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**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: NTP Development Holdings Limited

Address for Service: NTP Development Holdings Limited
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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. **NTP Development Holdings Limited's submission is that:**

4.1 NTP Development Holdings Limited "**NTP**" is the landowner of Sections 1, & 4-5 Survey Office Plan 524226 located on the north eastern side of State Highway 8 on the entrance to Alexandra as illustrated in Figure 1 below:



Figure 1. NTP Development Holdings Ltd Property. Source – CODC GIS 23.08.22

4.2 The subject site is 14.3388Ha in area and held in Record of Title 1039362.

4.3 In terms of the Operative District Plan "**ODP**" the subject site is split zoned with Section 1 SO 524226 contained within the Residential Resource Area and Sections 4-5 SO 524226 contained within the Rural Residential Resource Area as illustrated in Figure 2 below:



Figure 2. ODP Zoning. Source – CODC GIS 23.08.22

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



Figure 3. PDP Zoning. Source – CODC GIS 23.08.22

The submitter generally **supports** the PDP subject to the following comments:

Zoning

4.5 The submitter supports the application of the Medium Density Residential Zone "**MDRZ**" to their property identified above.

Residential Density

- 4.6 The submitter supports Rule MRZ-R1 which provides for two residential units per site and the corresponding Standard MRZ-S1 which provides for a density of one residential unit per 200m² site area (where connected to reticulated sewage).

Minor Residential Units

- 4.7 The submitter supports Rule MRZ-R3 which provides for the establishment of one minor residential unit with a maximum floor area of 70m² – 90m² (over 70m² must incorporate a garage). 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.

Comprehensive Residential Development Master Plan

- 4.8 The submitter supports in principle Rule MRZ-R2 which provides for the development of a Comprehensive Residential Development Master Plan. However, it is the submitters opinion that the proposed definition which requires a 3,000m² site is too large to incentivise individual developers.
- 4.9 A comprehensive residential development over a 3,000m² (minimum) site is a significant undertaking and unlikely to be implemented by developers due to the scale and risk associated with such a development proposal.
- 4.10 The submitter has found that similar comprehensive residential developments in other Districts are more palatable when based on a site size of 1,500m² – 2,000m².
- 4.11 The writer also has experience with the QLDC's Operative District Plan in gaining resource consents for comprehensive residential developments¹. Under that Plan, the minimum site size for this type of development was 2,000m².²
- 4.12 Accordingly, the submitter requests that the definition of Comprehensive Residential Development Master Plan reduces the minimum site area to 1,500m².

¹ QLDC Consent RM171138, 12 Unit Comprehensive Residential Development, St Georges Avenue, Queenstown. QLDC Resource Consent RM160394 and variation RM211036 for a 12 unit comprehensive residential development, St Lukes Lane, Queenstown.

² QLDC Operative District Plan, Chapter 7 – Residential Areas, Rule 7.5.3.4(v) and Definitions Chapter, Page D-3.

Building Height

- 4.13 In terms of building height in the MDRZ, the submitter notes that Standard MRZ-S2 is ambiguous as to what height is Permitted. In column 1 height is specified as being Permitted to 11m and three storeys. The submitter supports this.
- 4.14 However, in Column two, it is stated that if the building height exceeds 10m, the consent status is listed as Non-Complying. The submitter requests that this ambiguity is corrected, and the 11m/three storey height limit prevail as Permitted.

Height Recession Planes

- 4.15 In terms of recession planes, the submitter supports the use of recession planes to avoid substantial building dominance, privacy, and solar access issues. The requirement in Standard MRZ-S3 for recession planes to commence at 2.5m in height if a site is adjacent to a Low-Density Residential Zone is considered appropriate to avoid significant adverse effects from more intensive development.
- 4.16 However, it is noted that the PDP seeks to Zone Section 7 SO 524226 which lies between the submitters site and SH8 and Section 2 SO 524226 which lies adjacent to the north east corner of the submitters site as Low Density Residential.
- 4.17 Both of these sites are vested in Council for tree planting purposes. As they will not be developed for residential purposes, the more restrictive recession planes are not considered necessary adjacent to these boundaries.
- 4.18 Accordingly, the submitter requests that
- (a) the applicable zoning that applies to these two properties is changed from Low Density Residential Zone to Medium Density Residential Zone
 - or
 - (b) Standard MRZ-S3.2 is amended to exempt the recession planes from applying to boundaries adjacent to public land vested in or owned by Council.
- 4.19 Further to the above, the submitter considers that the recession planes that apply to the MDRZ are complex to understand/interpret by having to rely on the height in relation to boundary diagram in Schedule 1.

4.20 The submitter requests that Schedule 1 is deleted in its entirety and MRZ-S3 is amended to specify that the following recession planes should apply:

- Northern Boundary 55 degrees
- All other boundaries 45 degrees.

Building Coverage

4.21 Standard MRZ-S4 specifies the maximum building coverage for the MDRZ shall not exceed 40%. This is the same building coverage that applies in the proposed LDRZ.

4.22 The submitter considers that there should be a different (greater) building coverage in the MDRZ and therefore requests that the permitted building coverage is increased to 50%.

Landscape Coverage

4.23 The submitter supports the Standard MRZ-S8 which requires a 30% landscape coverage.

Setbacks & Acoustic Insulation

4.24 The submitter supports Standards MRZ-S5 and MRZ-S6 which apply road boundary and internal boundary setbacks and acoustic insulation standards for residential buildings located within 80m of the edge of the State Highway.

