

**Queenstown Lakes District Proposed District Plan**

**Section 32 Evaluation**

**Variation to Proposed District Plan**

**For:**

**Variation to Chapter 11 Large Lot Residential Zone Area A**

**Variation to Chapter 27 Subdivision and Development**

**On:**

**Minimum Allotment Size (Subdivision Rule 27.6.1)**

**Policy 11.2.1.2**

1. EXECUTIVE SUMMARY ..... 3

2. INTRODUCTION ..... 4

3. CONTEXT ..... 4

4. STRUCTURE OF THE REPORT ..... 6

5. CONSULTATION ..... 7

6. STATUTORY POLICY CONTEXT ..... 7

7. RESOURCE MANAGEMENT ISSUES ..... 10

8. SCALE AND SIGNIFICANCE EVALUATION ..... 10

9. EVALUATION OF PROPOSED OBJECTIVE ..... 10

10 EVALUATION OF THE PROPOSED PROVISIONS ..... 10

**APPENDIX 1 – PROVISIONS TO BE VARIED**

**APPENDIX 2 – LLR A ZONE LOCATION AND ALLOTMENT SIZES**

**APPENDIX 3 – LLR A ZONE EXAMPLE OF SITE DIMENSIONS**

**1. EXECUTIVE SUMMARY**

- 1.1. This variation addresses two matters in relation to the efficient and effective implementation of the Large Lot Residential Zone Area A (LLR A).
- 1.2. The primary matter is that the relevant subdivision rule (Rule 27.6.1) that implements Chapter 11 (Large Lot Residential Zone) Policy 11.2.1.1 and Objective 11.2.1 prescribes a minimum net site area of 2000m<sup>2</sup>. However, the nature of most of the previous subdivisions in the zone undertaken under the Operative District Plan resulted in the creation of 4000m<sup>2</sup> sites. Therefore, the majority of subdivisions undertaken since the LLR A Zone has had legal effect, and anticipated in the Zone are likely to be infill type (front lot/rear lot) configurations and the requirement in Rule 27.6.1 to achieve a net site area of 2000m<sup>2</sup> does not sufficiently take into account that the access cannot be included as part of the calculation of the net area of a proposed site. Non-compliance with Rule 27.6.1 is a non-complying activity (Rule 27.5.19).
- 1.3. This variation proposes to amend Rule 27.6.1 as follows:

*27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.*

Zone		Minimum Lot Area
Residential	Large Lot Residential A	<u>1500m<sup>2</sup> providing the total area of the site is not less than 2000m<sup>2</sup></u>

- 1.4. The second matter is the reference to colour in Policy 11.2.1.2 so as to manage amenity values through restrictions on the colour of buildings. Related Rule 11.5.10 only relates to the Large Lot Residential B Zone, which comprises the already developed urban environment on the northern slopes and base of Mt Iron. This variation proposes to amend Policy 11.2.1.2 as follows:

11.2.1.2 Maintain and enhance residential character and high amenity values by controlling the ~~colour~~, scale, location and height of buildings, and in addition within Area B by requiring ~~require~~ landscaping, colour and vegetation controls.

- 1.5. This report assesses the variation in accordance with section 32 of the Resource Management Act 1991 (**'the Act'** or **'the RMA'**). The variation is considered to be an appropriate way to achieve the sustainable management purpose of the Act because the amendment to Rule 27.6.1 would better enable infill subdivision to be undertaken without the current requirement for a non-complying activity resource consent, while still achieving a total site area of 2000m<sup>2</sup>. The amended provisions are intended to provide

greater certainty that the Zone anticipates a density of one residential unit every 2000m<sup>2</sup> as stated in the Purpose Statement for the Zone (11.1).

## **2. INTRODUCTION**

- 2.1. This report fulfils the requirements of Section 32 of the Act, which requires the objective(s) of proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.
- 2.2. This variation is on two provisions of the PDP:
  - (a) Chapter 27 Subdivision and Development (**Chapter 27**) Rule 27.6.1 in relation only to the minimum site size in the Large Lot Residential A Zone; and
  - (b) Chapter 11 Large Lot Residential Zone (**Chapter 11**) Policy 11.2.1.2 as it relates to imposition of colour controls on buildings.
- 2.3. The changes identified under (a) and (b) above would not introduce any new objectives or change any existing objectives. The purpose of the variation is to amend Rule 27.6.1 and Policy 11.2.1.2 so as to better achieve Objective 11.2.1 of Chapter 11, being 'A high quality of residential amenity values are maintained within the Large Lot Residential Zone'. **Appendix 1** contains the amendments sought to PDP Rules 27.6.1 and Policy 11.2.1.2.

## **3. CONTEXT**

- 3.1. Most of the land identified as Large Lot Residential Zone in the PDP was zoned Rural Residential in the operative district plan (**ODP**), with the majority of this land having been subdivided and developed under that regime such that many of those sites within Wānaka have a net area 4000m<sup>2</sup>, with an established residential unit. Refer to **Appendix 2** which contains a series of maps with the allotment sizes of the LLR A Zone.
- 3.2. The Proposed District Plan was notified on 26 August 2015 and the Large Lot Residential Zone was identified in various locations throughout urban Wānaka, all of which were contained within the proposed urban growth boundary. With the exception of an undeveloped, 'greenfield' area located between Studholme Road and Meadowstone Drive where the minimum site size and residential density was 2000m<sup>2</sup>, the entirety of the Large Lot Residential Zone had a prescribed minimum net site area of

4000m<sup>2</sup><sup>1</sup>. Notified PDP Rule 11.5.9 required the colours of walls and roofs of buildings to be less than 36% light reflectance value, except that buildings located on Mt Iron above the 330 masl contour were subject to lower (more recessive) light reflectance values.

