

Planning & Strategy Committee
30 April 2020

Report for Agenda Item | Rīpoata moto e Rāraki take 1

Department: Planning & Development

Title | Taitara: Proposed Variation to the Proposed District Plan Chapter 11 and Chapter 27

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to request the Planning & Strategy Committee to recommend a proposed variation to the Proposed District Plan Chapter 27 – Subdivision and Development, in relation to the minimum site size in the Large Lot Residential A Zone (**Rule 27.6.1**) and Chapter 11 - Large Lot Residential Zone, in relation to colour controls on buildings (**Policy 11.2.1.2**),

EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA

- 2 It is proposed that the minimum lot area for Large Lot Residential A (**LLR A**) be amended by way of a variation to Rule 27.6.1, changing the minimum net site area to “1500m², providing the total area of the site is not less than 2000m²”, so that the type of subdivision anticipated by the zone, is not assessed as a non-complying activity, as currently occurs.
- 3 The current requirement in Chapter 27 Subdivision and Development for land zoned LLR A to have a minimum lot area of 2000m² net of any area contained in an access lot or land less than 6m in width, effectively makes subdivision of the majority of existing sites zoned LLR A (many of which are just over 4000m²) a non-complying activity when factoring in access strips and existing building locations. This was not the intention of the approach to the zone set out in the zone purpose and in Council’s decisions on submissions¹. The Proposed District Plan (**PDP**) Independent Hearings Panel’s recommendation report for the Large Lot Residential Zone sought to allow for practicable site configurations and access.
- 4 The PDP Independent Hearings Panel’s recommendations report² for the LLRZ suggested colour controls can only be justified in the Large Lot Residential B Zone. It is proposed to amend Policy 11.2.1.2 so it is clear that the colour controls only apply in the Large Lot Residential B Zone. The option of amending Policy 11.2.1.2 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.

¹ Report of the Hearings Panel 09a Stream 6 Chapters, 7, 8, 9, 10, 11 29 March 2018 at [para’s 604-606].

² Report of the Hearings Panel 09a Stream 6 Chapters, 7, 8, 9, 10, 11 29 March 2018 at [para 608].

RECOMMENDATION | NGĀ TŪTOHUNGA

5 That the Planning & Strategy Committee:

1. **Note** the contents of this report.
2. **Agree in principle, subject to further work, that** the matters in **Attachment A** and **Attachment B** are suitable for recommending to Council as a variation to be notified as part of the Operative District Plan review.
3. **Authorise** the Manager Planning Policy to make edits and changes to the plan provisions and section 32 evaluation report to improve clarity and correct errors and to complete steps required to prepare and consult on a future variation to the Proposed District Plan.
4. **Note** that consultation with Iwi authorities will occur prior to any decision on notifying this variation and advice received may prompt changes to be made to the proposals.
5. **Note** that agreeing in principle to the above does not mean Council has formed a view on the specific detail of a variation on these matters, on resource consent applications relating to these matters, or on other decisions relating to the Proposed District Plan.

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14/04/2020

Reviewed and Authorised by:



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16/04/2020

CONTEXT | HOROPAKI

- 6 **Stages:** The Queenstown Lakes District Council Operative District Plan (the ODP) is being reviewed in stages. At this point the reviewed part of the ODP (referred to as the PDP) contains new and revised provisions within 44 new chapters that apply to 99.8% of the land in the district. The Large Lot Residential Zone was reviewed as part of Stage 1 with decisions on submissions issued in May 2018.
- 7 **Covid 19:** The Alert Level 4 restrictions in place at the time of writing have resulted in the suspension of the hearings and evidence exchange for Stage 3 of the district plan review and the suspension of mediations and hearings for Stage 1 and 2 appeals.
- 8 The Planning Policy team are working remotely from home on a range of matters that are (relatively) less complex and wide ranging than previous aspects of the plan review. It is intended to continue to bring different parts of the next stage of the plan review to the Planning and Strategy Committee for consideration while Alert Levels 3 and 4 measures are in place. Decisions on notification of these discrete plan changes and variations to the district plan will be made at a future meeting of Full Council.
- 9 **The Large Lot Residential Zone:** the LLR zone provides low density living inside urban growth boundaries where it serves as a buffer between higher density residential areas and rural areas. It is intended to provide for a density of one residence per 2000m² in the LLR A zone, other than in areas identified as LLR B Zone, which provides for 4000m² sites due to landscape and topographical constraints.
- 10 The LLR A zone is located in Lower Shotover, Lake Hawea and a number of places around Wanaka, while the LLR B zone is only found in Wanaka around Mt Iron.
- 11 The only outstanding appeals to Chapter 11 Large Lot Residential relate to the visitor accommodation and short term letting provisions introduced in Stage 2. The Subdivision Chapter has a

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

Issues Addressed By Proposed Variations

- 12 The majority of the sites in the LLR A zone are more than 4000m² and subdivision down to 2000m² sites is anticipated by the zone provisions, however many consents seeking this outcome are being processed as a non-complying activity, primarily because many sites are in the order of 4000m² and the access associated with the new site to be created by subdivision is not included as part of the “net area”³.

