。         </p>
11	<p>             1. 2019 年 1 月 1 日起，对符合《财政部 税务总局公告 2019 年第 39 号》规定的进口货物，按照货物到岸价格的 10% 征收进口环节增值税。         </p>	<p>             2. 2019 年 1 月 1 日起，对符合《财政部 税务总局公告 2019 年第 39 号》规定的进口货物，按照货物到岸价格的 10% 征收进口环节增值税。         </p>	<p>             3. 2019 年 1 月 1 日起，对符合《财政部 税务总局公告 2019 年第 39 号》规定的进口货物，按照货物到岸价格的 10% 征收进口环节增值税。         </p>
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			<p>             1. 2019 年 12 月 31 日，本行资产总额为 1,000.00 亿元，负债总额为 800.00 亿元，所有者权益总额为 200.00 亿元。           </p>
100	<p>             1. 2019 年 12 月 31 日，本行资产总额为 1,000.00 亿元，负债总额为 800.00 亿元，所有者权益总额为 200.00 亿元。           </p>	<p>             2. 2019 年 12 月 31 日，本行资产总额为 1,000.00 亿元，负债总额为 800.00 亿元，所有者权益总额为 200.00 亿元。           </p>	<p>             3. 2019 年 12 月 31 日，本行资产总额为 1,000.00 亿元，负债总额为 800.00 亿元，所有者权益总额为 200.00 亿元。           </p>
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		<p>MR0010MR0010 00 000 00 00 00000M0d00 D00000  r000000 0000 0000 0000 r00 000d 0r 00r 0 0 0000000M0d00 D00000  0 0d00000 0000d 00 00000000r000r0d 0 0 0 000r0 00d00r00000 00 0r00d0  0 00000r000000 000 D000000 0000 0 00 0 000r0R00d000000000000 00d  0000r0 0r00 00 0r000 00 d00000000 0000r000 d00000d 00 00000000000000  000d0rd0000 00d 0R000 0 00d 0R001 00 0000000000 00000 00d 000r000r 00  00000000d 00 000000 000r 00 0000 00d 0R0R1 00 00000 0r 00 00 0r00 0000  00r 000 00 0 00r0 000d 0000000000 00d 0R0000 00 00000 0r 000 0 00r 00000r  0r000000000r0000r 0000 0000000 00d 0R0R0 00 000000 00000r 00000 0 0d0000  0000000 00 0 00r r00d0000000000 00 0 00000 0r000000000000 00d r00 000  00r0 000d 000d0rd 0000 00d 0R0R10 00 0r00d0 0r 000d00 00 0000 0000000  00 0000rd0 00 0 r00r000d d00r00000r0 0000000000 00d 0R0000 00 0 0 0000 00  0000000000 00d 0000d0 0r000000 0r 0000 0000 00000d 000000 00d 0R0000  00 0 0000000 0000 0d0000 00R0R1 000 0000 000 00r 0000000 00r 0000000 00d  00R0R0 00 0r00d0 0r 000 0 00r 00000r 0r0000000000000 00d 00R0R0 00  000000 00000r 00000 0 0d0000 00 0 00r 00000d 0r000000000000d r00 000  00r0 000d 000d0rd 0000 00d 0R0R10 00 0r00000 000 00000 0 0000r0000r00  00r0 000d000 00d 00R0R10 00 0r00d0 0r 000d00 00 0000 000000000 0000rd0  00 0 r00r000d d00r00000r0 0000000000 00d 00R0000 00 0r00d0 0r 0  0 0000 00 00000000000 0000000 0000000 00000000 00r 0000d0r0 000  0 000r000 0000 D00r00000 00 0 00r 0 0 0000000d 0000rd0000 0 00000000000  000000 00 0r 0r000 D00000000 0000000d 000000</p>	<p>000000 0r000000000  d0000000 0000  0000r0000000 00 000  r00d00000000000 0 00  00000 0000000000</p>
100	<p>0000 00d  R000 00  00000000d  R000000 0000  R00d 00d</p>	<p>0001 D0 0000000000 D00000000000 D0 011090 00d 00001 D0 011090  00000000000 R00d00 00R00d00000000000r0000 r00000d 00R0 0 00 0  0 000 00 00000 0000000 0010000 00 0r00d0 0r 0r000 d00000 0r000000 00 000  0000 0000 000000000000 00 r0r00000 00000000000000r00d00 0r 0  d0000000 000 0r0000 0 d0000000 0000r00 00000r000r0 000000000 0000d  0000d0 0r0000000 000r00000 0000r00 000r000r0d00000 00d 00 0000 0000000  r00d00 00000000000 0000 0000 0000 00d 00000000000 R00d0  00d00r0000000000 00000000000r0000000 00000000 0rd00000 00d00d0000000</p>	<p>R00000d 0000 000000  0000000 000 000d0000 00  M0M0r 0000000 0000 00  000000 00 00 0r0000d 00  0000 00 00  0000 0000000r000 0 000  M0 0 0000 0000000 0000</p>













**Appendix 3 – List of Persons to be Served.**



## Appendix 3

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