3.3. Decisions on submissions were notified on 7 May 2018. No appeals were received on the Large Lot Residential Zone, nor were there any appeals on PDP Chapter 11. The decisions on submissions introduced the following amendments to the notified PDP specifically to the Large Lot Residential Zone:

- (a) The majority of the Zone was identified as being appropriate for development to a minimum density of one residential unit per 2000m<sup>2</sup><sup>2</sup>. The exception being Mt Iron, where the 4000m<sup>2</sup> minimum allotment size was retained. The two classes of Large Lot Residential Zone were recast as
  - Large Lot Residential A (**LLR A**) – minimum net area allotment size of 2000m<sup>2</sup>; and
  - Large Lot Residential B (**LLR B**) – minimum net area allotment size of 4000m<sup>2</sup>, comprising existing residential development located on the Mt Iron outstanding natural feature, and immediately adjacent to and comprising the lower slopes of Mt Iron.
- (b) The colour controls for buildings only apply in the LLR B Zone (Rule 11.5.10);
- (c) Rezoning land located at Lake Hāwea Township zoned and developed under ODP Rural Residential Zone, and notified in the PDP as Rural Residential Zone, to LLR A
- (d) Rezoning undeveloped land located near Lake Hayes Estate (Queenstown) from Rural Zone to LLR A<sup>3</sup>;
- (e) Amending Chapter 11, Objective 11.2.1 and policies under that objective as follows:

	<b>Notified 2015</b>	<b>Decisions Version 2018</b>
Objective 11.2.1	High levels of residential amenity within the Large Lot Residential Zone.	A high quality of residential amenity values are maintained within the Large Lot Residential Zone.
Policy 11.2.1.1	Maintain character and amenity through minimum allotment sizes, with particular emphasis on maintaining the character and amenity of established areas.	Maintain low density residential character and amenity through minimum allotment sizes that efficiently utilise the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).

<sup>1</sup> Notified PDP 26 August 2015. Chapter 11 notified 26 August 2015. Rule 11.5.9. Chapter 27 Rule 27.5.1.

<sup>2</sup> Refer to Decisions Version Chapter 11. Zone Purpose 11.1.

<sup>3</sup> This land is identified in Appendix 2 and it is evident that the majority of land in this part of the LLA Zone is considered a greenfield site and while this variation is applicable to that site, the identified constraints associated with infill development are not likely to be present. This sections 32 evaluation focuses on the LLR A Zone in Wanaka and Lake Hawea Township.

Policy 11.2.1.2	Recognise opportunities for infill and subdivision to higher densities providing the amenity, open character and privacy of established neighbourhoods are not degraded and opportunities for garden and landscape plantings are retained.	Deleted. The Hearings Panel recommendation report stated that the 'Notified Policy 11.2.1.2 is recommended for deletion on the basis that are preferred Area A subzone inherently provides this outcome in a more effective and efficient manner' <sup>4</sup> .
Notified Policy 11.2.1.3  Decisions Policy 11.2.1.2	Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings, and in certain locations or circumstances require landscaping and vegetation controls.	Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings and in Area B require landscaping and vegetation controls.

- 3.4. As a result of there not being any appeals to the Environment Court made on Chapter 11, nor any appeals on the minimum allotment size rule in Chapter 27 (Rule 27.6.1), the provisions are to be treated as operative. From June 2018 to April 2020, the processing of resource consent applications has resulted in resource consent applications for subdivision of sites from 4000m<sup>2</sup> (developed under the operative regime) to 2000m<sup>2</sup> (the density anticipated in the LLR A Zone) falling as a non-complying activity primarily because the access associated with the new site to be created by subdivision is not included as part of the net area calculation<sup>5</sup>, and the majority of proposals to subdivide are falling as non-complying activities pursuant to Rule 27.5.19.
- 3.5. It is evident that the shift from the notified to the decisions regime for the Large Lot Residential A Zone did not sufficiently take into account the likelihood that many sites anticipated to be further subdivided would not achieve the prescribed 2000m<sup>2</sup> net area, due to the rear lot/front lot configuration and subdivision site design constraints associated with existing buildings, which for the most part are a result of the majority of sites in the Large Lot Residential A Zone having been subdivided to 4000m<sup>2</sup> and developed under the operative regime.
- 3.6. A planning regime where the majority of resource consent applications for subdivision of the LLR A Zone are non-complying activities where the total area of the site (and subsequent residential density) still achieves 2000m<sup>2</sup> is not considered to be the most appropriate way to achieve Objective 11.2.1.

#### **4. STRUCTURE OF THE REPORT**

<sup>4</sup> Report of the Hearings Panel 09a Stream 6 Chapters, 7, 8, 9, 10, 11 29 March 2018 at [393].

<sup>5</sup> Refer to PDP Chapter 2: Definitions. Net Area.

- 4.1. This report provides an analysis of the policy response proposed by the variation as required by s32 of the RMA, using the following sections:
- a) **Consultation** undertaken, including engagement with iwi authorities on the proposal.
  - b) An overview of the applicable **Statutory Policy Context**.
  - c) A description of the **Resource Management Issue** being addressed by the proposal.
  - d) An assessment of the **scale and significance** of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.
  - e) An **Evaluation** against s32 of the RMA, including
    - Whether the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (Section 32(1)(a)).
    - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives of the proposal (Section 32(1)(b)), including:
      - (i) identifying other reasonably practicable options for achieving the objectives
      - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives, including consideration of risk of acting or not acting, and
      - (iii) summarising the reasons for deciding on the provisions.

## 5. CONSULTATION

- 5.1. The variation is considered to be relatively uncontentious and generate a low-level of interest (from a district wide perspective) on the basis that the intent of the variation is to significantly lower the instances where infill subdivision that achieves a total site area of 2000m<sup>2</sup> in the Large Lot Residential A Zone does not fall as a non-complying activity. Broad, community wide consultation has not been undertaken. Prior to public notification of the variation, consultation shall be undertaken in accordance with Clauses 3 and 4 of Schedule 1 of the RMA with regard to the following parties.
- 5.2. Several practitioners that Council officers are aware of as having involvement in applications for subdivision in the LLR A Zone shall be provided an opportunity to comment on the proposed variation.

## 6. STATUTORY POLICY CONTEXT

- 6.1. The relevant requirements of the RMA, the Local Government Act 2002, and the two iwi management plans that apply in the District<sup>6</sup> have been given appropriate regard in the preparation of this evaluation.

---

<sup>6</sup> *The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008), and Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005).*

There are no relevant National Policy Statements or National Environmental Standards that have material bearing on this evaluation.

- 6.2. The relevant provisions of the Otago Regional Policy Statement, both the Partially Operative Regional Policy Statement 2019 (**PORPS**), and the 1998 volume, and at the time of preparation of this evaluation, the provisions of Chapter 3 as approved by the Environment Court by way of Consent Order. This proposal is required to give effect to the partially operative provisions of the RPS (both 2019 and 1998 volumes) and have regard to the proposed provisions (Chapter 3). No particularly pertinent provisions of the PORPS have been identified. Given the relatively small scale, localised and specific purpose of the variation the most relevant the statutory document is the Proposed District Plan.

