

CENTRAL OTAGO DISTRICT COUNCIL

PLAN CHANGE 19 HEARING

STATEMENT OF EVIDENCE BY JOHN DUTHIE ON BEHALF OF WOONG TREE PROPERTY DEVELOPMENT
LIMITED PARTNERSHIP

SUBMISSION 79 - PLANNING EVIDENCE

Introduction

1. My name is John Robert Duthie. I hold a Bachelor of Town Planning from University of Auckland. I am a member of the New Zealand Planning Institute. I have had 33 years' planning experience in local government and 13 years in private practice as a founding director of Tattico.
2. In that time I have been involved in a significant number of projects involving medium density residential development. This has involved both the development of District Plan and Plan Change provisions, and in major subdivision and development consenting. These have included areas ranging from urban communities to provincial townships.
3. I have provided planning services to Woong Tree Property Development Limited Partnership (WTPD) since 2020.

Submission 79

4. Tattico lodged Submission 79 on behalf of WTDP.
5. Essentially this submission:
 - (a) supports the Council initiatives on medium density residential zoning;
 - (b) requests some modifications to the general provisions;

- (c) raises specific issues relating to business zoning and building line setbacks on the Wooing Tree land at Cromwell. These later two issues are, as I understand it, are subject to hearings later in May and are not addressed in this evidence.

Medium density residential zoning

6. The primary point that WTPD wishes to reinforce during this hearing process is its strong support for the Council's initiative in developing a range of residential zones for the Central Otago area including a specific zone to provide for medium density residential development.
7. In my view, Plan Change 19 sets up an appropriate zoning hierarchy which best reflects the Central Otago residential community providing for areas of large lot, low density, and medium density housing. The Council has set out in your section 32 report the rationale for this and why this best meets the purpose of the Act. My focus has been on the medium density residential provisions. I support the introduction of medium density residential provisions into the District Plan and identifying suitable areas grouped around the core urban places, particularly Alexandra and, in the Wooing Tree case, Cromwell. Creating a more targeted zoning regime which identifies areas appropriate for lower densities and medium density will, in my view, give better planning outcomes.
8. While WTPD is asking for some amendments to the provisions, that focus on the detail aspects of the plan change provisions. WTPD supports the thrust of PC19.

Comprehensive residential development

9. I wish to make 3 points related to Comprehensive residential development.
10. I strongly support the concept of comprehensive residential development. A masterplanned subdivision with the integration of roading, open space, infrastructure and the appropriate layout of residential lots, will inevitably give a better planning and community outcome. The provisions of the MDRZ which incentivise comprehensive residential development are, in my view, appropriate and beneficial to the quality of the eventual neighbourhoods that are developed through the planning process.
11. The second aspect which I also support are the plan provisions which allow subdivision minimum

size to be set as part of the development assessment with no predetermined standard on minimum site size.

12. Mr Cornwall, on behalf of WTPD, has given corporate evidence. In that he sets out the different housing typologies that can work with sites that are considerably smaller than 200m².
13. I have been involved in a number of terrace house developments and zero lot line developments in places like Queenstown and Te Kauwhata where development has been very successfully progressed on small lots.
14. I certainly accept that on the smaller development it is important to ensure that the quality of a building is retained. Quality is both in terms of the functionality and usability for the future households that will occupy the dwelling, as well as the look and feel of the place and its contribution to the neighbourhood.
15. The Council has rightly made these developments a restricted discretionary activity. Your assessment criteria and your standards enable you to achieve that quality. Those standards and criteria also enable you to ensure that you have got sufficient infrastructure to service the homes.
16. I support the PC 19 which does not set a cap on minimum size for developments advanced under the comprehensive residential development provisions and instead assesses each development in terms of the plan criteria.
17. A third point of important clarification within the comprehensive residential controls is the baseline for qualification for comprehensive residential development.
18. In my view quite correctly, the plan change sets a minimum gross land area to qualify for comprehensive residential development as 3,000m². Undoubtedly you need a minimum critical mass of land to facilitate comprehensive development. While in a sense all precise standards are arbitrary in nature, I support the 3,000m² as being a good indication of appropriate size.
19. The problem becomes when that comprehensive development involves a staged development of the property including superlots. For example, Wooing Tree started off as a 25ha block. Within that 25ha, key sites were identified as suitable for terrace housing. They were initially subdivided

into seven superlots for subsequent design, planning and development. The issue becomes that, when a landowner goes back to advance the terrace houses on a superlot, if that terrace house superlot is less than 3,000m², it then defaults back to the 200m² minimum lot size instead of the more appropriate (as per this request) 150m².

20. The provisions need to be adjusted so that it is clear that the 3,000m² applies to the initial development site. If a development has a staged process including superlots for terrace housing, then the 3,000m² limit should not apply on the subsequent consents to develop the superlot. However the other standards and assessment criteria should apply. The opportunity to continue the development under the comprehensive residential development regime should be retained.
21. The provisions should be amended to stipulate the minimum requirement of 3,000m² applies to the first consent, and exempt any subsequent staged development of superlots provided they were included within the original masterplanned 3,000m².
22. The planning officers report supports a change and recommends the following wording. I support that recommendation.

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

Zero lot line development

23. Submission 79 is seeking to amend the provisions so as to allow for zero lot line development.
24. The officers report supports this approach in principle, but suggests that the detailed provisions need to be better worded, than proposed within Submission 79. Obviously WTDP is very happy to amend the provisions to bring more clarity to the controls.
25. Zero lot line development is a common technique used in overseas jurisdictions and used extensively in Australia. It is used in New Zealand.

