

Queenstown Lakes District Proposed District Plan – Stage 1

Section 42A Hearing Report For Hearing commencing: 10 October 2016

Report dated: 14 September 2016

Report on submissions and further submissions
Chapter 11 – Large Lot Residential Zone

File Reference: Chp. 11 S42A

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I also have referred to, and relied on the following evidence filed alongside this section 42A report:

Mr Garth Falconer, Urban Design – statement dated 14 September 2016.

Mr Ulrich Glasner, Infrastructure – statement dated 14 September 2016.

1. EXECUTIVE SUMMARY

- 1.1 The framework, structure and majority of the provisions in the Proposed District Plan (**PDP**) Large Lot Residential Zone (**LLRZ**) Chapter 11 should be retained as notified and as supported in the section 32 (**s32**) assessment (see **Appendix 3**).
- 1.2 Several changes are considered appropriate, and these are shown in the Revised Chapter attached as **Appendix 1 (Revised Chapter)** to this evidence. A number are minor changes, or wording changes that provide better expression. However, I have recommended a few more significant amendments in response to submissions. For these significant changes, I have undertaken an assessment in terms of section 32AA of the RMA (see **Appendix 4**). The most significant amendment relates to the identification of specific areas of the LLRZ which can have a minimum net site area of 2000m².
- 1.3 I consider that the recommended amendments to the LLRZ chapter are more effective and efficient than the equivalent provisions within the notified LLRZ Chapter. In addition, I consider that the amendments are more effective and efficient than the existing Operative District Plan (**ODP**) and better meet the purpose of the Resource Management Act 1991 (**RMA**). The key reasons for this conclusion include that the Revised Chapter responds to the context being located on the edge of the existing urban areas and within the urban growth boundaries, whilst providing further diversity in housing options for the community.

2. INTRODUCTION

- 2.1 My Name is Amanda Jane Leith. I am employed by the Queenstown Lakes District Council (**Council**) as a Senior Policy Planner and I am a full member of the Planning Institute of Australia with eligibility to become a full member of the New Zealand Planning Institute. I hold the qualifications of Bachelor of Arts and Masters of Regional and Resource Planning from the University of Otago.
- 2.2 I am not the principal author of the notified PDP Chapter 11 – Large Lot Residential.
- 2.3 My current role is Senior Policy Planner, which I have held since 4 April 2016, prior to this I was employed as Senior Resource Consents Planner at Council from 21 September 2015.

3. CODE OF CONDUCT

- 3.1. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract

from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

3.2. I am authorised to give this evidence on the Council's behalf.

4. SCOPE

4.1 My evidence addresses the submissions and further submissions received on the notified LLRZ chapter.

4.2 Although the purpose of this report is not to undertake an assessment nor make recommendations on the appropriateness of the zonings, as this will be undertaken for the rezoning hearings, the relevant maps which include areas of LLRZ are attached in **Appendix 7**. Consequently, my evidence relates only to the written provisions which relate to the proposed LLRZ and I have not assessed the acceptability of the specific locations of the LLRZ as this will be addressed within the rezoning/mapping hearing(s). On this basis, I have considered the LLRZ provisions in the context of all of the proposed LLRZ land.

4.3 Although this evidence is intended to be a stand-alone document and also meet the requirements of s42A of the RMA, the Section 32 Evaluation Report: Large Lot Residential Zone report is attached as **Appendix 3** for information and reference purposes. The Wanaka Low Density Residential Zone Monitoring Report and the Monitoring Report on the Rural Living Zones of the Queenstown Lakes District Plan are also of relevance and are attached as **Appendices 5 and 6**.

4.4 My evidence also addresses some of the submissions and further submissions received on Chapter 27 – Subdivision and Development, which relate to the LLRZ.

4.5 As mentioned above, where I recommend substantive changes to provisions, I assess those changes in terms of Section 32AA of the RMA (see **Appendix 4**). The Table in **Appendix 2** outlines whether individual submissions are accepted, accepted in part, rejected, considered to be out of scope or transferred to another hearing stream.

4.6 Numerous submissions have been received seeking a re-zoning to or from LLRZ. These submission points have been transferred in **Appendix 2** to the future hearing(s) on mapping.

4.7 Submissions relating to the notified provisions within Chapter 11 for visitor accommodation were withdrawn from the Proposed District Plan on 25 November 2015. Consequently, submission points relating to the notified visitor accommodation provisions have been marked in **Appendix 2** as being out of scope (and have been deleted from the Revised Chapter).

5. BACKGROUND – STATUTORY AND NON-STATUTORY DOCUMENTS

5.1 The LLRZ s32 is attached as **Appendix 3** and provides a detailed overview of the higher order planning documents applicable to the chapter on pages 2 - 5. In summary, the following documents have been considered in the preparation of this chapter and my evidence:

The RMA

- a. In particular the purpose and principles in Part 2, which emphasise the requirement to sustainably manage the use, development and protection of the natural and physical resources for current and future generations, taking into account the 'four well beings' (social, economic, cultural and environmental).

The Local Government Act 2002

- b. In particular section 14, Principles relating to local authorities. Sub-sections 14(c), (g) and (h) emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

Iwi Management Plans

- c. When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Councils must "*take into account*" any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. Two iwi management plans are relevant:

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

Proposed National Policy Statement on Urban Development Capacity (Proposed NPS)

- d. The Minister for the Environment notified the Proposed NPS for public consultation on 2 June 2016, with submissions closing on 15 July 2016. The scope of the proposed NPS relates to the provision of development capacity in local authority plans to address both housing and business needs.
- e. The Proposed NPS does not hold any statutory weight under the RMA.

- f. The proposed NPS identifies Queenstown as a 'High Growth Urban Area' (projected to experience population growth of over 10% in the next 10 years) and applies objectives and policies for local authorities to implement through their planning documents.
- g. The following proposed objectives of the proposed NPS are of relevance to the LLRZ:
 - OA1: To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing.
 - OA2: To provide sufficient residential and business development capacity to enable urban areas to meet residential and business demand.
 - OA3: To enable ongoing development and change in urban areas.
 - OB1: To ensure plans and regional policy statements are based on a robust, accurate and frequently-updated evidence base.
 - OC1: To promote coordination within and between local authorities and infrastructure providers in urban areas, consistent planning decisions, integrated land use and infrastructure planning, and responsive planning processes.
 - OD1: To ensure that planning decisions enable urban development in the short, medium and long-terms.
 - OD2: To ensure that in the short and medium terms local authorities adapt and respond to market activity.
- h. The above objectives (although they hold no legal weight at present) are generally consistent with the LLRZ provisions through providing additional housing options within the Urban Growth Boundaries (**UGBs**) on the PDP planning maps.