**Proposed District Plan (PDP)**

- 6.3. The following objectives and policies of the PDP are relevant and have been given due regard in the identification of resource management issues and evaluation:

**Strategic Direction Chapter 3**

<b>Plan Reference</b>	<b>Provision</b>
Strategic Objective (SO) 3.2.1	The development of a prosperous, resilient and equitable economy in the District
SO 3.2.2	Urban growth is managed in a strategic and integrated manner.
SO 3.2.2.1	Urban development occurs in a logical manner so as to: <ul style="list-style-type: none"> <li>a. promote a compact, well designed and integrated urban form;</li> <li>b. build on historical urban settlement patterns;</li> <li>c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;</li> <li>d. minimise the natural hazard risk, taking into account the predicted effects of climate change;</li> <li>e. protect the District’s rural landscapes from sporadic and sprawling development;</li> <li>f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;</li> <li>g. contain a high quality network of open spaces and community facilities; and</li> <li>h. be integrated with existing- and planned future, infrastructure.</li> </ul>
SO 3.2.3	A quality built environment taking into account the character of individual communities.
SO 3.2.6	The District’s residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.

Chapter 11 Objective 11.2.1	A high quality of residential amenity values are maintained within the Large Lot Residential Zone
Policy 11.2.1.1	Maintain low density residential character and amenity through minimum allotment sizes that efficiently utilise the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).
Policy 11.2.1.2	Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings and in Area B require landscaping and vegetation controls.
Chapter 27 Objective 27.2.1	Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.
Policy 27.2.1.3	Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.
Policy 27.2.1.4	Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing: <ul style="list-style-type: none"> <li>a. desirable urban design outcomes;</li> <li>b. greater efficiency in the development and use of the land resource;</li> <li>c. affordable or community housing.</li> </ul>
Objective 27.2.3	The potential of small scale and infill subdivision in urban areas is recognised and provided for while acknowledging their design limitations.
Policy 27.2.3.1	Accept that small scale subdivision in urban areas, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.5 and 27.2.2.7.
Policy 27.2.3.2	While acknowledging potential limitations, encourage small scale and infill subdivision in urban areas to: <ul style="list-style-type: none"> <li>a. ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;</li> <li>b. where possible, locate lots so that they over-look and front road and open spaces;</li> <li>c. avoid the creation of multiple rear sites, except where avoidance is not practicable;</li> </ul>

	<p>d. where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;</p> <p>e. identify and create opportunities for connections to services and facilities in the neighbourhood.</p>
--	--

## 7. RESOURCE MANAGEMENT ISSUE

7.1. The resource management issue is ‘how to most appropriately achieve Objective 11.2.1’. The reasons for the issue have been identified and explained in the context section above. The two key provisions identified as affecting the issue are Subdivision and Development Chapter 27 Rule 27.6.1 and Policy 11.2.1.2.

## 8. SCALE AND SIGNIFICANCE EVALUATION

8.1. The level of detailed analysis in this evaluation is **low to moderate**, to reflect the scale and significance of the effects of the implementation of the proposed provisions. The amendments to the affected provisions would apply to a limited sector of the community, being owners of sites within the LLR A Zone. However amending the identified provisions could significantly improve the implementation of those provisions and would remove uncertainty and transaction costs currently associated with non-complying activity resource consent applications for subdivision in the LLR A Zone. Improved implementation leads to the PDP better achieving section 7(b) of the RMA in terms of the economic benefits derived from the efficient use of resources.

## 9. EVALUATION OF PROPOSED OBJECTIVE

9.1. Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act. Where there are no new objectives proposed, an examination of the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the Act is required (s32(6)). Consistent with the resource management issue identified in section 7 above, the purpose of the proposal is to improve the efficiency and effectiveness of the provisions so as to achieve Objective 11.2.1.

## 10. EVALUATION OF THE PROPOSED PROVISIONS

10.1. Section 32(1)(b) of the Act requires an assessment of whether the proposed provisions (policies and methods) are the most appropriate way to achieve the objective or purpose of the proposal. This assessment must:

- i. identify other reasonably practicable options for achieving the objectives (S32(1)(b));
- ii. assess the efficiency and effectiveness of the provisions in achieving the objectives (S32(1)(b)(ii)), including consideration of the benefits and costs anticipated from the implementation of the provisions, identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (S32(2)(a)), including opportunities for (i) economic growth that are anticipated to be provided or reduced, and (ii) employment that are anticipated to be provided or reduced, and if practicable quantify the benefits and costs (S32(2)(b)), and assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (S32(2)(c)); and
- iii. summarise the reasons for deciding on the provisions (S32(1)(b)(iii)),

10.2. Section 32(3) requires that if the proposal is an amending proposal that will amend a plan that is already proposed, the examination under subsection (1)(b) must relate to:

- (a) the provisions and objectives of the amending proposal; and*
- (b) the objectives of the existing proposal to the extent that those objectives—*
  - (i) are relevant to the objectives of the amending proposal; and*
  - (ii) would remain if the amending proposal were to take effect.*

**Reasonably practicable options**

<b>Option</b>	<b>Most appropriate way to achieve the purpose of the proposal? How to most appropriately achieve Objective 11.2.1</b>
<p>1. Status quo – no change to Subdivision Rule 27.6.1 or Policy 11.2.1.2.</p>	<p>The existing regime where Rule 27.6.1 requires a minimum net site area of 2000m<sup>2</sup> does not efficiently achieve Objective 11.2.1. This is because the majority of infill subdivisions fall as non-complying activities despite the majority of sites achieving a total site area of 2000m<sup>2</sup>. This is not considered the most appropriate way to achieve the purpose of the proposal and Objective 11.2.1.</p> <p>Policy 11.2.1.2 applies colour controls to the LLR A Zone, yet corresponding rule 11.5.10 only applies to the LLR B Zone. This creates confusion and does not assist with efficient and effective implementation.</p>

