

SUBMISSION ON PROPOSED TE TAI O POUTINI PLAN (TTPP)

1.0 SUBMITTER DETAILS

Submitter Name: Ball Developments Ltd

Address for Service: Davis Ogilvie & Partners Ltd
Level 1, 42 Oxford Street
Richmond 7020
Attention: Pauline Hadfield
Senior Planner
Email: pauline@do.nz

Submitter's Contact Details: Geoff Ball
Managing Director
Ball Developments Ltd
Email: geoff.ball@hagley.co.nz

2.0 SUBMISSION DETAILS

The specific provisions of the proposed Te Tai o Poutini Plan (TTPP) that the following submission relates to are:

- Zones
- General District Wide Matters (Financial Contributions)

We do wish to speak to this submission.

We will not gain any advantage in trade competition through this submission.

If others make a similar submission, we would consider presenting a joint case with them at a hearing.

3.0 SUBMISSION

Introduction / Background

1. Ball Developments Ltd are the developers of the Kaiata Park industrial area at Kaiata. Kaiata Park has been progressively developed since the land was originally rezoned from Rural in 2006, and (under the operative Grey District Plan) presently comprises a mix of zoning, including Industrial, Commercial, Rural Residential, Residential, and Rural.

2. The boundaries of the underlying zoning no longer align with Ball Development's intended development for the remainder of the site. The notified TTPP includes some changes after preliminary discussions with Davis Ogilvie and Geoff Ball, but these are still not entirely aligned with the latest development plans.
3. This submission seeks to ensure that the final zoning under the TTPP for Kaiata Park is in accordance with the latest concept plans for development of the site.
4. This submission also requests a number of amendments to the rules for Financial Contributions.

Zoning

5. **Appendix 1** contains a concept plan (Ref: 41473 CP1 Rev E dated 07/21), showing the general layout of the next stages of the Kaiata Park development.
6. **Appendix 2** contains a revised zoning plan covering Kaiata Park based on the above concept plan. It is requested that this zoning plan be adopted in the final TTPP.
7. Zoning amendments proposed for Kaiata Park include the following:
 - (i) The roading layout has been amended from the 2006 Plan Change Outline Development Plan, which has pulled through to the notified TTPP maps. The loop road shown as Kaiata Park Drive on the notified TTPP maps will no longer be built. The new Kaiata Park Drive will now loop around to the east of the wastewater pond reserve, with new links (shown as Roads B and C on the concept plan, **Appendix 1**) providing connectivity to existing roads.
 - (ii) Existing GRUZ – General Rural zoning over Lot 508 DP 404171 (Local Purpose Reserve) has been changed to OSZ – Open Space. This is the grassed area adjacent to State Highway 7 and Kaiata Park Drive at the main entrance to Kaiata Park. It is considered that OSZ – Open Space is a more appropriate zoning that is in keeping with the purpose of this land.
 - (iii) OSZ – Open Space zoning over Lot 123 DP 404171 is now split in accordance with subdivision consent SD3025/22, which was granted on 21 September 2022. A copy of the approved scheme plan for SD3025/22 is attached as **Appendix 3**. Lot 200 under SD3025/22 is to vest as reserve, but Lot 1 will be a new residential section. Accordingly, Lot 1 of SD 3025/22 should be zoned GRZ – General Residential so that this site can be built on without further land use consent.
 - (iv) A large reserve area around the Kaiata Park wastewater treatment ponds has been designed to ensure a suitable setback between the ponds and any residential development. The GRUZ – General Rural zoning over the pond area has been amended to OSZ – Open Space zone, and extended from that shown on the notified TTPP plans.

The areas east of the waterway/drain through the proposed reserve area, and southeast of Kaiata Park Drive, have been retained as GRZ – General Residential. This is intended to

facilitate the creation of large residential lots that extend to the waterway or road without split zoning; however, all building sites will be located at least 150m from the wastewater ponds.

Noting that **Objective OSRZ – O2** recognises the different functions of open space, including local purposes (OSRZ – O2.c), OSZ – Open Space is considered to be the most appropriate zoning over the wastewater ponds and the surrounding proposed reserve area.

- (v) Areas of proposed MUZ – Mixed Use, COMZ – Commercial and LIZ – Light Industrial zoning as per the notified TTPP maps, over sections east of Sutton Road, have been amended. The amended zoning reflects existing residential and commercial buildings, and intended development as set out on the attached concept plan (**Appendix 1**).