Operative Otago Regional Policy Statement 1998 (Operative RPS)

- i. Section 75(3) of the RMA requires that a district plan prepared by a territorial authority must "*give effect to*" any regional policy statement. The Operative RPS contains a number of objectives and policies that relate to residential development:
 - i. Objective 5.4.3 and policy 5.5.6 seek to protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.
 - ii. Objective 5.4.1 and associated policies 5.5.3 and 5.5.5 promote sustainable land use and minimising the effects of development on water and land. Furthermore, Objective 6.4.1 and policy 6.5.5 seek to ensure the sustainable provision of water supply.
 - iii. The promotion of sustainable management of the built environment and infrastructure, as well as avoiding or mitigating against adverse effects on natural

and physical resources is also incorporated into objectives 9.4.1 to 9.4.3 as well as policies 9.5.1 to 9.5.5.

- j. These provisions set a basis to manage the effects of residential development through sustainable management of land and infrastructure.

Proposed Otago Regional Policy Statement 2015 (PRPS)

- k. Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed Regional Policy Statement. The PRPS was notified for public submissions on 23 May 2015, and contains the following objectives relevant to the LLRZ provisions:

Objective 2.2 Otago's significant and highly-valued natural resources are identified, and protected or enhanced.

Objective 3.4 Good quality infrastructure and services meet community needs.

Objective 3.6 Energy supplies to Otago's communities are secure and sustainable.

Objective 3.7 Urban areas are well designed, sustainable and reflect local character.

Objective 3.8 Urban growth is well designed and integrates effectively with adjoining urban and rural environments.

Objective 4.3 Sufficient land is managed and protected for economic production.

- l. These objectives set a basis to ensure urban areas are well located, designed, sustainable and reflect local character.

The Wanaka Low Density Residential Zone Monitoring Report, August 2011

- m. This report identified a number of issues for further consideration in the District Plan review:

- The objectives and policies relating to Wanaka that are inappropriate for the LDR zone or have served their purpose should be revisited;
- The link between policy and rules should be strengthened to ensure unanticipated results are defined as non-complying activities;
- Further data collection should be undertaken relating to affected party approvals to identify if consents for slight infringements can be avoided by reviewing the rule structure in the Plan.

Monitoring Report on the Rural Living Zones of the Queenstown Lakes District Plan, January 2010

n. This report identified a number of issues for further consideration in the District Plan which are relevant to the Large Lot Residential chapter:

- Whether all of the existing Rural Living zonings remain appropriate.
- Possible preparation of guidelines outlining appropriate building designs and colours in Rural Living areas.
- The causes for non-complying consents being granted within the Rural Living Zones to be addressed so as to discourage these processes from determining the direction of growth. This was particularly notable within Wanaka.
- Review weak or ambiguous objectives and policies relating to the purpose of the zones, growth management and servicing of development in the District.

Wanaka Structure Plan (2007)

o. The Wanaka Structure Plan adopted in 2007 provides a framework for the future growth of Wanaka. This was produced as a result of community involvement through the Wanaka 2020 community planning exercise and adopted by Council as a working document. The option adopted by the Structure Plan for development states on page 6:

"Under this option the Council will not provide for any additional Rural Residential or Rural Lifestyle zoning. This means that all of the residual demand for dwellings to 2026 will need to be accommodated within existing urban zones; new urban zones; existing rural residential zones (with some of these areas being identified for more intensive development) and additional Visitor Accommodation subzones".

Growth Options Study (2004) and the Growth Management Strategy (2007)

p. The Growth Management Strategy is a non-statutory planning document that was prepared by Council to help guide Council and the community in planning for the future growth and development of the District. The main principles of relevance are as follows:

- Principle 1 – Growth is located in the right places
- Principle 2 – The type and mix of growth meets current and future needs
- Principle 3 – Infrastructure is provided which is sustainable and supports high quality development in the right places
- Principle 4 – High quality development is demanded

6. BACKGROUND – OVERVIEW OF THE ISSUES

- 6.1. For the most part, the proposed LLRZ maintains the established pattern of development created by the ODP Rural Residential Zone, where these areas are located within the proposed Urban Growth Boundary (**UGB**).
- 6.2. The s32 analysis¹ identified the following issues with the ODP Rural Residential chapter which have culminated in the proposed LLRZ:
- a. The developments, with an ODP Rural Residential Zoning, which are located within the Rural General Zone generally have a different character and feel to the ODP Rural Residential zoned developments located adjacent to and within the residential and town centres.
 - b. There is a difference in the landscape and rural amenity sensitivity of these areas and it is considered that a different approach to management of these areas and those located within the Proposed UGB is appropriate.
 - c. Being located within the UGBs, a higher density of allotments could be appropriate in some areas where it would not degrade the established pattern of development or amenity values within established streets, or exceed infrastructure capacity.
- 6.3. After considering the submissions I believe that the above issues are still relevant along with the following additional issues identified by submitters:
- a. Appropriate built form controls; and
 - b. Reverse sensitivity effects relating to State Highway noise.

7. SUBMISSIONS

- 7.1. The RMA, as amended in December 2013, no longer requires a report prepared under section 42A, or the Council decision to address each submission point. Instead, it requires a summary of the issues raised in the submissions.
- 7.2. 114 submissions or further submission points were received on the notified PDP Chapter 11.
- 7.3. Submissions are considered by issue, or as they relate to a specific LLRZ provision. Some submissions contain more than one issue, and will be addressed where they are most relevant within this evidence.

¹ Refer to Appendix 3.

- 7.4. A summary of submission points received and a recommendation on whether the submission is recommended to be rejected, accepted, accepted in part or transferred to a future hearing is attached as **Appendix 2**. I have read and considered all submissions, including further submissions.