Option	Most appropriate way to achieve the purpose of the proposal? How to most appropriately achieve Objective 11.2.1
	For the above reasons, retaining the status quo would not achieve the purpose of the proposal.
<p>2. Amend Policy 11.2.1.2 to refer only to the Large Lot Residential B Zone.</p>	<p>This option would more effectively align Policy 11.2.1.2 with Rule 11.5.10 'Building Materials and Colours within Large Lot Residential B', that implements Policy 11.2.1.2.</p> <p>This change would be consistent with the Hearings Panel's recommending report that suggested colour that colour controls can only be justified in the Large Lot Residential B Zone<sup>7</sup>.</p> <p>The proposed amendment to Policy 11.2.1.2 could be:</p> <p>11.2.1.2 Maintain and enhance residential character and high amenity values by controlling the <del>colour</del>, scale, location and height of buildings, and in <u>addition within Area B by requiring</u> <del>require</del> landscaping, <u>colour</u> and vegetation controls.</p> <p>For these reasons this amendment is considered an appropriate option to achieve Objective 11.2.1.</p>
<p>3. Amend Rule 27.6.1 to specify that the 2000m<sup>2</sup> minimum site size applies to the 'gross' or 'total area of the site'.</p>	<p>This amendment would resolve the 'net area' issue. The amendments would not be consistent with the preamble text to rule 27.6.1 which requires all lots (where specified) must achieve a net area. However, this requirement could be overridden by the more specific wording the relevant rule itself.</p> <p>Subdivision would still be required to comply with Rule 27.7.11 that requires a 30m x 30m allotment dimension.</p> <p>The amendment could be drafted as: <u>The total area of the site is not less than 2000m<sup>2</sup></u></p>

<sup>7</sup> Report of the Hearings Panel 09a Stream 6 Chapters 7, 8, 9, 10, 11 29 March 2018 at [608].

Option	Most appropriate way to achieve the purpose of the proposal? How to most appropriately achieve Objective 11.2.1
	For these reasons this amendment is considered an appropriate option to achieve Objective 11.2.1.
<p>4. Amend Rule 27.6.1 to specify a minimum net area of 1500m<sup>2</sup>, while retaining a minimum 2000m<sup>2</sup> to each proposed site (lot).</p>	<p>This amendment would also resolve the ‘net area’ issue. The amendments would still rely on specifying a total site area but would be more consistent with the preamble text of Rule 27.6.1 because the rule requires a net area, which would be 1500m<sup>2</sup>, while providing the total site area is 2000m<sup>2</sup>.</p> <p>The introduction of 1500m<sup>2</sup> net area is likely to provide ample flexibility to take into account the loss of land for accessways/access legs that cannot be included in the calculation of net area. The identification of retaining a total area of 2000m<sup>2</sup> would ensure the rule effectively implements Objective 11.2.1.</p> <p>Introducing a requirement to comply with a net area of 1500m<sup>2</sup> provides greater certainty than option 3 that a compliant subdivision would achieve Objective 11.2.1 ‘a high quality of residential amenity values are maintained’.</p> <p>The amendment could be drafted as: <u>1500m<sup>2</sup> providing the total area of the site is not less than 2000m<sup>2</sup></u></p> <p>For these reasons this amendment is considered an appropriate option to achieve Objective 11.2.1.</p>
<p>5. Amend Rule 27.6.1 by removing any minimum allotment size but requiring that the average density across the sites to be subdivide of 2000m<sup>2</sup> is achieved.</p>	<p>This option would provide unbridled flexibility in terms of lot design, constraints and configuration, but may not be likely to achieve Objective 11.2.1 because a site of any size could be created on the basis an average of 2000m<sup>2</sup> is achieved. Objective 11.2.1 and the related purpose statement text in 11.1 create an expectation of a density of one residence every 2000m<sup>2</sup> to provide for a more efficient development pattern to utilise the Council’s water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space. Maintaining an expectation of a 2000m<sup>2</sup> net area would work in conjunction with the Lower Density Suburban</p>

Option	Most appropriate way to achieve the purpose of the proposal? How to most appropriately achieve Objective 11.2.1
	<p>Residential Zone and other zones that enable higher residential densities.</p> <p>This option could also be interpreted as inviting proposals for subdivision to not achieve Rule 27.7.11 that requires a minimum 30m x 30m shape factor allotment dimensions.</p> <p>This option would not achieve Objective 11.2.1.</p>

10.3. Having considered these options, Options 2 and 4 are the preferred option.

10.4. Option 2 is a relatively straightforward amendment to Policy 11.2.1.2 to improve clarity that colour controls only apply in the LLR B Zone. There are not considered to be any costs associated with the amendment because as identified above, no colour controls are intended to apply in the Large Lot A Residential Zone. Benefits accrue through improved certainty associated with the implementation of Policy 11.2.1.2. These benefits will improve the effectiveness of Policy 11.2.1.2 without any costs from an efficiency or transaction perspective.

10.5. Option 4 is considered to provide sufficient flexibility for subdivisions of existing 4000m<sup>2</sup> Large Lot Residential A sites, many of these contain an existing residential unit and accessory buildings. In summary, the reasons include (S32(1)(b)(iii)):

- (a) A typical existing 4000m<sup>2</sup> site has the rectangular shaped dimensions of 50 wide (front and rear boundaries) with side boundaries of 80m (refer **Appendix 3** that shows examples of site dimensions). The length of an access (approximately 40 metres), and the minimum legal width of 4m (Transport Chapter 29 Rule 29.5.14) suggests that in the order a minimum of 160m would not be able to be included in the net area calculation;
- (b) In light of the above, there will be occasions where existing infrastructure and buildings, coupled with and allotment configurations are such that a wider area of land is required to be retained on the proposed new lot that would contain the existing residential unit;
- (c) Providing a discount of 500m<sup>2</sup> in the net area is considered to provide sufficient flexibility, while ensuring proposals retain a total area of not less than 2000m<sup>2</sup> for each site;
- (d) An analysis of the existing LLR A Zone sites suggests that the site dimensions identified in (a) above applies to the majority of sites, and that by lowering the net area by 500m<sup>2</sup> would result

in the majority of subdivision proposals achieving compliance with Rule 27.6.1 as amended by option 4.

**Efficiency and effectiveness**

10.6. The following table considers the efficiency and effectiveness of Option 4, amending Rule 27.6.1 as identified in Option 4 (the preferred option). The costs and benefits, effectiveness and efficiency for the amendment to Policy 11.2.1.2 have been considered above.