Visitor Accommodation

4.25 The submitter supports enabling the use of a residential unit for short term visitor accommodation as specified in Rule MRZ-R7. However, the submitter considers there is no clarity around what level of use is 'ancillary' to residential activity as required by the proposed Rule.

4.26 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.

4.27 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).

4.28 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.

4.29 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.

4.30 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.

Community Facilities

- 4.31 The submitter supports Rule MRZ-R14 which provides for the establishment of community facilities as a Restricted Discretionary Activity Consent.
- 4.32 In considering the future subdivision of the submitters land, the ability to provide a consenting pathway for community facilities within a potentially substantial number of residential allotments is important for residents social, and cultural well-being and their health.

Convenience Retail Activities

- 4.33 The submitter supports Rule MRZ-R12 which provides for the establishment of convenience retail facilities as a Restricted Discretionary Activity Consent.
- 4.34 Similarly to the above, in considering the future subdivision of the submitters land, the ability to provide a consenting pathway for convenience retail activities such as local dairies within a potentially substantial number of residential allotments is important for the day-to-day functioning and convenience of residents.
- 4.35 However, the submitter suggests that the definition of convenience retail activities should be amended to increase the maximum gross floor area from 150m² to 250m². The reason for this increase is to enable both a large enough public floor area and sufficient goods storage for stock.

Retirement Villages

- 4.36 The submitter supports Rule MRZ-R13 which provides for the development of retirement villages as a Restricted Discretionary Activity.
- 4.37 The submitter supports the definition of retirement village and in particular, the inclusion of related facilities for retirement village residents including recreation, leisure, supported residential care, welfare, and medical facilities (inclusive of hospital care) and other non-residential activities.
- 4.38 As a greenfield development site more than 14Ha, the submitters land is well placed to facilitate the development of a new retirement village in conjunction with the overall development of the land in accordance with the MDRZ provisions for residential, community facilities, and convenience retail activities.

Other MDRZ Rules and Standards

- 4.39 The submitter notes that there are other Rules and Standards not specifically addressed in paragraphs 4.1 to 4.38 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.
- 4.40 Accordingly, in terms of scope of their submission, the submitter retains an interest in all Objectives, Policies, Rules, and Standards of the MDRZ and any consequential amendments that may be made to the notified provisions through the plan change process.

Draft Medium Density Residential Guidelines

- 4.41 In principle, the submitter supports the use of urban design guidelines to facilitate the development of mixed housing typology with a high amenity outcome in the MDRZ.
- 4.42 However, there does not seem to be any direct requirement for consideration of the Draft Medium Density Residential Guidelines in the Objectives, Policies, or Rules of the MDRZ.
- 4.43 Should it be Council's intention that this document is utilised for the assessment of future MDRZ development (when it has been completed to a final form), then it is considered that the Objective MRZ-02 is deleted in its entirety and is replaced with:
- "Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context."*
- 4.44 This new Objective should be supported by new Policies that specifically address the importance of urban design and require consideration of the Medium Density Residential Guidelines as follows:
1. *Ensure buildings address streets and other adjacent public space with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).*
 2. *Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.*

3. *Ensure street frontages are not dominated by garaging through consideration of their width, design, and proximity to the street boundary.*
4. *Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.*
5. *Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development, with particular regard to any street frontage(s).*
6. *Require consideration of the relevant design elements identified in the Medium Density Residential Guidelines 2022.*

4.45 The revised Objective and Policies should be implemented with a new Rule that states:

For all restricted discretionary and discretionary activities under Rules MRZ-R1.1, MRZ-R2, MRZ-R12, MRZ-R13, MRZ-R14, applications for resource consent shall include a statement confirming that the relevant design elements from the Medium Density Residential Guidelines 2022 have been considered, including a summary of any particular aspects of the proposal that have resulted from that consideration.

4.46 The abovementioned provisions provide a clear and discernible link to the implementation and use of the Medium Density Residential Guidelines 2022.

Subdivision

4.47 The submitter opposes Rule SUB-R5. The way this Rule reads is that for any subdivision of the submitters 14.3388Ha landholding that creates more than three allotments, they will require a Non-Complying Activity Consent unless:

- The submitter makes the subdivision application concurrent with or following a land use consent application to establish more than two units on their site;

And

- The development complies with the density requirements of SUB-S1 unless land use consent has been granted for a comprehensive residential development plan (in accordance with MRZ-R2.

- 4.48 The submitter's land affected by PDP is significant in size. It is unlikely that they are going to want to spend significant capital resources on the complete design of residential units or a comprehensive residential development plan for more than 14Ha of land.
- 4.49 The submitter has intentions of subdividing the land to provide for a range of residential allotment sizes (all above the minimum specified in the PDP), as well as the provision of larger Lots to provide for future comprehensive residential developments, retirement villages, community facilities and convenience retail activities.
- 4.50 It is considered unreasonable for a subdivision of the submitter's 14Ha site to be classed as a Non-Complying Activity for creating more than three Lots. It is considered that Rule SUB-R5 should be deleted in its entirety and that Rule SUB-R4 that applies to all residential subdivision not otherwise specified, as a Restricted Discretionary Activity Consent apply to subdivision of the submitters land.
- 4.51 The extensive matters of discretion listed in SUB-R4 are considered sufficient to ensure a high-quality subdivision that achieves the purpose, character, and quality of the MDRZ.

5. The submitters seek the following decision from the Central Otago District Council:

- That the MDRZ be applied to the submitters land as illustrated in Figure 3 above;
- That the relevant Objectives, Policies and Provisions of the MDRZ 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 NTP Development Holdings Limited)

Date...02 September 2022