8. ANALYSIS

- 8.1. The following key issues have been raised in the submissions and are addressed in this report under the following headings:

- a. Issue 1 – Minimum lot size.
- b. Issue 2 – Design and amenity.
- c. Issue 3 – Reverse sensitivity.
- d. Issue 4 – Other matters.

- 8.2 Under the abovementioned headings, an analysis of the key issues identified by submitters is provided under sub-headings which relate to the specific objective, policy or rule. Where a provision has not been submitted on or where a submission is without any coherent basis, the submission point is unlikely to have been directly discussed within this report (although a recommendation for the latter is set out in **Appendix 2**).

9. ISSUE 1 – MINIMUM LOT SIZE

- 9.1 M Lawton (117) has submitted in relation to notified Policy 11.2.1.2 and generally, querying whether the intention of the LLRZ is to allow further subdivision within the zone and stating that it is better to determine this from the outset. The zone purpose (11.1) and notified Policy 11.2.1.2 identify that given the LLRZ is located within the Urban Growth Boundaries, a higher density of development may be appropriate within the zone provided it would not:

Exceed infrastructure capacity, degrade the established pattern of development of amenity values within established neighbourhoods (zone purpose (11.1))

- 9.2 The Queenstown Lakes District Council (**Council**) (383) in its corporate submission has requested an additional sentence be added to the third paragraph of the zone purpose (11.1) to state the following:

"Given that the zone is located within the Urban Growth Boundary, the possibility exists that the zoning may be changed in the future to accommodate a higher density of development than currently contemplated".

- 9.3 I consider that the insertion of the above sentence into the zone purpose (11.1) would lead to confusion as to the intention of the zone. The addition of this statement would also lead people to think that the rezoning of this land in the future is absolute; however that is not the case given the ability to apply for plan changes under the RMA. Consequently, I recommend rejection of this submission point and consider that any change to the zoning will be considered in the rezoning hearing(s) (if submissions have been lodged to this effect), or be the subject of a future plan change or assessed as part of a future District Plan review.
- 9.4 Notwithstanding the above, numerous submissions² have been received requesting that the minimum lot size for the entire LLRZ or specific parts of the zone be reduced from 4000m² to 2000m². These submissions include M Blennerhassett (322) who has stated that this could happen immediately or be deferred for 7 to 10 years and that with eventual servicing, the zone could be changed to LDRZ in the next District Plan review. Many others, including J Coe (FS1110) and A Mills (FS1126) state that the 2000m² lot size would provide some differentiation and provide a transition between the Low Density Residential zone and the Rural Residential zone, ensure more dense development within the UGBs and provide for more efficient use of services. B Rennie (FS1207) also adds that some of the LLRZ land is less than 1km from the Town Centre.
- 9.5 Arguably, the matter of a reduction of the minimum site density from 4000m² to 2000m² across the LLRZ could be considered a rezoning, and I note that many of the subdivision points for the LLRZ have been deferred to the rezoning hearing. However given notified Rule 11.5.9 specifically relates to residential density and includes an area between Studholme Road and Meadowstone Road as having a minimum site area of 2000m², I consider that this is within the scope of this evidence and hearing stream 6.
- 9.6 Notified Rule 11.5.9 prescribes a maximum of one residential unit per 4000m² net site area, except on sites located between Studholme Road and Meadowstone Drive where one residential unit per 2000m² net site area applies.
- 9.7 Aurum Survey Consultants (166), N Blennerhassett (335) and M Fraser (293) (supported by a number of further submitters)³ seek that the 2000m² minimum site size should apply across the entire LLRZ. Consequently I consider that this provides scope to review all of the areas proposed to be zoned LLRZ to look at whether additional or specific areas of the notified LLRZ could also have a 2000m² minimum site size given their location in proximity to the town centre,

2 M Blennerhassett (322) supported by FS1110, FS1126, FS1140, FS1198, FS1207 and FS1332, L Cleugh (687), supported by FS1111 and FS1207, Aurum Survey Consultants (166) supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207 and FS1332, M Fraser (293), supports by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332, B Leith (299), N Blennerhassett (335), A Seyb (812) supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332

3 FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332

the existing prevailing subdivision pattern and/or access to services. This assessment was limited to a visit to all of the proposed LLRZ areas as viewed from public roads, a desktop assessment of existing site sizes, approximate location of dwellings, and Mr Ulrich Glasner's and Mr Garth Falconer's evidence filed alongside this report.

9.8 In his evidence, Mr Falconer supports a change to a minimum net site area of 2000m² for all of the proposed LLRZ with the exception of the areas within the Outstanding Natural Feature (**ONF**) – Mount Iron and the lot within the alluvial fan hazard on Studholme Road.⁴ Mr Falconer makes this recommendation on the basis that a 4000m² lot is a very large lot which was traditionally applied to make a transition to the rural environment and to provide a diversity of housing choice.⁵ Further, Mr Falconer states that with the large setbacks, two storey height limit and low site coverage proposed through the built form controls, the reduction of the minimum net site area to 2000m² would still maintain high levels of residential amenity and allow a large garden and landscape plantings.⁶

9.9 I now consider Mr Falconer's recommendations in the context of each area of proposed LLRZ below.

Beacon Point Road

9.10 The closest proposed LLRZ property along Beacon Point Road to the Wanaka Town Centre zone is approximately 2.3km away (as the crow flies). The proposed LLRZ zone adjoins Lake Wanaka to the west, the ODP Penrith Park Special Zone to the north, and the proposed Low Density Residential Zone (**LDRZ**) to the east and south. The area is characterised by predominantly large, relatively new houses on sites of approximately 4000m² to 7000m² land area. There are few vacant sections.

9.11 Taking all of the above into account, in particular the distance from the town centre and the age and form of the existing development, I do not consider there to be any planning merit in reducing the minimum lot size to 2000m² in this location, particularly taking into account the life span of the PDP. I also note that no submissions have been received specifically seeking a reduction in the minimum site area relating to any of these sites.