<b><i>Purpose of the proposal: To improve the efficiency and effectiveness of the provisions so as to achieve Objective 11.2.1</i></b>		
<b><i>Preferred Option: Option 4 Amending Rule 27.6.1 1500m<sup>2</sup> providing the total area of the site is not less than 2000m<sup>2</sup></i></b>		
<b><i>Costs</i></b>	<b><i>Benefits</i></b>	<b><i>Efficiency &amp; Effectiveness</i></b>
<p>Relative to the existing (treated as operative) Rule 27.6.1 that requires a net area of 2000m<sup>2</sup>, there are not any costs. The proposed amendment would provide persons contemplating subdivision of a 4000m<sup>2</sup> site with greater flexibility to avoid a non-complying activity status.</p> <p>Preferred Option 3 has costs compared to other options (i.e. Option 4), because it imposes a net area of 1500m<sup>2</sup>, however these costs are outweighed by the overriding purpose of the variation to better achieve Objective 11.2.1. The analysis of existing allotments provides sufficient confidence that the 1500m<sup>2</sup> net area will enable the subdivision of an existing 4000m<sup>2</sup></p>	<p>By removing the likelihood of applications falling as non-complying activities, the amendments will significantly lower the potential for compliance and transaction costs associated with the administration of non-complying resource consents.</p> <p>Greater certainty for persons (and their agents) contemplating subdivision of a 4000m<sup>2</sup> site where the existing site dimensions are not likely to allow for a shared road frontage configuration, and where the likely most practicable option is a rear lot/front lot infill configuration.</p>	<p>The provisions are considered to be efficient because the benefits would outweigh the costs.</p> <p>In the event that an application for subdivision resource consent is a restricted discretionary activity<sup>8</sup>, it would be likely to be processed on a non-notified basis<sup>9</sup>. This is considered to be significantly more efficient than a non-complying activity status where an assessment under section 95 of the Act is required. Although the notification determination is only a process related decision, applicants involved in notified applications can incur relatively high processing costs and uncertainty.</p> <p>The amended provisions are considered to be effective because they will better provide for subdivision of Large Lot Residential A sites that have a site area of 4000m<sup>2</sup>, and contain also building and accessory buildings.</p>

<sup>8</sup> Rule 27.5.7.

<sup>9</sup> Rule 27.10.

<p>with an established residential unit without falling as a non-complying activity.</p> <p>Overall, the costs are nil to very low.</p>		<p>Overall, the proposed provision is considered to be the most appropriate way to achieve the purpose of the proposal.</p>
<p>Opportunities for economic growth that are anticipated to be provided or reduced; and employment that are anticipated to be provided or reduced (S32(2)(a)(i-ii))</p>		
<p>No economic growth, or employment costs are identified. The preferred option is considered to ensure Objective 11.2.1 and related rule 27.6.1 better achieves Section 7(b) or the RMA.</p>	<p>Economic growth benefits are likely to be derived from more certain and efficient implementation of Rule 27.6.1, with more efficient employment opportunities flowing.</p>	

10.7. Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is considered that, in this case, the information is certain and sufficient, and there is no need to assess the risk of acting or not acting, particularly in the context of the relatively low scale and significance of the proposal.

#### Reasons for deciding on the provisions

- 10.8. The proposed amendments to the provisions are considered the most appropriate to achieve Objective 11.2.1 because:
- a) They are efficient and effective in terms of section 7(b) of the RMA while still achieving Objective 11.2.1.
  - b) The provisions are in accordance with the relevant Strategic Direction objectives and policies of the Proposed District Plan.
  - c) They are in accordance with the functions of territorial authorities in s31 of the RMA and the sustainable management purpose of Part 2 of the RMA.

**APPENDIX 1 – PROVISIONS TO BE VARIED**

Amend Rule 27.6.1 as follows:

27.6.1 *No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.*

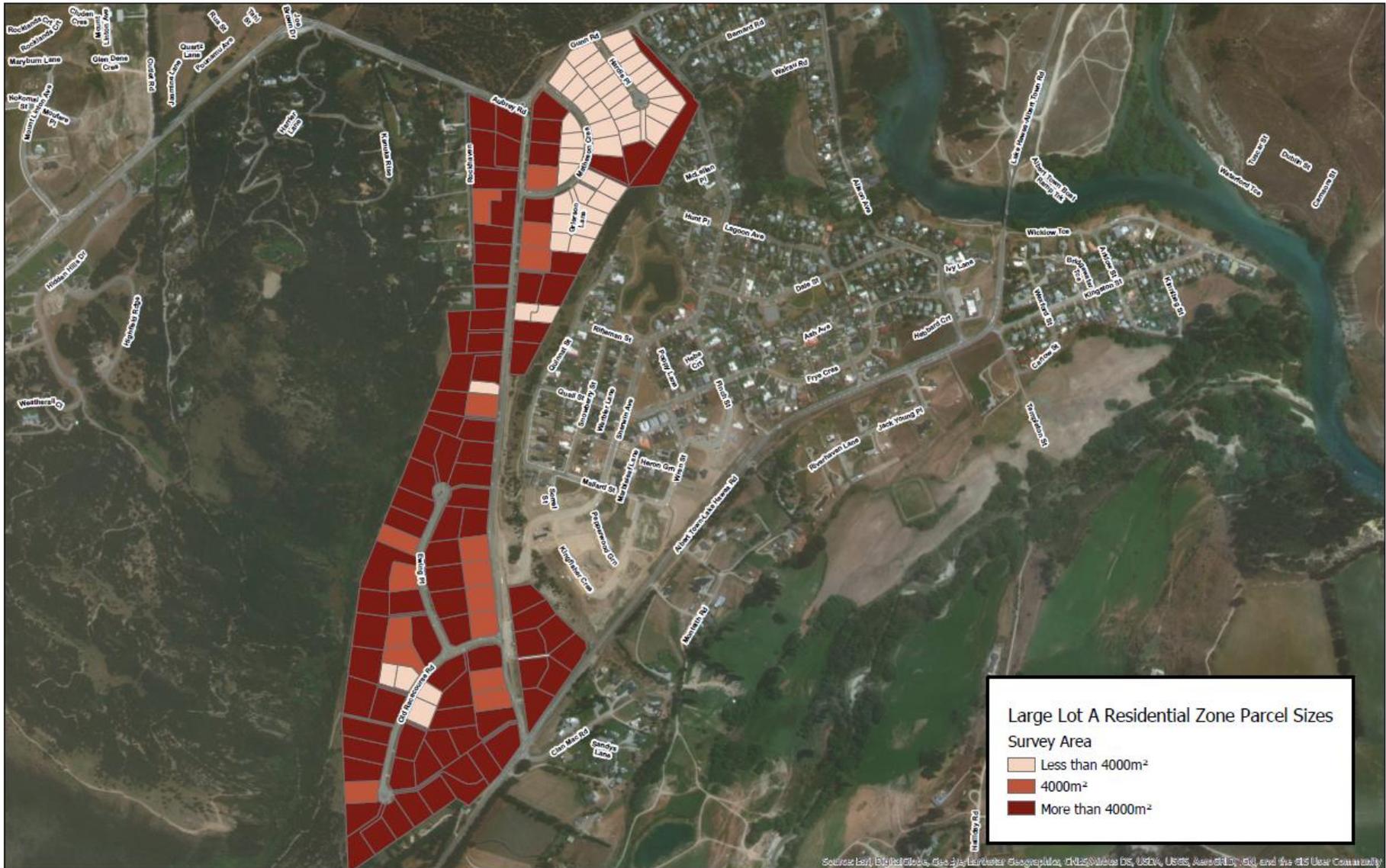
...

