

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER OF Queenstown Lakes Proposed District Plan –
Chapter 9 – High Density Residential, Hearing
Stream T06

**RESPONSE TO EVIDENCE OF MS BANKS - SEAN DENT ON BEHALF OF MOUNT CRYSTAL
LIMITED (#150)**

Dated: 27th October 2016

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INTRODUCTION

- 1.1. To assist the hearings panel I have prepared some comments in respect of the summary of evidence prepared by Ms Banks for the HDR Zone dated 07 October 2016. In particular I will address her comments in paragraphs 7(c), (d) and 8.
- 1.2. At paragraph 7(c) Ms Banks suggests that the notified 10m height limit would provide the ability for three storey development (or greater) subject to excavation. I acknowledge that this is a possibility however, excavation can be an expensive component of residential development particularly on sloping sites in the Queenstown Lakes District and especially if rock is encountered.
- 1.3. Earthworks and construction costs subsequently flow on to the affordability issues of residential accommodation that are presently causing major concern in the District. In this regard, I note that Policy 3.2.6.1.2 in the Strategic Directions Chapter of the PDP suggests that in applying plan provisions with respect to minimum allotment sizes, density, building coverage and height that regard should be had on how these controls influence residential affordability.
- 1.4. Accordingly, my recommended re-wording of notified Standard 9.5.2 does not dis-incentivise developers making use of excavation where this is cost effective and/or desirable but enables intensification of HDR Zone land without significant excavation costs while still achieving quality urban design outcomes through the Restricted Discretionary Activity status and the specified matters of discretion.
- 1.5. At paragraph 7(d) Ms Banks suggests that resource consent would be required as a Restricted Discretionary Activity for height limits (presumably she means for heights between 7m and 10m) and that "minor breaches" to the notified height limit that achieve better design outcomes "may be considered favourably".
- 1.6. With respect I consider Ms Banks has misinterpreted my position. I have recommended on the basis of advice from Mr Williams a height limit of 9m with a roof bonus of 2m giving a total height of 11m as a Restricted Discretionary Activity. If a developer were to go to 11m under the notified provisions even if to achieve roof articulation, this would actually require a Non-Complying Activity Consent pursuant to notified Standard 9.5.3 and in my experience would not be an incentive for developers due to the uncertainty of gaining consent.

- 1.7. Accordingly, it is my opinion that rewording Standard 9.5.2 to allow for a maximum 11m height limit as a Restricted Discretionary Activity is still necessary and is appropriate when it is recognised that any height above 9m will be for the application of a roof bonus and subject to assessment with specific regard to roof articulation, visual interest and amenity values of adjoining properties.
- 1.8. At paragraph 8 Ms Banks suggests an alternative to my re-worded Standard 9.5.2 being the retention of the notified Standard 9.5.2 and adding a new Standard for 'minor breaches for a roof bonus' as a fully Discretionary Activity.
- 1.9. In my opinion this is a poor planning solution. First, the suggested alternative provides no quantification of what constitutes a 'minor breach'. As such it would be impossible to advise clients whether a proposal was a Discretionary Activity or a Non-Complying Activity pursuant to Standard 9.5.3. Council officers would also have difficulty in determining what activity status applies and would need to undertake a subjective case by case assessment.
- 1.10. In addition, it is my opinion that a Restricted Discretionary Activity status is more appropriate as the specificity of the activity and its potential effects are well known and the matters of discretion are appropriately directed at addressing these issues. Further, notified Rule 9.6.3 also ensures that where adverse effects of additional height on adjoining properties occur and written approval is not obtained those property owners will have the opportunity to participate in the resource consent process through Limited Notification.
- 1.11. Applying a fully Discretionary Activity status would therefore not achieve any greater level of assessment and protection of environmental effects from increased height than that proposed in my re-worded Standard 9.5.2 and notified Rule 9.6.3. For the above reasons I do not consider this to be an efficient and effective planning outcome.
- 1.12. I am happy to answer questions from the panel.