4 At paragraphs 6.6 – 6.9.

5 At paragraph 6.7.

6 At paragraph 6.8.

Aubrey Road – Western End

North Side of Aubrey Road

- 9.12 The closest LLRZ property to the Wanaka Town Centre zone is located approximately 1.4km away. The proposed LLRZ land adjoins the ODP Northlake Special Zone to the north and east, with a building restriction line adjoining the LLRZ to the east. The adjoining Northlake lots to the east are permitted to be developed to 4000m² and the minimum lot size to the north is 10 units per hectare (1000m²) +/- 15%. An area of LLRZ (addressed separately below) and LDRZ land is located to the south and west, with an area of Medium Density Residential zone (**MDRZ**) located to the southwest.
- 9.13 The existing properties within this portion of the LLRZ are all above 4000m² in size and many contain dwellings of varying ages. There are also some larger vacant sites and one property appears to be utilised for an industrial use (although I could find no record of consent for this use).
- 9.14 I note that no specific request was received in relation to a reduction in the minimum net site area of these properties.
- 9.15 Reviewing the Northlake Structure Plan and the intended densities as well as the zoning further to the east along Aubrey Road, I consider that the intersection of Aubrey Road and Anderson Road provides a good transition point from the smaller lot LDRZ land to the west to the larger LLRZ to the east.
- 9.16 In his evidence, Mr Glasner states that there are planned upgrades for wastewater and water supply in the area and therefore there is capacity in the network to increase the density from 4000m² to 2000m².⁷ Mr Glasner has also stated that low impact stormwater design should be addressed throughout the zone as per the Land Development and Subdivision Code of Practice.⁸
- 9.17 Taking the above matters into account, I recommend that the minimum net site area for this area be reduced to 2000m². This reflects the relief sought by Aurum Survey Consultants (166), N Blennerhassett (335) and M Fraser (293)⁹ which I therefore consider provides scope for this change.

⁷ At paragraph 6.1.

⁸ At paragraph 6.1.

⁹ Supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332.

South Side of Aubrey Road

- 9.18 Submissions have been received from three submitters¹⁰ who own properties within the pocket of LLRZ land located within the southeast corner of the intersection of Aubrey Road and Anderson Road to reduce the minimum lot size to 2000m².
- 9.19 Looking at the existing subdivision pattern within the vicinity, the proposed LLRZ properties fronting Anderson Road and those along the south side of Aubrey Road up to, but not including 461 Aubrey Road, are predominantly of smaller lot sizes (approximately 4000m²) compared to the surrounding area. There is however one notable large undeveloped site (115 Anderson Road) that has an area of 4.3 hectares. The majority of the 4000m² (approximate) sites contain new dwellings with many sites having shared access arrangements.
- 9.20 The closest property within this area is located approximately 1.1km from the Wanaka Town Centre zone and the sites are surrounded by PDP LDRZ land to the west and south and PDP LLRZ to the north and east.
- 9.21 As outlined above, Mr Glasner has confirmed that given planned upgrades to water and waste water infrastructure in the area, there will be capacity to increase the density.
- 9.22 I consider that the location of this LLRZ land adjacent to the LDRZ to the west and south, in addition to my recommendation above in relation to the proposed LLRZ land across Aubrey Road to the north, lends itself to this area also being suitable for the 2000m² net site area.
- 9.23 I consider that this reduced net site area should also apply to 461 Aubrey Road given that it directly borders PDP LDRZ land to the south. However upon review of the property file I note that there is a National Trust Open Space Covenant over this property and therefore I have not included this property.

Remainder of Aubrey Road

- 9.24 The remainder of the properties within the proposed LLRZ along Aubrey Road up until the intersection of Gunn Road are predominantly 4000m² or greater, with many new dwellings that have recently been constructed or are currently being constructed. Much of this area is of raised topography being located under Mount Iron which is identified in the PDP Maps as an ONF. Consequently, I consider this area to be more sensitive and therefore recommend that the minimum lot size for this area remain at 4000m².

¹⁰ A Seyb (812), M Fraser (293), B Leith (299).

Albert Town

9.25 There is a pocket of proposed LLRZ land located along the northwest and western side of the ODP Albert Town township zone. For assessment purposes I have divided this zoning into two areas:

- a. LLRZ area bounded by Aubrey Road, Gunn Road and Lagoon Avenue; and
- b. Remainder of Albert Town.

LLRZ area bounded by Aubrey Road, Gunn Road and Lagoon Avenue

9.26 This area includes existing development accessed via Hardie Place, Mathieson Crescent, Grierson Lane and Aubrey Road.

9.27 Hardie Place is a street located off Gunn Road and contains 18 properties, the majority of which have new dwellings constructed on them. The existing site sizes range from 1795m² to 2500m², except for one which is 4381m².

9.28 The ODP Township zone is located immediately to the east and north with the PDP Rural zone located to the north and west.

9.29 I note that QLDC did not receive any specific submissions requesting a reduction in the minimum site area of these lots. However, given that the existing development already reflects the lesser LLRZ minimum site area, I recommend that notified Rule 11.5.9 be amended to include an exception for properties accessed via Hardie Place to develop to 2000m² net site area. I do not anticipate that this will result in any substantial changes to the existing area however the minimum site area will reflect what is currently on the ground. I consider that this recommendation reflects the relief sought by Aurum Survey Consultants (166), N Blennerhassett (335) and M Fraser (293)¹¹ which consequently provides scope for this change.

9.30 There will be no additional identifiable change to transport or the three waters demand as a result of this recommendation given that the street is already developed to this intensity.

9.31 Matheson Crescent is accessed off both Gunn Road and Aubrey Road, and Grierson Lane is located off Matheson Crescent. Twenty-four properties are capable of access via Matheson Crescent or Grierson Lane and the majority contain large new dwellings with only a few being

¹¹ Supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332.

vacant. With the exception of one section on Matheson Crescent and three which adjoin Aubrey Road; all sections are between 1600m² and 3100m² in area.