Zone		Minimum Lot Area
Residential	Large Lot Residential A	<u>1500m<sup>2</sup> providing the total area of the site is not less than 2000m<sup>2</sup></u>

Amend Policy 11.2.1.2 as follows:

11.2.1.2 Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings, and in addition within Area B by requiring require landscaping, colour and vegetation controls.

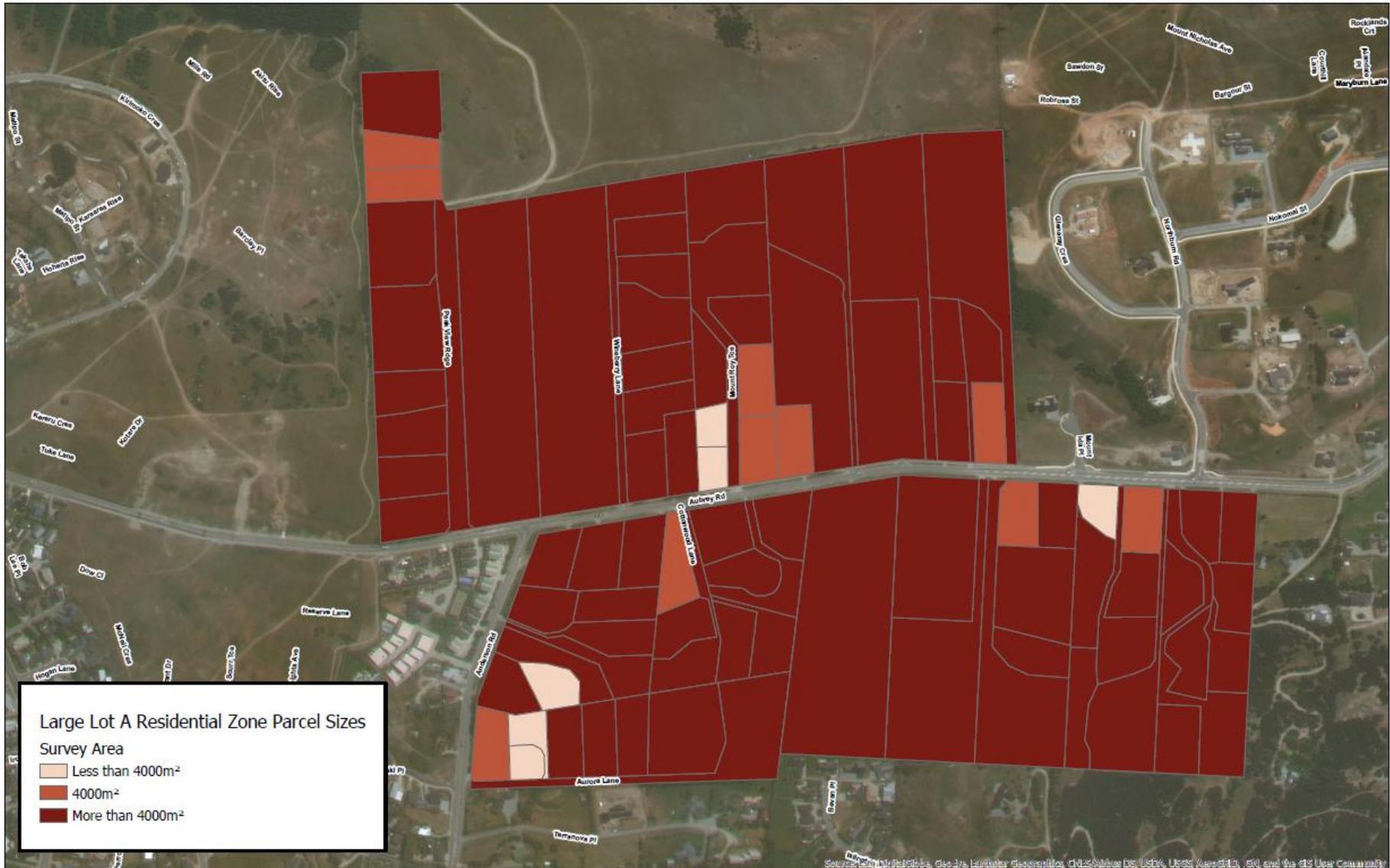
**APPENDIX 2 – LLR A ZONE LOCATION AND ALLOTMENT SIZES**



Source: LID, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, AeroGRID, IGN, and the GIS User Community