26. The concept is to provide for medium density housing but still enabling detached dwellings.
27. Put simply, instead of the traditional two narrow side yards, these are combined into one more functional side yard. On the other side boundary, easements are put in place to preserve the ability to separate and maintain houses on that common boundary.
28. The traditional medium density residential provisions for a detached dwelling would see a dwelling with a 1m side yard on each side boundary, with the two properties separated by a fence.
29. The separation distance between the two buildings is 2m. The 1m side yard enables the residents to access the front and rear of the site for shifting items like lawnmowers and rubbish bins. It also allows the owner to maintain the side of the dwelling.
30. The zero lot line concept is that the neighbours cooperate (with appropriate legal instruments applied to the land) to get a better functionality of the 2m space between the buildings. Instead of a house having two 1m side yards on either side, it has one 2m side yard on one side of the building and the ability to build on the other side right to the boundary. There is then a covenant over the neighbour's property for a 1m strip to allow the owner to access the building on the common boundary for maintenance purposes.
31. These arrangements are most often set up by the land developer when a subdivision is laid out on the zero lot line principle.
32. What it means is that:
 - (a) There is the same separation between the two buildings, i.e. 2m.
 - (b) There is the same ability to maintain the side of the house through the covenant access.
 - (c) The 2m yard provides a much more functional space for the residents. It allows not only easier access from the front to the rear but creates greater light and air around the building and the ability to use the side yard for issues like clothes lines or more easily bring larger items from the front to the rear of the house, e.g. if you have to take a cherry picker to the rear of the building to help paint the back of the property or undertake maintenance. It can also be used to create

small outdoor patios.

33. From the community's perspective, when they drive / walk down the street, they still see the same type of houses and the same separation between the houses. From the residents' perspective, they can still maintain their property as they would normally but they have one larger, more functional side yard.
34. You do not have the same noise insulation or common maintenance obligations from party walls.
35. For solar access and quality urban design, subdivisions will often be laid out where it is practical with a north-south street alignment allowing east-west residential lots. This ensures that at the front and rear of the house there is always sun and no south-facing private open space areas. Zero lot line works particularly well in this case where the 2m side yard can be set on the northern side of the building. This increases light, air and sunlight into the individual properties and just creates a more functional usable space while maintaining the same actual separation between buildings.
36. In Submission 79 I have suggested a wording of the control to achieve this. There would be other ways of drafting up the provision. The key concept for the Panel is whether or not you accept the zero lot line typology. I would strongly commend it to you as a significant beneficial opportunity for a housing typology that will be attractive to some residents.

Residential standards

37. Submission 79 seeks three amendments to the residential standards. It seeks to increase the building coverage from 45% to 50%. It seeks to exempt eaves up to 750mm from the building coverage calculation (but still included within the height in relation to boundary calculation). It seeks to set the private open space area at 20m².
38. The 50% building coverage for medium density residential is a proven development area. For example, on the 150m² site size referred to previously, the 50% would allow 75m² of open space on the site. This is more than adequate for a front yard and side yards (or zero lot line yard) and private open space and servicing in the rear of the building. It also allows an appropriate level of impermeable surface.

39. The reason that I am recommending the building coverage control exempt eaves is that without it you incentivise people to do a certain Mediterranean style dwelling with no eave line. That is not the traditional New Zealand typology. There are a number of homes that are in the Mediterranean style and provide a good quality. However, in my view, the plan should not disincentivise the traditional housing form. The height to boundary still ensures that eaves do not become overbearing for neighbours. The maximum 750mm calculation ensures that someone does not distort the situation by claiming a large carport is an eave.
40. The minimum outdoor space of 20m² is more to create the opportunity for different arrangements in the back yard. They can become a combination of service courts or other features. The coverage still ensures the same level of spaciousness around the home. It just creates more flexibility.
41. While I am not suggesting that the Council should be bound by the medium density residential standards in the Resource Management Amendment Act 2022, I do note that the 20m² private open space and the 50% building coverage was seen in the legislation as creating good quality appropriate amenity for medium density housing.

Travellers' accommodation

42. Submission 79 requests that travellers' accommodation within 500m of a town centre would be a restricted discretionary activity rather than a discretionary activity.
43. This is all about incentivising motels (and other travellers' accommodation) to locate adjacent to town centres. This increases the potential for economic spinoff as visitors to the area are then accommodated within an easy walkable distance to the town centre. If you are in a motel and can walk to the town centre, you are more likely to go there for shops and food and beverage than if you are further away and have to get in a car anyway. Once you get in that car then you might travel beyond the town centre to other areas for food and beverage.
44. Through the restricted discretionary activity standards and assessment criteria, you can still ensure that buildings are appropriately designed and located on sites and fit within the neighbourhood. This request is about reinforcing the town centres which is obviously a key policy for the Council.

Conclusion

45. Submission 79 relating to these general standards has primarily focused on:

- (a) WTPD strongly supports the concept of medium density residential zoning and the provisions for comprehensive residential development.
- (b) Supporting the flexibility of the comprehensive residential development provisions and allowing minimum site size to be determined through the restricted discretionary assessment process and not set a size standard. Mr Cornwall's evidence actually demonstrates why that will deliver the quality urban design and planning outcomes the Council seeks.
- (c) Amending the definition of Comprehensive Residential Development with a minimum 3,000m² site to make it clear that a staged development with superlots would still allow the subsequent development of that superlot to come within the "comprehensive residential development" provisions.
- (d) Enabling the opportunity for zero lot line development and the benefit this typology brings to a sector of the community who would benefit from this form of medium density housing.
- (e) Other technical matters have been addressed within the submission.

John Duthie

24 April 2023