8. Should the Commissioners accept this proposal for rezoning, accurate coordinates can be provided to define the relevant zones for inclusion in the final TTPP GIS mapping system where these do not align with existing title boundaries.

Financial Contributions Objectives & Policies

9. **Objective FC – O2** states:

To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, remedying, mitigating or offsetting adverse effects on the environment and infrastructure resources of the West Coast/Te Tai o Poutini.

10. The Financial Contributions Policies further state:

FC - P1

To require financial contributions as a condition of subdivision, development and land use consents to remedy or mitigate adverse effects created by the need to create, extend or upgrade public infrastructure, reserves and community facilities as a result of the subdivision, use or development.

FC - P3

Financial contributions may be taken in the form of cash, land, works or a combination of these in discussion with the applicant but at the final discretion of the Council.

FC - P4

Where land is provided by way of a financial contribution to ensure that such land shall be suitable for the intended use bearing in mind the community to be served.

FC - P5

To use financial contributions in money to provide additional capacity, and to meet the need for community infrastructure and facilities that arise from the activity. This shall include roading, streetscape improvements, shared pathways, vehicle parking, EV charging spaces, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and community facilities.

11. Ball Developments supports these specific Objectives and Policies, subject to the following suggested amendment to Policy FC – P4.
12. Ball Developments intends to set aside areas of land as public open space in accordance with Policy FC – P4. It is intended that these reserves will be upgraded for suitable use by residents, including (as appropriate) landscaping, plantings, pathways, street furniture and play areas.
13. Ball Developments submits that Policy FC – P3 should be applied by Council in a fair and equitable manner; that is, the value of improvements on land that is set aside as public space should be offset against any monetary contributions imposed for the same purpose. Accordingly, Ball Developments request that the wording for **Policy FC – P4** be clarified as follows:
14. *“Where land is provided by way of a financial contribution to ensure that such land shall be suitable for the intended use bearing in mind the community to be served. **The value of works undertaken to make the land suitable for the intended use shall be taken into consideration, in discussion with the applicant but at the final discretion of the Council. This shall include streetscape improvements, shared pathways, landscaping, planting, recreation facilities and community facilities provided.**”*

Financial Contributions Rules

15. **Rule FC - R1(2)** states:

No financial contribution is payable for:

- (i) Additions and alterations to residential buildings;*
- (ii) A residential building replacing one previously on the site;*
- (iii) An approved boundary adjustment;*
- (iv) An approved subdivision creating a certificate of title solely for a utility;*
- (v) An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; and*
- (vi) Infrastructure for which a financial contribution has been made previously.*

16. Subsections (iv) and (v) exclude allotments for utilities, or where they are protected for ecological, historic and cultural reasons. We submit that these exclusions should be extended to include:

- (i) Any allotment that is vested in Council or the Crown: e.g., local purpose or open space reserves. These reserves are created in keeping with the purpose of **Rule FC - R10(1)** (Financial Contribution for Reserves and Community Facilities):

Financial contributions may be required to provide for open space, recreational and community facilities to address the need for these facilities created by subdivision and development in the locality where new allotments or residential units are created.

Financial contributions paid under Rule FC – R10 for new residential, commercial or industrial lots will provide funding for maintenance of reserves. The reserves themselves cannot be considered to generate any need for these facilities, so no monetary contribution should be imposed on land that is to be vested in the Territorial Authority or the Crown.

- (ii) Allotments that are amalgamated with any other allotment at the time of subdivision. Where allotments are amalgamated, this is usually due to access or servicing matters, and the resultant property is treated as one “site” for rating and development purposes.

Noting that Rule FC – R10(2)(ii) and (iii) allow for financial contributions to be imposed at building consent stage, Council will not be disadvantaged by exempting amalgamated allotments from payment of reserves contributions.

17. In accordance with the requested amendment to FC – P4 in paragraph (14) above, Ball Developments submit that **Rule FC – R2** should also be amended to take into account the value of works undertaken by developers to enhance land that is vested in Council. It is suggested that after R2(4), a further subsection be inserted as follows:
- “Where a financial contribution is, or includes works, the relevant District Council may specify any one or more of the following in the conditions of the resource consent:*
- (a) *The nature of works included in the financial contribution;*
- (b) *A minimum and/or maximum value of the works to be included.*
18. **Rule FC – R10(2)(ii) and(iii)** set a five-year time frame in which reserves contributions paid at subdivision may be subtracted from contributions imposed at building consent.
19. If implemented, this rule will result in Council “double-dipping” for contributions if sections created by subdivision are not built on within five years of s224 Resource Management Act 1991 certification.
20. The five-year time frame should be deleted from Rule FC – R10(2)(ii) and(iii). Purchasers who build on new sections, regardless of the time frame involved, should not be required to re-pay contributions towards reserves and community facilities that have been previously paid at subdivision stage.
21. Council’s Long Term Plan budgeting policies and accounting processes should appropriately allocate contributions paid at subdivision in accordance with the stated purpose of the contribution. Future owners should not be penalised if they do not purchase and/or build within a certain time frame.