- 9.32 I note that Council did not receive any specific submissions requesting a reduction in the minimum site area of these lots, but refer to the general submissions of Aurum Survey Consultants (166), N Blennerhassett (335) and M Fraser (293)¹² referenced above.
- 9.33 Looking at the existing site sizes for these 24 properties, the implications of applying a minimum site area of 2000m² to these sites would have the potential to allow an additional four dwellings. However, given the majority of these sites have new houses constructed on them, the full realisation of this development potential is unlikely.
- 9.34 Given that the existing development capable of access via Mathieson Crescent and Grierson Lane already reflects the lesser LLRZ minimum site area, I recommend that Rule 11.5.9 be amended to include an exception for these properties to 2000m².
- 9.35 As I have recommended the above areas to have an increased density, looking at the wider area, I note that the abovementioned areas form part of a discrete LLRZ pocket which can be differentiated from the proposed LLRZ to the west via the separation afforded by Aubrey Road. As a result, I recommend that all of the proposed LLRZ lots in this area have a minimum net site area of 2000m². The identification of this discrete area will not undermine the integrity of the LLRZ to the west which will still have a 4000m² minimum net site area.

Remainder of Albert Town

- 9.36 The remainder of the proposed LLRZ in Albert Town is located along the flat and lower slopes of Mount Iron with some adjoining the Albert Town – Lake Hawea Road (State Highway 6). Some of these sites at the base of Mount Iron include large areas of indigenous vegetation. These sites are characterised by large open sites (~6000m²), the majority with new, single storey dwellings.
- 9.37 I consider that the minimum site area should be maintained for these sites at 4000m², due to the proximity of these properties either to Mount Iron (which is identified as an ONF where located within the Rural Zone¹³) or location adjacent to State Highway 6, the extent of the indigenous vegetation, and the existing character of the area.

¹² Supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332

¹³ Refer to Planning map 18 attached as Appendix 7.

Golf Course Road and Ballantyne Road

- 9.38 The closest proposed LLRZ site in this area to the Wanaka Town Centre zone is 550m away. The proposed LLRZ in this location is a discrete area surrounded by the ODP Three Parks zone to the north, ODP Industrial zone to the southeast, PDP LDRZ to the south and PDP Rural zone to the west. The Rural zoned land to the west is designated¹⁴ as a recreation reserve for the Wanaka Golf Course.
- 9.39 The existing properties within this proposed LLRZ area contain houses of varying ages, however many of the new ones are of large size.
- 9.40 Six further submissions¹⁵ have been received from people who own property within this LLRZ area, however their submissions generally support the reduction in the minimum net site area for the entire zone not just this area. More specifically, B Rennie (FS1207) states that Golf Course Road can no longer be regarded as 'rural' and supports other submitters¹⁶ requests for the minimum site area being reduced to 2000m². I concur with the submitter's statement in that the location of the LLRZ, a walkable 550m from the town centre and surrounded by residential, commercial, industrial and recreational zonings, lends itself to a greater intensity of development. Given the surrounding context, I do not consider that the potential increased density would result in any adverse effects on the character and amenity of the area.
- 9.41 Taking into account the existing land sizes, the approximate location of the existing dwellings and access on each of the sites, approximately 17 additional dwellings would be capable of construction under the notified 4000m² minimum net site area. I note however that the existing ODP Rural Residential zoning also has a minimum lot area of 4000m² and consequently, I consider it likely that all of these additional 17 dwellings could be constructed even under the proposed LLRZ as notified.
- 9.42 With a minimum net site area of 2000m², approximately 56 additional dwellings would be capable of construction within the proposed LLRZ. Mr Glasner's evidence is that there is water and wastewater infrastructure capacity (or planned upgrades) and that low impact stormwater design is promoted through the Council's Land Development and Subdivision Code of Practice. Consequently the servicing of this area is not an issue. Furthermore, Mr Falconer has also supported this location.

14 Designation 95: Recreation Reserve: Wanaka Golf Course, Ballantyne Road, Lot 1 DP 11284, Legal Road & Part Sec 11, Sec 12 BLK XLIX Town of Wanaka *56.008ha).

15 FS1110, FS1126, FS1140, FS1198, FS1207 and FS1332.

16 L Cleugh (687), Aurum Survey Consultants (166), M Fraser (293), M Blennerhassett (322), A Seyb (812).

9.43 As a result, primarily due to the proximity to the town centre and the context within which the area sits in relation to other zones, I support the reduced minimum net site area for this area.

9.44 Related to the abovementioned area by proximity are the two proposed LLRZ sites accessed via Cardrona Valley Road. These two sites contain the Wanaka Lakes Medical Centre at 21 and 23 Cardrona Valley Road. I note that submissions have been received from the Wanaka Lakes Health Centre (253) seeking a re-zoning from LLRZ to Local Shopping Centre zone. This submission has been deferred to the hearing(s) on re-zonings / mapping. Notwithstanding, should the subject sites remain zoned LLRZ, given the surrounding zoning context being LDRZ to the north, east and west and PDP Local Shopping Centre to the south, I recommend that the 2000m² density also apply to this land, even though it is unlikely to be developed within the lifespan of the PDP.

Studholme Road

9.45 The LLRZ located between Studholme Road and Meadowstone Drive is proposed to have a minimum net site area of 2000m² under notified Rule 11.5.9(a). The reasons for this minimum site size have been covered within the s32 analysis and I concur with this assessment.

9.46 Lot 3 Deposited Plan 436477 (identified in Figure 1 below) is located along Studholme Road, however this property is excluded from this provision by virtue of not being located between Studholme Road and Meadowstone Drive. This property is excluded on the basis of the alluvial fan hazard which is located over a portion of the site according to Council's hazard maps. I consequently consider that the 4000m² minimum site size should continue to apply to this property.