Large Lot Residential A Zone parcel sizes: Albert Town

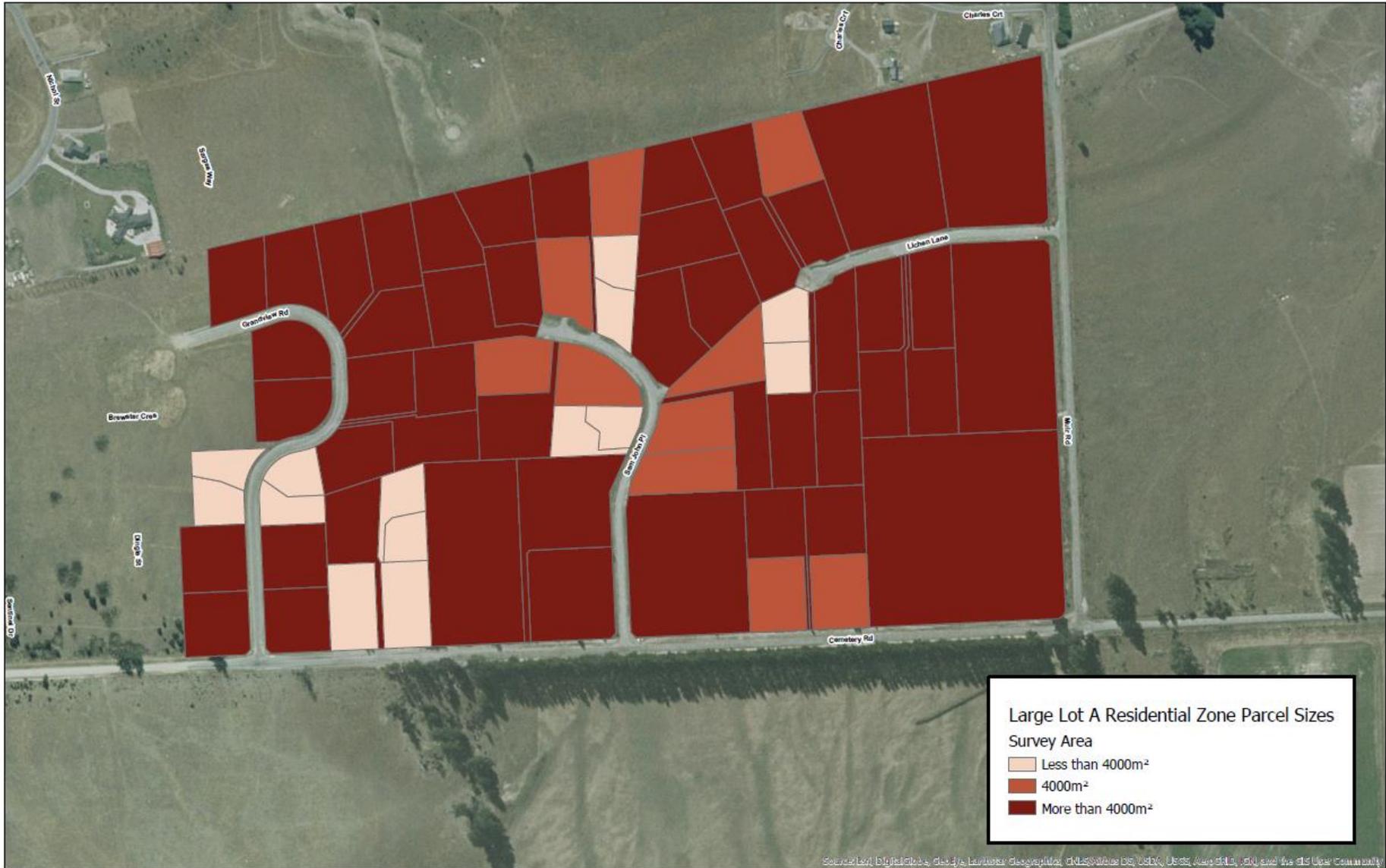




Large Lot Residential A Zone parcel sizes: Aubrey Road



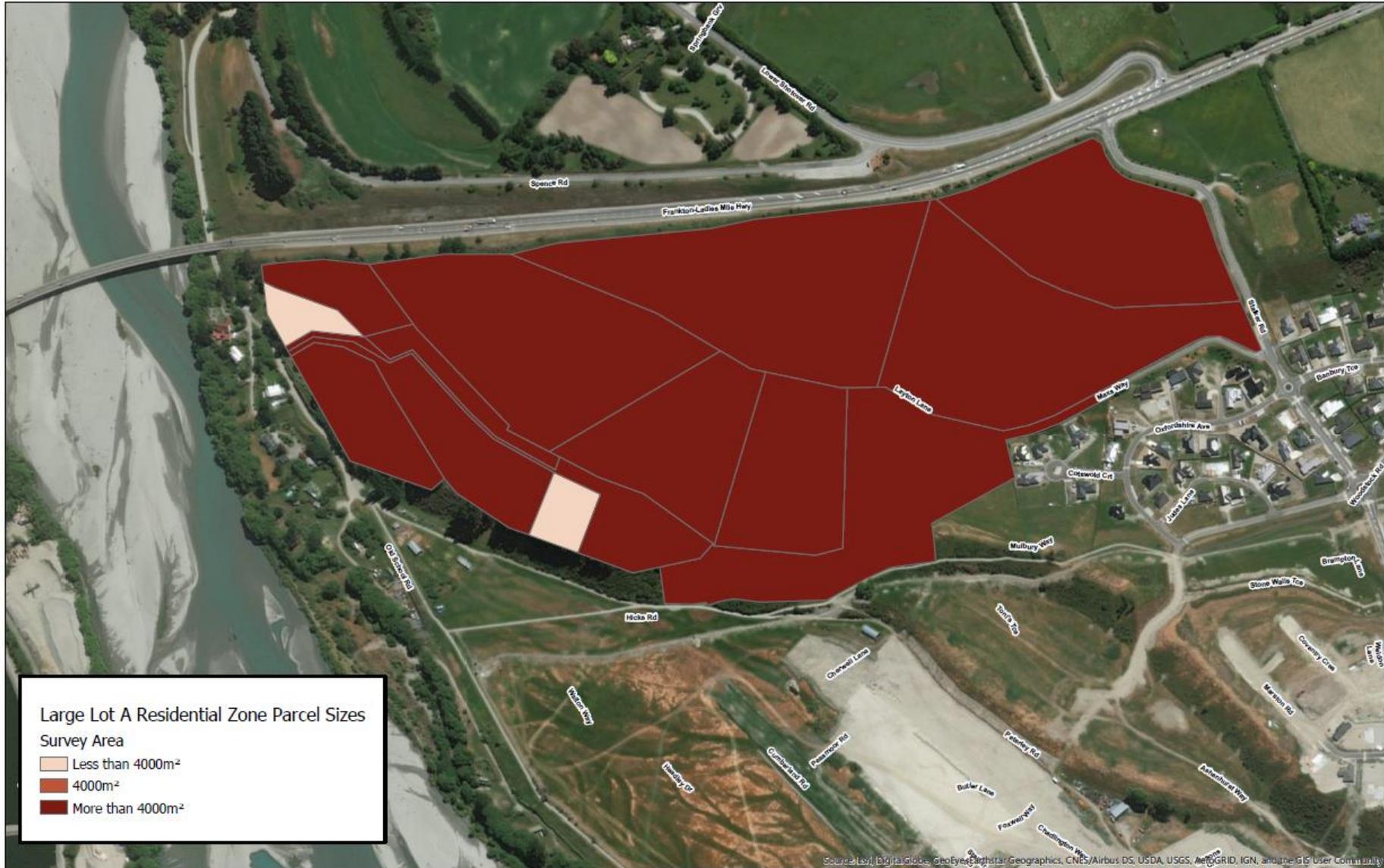




Source: Land Information Services, Land Information System, GIS, and the GIS User Community

Large Lot Residential A Zone parcel sizes: Hawea





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Large Lot Residential A Zone parcel sizes: Ladies Mile





