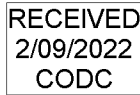


19/94



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

Clause 6 of Schedule 1, Resource Management Act 1991

To: Central Otago District Council

Submitter Details:

Name of submitter:

Crossbar Trust

Address for Service:

Crossbar Trust
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Cromwell 9310

Attention: Sean Dent
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021 946 955

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

2. Trade Competition

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

3. Omitted

4. Crossbar Trust's submission is that:

4.1 Crossbar Trust "**the submitter**" is the landowner of 47 Erris Street, Cromwell legally described as Lot 2 DP 3654 as illustrated in Figure 1 below:



Figure 1. Submitters Property. Source – CODC GIS 01.09.22

4.2 The subject site is 1,012m² in area and held in Record of Title OT229/19.

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



Figure 2. ODP Zoning. Source – CODC GIS 01.09.22

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



Figure 3. PDP Zoning. Source – CODC GIS 01.09.22

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

Zoning

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

Residential Density

4.6 The submitter opposes Standard LRZ-S1 which provides for a maximum density (where connected to reticulated wastewater) of one residential unit per unit per 500m² site area.

4.7 The submitter considers that retaining the status quo for density under the ODP (one residential unit per 250m² site area) is more appropriate in an established residential area than introducing new and more restrictive site density provisions.

Minor Residential Units

4.8 The submitter supports Rule LRZ-R2 which provides for the establishment of one minor residential unit with a maximum floor area of 70m² – 90m² (over 70m² to include garaging). In the submitter's opinion, this is a significant improvement over the ODP provisions which will enable greater diversity in housing typology and provide for the economic well-being of residential property owners by enabling an income stream to offset mortgage/building costs.

Visitor Accommodation

- 4.9 The submitter supports enabling the use of a residential unit for short term visitor accommodation as specified in Rule LRZ-R6. However, the submitter considers there is no clarity around what level of use is 'ancillary' to residential activity as required by the proposed Rule.
- 4.10 Further, with no specified level of permitted use in the Rule, in the event of Council receiving complaints, the frequency of visitor accommodation use and whether it is 'ancillary to' residential activity will be difficult to monitor and enforce.
- 4.11 In addition, visitor accommodation can in some situations result in issues with anti-social behaviour that affect residential amenity for adjacent neighbours, and which can be exceedingly difficult to resolve particularly when there is no enforcement available from the Council (other than excessive noise directions issued under Section 327 of the RMA for breaching Section 16 of the Act).
- 4.12 Accordingly to protect the residential amenity of future residents when the submitters land is subdivided, the submitter opposes Permitted visitor accommodation and requests that a tiered approach is imposed I.E.
- Controlled Activity Consent for up to 90 nights use,
 - Restricted Discretionary for 91 – 180 nights use and
 - Non-Complying for 181 – 365 nights use.
- 4.13 Matters of control should include:
- a. The scale of the activity, including the number of guests on site per night;
 - b. The management of noise, use of outdoor areas, rubbish, and recycling;
 - c. The location, provision, use and screening of parking and access;
 - d. The compliance of the residential unit with the Building Code as at the date of the consent;
 - e. Health and safety provisions in relation to guests;
 - f. Guest management and complaints procedures;
 - g. The keeping of records of RVA use, and availability of records for Council inspection; and
 - h. Monitoring requirements, including imposition of an annual monitoring charge.
- 4.14 Matters of discretion should include:

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

Other LDRZ Rules and Standards

- 4.15 The submitter notes that there are other Rules and Standards not specifically addressed in paragraphs 4.1 to 4.14 above. While the submitter has no direct comments on these remaining provisions and generally supports these as notified, it is noted that they will have a bearing on the development and activities that can be undertaken within their land.
- 4.16 Accordingly, in terms of scope of their submission, the submitter retains an interest in all Rules and Standards of the LDRZ and any consequential amendments that may be made to the notified provisions through the plan change process.

Subdivision

- 4.17 The submitter supports Rule SUB-R4 which provides for subdivision of land in the LDRZ as a restricted Discretionary Activity (subject to compliance with the Standards).
- 4.18 However, the submitter opposes Standard SUB-S1(3) which requires a minimum allotment size of 500m² for subdivision in the LDRZ (where connection to a reticulated wastewater network is available).
- 4.19 As noted above in paragraph 4.7, it is considered that the status quo of the ODP should continue with a density/minimum allotment size of 250m².

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

- That the relevant Objectives, Policies and Provisions of the LDRZ and Subdivision Chapters of Plan Change 19 are amended to take into account the concerns raised in the body of this submission;
- The submitter also seeks such further or consequential or alternative amendments necessary to give effect to this submission, and to:
 - (a) promote the sustainable management of resources and achieve the purpose of the Resource Management Act 1991 ("Act");
 - (b) meet the reasonably foreseeable needs of future generations;
 - (c) enable social, economic, and cultural wellbeing;
 - (d) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act.

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

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



Sean Dent on behalf of Crossbar Trust

Date...02 September 2022