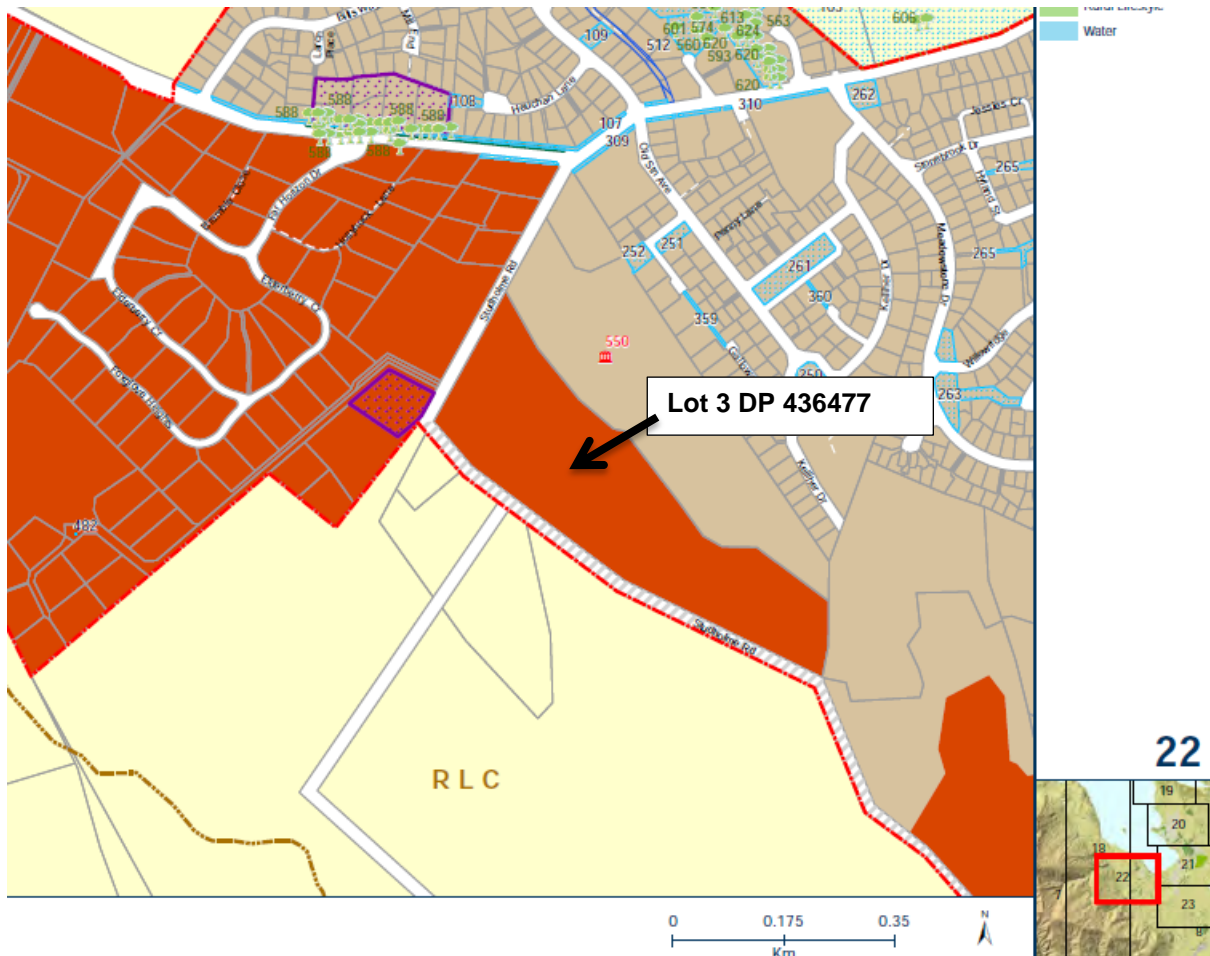


Figure 1: Identification of location of Lot 3 DP436477

9.47 Related to the LLRZ land on Studholme Road is the pocket of LLRZ land located on the corner of Studholme Road and McDougall Street. The PDP maps also show a visitor accommodation sub-zone over these sites. These sites contain the Mercure Oakridge Resort and it is unlikely that significant redevelopment of this property will occur within the expected lifespan of the PDP given the new age of the buildings. Notwithstanding, the existing density of development on the sites is greater, therefore the more appropriate density would be 2000m².

Far Horizon Drive and Wanaka-Mount Aspiring Road

9.48 This proposed LLRZ area is located approximately 1.7km from the Wanaka Town Centre zone and is to be surrounded by PDP LDRZ and PDP Rural zoning to the north, PDP Rural Lifestyle to the northwest and PDP Rural to the west and south.

9.49 A residential subdivision has been undertaken which has created a pseudo gated community which contains properties accessed via Far Horizon Drive, Hollyhock Lane, Elderberry Crescent and Foxglove Heights. The predominant site size of this subdivision is around 4000m² and is characterised by large new houses. There are only a few vacant sections existing within

this subdivision. Given the life span of the PDP, I see little merit in changing the density of this area given the relatively new age of the houses in this subdivision.

9.50 Outside of the abovementioned subdivision, there are some large sites in the order of 9585m² – 64,996m² along Wanaka - Mount Aspiring Road which are capable of further residential development. This includes a holiday park however the remainder of the sites are occupied for rural living purposes. Overall, in conjunction with the proposed PDP Rural Lifestyle zone to the north, this LLRZ zone is the edge of the Wanaka urban area as you travel along the Wanaka - Mount Aspiring Road. Consequently, for this reason and due to the predominant subdivision pattern in this area being in excess of 4000m², I recommend that the 4000m² minimum site area be retained for this area.

Conclusion

9.51 As outlined above, after undertaking a further assessment of each pocket of proposed LLRZ, I recommend that the LLRZ land located in the following locations also be included within the exceptions in redrafted Standard 11.5.9 to allow a minimum site size of 2000m²:

- a. along the northern side of Aubrey Road;
- b. the area of LLRZ land at the intersection of Aubrey Road and Anderson Road; and
- c. land within the northwest of Albert Town and the land on Golf Course Road and Ballantyne Road.

9.52 In these locations the 2000m² minimum lot size is considered to align with the PRPS in promoting a more compact and efficient urban form through urban intensification. Furthermore, this intensification is consistent with the intent of the Wanaka Structure Plan 2007 in allowing a more efficient use of land resources whilst allowing development patterns that are generally consistent with Wanaka's existing character.

9.53 To make it clear as to which properties are permitted to have a density of 4000m² and which have a density of 2000m², I recommend that the LLRZ be altered to identify a LLRZ(A) and a LLRZ(B) zone to differentiate the applicable densities. These zones are recommended to be referenced within redrafted Rule 11.5.9 and are identified in the proposed maps in **Appendix 8**.