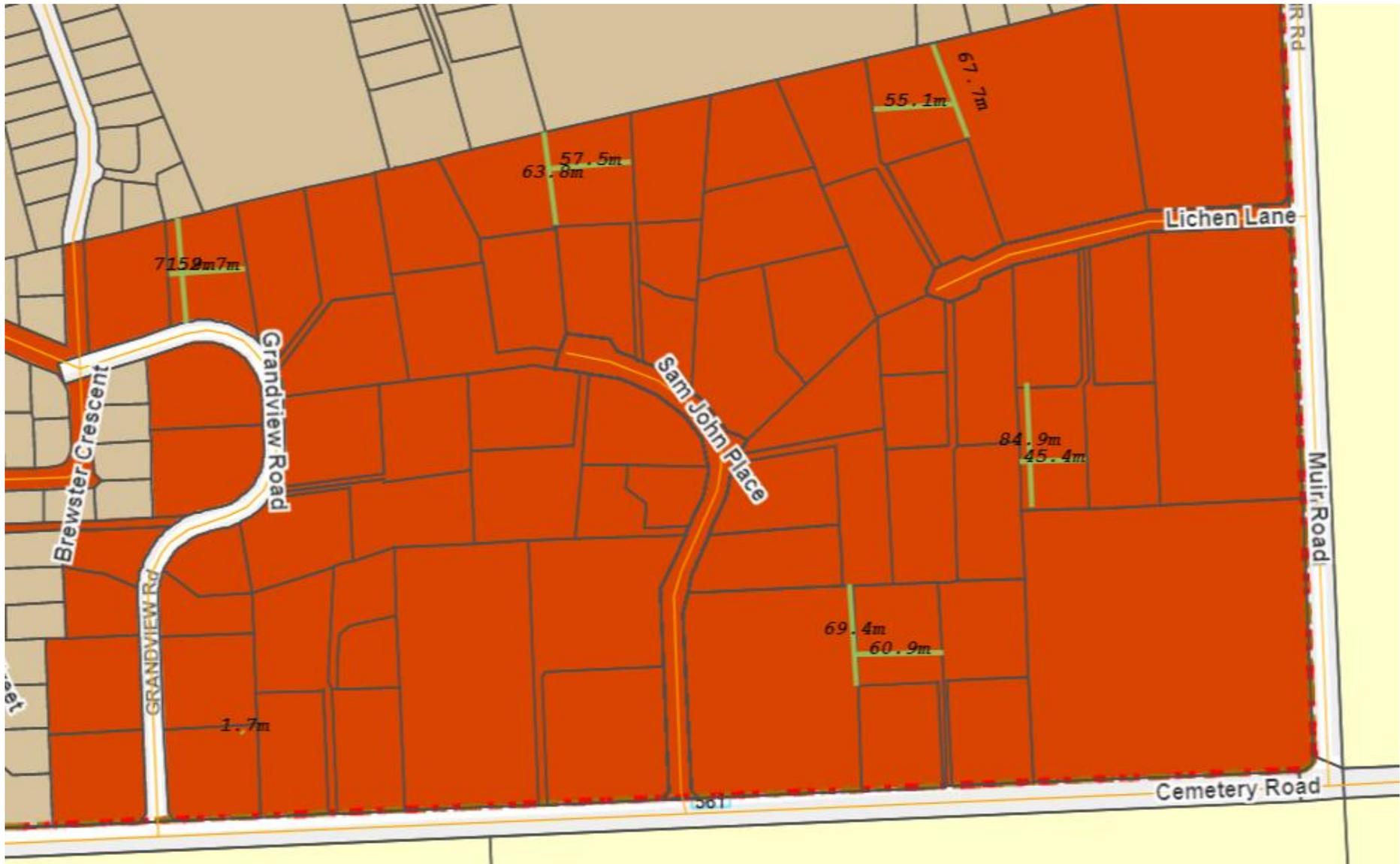
Source: Land Digital/Robbie Ross/4/8, Landmeter Design/Map, CNL/S/2016/05, URBAN/USGS/2015/10, 1:5K, and the GIS User Group

Large Lot Residential A Zone parcel sizes: Wanaka



**APPENDIX 3 – LLR A ZONE EXAMPLE OF SITE DIMENSIONS AND SELECTION OF SITES**





Sample Lots -  
Subdividability?  
Object ID

Sample size = 20

Random number generated	Title	Lot size (survey_Area)	Feasible # of sections	Likely to meet 2000m <sup>2</sup> min net lot area	Able to meet 1500m <sup>2</sup> min net lot area providing the total area of the site is not less than 2000m <sup>2</sup>	Comments
633	Lot 31 DP 325203	4016	2	Yes	Yes	Corner site, would not need ROW if subdivided
514	Lot 7 DP 9643	8094	3	Yes	Yes	
818	Lot 1 DP 467916	3021	2	No	No	Site is less than 4000m <sup>2</sup>
132	Lot 1 DP 350268	10000	3	Yes	Yes	Access already established off existing ROW on neighbouring site
606	Lot 18 DP 325203	4242	2	No	Yes	Existing building may prevent infill development Rear lot with a net area of 1600m <sup>2</sup> could be established
872	Lot 2 DP 478525	4000	2	No	Yes	
590	Lot 6 DP 300333	4001	2	No	Yes	Existing building may prevent infill development
716	Lot 4 DP 329739	3921	2	No	No	Site is less than 4000m <sup>2</sup>
384	Lot 13 DP 302776 (Lot 1)	2014	0	No	No	Site is less than 4000m <sup>2</sup>
707	Lot 2 DP 338437	4044	2	Yes	Yes	Access could be established off Rockhaven
559	Lot 5 DP 300154	4638	2	No	No	Existing building may prevent infill development
654	Lot 40 DP 314781	4945	2	Yes	Yes	
119	Lot 3 DP 323293	4405	2	No	Yes	No buildings, if SD in 2, rear lot could meet 1500m <sup>2</sup> net area min requirement
58	Lot 11 DP 302776	4313	2	No	Yes	Existing building prevents SD, if demolished, rear lot would be able to meet 1500m <sup>2</sup> net area
841	Lot 2 DP 503977	4956	2	Yes	Yes	With use of existing ROW
485	Lot 1 DP 536929	4250	2	Yes	Yes	Separate access off Aubrey Road could be established
733	Lot 9 DP 358775	4011	2	Yes	Yes	Separate access off Matheson Cres could be established
91	Lot 45 DP 302776	4099	2	No	Yes	Existing building may prevent infill development
24	Lot 1 DP 26716	4143	2	No	Yes	Existing building may prevent infill development
819	Lot 2 DP 467916	4613	2	Yes	Yes	Rear lot >2000m <sup>2</sup> easily established

**Note: the above selection are different to those sites identified in the two previous images.**