³ Net Area (Site or Lot) Means the total area of the site or lot less any area subject to a designation for any purpose, and/or any area contained in the access to any site or lot, and/or any strip of land less than 6m in width [PDP Chapter 2 Definitions].

- 13 These applications are being granted consent but the non-complying activity status means that applicants are being put to additional time delays and expense. Upholding the integrity of the district plan is an important part of maintaining the integrity of a consent authority itself, so applications for non-complying activities are not granted as a matter of course. The RMA requires that they not be granted unless they have effects that will be minor, or they are not contrary to relevant objectives and policies.
- 14 Colour controls for buildings only apply in the LLR B zone (Rule 11.5.10) however the current wording of Policy 11.2.1.2 implies that it is controlled in both the LLR A and B zones.

Subdivision Rule 27.6.1

15 The proposed amendment to Rule 27.6.1 is:

16 *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>1500m² providing the total area of the site is not less than 2000m²</u>

- 17 As Rule 27.6.1 currently stands, the majority of infill subdivisions would be assessed as non-complying activities, as they could not achieve a net site area of 2000m² despite the majority of sites achieving a total site area of 2000m².
- 18 The introduction of a minimum lot area of 1500m² net area provides flexibility to take into account the loss of land for typical access ways that cannot be included in the calculation of net area. Retaining a total minimum lot area of 2000m² would ensure the rule effectively implements Objective 11.2.1 – A high quality of residential amenity values are maintained.
- 19 Introducing a requirement to comply with a net area of 1500m² provides greater certainty than specifying that the 2000m² minimum site size applies to the ‘gross’ or ‘total area of the site’ that a compliant subdivision would achieve Objective 11.2.1.

Policy 11.2.1.2

20 The proposed amendment to 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 addition within Area B by requiring ~~require~~ landscaping, colour and vegetation controls.

21 This proposed amendment is intended to make it clearer that the colour controls only apply to the Large Lot Residential B Zone. There are not considered to be any costs associated with the amendment because it is clear from the Independent Hearing Panel report that no colour controls were intended to apply in the Large Lot Residential A Zone. This gives improved certainty in implementing Policy 11.2.1.2, and therefore improves its effectiveness. There are no costs from an efficiency or transaction perspective.

Other options considered

- 22 The status quo (no change to Subdivision Rule 27.6.1 or Policy 11.2.1.2.) has led to implementation difficulties and additional costs delays and uncertainty for applicants, and retaining it has been discounted as an option.
- 23 Another option is to amend Rule 27.6.1 to specify that the 2000m² minimum site size applies to the 'gross' or 'total area of the site'. This would resolve the issue with requiring the net site area to meet the minimum lot area, but is inconsistent with preamble text of Rule 27.6.1 because the rule requires a net area, and therefore would be inconsistent with the minimum lot area (minimum net site areas) specified for all other zones in Rule 27.6. This would not assist with efficient and effective plan implementation, and therefore is not recommended.
- 24 Requiring an average density of 2000m² across subdivided sites was also considered as an option but is not recommended because a site of any size could be created on the basis that an average of 2000m² is achieved, which has the potential to create inconsistent amenity outcomes and inefficient development patterns.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 25 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it is a matter relating to the administration of Council affairs and has the potential to impact on the environment, culture and people of parts of the District.
- 26 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown lakes district community and more particularly residents located in the Large Lot Residential A and B Zone. Particular individuals and entities affected will have substantial opportunities to participate in submitting on the notified provisions and participating in hearings, appealing the decisions and joining any appeals.

> MĀORI CONSULTATION | IWI RŪNANGA

- 27 Consultation with tangata whenua under the Resource Management Act 1991 (RMA) is a legal requirement before notifying a district plan and it is noted that legal requirements in this regard will have to be met.

28 Iwi entities will have the opportunity to submit if this proposed variation were to proceed to notification.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

29 This matter relates to the Strategic/Political/Reputation risk. It is associated with SR1 'Current and future development needs of the community (including environmental protection)' within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating.

30 This report sets out measures to reduce and mitigate the risk with options that implement additional controls for this risk.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

31 There are no budget or cost implications resulting from the decision. The recommended approach can be implemented through current funding under the 10-Year Plan and Annual Plan.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

32 The following Council policies, strategies and bylaws were considered:

- The Operative District Plan
- The Proposed District Plan

33 The recommended option is consistent with the principles set out in the above named policies.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

34 The process for undertaking plan changes and variations to a Proposed Plan is set out in the First Schedule of the Resource Management Act.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

35 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and

- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	Proposed Variations to Chapter 11 Large Lot Residential A Policy 11.2.1.2 and Chapter 27 Subdivision and Development – Rule 27.6.1
B	Proposed Section 32 Evaluation Report : Variations to Chapter 11 Large Lot Residential A and 27 Subdivision and Development