4.0 CONCLUSION

22. In summary, Ball Developments:

- Wish to amend the zoning of Kaiata Park as shown on the plan attached as **Appendix 2**.
- Seek to clarify the provision for works to be included in financial contributions
- Seek to include amalgamated and/or vested lots in the listed exemptions for reserves contributions
- Request that the five-year time frame in Rule FC – R10(2)(ii) and(iii) be deleted.

Signed:

On behalf of Ball Developments Ltd



PAULINE HADFIELD

DAVIS OGILVIE & PARTNERS LTD

Senior Planner, Assoc.NZPI

Enc:

- Appendix 1** Kaiata Park Concept Development Plan
Appendix 2 Proposed Zoning Plan
Appendix 3 Scheme plan – SD3025/22

APPENDIX 1

Kaiata Park Concept Development Plan

/ issue	/ date	/ reason	/ approved
A	07/21	Draft for Discussion	-
B	08/21	Further Draft for Discussion	-
C	08/21	Buffer Zones, Pedestrian, Staging	-
D	09/21	Existing Rural/Res shown	-
E	09/21	Further Revision	-



CAD ref: 41473.Concept it.dwg

do DAVIS OGILVIE
 ENGINEERS / SURVEYORS / PLANNERS

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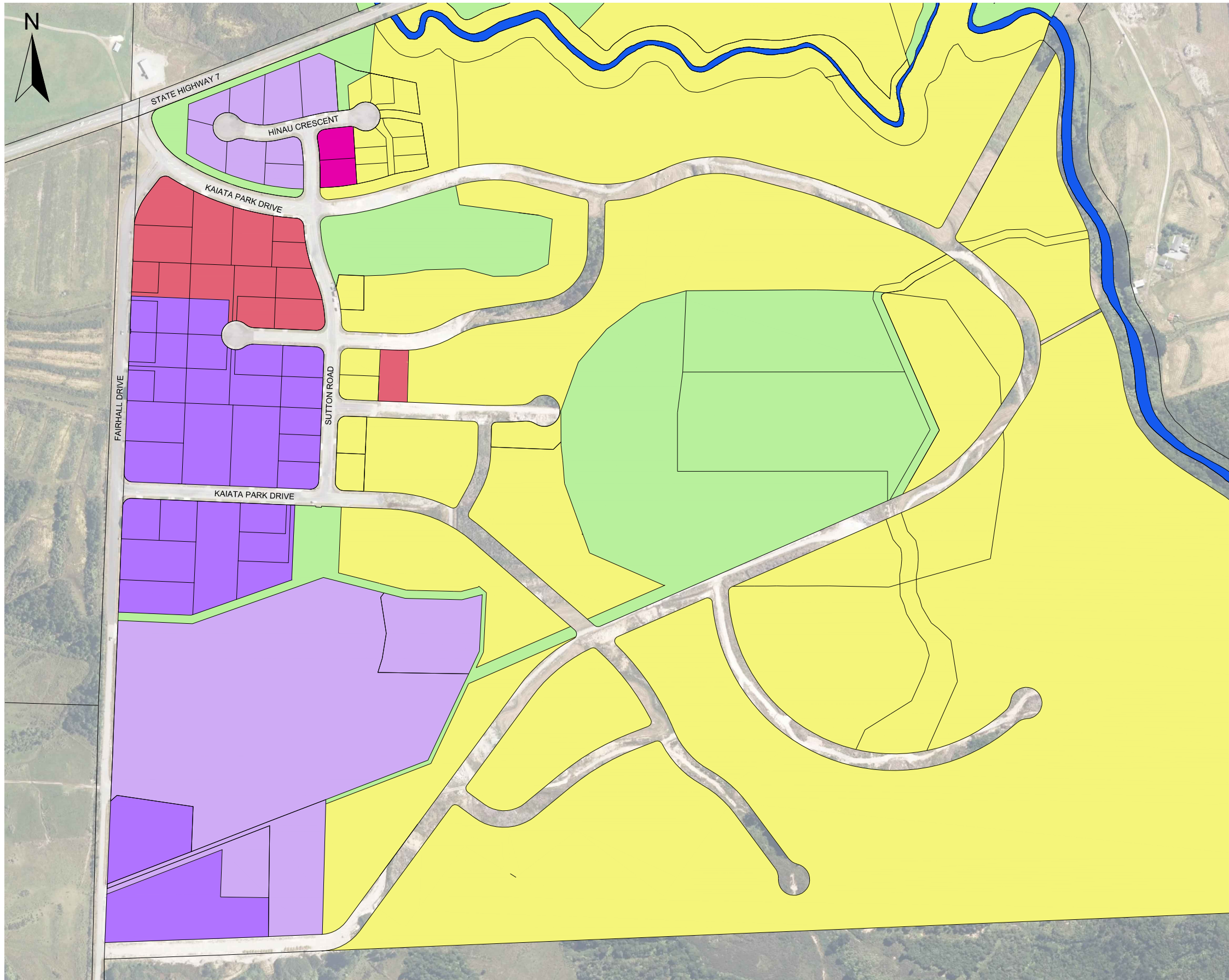
CONCEPT DEVELOPMENT PLAN