9.54 In light of the above, I return to M Lawton's (117) submission outlined above in relation to redrafted Policy 11.2.1.2 and the suggestion that this may confuse people as to the intended density. I note that the zone purpose in 11.1 also has a similar sentence which states:

"Being location within the Urban Growth Boundaries, a higher density of allotments could be appropriate in some areas where it would not exceed infrastructure capacity,

degrade the established pattern of development or amenity values within established neighbourhoods."

- 9.55 Given that I have undertaken an assessment of the amenity values and infrastructure capacity with regard to the different LLRZ areas and identified additional areas which can have a reduced minimum net site area, I no longer consider that the above sentences within the zone purpose 11.1 as necessary. I consequently recommend its deletion.
- 9.56 In addition, I recommend changes to notified Policy 11.2.1.2 which acknowledge that increased density is acceptable within the areas identified and that any infill or subdivision to increased densities outside of the identified areas is required to maintain the amenity, open character and privacy of the area.
- 9.57 Furthermore, I note that notified Rule 11.5.9 has a discretionary activity status which reflects the abovementioned notified Policy 11.2.1.2, rather than a non-complying activity status. This is inconsistent with the non-complying activity status for breaches of minimum lot area within PDP Chapter 27 – Subdivision and Development (Rule 27.6.1 in Mr Nigel Bryce's Right of Reply). For the reasons outlined above in relation to the deletion of notified Policy 11.2.1.2, I also recommend a change in the activity status of redrafted Rule 11.5.9 as a consequential amendment resulting from the identification of the additional areas which are capable of increased density.

Subdivision

- 9.58 In light of the recommendations above to apply a minimum net site area of 2000m² for additional areas of the LLRZ, I recommend that this change is also replicated within Rule 27.5.1 within Chapter 27: Subdivision and Development. Mr Nigel Bryce previously transferred the submission points from M Fraser (293), Aurum Survey Consultants (166)¹⁷ and N Blennerhasset (335) within his evidence on Chapter 27 at Hearing Stream 4 to this hearing. All of these submissions sought a minimum lot size of 2000m² for the LLRZ. I accept these submission points in relation to the specific areas identified above as being suitable to have a minimum site area of 2000m².

17 Supported by FS1111.

10. ISSUE 2 – DESIGN AND AMENITY

Setbacks from Internal Boundaries

- 10.1 Notified Rule 11.5.3 specifies a minimum setback from internal boundaries of 6m but also provides a reduced setback of 4m for those lots identified in notified Rule 11.5.9 as being permitted to have a minimum net site area of 2000m². This reduced setback is intended to align with the reduced site area.
- 10.2 N Blennerhassett (335) supports the reduced setback of 4m in notified Rule 11.5.3 for buildings on 2000m² lots.
- 10.3 As a consequence of my recommendation above to include additional areas within redrafted Rule 11.5.9 which are permitted to have a minimum net site area of 2000m², I recommend a consequential change to also include these areas (LLRZ(B)) within the 4m setback requirement in redrafted Rule 11.5.3.

Building Height

- 10.4 The Anzac Trust (142) has submitted in relation to the height limit in notified standard 11.5.1.3 which relates specifically to 361 Beacon Point Road, Wanaka. Notified Rule 11.5.1.3 specifies a height limit of 5m; however the submitter has requested that the rule be amended to reflect the height limit imposed on the existing dwelling and any ancillary buildings by the Environment Court in its decision RMA1090/00. This height limit is referenced within the Consent Notice 2957618.1 registered on the property's Computer Freehold Register which states:

"The owner for the time being shall comply with the conditions of consent set out in the Environment Court decision RMA1090/000 attached hereto".

- 10.5 Condition 10(b) of the Environment Court decision states:

"Building height shall be restricted to 5.5 metres above a floor level of 283 metres reduced level (RL)."

- 10.6 Correlation with the existing Environment Court decision and consent notice for the property is considered to be good practice. Furthermore, looking at the extent of the LLRZ that is proposed and the topography of the site, I consider that the proposed height limit is appropriate.

10.7 Therefore, I recommend notified Rule 11.5.1.3 is amended to state that a maximum height of 5.5m above a floor level of 283m reduced level (**RL**) is permitted. These recommended changes are also shown in the recommended revised chapter attached at **Appendix 1**.

10.8 The New Zealand Fire Service (**NZFS**) (348) have submitted in relation to notified Rule 11.5.1 seeking an exemption from the building height rule for fire station drying towers. I do not support the proposed exemption as I consider that the effects of such structures should be assessed via resource consent rather than through an exemption within the District Plan as they could result in adverse effects upon residential amenity.

Site Coverage

10.9 M Fraser (293) and A Seyb (812) have submitted in relation to notified 11.5.2: Building Coverage, by requesting that the standard be increased from 15% to 30% of the net site area. This is to correlate with the submitter's request for the minimum lot size to be reduced from 4000m² to 2000m².

10.10 I do not see the need for the proposed increase in site coverage for the areas which will have a minimum net site area of 2000m². Given that the site coverage is expressed as a percentage which results in the built form being proportionate with the site area, this will ensure that the intent of a building being surrounded by open space is adhered to.

10.11 Furthermore, a site coverage of 15% for a site which is 2000m² equates to a permissible 300m² floor area. This is already a floor area capable of a large house and garage. I also note that the heights permitted in notified Rule 11.5.1 allow 8m throughout most of the zone, which is capable of two storey development.

10.12 As a result, I do not support the proposed site coverage increase because it would not ensure the maintenance of open space relative to built form character. I do not consider that the 15% standard would impose an undue restriction.

10.13 The NZFS (348) has also submitted in relation to notified 11.5.2 seeking an exemption for fire stations. I do not support the proposed exemption as I consider that the effects should be assessed via resource consent rather than through an exemption within the District Plan. An increased building coverage can lead to the inability to employ low impact stormwater disposal methods and dominance effects.