KAIATA RESIDENTIAL GREYMOOUTH

/ design	/ drawn	/ QA check	/ dwg
JT	JT	-	CP1
/ scale a1	/ date	/ file	/ issue
1:2000	07/21	41473	E

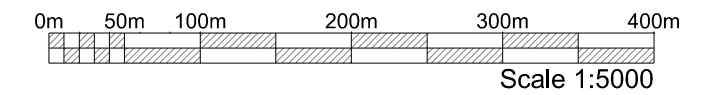
APPENDIX 2

Proposed Zoning Plan



Legend:

- Commercial Zone
- Mixed Used Zone
- General Residential Zone
- Light Industrial Zone
- General Industrial Zone
- Open Space Zone



A	10/22	ODP Overlay	RB
/ issue	/ date	/ reason	/ approved

CAD ref: 41473 - ODP Overlay (350a).dwg

do DAVIS OGILVIE
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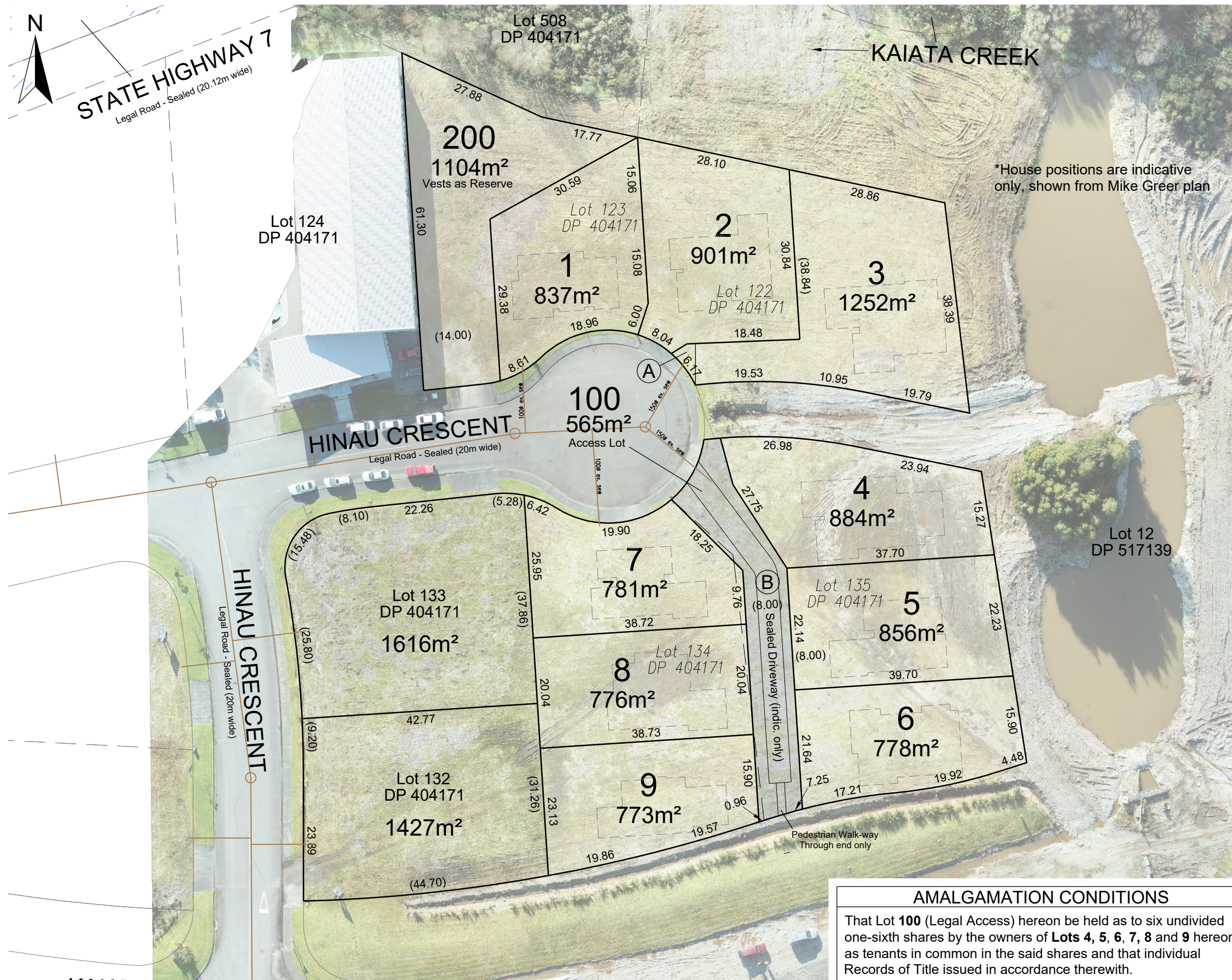
Davis Ogilvie & Partners Limited
 Level 1, 24 Moorhouse Avenue, Addington, Christchurch 8140
 Office 0800 999 333 Email hello@do.nz
 www.do.nz

ODP Overlay of Proposed Subdivision in Kaiata

/ design JT/BL	/ drawn BL	/ QA check PH	/ dwg 350
/ scale @A3 1:5000	/ date 10/22	/ file 41473	/ issue A

APPENDIX 3

Scheme Plan – SD3025/22



Lot 122 DP 404171

RT: 433118
 Owner(s): Ball Developments Limited
 Area: 2194m² more or less

Lot 123 DP 404171

RT: 433119
 Owner(s): Ball Developments Limited
 Area: 1940m² more or less

Lot 134 DP 404171

RT: 433130
 Owner(s): Ball Developments Limited
 Area: 2324m² more or less

Lot 135 DP 404171

RT: 433131
 Owner(s): Ball Developments Limited
 Area: 3091m² more or less

Lots 122, 123, 134 and 135 DP 404171 are subject to:

- Land Covenants in Easement Instrument **8006706.10** and **8006706.12**
 - Consent Notices **7531097.5** and **8006706.4**
 - Section 5 Coal Mines Act 1979
 - Section 8 Mining Act 1971
- Lot 123 DP 404171 is subject to:
- Fencing Covenant in Deed **8006706.11**
 - Consent Notice **8006706.6**

Areas and dimensions are subject to survey.

A full assessment of easements will be undertaken upon completion of the survey. This may result in additional easements to those already shown.

MEMORANDUM OF EASEMENTS			
NATURE	SERVIENT TENEMENT (BURDENED LAND)		DOMINANT TENEMENT (BENEFITED LAND)
	LOT NO	SHOWN	
RIGHT TO DRAIN SEWAGE & WATER, RIGHT TO CONVEY WATER, ELECTRICITY & TELECOMMUNICATIONS	100	B	Lots 4-9
RIGHT TO DRAIN SEWAGE	3	A	Lot 2
RIGHT TO CONVEY TELECOMMUNICATIONS IN GROSS	3	A	CHORUS NEW ZEALAND
	100	B	
RIGHT TO CONVEY ELECTRICITY IN GROSS	3	A	WESTPOWER LIMITED
	100	B	
RIGHT OF WAY ON FOOT ONLY	100	B	GREY DISTRICT COUNCIL

AMALGAMATION CONDITIONS
 That Lot 100 (Legal Access) hereon be held as to six undivided one-sixth shares by the owners of Lots 4, 5, 6, 7, 8 and 9 hereon as tenants in common in the said shares and that individual Records of Title issued in accordance therewith.

H	07/22	For Application	-
/ issue	/ date	/ reason	/ approved

CAD ref: 41473 - Scheme Plan (300a).dwg

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Proposed Subdivision of Lots 122, 123, 134 & 135 DP 404171
8-11 Hinau Crescent, Kaiata, Greymouth

/ design JT/BL	/ drawn BL	/ QA check TL/JT	/ dwg 300
/ scale @ A3 1:750	/ date 07/21	/ file 41473	/ issue H