Setback of Buildings from Waterbodies

10.14 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (810) have submitted in relation to notified Rule 11.5.5: Setback of Buildings from Waterbodies and requested that a further matter of discretion be added: 'Manawhenua values'. No specific reason has been provided by the submitter for this inclusion, nor details of which waterbodies may be of particular concern, or the specific customary rights which may be affected. The only reasoning provided within the submission is that the "*objectives and policies in the Manawhenua chapter (Chapter 5) need to be better reflected and interwoven throughout the remainder of the document. Manawhenua values in the document lack visibility and detail.*"

10.15 Looking at notified 11.5.5, I note that "Any indigenous biodiversity values" are already included as a matter of discretion. Consequently, the standard already requires consideration of effects upon the indigenous plant and animal life associated with the waterbody regardless of whether they are associated with a customary right.

10.16 I also consider that the inclusion of "manawhenua values" into the matters of discretion would create some confusion as to what is and is not included. Furthermore, given that Council lacks information as to which waterbodies are of concern and which specific customary rights may be affected, this may lead to the requirement for applicants to source affected party approvals from iwi as a default position. I do note that PDP map 40 identifies areas of cultural significance and I can confirm that none of these are located within the LLRZ.

10.17 As a result of the above, unless further detail supporting and justifying this relief is provided I do not support the relief sought.

Building Length

10.18 N Blennerhasset (335) has submitted in relation to notified Rule 11.5.6: Continuous Building Length stating that a 20m wall length is unduly permissive and requests that this rule be reconsidered.

10.19 I have recommended modifying the rule to be consistent with the modified building length provision I have recommended within the Low and Medium Density Residential zones. These changes clarify that the standard only applies to the first floor level and above. The recommended change also removes the word 'continuous', as inclusion of this word could be interpreted as meaning a building length without breaks in the wall length, and where buildings do exceed 20m and do have a wall break that they comply with this standard as per the ODP

Residential equivalent.¹⁸ The intention is for resource consent to be submitted for all buildings which have a wall length exceeding 20m and that its wall breaks and articulation be considered as part of a resource consent application. I note that there is no equivalent standard within the ODP Rural Residential chapter, however that the construction of all residential units requires controlled activity resource consent.

10.20 With regard to the notified 20m wall length being onerous, I do not consider that a 20m building length is overly permissive due to the other proposed built form controls for the LLRZ, including the minimum site size of 4000m² (or 2000m² in some areas), the 15% site coverage and the 4m setbacks. Consequently I recommend rejection of this submission point.

10.21 In line with the Panel's Procedural Minute which outlines concern with the phrasing utilised within the PDP objectives and policies, I have also identified that the matters of discretion in notified Rule 11.5.6 read as assessment matters rather than matters of discretion. Consequently, I recommend wording changes to ensure better alignment with their purpose. I consider that these recommended wording changes are neutral in effect.

11. ISSUE 3 – NOISE

11.1 The New Zealand Transport Agency (**NZTA**) (719) has requested a new Objective 11.2.3, Policy 11.2.3.1 and a new Rule 11.5.4.1, The consequence of these new provisions is to require all residential buildings containing activities sensitive to road noise located within 80m of the State Highway where a speed limit is 70km/hr or greater, or within 40m where the speed limit is less than 70km/hr, be designed to "*ensure the internal noise levels do not exceed 35 dB LAeq(1 hr) inside bedrooms or 40 dB LAeq(1 hr) inside other habitable spaces in accordance with AS/NZ2107:2000*".

11.2 I have reviewed the location of the proposed LLRZ and found that there is only a small area of LLRZ land adjacent to a State Highway. This area equates to eleven properties which are capable of having buildings located within 80m of State Highway 6 (**SH6**) (Albert Town – Lake Hawea Road) as identified on planning map 18 attached at **Appendix 7**.

11.3 These eleven properties are all currently zoned Rural Residential under the ODP and are all between 4000m² and 5500m² in area. All but one of the eleven properties contains a dwelling with the majority being new. Furthermore, the one vacant property (1152 Aubrey Road) is located behind another property and is a minimum of 60m away.

18 Site Standard 7.5.5.2(vi) and (vii).

11.4 As outlined above, I am recommending that the minimum lot size for these properties remain at 4000m². Consequently, the rule proposed by the NZTA (719) is anticipated to only have implications for the one vacant property within the anticipated life of the PDP. Furthermore, this property is located 60m away from SH6 and does not have frontage to SH6. As a result, I do not consider it to be necessary to include the provisions as proposed by NZTA.

12. ISSUE 4 – OTHER MATTERS

Dwelling

12.1 As outlined within my Section 42A report for Chapter 7 – Low Density Residential zone, Arcadian Triangle (836) submitted in relation to the definition of 'Dwelling' seeking its deletion. For reasons provided in that report I have agreed with the submitter and recommended deletion of this definition. This recommendation has implications for Chapter 11 and consequently would necessitate deletion or replacement of the word 'Dwelling' within notified Rule 11.4.2.

Residential Flat

12.2 Council in its corporate submission (383) has submitted in relation to notified Rule 11.4.2 recommending deletion of the words 'residential flat' on the basis that residential flats are already encompassed within the definition of 'residential unit', and therefore should not be included within the rule. I support this submission, as it is not intended that 'residential units' and 'residential flats' be considered independently from one another. As outlined in the definition of 'residential flat', it is accommodation which is ancillary to a residential unit and within the same ownership.

11.3.2 Clarification

12.3 Notified clause 11.3.2 of Chapter 11 includes a number of points under the title 'Clarification'. Council has not received any submissions on the content of 11.3.2 and therefore I do not have scope to make any changes, however, I do have concerns about the content of 11.3.2.2 – 11.3.2.4.

12.4 Notified clause 11.3.2.2 reminds the reader of the need to also comply with conditions of consents, consent notices or covenants and notified clause 11.3.2.3 relates to Council's ability to monitor compliance with conditions of resource and subdivision consents. I do not consider that there is a need to include these provisions within the chapter, as this is standard resource management advice not specifically related to the LLRZ.

- 12.5 Notified clause 11.3.2.4 relates to applications for building consent. I consider that the District Plan prepared under the RMA is not an appropriate place for building consent considerations as this is governed by separate legislation.¹⁹
- 12.6 Alternatively, all of the points within notified 11.3.2 could be classed as 'Advice Notes'. This would clarify their intent and application within the chapter. With this change in heading, all of the provisions within 11.3.2 could remain.



Amanda Leith
Senior Planner
16 September 2016

¹⁹ Building Act 2004